

★ **Roll Call Number**

Agenda Item Number

54

Date July 13, 2009


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, and amended by Ordinance No. 14,746 passed February 25, 2008, and Ordinance No. 14,752 passed April 7, 2008, and Ordinance No. 14,774 passed June 9, 2008, by amending paragraphs (A) and(E)(10) of Section 42-258 and paragraph (A) of Section 42-264 thereof, relating to noise control regarding sound equipment, sound amplifying equipment and construction equipment",

presented.

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

FORM APPROVED:

(First of three required readings)



 Michael F. Kelley
 Assistant City Attorney

(Council Communication No. 09-496)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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, and amended by Ordinance No. 14,746 passed February 25, 2008, and Ordinance No. 14,752 passed April 7, 2008, and Ordinance No. 14,774 passed June 9, 2008, by amending paragraphs (A) and (E)(10) of Section 42-258 and paragraph (A) of Section 42-264 thereof, relating to noise control regarding sound equipment, sound amplifying equipment and construction equipment.

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. 14,746 passed February 25, 2008, and Ordinance No. 14,752 passed April 7, 2008, and Ordinance No. 14,774 passed June 9, 2008 is hereby amended by amending paragraphs (A) and (E)(10) of Section 42-258 and paragraph (A) of Section 42-264 thereof, relating to noise control regarding sound equipment, sound amplifying equipment and construction equipment, as follows:

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

(A) *Permit required.* No person shall, use, operate or cause to be used or operated any sound equipment or tools or equipment used in construction activities beyond the hours permitted under section 42-260 of this article upon the public right-of-way or in any building or upon any premises, public or private, creating a noise disturbance unless such person:

(E) *Application standards.* The following are general standards for the type of permit:

(10) Type "J" permit - night construction.
A type "J" permit may be issued for residential construction activities beyond the hours permitted under section 42-260. A type "J" permit may be issued for construction performed on behalf of a nonprofit or


philanthropic organization where such construction activity is to be completed in an expedited manner pursuant to a construction schedule which has been approved by the community development director and has been determined to advance the overall welfare of city residents, provided that the residential structure is being built for occupation by low or moderate income persons. Application for a type "J" permit shall be processed pursuant to sections 42-264 through 42-267 of this article.

Sec. 42-264. Application for sound variances or type "J" permits.

(A) Any person desiring to exceed the standard conditions of any type of permit as set out in this article may apply to the community development department for a variance from such conditions. An application for a type "J" permit under section 42-458 shall be processed as a variance as set forth in this section.

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

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney