

★ Roll Call Number

Agenda Item Number

40

Date August 25, 2008

Request from David Kauzlarich, Community Sign Painting, 3106 E. 24th Street, to speak regarding amending Section 30-162 of the Municipal Code relating to the charge allowed by ordinance for painting house numbers on curbs.

Moved by _____ to receive and file comments.

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

40 08-14-08

Rauh, Diane I.

From: David Kauzlarich [curbpaint@hotmail.com]

Sent: Monday, August 04, 2008 9:05 AM

To: CityClerk

Subject: Curb Painting ordinance

Please enter me on the agenda for the 8-11 council meeting to be heard on "Amending Section 30-161 of Article VI", or the appropriate section for setting the limit on what can be charged in Des Moines for curb painting. Thank you for your help with this.

Sincerely,

David Kauzlarich
Community Sign Painting
3106 E 24th Street
Des Moines, Iowa 50317
515-664-5150 cell
877-629-8748

Get Windows Live and get whatever you need, wherever you are. [Start here.](#)

8/4/2008

AD
AA
08/14/08

Rauh, Diane I.

From: CouncilSpeak
Sent: Friday, August 08, 2008 7:00 AM
To: curbpaint@hotmail.com
Subject: Request to Speak

Registration Form to Speak at City Council Meeting

To: The Honorable Mayor and Members of the City Council
City of Des Moines, IA
C/O City Clerk

I/We *David Kauzlarich*, hereby request permission to speak at the Des Moines City Council Meeting of *Monday, August 11, 2008*, regarding

Amending Section 30-162 of Article VI. What can be charged for curb painting in Des Moines.

Name: David Kauzlarich

Address: 3106 E 24th Street

Daytime Phone: (515) 664-5150

Email Address: curbpaint@hotmail.com

Procedural Rules of Des Moines City Council

Part III. Agenda

Rule 16. Citizen Agenda Requests.

Any citizen may request the right to have an item placed on the Agenda (including a request to speak) by filing such request in writing with the City Clerk prior to noon on the Wednesday preceding the Council meeting.

Part V. Citizen Participation

Rule 27. Citizen's Right to Address Council.

Persons other than Council Members shall be permitted to address the Council only upon specific Agenda Items.

Rule 28. Manner of Addressing Council.

A person desiring to address the Council shall step to the podium, state his or her name, address, and group affiliation (if any) and speak clearly into the microphone.

Rule 29. Time Limit on Citizen's Remarks.

Citizens shall be limited to five minutes speaking time per item, unless additional time is granted by the presiding officer. Total citizen input on any subject under Council consideration can be limited to a fixed period by the presiding officer. A majority vote of the Council may extend the time limitations of this rule.

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CITY OF DES MOINES
PAINT HOUSE NUMBERS ON CURBS APPLICATION

FEE: \$50.00 per person
(Expires December 31st of each year)

NAME David Kauzgrich BIRTH DATE 8-28-1957
ADDRESS 3106 E 24th ZIP CODE 50317
DAYTIME PHONE 515 664-5150
SOCIAL SECURITY NUMBER 478-78-4894

PERMANENT HOME ADDRESS AND PHONE NUMBER (if different from above)

1400 Twombly Rd. #2314
DeKalb, IL 60015

EMPLOYER/BUSINESS NAME Community Sign Painting
ADDRESS 3106 E 24th St ZIP CODE 50317
PHONE NUMBER 877 629-8748

Anticipate conducting business in the following area(s) of Des Moines:

All Residential

David Kauzgrich
Signature

7-7-08
Date

FOR CLERK'S OFFICE USE ONLY:

RECEIPT 5012
VISA

FEE \$50

JUL 27 1981 3909

AUG 3 1981 3995

AUG 17 1981 4164

ORDINANCE NO.

9995

A 3.00

ORDINANCE to amend the Municipal Code of Des Moines 1979, adopted by Ordinance No. 9616, passed July 23, 1979, by adding thereto a new subchapter to be known as Subchapter 7A, entitled, "Painting House Numbers on Curbs", being Sections 9-75.01 to 9-75.08, both inclusive, relating to licensing provisions for painting house numbers on curbs.

It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of Des Moines 1979, adopted by Ordinance No. 9616, passed July 23, 1979, be and is hereby amended by adding thereto a new subchapter to be known as Chapter 7A, entitled, "Painting House Numbers on Curbs", being Section 9-75.01 to 9-75.08, both inclusive, relating to licensing provisions for painting house numbers on curbs, as follows:

SUBCHAPTER 7A. PAINTING HOUSE NUMBERS ON CURBINGS

Sec. 9-75.01. DEFINITION.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following term shall for the purpose of this subchapter, have the meaning in this section.

