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Date November 5, 2007

RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON
ISSUANCE OF YEAR LONG SOUND PERMITS

WHEREAS, City of Des Moines ordinance regarding noise pollution did not anticipate the growth of entertainment districts and use of business properties abutting residentially used properties in a manner that may cause noise disturbances; and

WHEREAS, staff has received numerous complaints from citizens regarding noise from sound equipment used in conjunction with sound permits causing noise disturbances at their residences; and

WHEREAS, the ordinance currently allows for issuance of a year long sound permit to allow amplified sound at a business establishment to be measured at no more then 100 dBAs at a distance of 50 feet from the sound equipment; and

WHEREAS, staff believes that these sound levels and the year long permits are excessive and a review of the sound ordinance as it relates to sound levels, length of time permits are allowed to run as well as other provisions in the ordinance is necessary to insure that the City of Des Moines has balance between the business use of property for entertainment and the peaceful enjoyment of residential dwellings; and

WHEREAS, a temporary moratorium on issuance of year long sound permits is a necessary measure to insure no new year long permits are issued that would prolong the noise disturbance issue and it will give staff sufficient time to review and appropriately amend or rewrite the sound ordinance to address these issues.

★ **Roll Call Number**

Agenda Item Number

35

Date November 5, 2007

NOW THEREFORE BE IT RESOLVED by the City Council for the City of Des Moines, Iowa, as follows:

1. That a moratorium on issuing year long sound permits under Municipal Code Section 42-257 shall take effect immediately upon adoption of the resolution and shall remain in effect until January 28, 2008 or until the effective date of a new or amended sound ordinance.

2. The Office of the City Manager, Community Development Department and Police Department are hereby directed to diligently proceed with a review of the sound ordinance. The Community Department and Police Department shall endeavor to make a report and recommendation to the City Council on or before the January 28, 2008, on the appropriate changes to the sound ordinance and a schedule for the implementation of the those changes.

Moved by _____ to adopt.

FORM APPROVED:

Doug Philip, Assistant City Attorney

(Council Communication No. 07-669)

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