

★ **Roll Call Number**

Agenda Item Number

**47A**

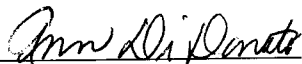
June 22, 2009

Date

WHEREAS, the City Park and Recreation Board has advised that at a public meeting held on May 26, 2009, its members voted 11-0 in support of a motion to approve the attached resolution regarding the Public Dance Ordinance, Chapter 14, Article III of the Municipal Code.

MOVED by \_\_\_\_\_ to receive and file and refer to the City Manager for review and recommendation.

Approved as to Form:

  
Ann DiDonato  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....  
Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

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Resolution No. 09-050  
Dated: May 26, 2009

NOW, THEREFORE, BE IT RESOLVED by the City of Des Moines Park and Recreation Board that:

An ordinance governing public dance and prohibiting public dancing without first obtaining a permit and during certain hours has been part of City Code since at least 1942. This ordinance appears to be rather unique. Other local units of government in Iowa and across the United States are able to insure the public safety and welfare without the need to single out for regulation this constitutionally recognized form of free expression; and

The Parks and Recreation Board is confident that other laws and regulations governing conduct on property under Parks and Recreation jurisdiction are more than adequate to insure the safe and proper use of the city's parks and recreational facilities. This board can find no public purpose for singling out dancing from other types of gatherings for regulation; and

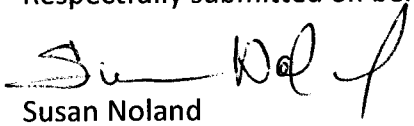
Moreover, the dance ordinance projects an image that is inconsistent with the image the Park and Recreation Board wishes to project for the City of Des Moines. Our desire is to see public property freely utilized by citizens wishing to exercise their constitutional rights of assembly and expression free of unnecessary regulations; and

We believe that dancing is a natural and fundamental form of human expression that enhances use of city property. This ordinance reflects poorly on the city and harms our efforts to project the city as forwarding thinking, tolerant and supportive of an attractive cultural environment, all of which we believe are critical in retaining and attracting a creative workforce so vital to our economic development efforts; and

There appears to be widespread misunderstanding and non-compliance with the ordinance. There are currently only twenty-nine valid dance permits while many, many more organized public dances are held every year within the City of Des Moines without the enforcement of the dance ordinance by the City of Des Moines Police Department. There has been, however, at least one instance this year in which the Police Department has enforced this ordinance and prevented a public dance.

For these reasons and others, we would encourage the City Council to review this ordinance in its entirety and we would specifically request that property under jurisdiction of the Parks and Recreation Department be exempt from Article III of City Code Chapter 14 (Public Dances).

Respectfully submitted on behalf of the Board,



Susan Noland  
Park and Recreation Board Vice Chair

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Members Voting Yes: Joe Galloway  
Marian Gelb  
Loyd Ogle  
Susan Noland  
Carol George  
Susan Koenig-VandeHaar  
Jon Cahill  
Vince Scavo  
George Krumrey  
Dick Thornton  
Dick Murphy

Members Voting Nay: none

Members Voting Pass: none

Members Absent: Suzette Jensen, Bob Modersohn, Paula Feltner, Cyndi Chen