The word "painter" means a person who engages in the business of painting house numbers on curbs in public right of way.

Sec. 9-75.02. LICENSE REQUIRED.

Before soliciting an agreement to paint house numbers on a curb for a fee, a painter shall obtain from the city clerk a license as herein described. The license shall be for the use of that person and any employee of that person and shall be non-transferable.

Sec. 9-75.03. DURATION OF LICENSE.

The license required by this section shall be effective from May 1, to October 1 of the given year.

Sec. 9-75.04. APPLICATION AND ISSUANCE OF LICENSE.

An application in writing shall be filed with the city clerk for a license under this subchapter on a form provided by the city clerk, who shall issue such license if the requirements of this subchapter are met.

Sec. 9-75.05. INFORMATION IN APPLICATION.

The application for a license shall include:

- (1) The name and age of the person applying;
- (2) The address of that person. If the person making application has a temporary address, the person's permanent home address is also required;
- (3) Applicant's social security number;
- (4) Applicant's telephone number;
- (5) On its reverse side, the content of this subchapter.

Sec. 9-75.06. FEES.

The application shall be accompanied by the payment of a license fee of \$10.00 to the city clerk, which shall be non-returnable.

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Sec. 9-75.07. CONDITIONS OF LICENSE.

- (a) A painter must enter into a verbal agreement with the owner or a representative of the owner of the driveway, which abuts the curb to be painted, before painting is commenced.
- (b) The painter must exhibit a current license to such owner or the owner's representative before negotiating such verbal agreement.
- (c) The maximum fee chargeable for painting a house number on a curb is \$3.00.
- (d) Employees of the painter must work under the direct supervision of the painter when painting house numbers on curbs.

Sec. 9-75.08. REVOCATION.

The city council may revoke any license issued under the provisions of this subchapter, after notice and hearing, upon receipt of complaint to the city regarding services or charges or licensee's failure to comply with the conditions of the license.

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

approved

Philip T. Riley
Corporation Counsel

August 17, 1981
August 17, 1981

Pete Crivaro
Pete Crivaro, Mayor

Helen W. Barlow, City Clerk

Helen W. Barlow, City Clerk of the City of Des Moines, Iowa, do
certify that the above and foregoing is a true and correct copy
of Ordinance (Roll Call No. 4164) passed by the City Council of said
City at a meeting held August 17, 1981, signed by the Mayor August 17,
and published in the Iowa Bystander August 27, 1981.

Helen W. Barlow
Helen W. Barlow, City Clerk

OCT 7 1985 5394
OCT 21 1985 5597
OCT 28 1985 5739
084450
\$5.00

ORDINANCE NO. 10,723

ORDINANCE to amend Chapter 9 of the Municipal Code of Des Moines 1979, as amended by Ordinance No. 9995, passed August 17, 1981, by repealing Sections 9-5, 9-35, 9-36, 9-75.07, 9-75.08, 9-105 and 9-130 thereof and enacting new Sections 9-5, 9-35, 9-36, 9-75.07, 9-75.08, 9-105 and 9-130, by adding thereto new sections to be known as Sections 9-47.01, 9-68.01 and 9-83.01, by repealing Subchapter 3 thereof entitled "Barbershops" being Section 9-41, by repealing Subchapter 9A thereof entitled "Armed Private Security Guards" being Sections 9-106 to 9-110.06, both inclusive, and by repealing Sections 9-112, 9-113 and 9-116 thereof, all relating to businesses.

Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That Chapter 9 of the Municipal Code of Des Moines be and is hereby amended by repealing Section 9-5 thereof and enacting a new Section 9-5, relating to auctions and auctioneers, as follows:

OWS:

Sec. 9-5. SUSPENSION OR REVOCATION OF LICENSE.

(a) Any license issued pursuant to this subchapter may be suspended or revoked, or its renewal denied, for violations of this subchapter or any other chapter of this code. No such suspension, revocation or denial shall issue except upon notice delivered to the licensee by mailing the notice in the regular mail addressed to the licensee at the licensee's last known address, a minimum of ten days prior to the date set for hearing before the council. Such notice shall inform the licensee of the time, date and place of hearing, the purpose of the hearing, and shall set out briefly the reasons therefor.

(b) If, after such hearing, the city council makes a finding based on substantial evidence that a violation of this subchapter or another chapter did in fact take place as

alleged, the city council may suspend or revoke the license or deny its renewal; the determination of whether to suspend or revoke such license or deny its renewal; shall be in the discretion of the city council and shall be dependent upon the circumstances surrounding the violation and its severity.

(c) A licensee whose license has been revoked or its renewal denied shall not be eligible for another such license for a period of 180 days after such revocation or denial.

Sec. 2. That Chapter 9 of said Code be further amended by deleting Sections 9-35 and 9-36 thereof and enacting new Sections 9-35 and 9-36, relating to bankrupt, going-out-of business, removal of business and fire or water damage sales, as follows:

Sec. 9-35. SUSPENSION OR REVOCATION OF LICENSE.

(a) Whenever the city council finds that the licensee, its employees or agents, has furnished any false information required hereunder or has violated or failed to comply with any of the requirements of this subchapter or any other chapter of this code, the city council may suspend or revoke the license and the licensee's bond may be forfeited to the city.

(b) No suspension or revocation shall issue except upon notice delivered to the licensee by mailing notice in the regular mail addressed to the licensee at the licensed premises, a minimum of ten days prior to the date set for hearing before the council. Such notice shall inform the licensee of

the time, date and place of hearing, and shall set out briefly the reasons therefor.

(c) If, after such hearing, the city council makes a finding based on substantial evidence that a violation of this subchapter or another chapter did in fact take place as alleged, the city council may suspend or revoke the license; the determination of whether to suspend or revoke such license shall be in the discretion of the city council and shall be dependent upon the circumstances surrounding the violation and its severity.

(d) A licensee whose license has been revoked shall not be eligible for another such license for a period of 180 days after such revocation.

Sec. 9-36. EFFECT OF LICENSE.

If, after investigation, the city clerk concludes that facts exist justifying the license the clerk may issue a license on the following terms:

- (1) **Licensing period.** The license shall authorize the sale described in the application for a period of not more than 30 consecutive days, following the issuance thereof.
- (2) **Renewal procedure.** The city clerk may renew the license for three periods of time only, each renewal to be for 30 consecutive days running consecutively from the expiration date of the

original license, provided the clerk finds as to each such renewal:

- (i) That the licensee has filed an application for renewal;
- (ii) That the licensee has submitted with the application for renewal a revised inventory showing the items listed on the original application remaining unsold as well as like goods received on bona fide trade-ins;
- (iii) That the licensee has not added to any goods to those listed in the original application except those goods received on bona fide trade-ins;
- (iv) That the licensee has filed the required renewal license fee, bond and statement signed by a certified public accountant; and
- (v) That the licensee has not acted in a manner which would be sufficient basis for suspension or revocation of such license, in which event the the council, upon notice and hearing pursuant to the requirements of section 9-35 of this code, may refuse to renew such license for a period of 180 days from such hearing.

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(3) Nature of sale. The license shall authorize only the one type of sale described in the application at the premises named therein.

(4) Saleable goods. The license shall authorize only the sale of goods described in the inventory attached to the application.

Sec. 3. That Chapter 9 of said Code be further amended by adding Subchapter 3 thereof entitled "Barbershops", being Section 9-47.01, relating to regulation of barbershops.

Sec. 4. That Chapter 9 of said Code be further amended by adding thereto a new section to be known as Section 9-47.01, relating to cigarette dealers, as follows:

Sec. 9-47.01. SUSPENSION OR REVOCATION OF PERMIT.

(a) Any such permit may be suspended or revoked or its renewal denied for violation of section 98.1 et seq., Code of Iowa, this subchapter, or any other chapter of this code.

(b) No such suspension, revocation or denial shall issue except upon notice delivered to the permittee by mailing notice in the regular mail addressed to the permittee at the premises covered by said permit, a minimum of ten days prior to the date set for hearing before the council. Such notice shall inform the permittee of the time, date and place of hearing, and shall set out briefly the reasons therefor.

(c) If, after such hearing, the city council makes a finding based on substantial evidence that a violation of this

subchapter or another chapter did in fact take place as alleged, the city council may suspend or revoke the permit or deny its renewal; the determination of whether to so suspend, revoke or deny such permit shall be in the discretion of the city council and shall be dependent upon the circumstances surrounding the violation and its severity.

(d) A permittee whose permit has been revoked or its renewal denied shall not be eligible for another such permit for a period of 180 days after such revocation.

Sec. 5. That Chapter 9 of said Code be further amended by adding hereto a new section to be known as Section 9-68.01, relating to garage dealers and salvage yards, as follows:

Sec. 9-68.01. SUSPENSION OR REVOCATION OF LICENSE.

(a) Any license issued pursuant to this subchapter may be suspended or revoked, or its renewal denied, for violations of this subchapter or any other chapter of this code. No such suspension, revocation or denial shall issue except upon notice delivered to the licensee by mailing the notice in the regular mail addressed to the licensee at the licensed premises, a minimum of ten days prior to the date set for hearing before the council. Such notice shall inform the licensee of the time, date and place of hearing, the purpose of the hearing, and shall set out briefly the reasons therefor.

(b) If, after such hearing, the city council makes a finding based on substantial evidence that a violation of this

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Ordinance No. 10,723 cont'd.

