

★ Roll Call Number

Agenda Item Number

3B

Date June 22, 2010

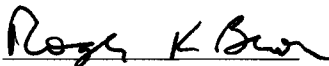
An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing paragraph (9) of subsection E of Section 42-258 thereof, and enacting a new paragraph (9) of subsection E of Section 42-258, regarding the qualifying criteria for issuance of a Type "I" sound permit pursuant to the Noise Control Ordinance of the City of Des Moines",

presented.

MOVED by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)


 Roger K. Brown
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

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.

MOTION CARRIED APPROVED

 Mayor

 City Clerk

ORDINANCE NO. _____

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 (9) of subsection E of Section 42-258 thereof, and enacting a new paragraph (9) of subsection E of Section 42-258, regarding the qualifying criteria for issuance of a Type "I" sound permit pursuant to the Noise Control Ordinance of the City of Des Moines.

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 amended by Ordinance No. 14,746 passed February 25, 2008, by Ordinance No. 14,752 passed April 7, 2008, by Ordinance No. 14,774 passed June 9, 2008, and by Ordinance No. 14,868 passed July 27, 2009, be and is hereby amended by repealing paragraph (9) of subsection E of Section 42-258 thereof, and enacting a new paragraph (9) of subsection E of Section 42-258, regarding the qualifying criteria for issuance of a Type "I" sound permit pursuant to the Noise Control Ordinance of the City of Des Moines, as follows:

Sec. 42-258. Sound equipment, sound amplifying equipment and construction equipment.

...
(E)
...

Application standards. The following are general standards for the type of permit:

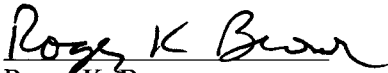
- (9) Type "I" permit- Waterworks Park and Zoo.
A type "I" permit may be issued for amplification equipment for live performances held in Waterworks Park or in the Blank Park Zoo Foundation Parcel, emitting music or human speech, at a level not greater than 85 decibels when measured at the nearest residence. A type "I" permit is effective for one or two days and for the hours of 9:00 a.m. and 10:00 p.m. Sunday through Thursday, and between the hours of 9:00 a.m. and 12:00 midnight on Friday and Saturday, the Sunday of Memorial Day weekend, Labor Day weekend and the Fourth of July should it fall on a Sunday. Additionally the stage and sound equipment for any live performances held in Waterworks Park shall be set up facing the northeast causing the sound to be directed through the park and away from residential areas. The stage and sound equipment for any live performances held on the Blank Park Zoo

Foundation Parcel shall be set up facing the south causing the sound to be directed towards the Blank Park Zoo and the Blank Golf Course. For the purpose of this subsection, Blank Park Zoo Foundation Parcel means the tract owned by Blank Park Zoo Foundation located south of Army Post Road and east of SW 9th Street, and designated for tax purposes as Polk County district/parcel number 120/00324-005-001.

...

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law, for a temporary period ending July 31, 2010. This ordinance shall automatically lapse and be of no further force or effect commencing on August 1, 2010.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

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