

★ Roll Call Number

Agenda Item Number

48

Date October 13, 2008

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, by amending Sections 30-160 and 30-162 thereof, relating to information in license application and conditions of license regarding painting painting house numbers on curbing",

which was considered and voted upon under Roll Call No. 08- of September 22, 2008; again presented.

1681

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

(Second of three required readings)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| HENSLEY | | | | |
| KIERNAN | | | | |
| MAHAFFEY | | | | |
| MEYER | | | | |
| VLASSIS | | | | |
| TOTAL | | | | |
| MOTION CARRIED | | | APPROVED | |

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.

Mayor

City Clerk



**Council
Communication**
Office of the City Manager

Date

September 22, 2008

Agenda Item No. 41
Roll Call No. 08-
Communication No. 08-568
Submitted by: Diane Rauh, City Clerk

48

AGENDA HEADING:

Amending Chapter 30 of the Municipal Code, increasing the maximum amount vendors can charge to paint house numbers on curbs.

SYNOPSIS:

Recommend approval of amending Chapter 30 of the Municipal Code to increase the maximum amount of \$5 to \$10 vendors can charge to paint house numbers on curbs. Community Sign Painting, a vendor licensed to provide this service in Des Moines, has requested the maximum amount vendors are allowed to charge be increased.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

At the August 25th Council meeting, David Kauzlarich, Community Sign Painting, spoke requesting the maximum charge be either eliminated or increased. The current \$5 maximum charge has been in place since 1985. Council directed staff to return with an ordinance that accomplishes the following:

1. Increase the maximum allowed charge to \$10
2. Provide that any advertisement of the service include notification to residents that it is not a City requirement, and is not endorsed by the City
3. Provide a penalty for violation of the ordinance

The proposed ordinance includes amendments to accomplish No. 1 and No. 2 above. The existing Municipal Code Section 1-15 (General Penalties) currently provides that a violation of this ordinance is considered a misdemeanor.

PREVIOUS COUNCIL ACTION(S):

Date: August 25, 2008

Roll Call Number: 08-1528

Action: From David Kauzlarich, (Community Sign Painting), 3106 E. 24th Street to speak regarding the charge allowed by ordinance for painting house numbers on curbs in the City. Moved by Coleman to receive and file comments; refer to the Legal Department to prepare an amendment to the ordinance increasing the maximum allowed charge to \$10. Motion Carried 6-1.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Second and Final consideration of the ordinance.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.

41
08-16-81
48

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, by amending Sections 30-160 and 30-162 thereof, relating to information in license application and conditions of license regarding painting house numbers on curbing.

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, is hereby amended by amending Sections 30-160 and 30-162 thereof, relating to information in license application and conditions of license regarding painting house numbers on curbing, as follows:

Sec. 30-160. Information in license application.

The application for a license required under this article shall include the following:

- (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) The applicant's social security number.
- (4) The applicant's telephone number.
- (5) A copy of the advertising, if any, which the painter will use in promoting the curb painting service.
- (56) On its reverse side, the contents of this article.

Sec. 30-162. Conditions of license.

The license issued pursuant to this article shall have the following conditions:

- (1) 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.
- (2) The painter must exhibit a current license to such owner or the owner's representative before negotiating such verbal agreement.

- (3) The maximum fee chargeable for painting a house number on a curb is ~~\$5.00~~\$10.00.
- (4) Employees of the painter must be licensed pursuant to this article.
- (5) Employees of the painter must work under the direct supervision of the painter when painting house numbers on curbs.
- (6) Advertising used, if any, by the painter to promote the curb painting service shall not directly or indirectly state that the City of Des Moines recommends, promotes, requires or sponsors any curb painting. A reference that the painter has a curb painting license is allowed.

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

FORM APPROVED:



Douglas P. Philip
Assistant City Attorney