-7-

subchapter or another chapter did in fact take place as alleged, the city council may suspend or revoke the license or deny its renewal; the determination of whether to suspend or revoke such license or deny its renewal shall be in the discretion of the city council and shall be dependent upon the circumstances surrounding the violation and its severity.

(c) A licensee whose license has been revoked or its renewal denied shall not be eligible for another such license for a period of 180 days after such revocation or denial.

Sec. 6. That Chapter 9 of said Code, as amended by Ordinance No. 5, passed August 17, 1981, be further amended by repealing Sections 9-75.07 and 9-75.08 thereof and enacting new Sections 9-75.07 and 9-75.08, relating to painting of house numbers on curbing, as follows:

Sec. 9-75.07. CONDITIONS OF LICENSE.

(a) A painter must enter into a verbal agreement with the owner or a representative of the owner of the driveway, which abuts the curb to be painted, before painting is commenced.

(b) The painter must exhibit a current license to such owner or the owner's representative before negotiating such verbal agreement.

(c) The maximum fee chargeable for painting a house number on a curb is \$5.00.

(d) Employees of the painter must be licensed pursuant to this subchapter.

(e) Employees of the painter must work under the direct supervision of the painter when painting house numbers on curbs.

Sec. 9-75.08. SUSPENSION OR REVOCATION OF LICENSE.

Any license issued pursuant to this subchapter may be suspended or revoked, or its renewal denied, for violations of this subchapter or any other chapter of this code, and the procedures for such suspension, revocation or denial shall be those contained in section 9-5 of this code.

Sec. 7. That Chapter 9 of said Code be further amended by adding hereto a new section to be known as Section 9-83.01, relating to brokers, as follows:

Sec. 9-83.01. SUSPENSION OR REVOCATION OF LICENSE.

Any license issued pursuant to this subchapter may be suspended or revoked, or its renewal denied, for violations of this subchapter or any other chapter of this code, and the procedures for such suspension, revocation or denial shall be those contained in section 9-68.01 of this code.

Sec. 8. That Chapter 9 of said Code be further amended by repealing Section 9-105 thereof and enacting a new Section 9-105, relating to peddlers, as follows:

Sec. 9-105. SUSPENSION OR REVOCATION OF LICENSE.

Any license issued pursuant to this subchapter may be suspended or revoked, or its renewal denied, for violations of this subchapter or any other chapter of this code, and the

procedures for such suspension, revocation or denial shall be those contained in section 9-5 of this code.

Sec. 9. That Chapter 9 of said Code be further amended by repealing Subchapter 9A thereof entitled, "Armed Private Security Guards", being Sections 9-106 to 9-110.06, both inclusive, relating to the regulation of armed private security guards.

Sec. 10. That Chapter 9 of said Code be further amended by repealing Sections 9-112, 9-113 and 9-116 thereof relating to professional bondsmen.

Sec. 11. That Chapter 9 of said Code be further amended by repealing Section 9-130 thereof and enacting a new Section 9-130, relating to transient merchants and itinerant vendors, as follows:

Sec. 9-130. SUSPENSION OR REVOCATION OF LICENSE.

(a) Whenever the city council finds that the licensee, its employees or agents, has furnished any false information required hereunder or has violated or failed to comply with any of the requirements of this subchapter or any other chapter of this code, the city council may suspend or revoke the license or deny its issuance or renewal, and the licensee's bond may be forfeited to the city.

(b) No such suspension, revocation or denial shall issue except upon notice delivered to the licensee by mailing notice in the regular mail addressed to the licensee at the licensee's last known address, a minimum of ten days prior to the date set for hearing before the council. Such notice

shall inform the licensee of the time, date and place of hearing, and shall set out briefly the reasons therefor.

(c) If, after such hearing, the city council makes a finding based on substantial evidence that a violation of this subchapter or another chapter did in fact take place as alleged, the city council may suspend or revoke the license or deny its renewal; the determination of whether to so suspend, revoke or deny such license shall be in the discretion of the city council and shall be dependent upon the circumstances surrounding the violation and its severity.

(d) A licensee whose license has been revoked or denied shall not be eligible for another such license for a period of 180 days after such revocation or denial.

Sec. 12. This ordinance shall be in full force and effect from after its passage and publication as provided by law.

October 28, 1985

October 28, 1985


approved


Philip T. Riley
Corporation Counsel


Pete Crivaro, Mayor

Attest:

Donna V. Boetel-Baker, City Clerk of the City of Des Moines, Iowa, do hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 5759) passed by the City Council of said City at a meeting held October 28, 1985, signed by the Mayor October 28, 1985, and published as provided by law in the Iowa Bystander on November 8,


Donna V. Boetel-Baker
City Clerk