

Date January 14, 2013

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 amending Sections 74-92, 74-101, 74-178, 74-179, 74-180, 74-182, 74-183 and 74-185, by repealing Sections 74-175 and 74-186, and by adding and enacting a new Section 74-186 relating to consumption of alcohol, park facility hours and fees in Park and Recreation facilities",

presented.

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

FORM APPROVED:

(First of three required readings)

Ann DiDonato
Assistant City Attorney

(Council Communication No. *13-006*)

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

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 amending Sections 74-92, 74-101, 74-178, 74-179, 74-180, 74-182, 74-183 and 74-185, by repealing Sections 74-175 and 74-186, and by adding and enacting a new Section 74-186 relating to consumption of alcohol, park facility hours and fees in Park and Recreation facilities.

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 heretofore amended, is hereby amended by amending Section relating to, as follows:

Sec. 74-92. Consumption of alcohol; intoxication.

- (a) It is unlawful for any person to use, possess or consume beer, wine or alcoholic liquor in any city park, including all park roads and parking areas in parks, except by issuance of a permit and either:
 - (1) Approval of the park and recreation board; or
 - (2) Such use, possession or consumption is enclosed in park shelters at the following locations: Greenwood Park, MacRae Park, Grandview or Birdland Park; or
 - (3) Such use, possession or consumption is within Gray's Lake Park Overlook Terrace; or
 - (4) Such use, possession or consumption is within the Clare and Miles Mills Rose Garden or the Lilac Arboretum; or
 - (5) Such use, possession or consumption is within specified areas of the Principal Riverwalk including the Hub Spot plaza, Hub Spot River Plaza, Hub Spot building, Long Look Garden, Brenton Skating Plaza and plaza adjacent to World Food Prize building; or
 - (6) Such use, possession or consumption is within the Robert D. Ray Asian Garden; or
 - (7) Such use, possession or consumption is during an adult event at the Carney Softball, James W. Cownie Soccer and Baseball Parks, or Greater Des Moines Softball sports complex; or
 - (48) Such use, possession or consumption is within the park between Tenth and Fifteenth Streets and Grand Avenue and Locust Street a/k/a "Western Gateway Park".

- (b) The permit must be obtained from the park and recreation director.
- (c) No keg beer or alcoholic liquor is allowed except under a liquor control license and approval of the park and recreation board, except that park and recreation board approval is not required for use, possession or consumption within "Western Gateway Park".
- (d) No person shall be intoxicated or simulate intoxication in a city park.

Sec. 74-101. Park facility hours.

The hours of operation for all public parks, community centers, and city recreational facilities, except for the Botanical Center and Zoo, shall be established by the Des Moines park and recreation board and must receive two readings for final approval. The park and recreation director shall thereafter have authority to adjust park and recreation facility hours, except for the Botanical Center and Zoo, for a period of one season, unless otherwise directed by the Des Moines park and recreation board. For the purposes of this section, "one season" shall mean the first weekend in April through the last weekend in October and the Monday following the last weekend of October up to the first weekend in April.

- (a) No person shall remain in any public park, community center or city recreational facility during the periods of time set by this section unless special permission shall have been given by the park and recreation director for such persons or group of persons to remain there. Such permit shall not allow use of the park for more than two (2) hours prior to its opening time or more than two (2) hours after its closing time, unless issued in compliance with section 74-101.5.
- (b) No person shall remain in or on any city park, inclusive of municipal golf courses, and Waveland tennis courts, from one-half hour after sunset to 6:00 a.m. during central standard time.
- (c) Exceptions are made for:
 - (1) Clubhouses and related facilities on golf courses. These facilities may remain open until 2:00 a.m.
 - (2) Concerts at the Simon Estes Amphitheater. This facility may remain open until 12:00 midnight.
 - (3) Birdland Tennis Courts. This facility may remain open until 11:00 p.m.
 - (4) Birdland Marina. This facility may remain open until 11:00 p.m.
 - (5) Brenton Skating Plaza. This facility may remain open until 12:00 midnight.
 - (6) Park between Tenth and Fifteenth Streets and Grand Avenue and Locust Street. This facility may remain open until 12:00 midnight.

- (7) Gray's Lake Park. This facility may remain open from 6:00 a.m. until 10:00 p.m. from November 1-March 31 and from 5:00 a.m. until midnight from April 1-October 31.
- (8) Principal Riverwalk (excluding trails and trail heads):
These facilities may remain open until 2:00 a.m.
- (d) For purposes of this chapter, *sunrise* and *sunset* shall be the time for sunrise and sunset on each date provided by United States Naval Observatory data.

Sec. 74-175. Portable Picnic Table Rentals. (Repealed by Ord. No. 15,---)

~~_____ Rentals will be offered until December 31, 2010. Beginning January 1, 2011, no picnic table rentals will be provided.~~

~~_____ Fees for portable picnic tables rentals are as follows:~~

8 foot table, per table	\$6.00
Delivery fee - Monday thru Friday 8:00 a.m to 5:00 p.m.	\$60.00
Delivery fee - after 5:00 and weekends	\$100.00

Sec. 74-178. Temporary concession fees.

In addition to payment of all other required fees, the following fees shall be paid for use of park facilities for temporary concession purposes related to food, beverage and novelty items less than \$10.00 each. The payment for the sale of items which cost more than \$10.00 each, a concession for more than 6 events or special service items shall be negotiated in a separate agreement and approved by the park and recreation director and or the city manager:

No. of Persons Attending	Charge Per Day
Less than 100 <u>500</u>	\$ 50 <u>25.00</u>
100 <u>500</u> - 999	\$ 100.00
1,000 - 1,999	\$ 150.00
2,000 - 2,999	\$ 200.00
3,000 - 3,999	\$ 250.00
4,000 - 4,999	\$ 300.00
5,000 - 5,999	\$ 350.00
6,000 - 6,999	\$ 400.00
7,000 - 7,999	\$ 450.00
8,000 - 8,999	\$ 500.00
9,000 - 9,999	\$ 550.00
10,000 and greater	\$ 600.00

Sec. 74-179. Park between Tenth and Fifteenth Streets and Grand Avenue and Locust Street a/k/a "Western Gateway Park"- Rentals.

For the purposes of this section "Facility Use Outdoor rooms" shall be considered the area of ambience around a specific sculpture or grouping of sculptures within the John and Mary Pappajohn Sculpture Park and the "lawn areas" shall be the open space surrounding the Pappajohn Higher Education Center and the Central Des Moines Public Library.

Item	Fee	Date Due
Facility Use Outdoor rooms	\$1,500/half day (6 hours)	25% deposit at booking, balance due 15 days prior to event
Facility Use Outdoor rooms	\$3,000/day (during park hours)	25% deposit at booking, balance due 15 days prior to event
Facility Use lawn areas	\$500/day (during park hours)	25% deposit at booking, balance due 15 days prior to event
Set-up/tear down (rooms)	\$500/half day (6 hours)	Does not include hours when park is closed
Set-up/tear down (lawn)	\$100/half day (6 hours)	
Clean up if required by City	\$40/hour per staff position	Billed to event after event
Seeding if required	\$3/square yard	Billed to event
Sodding if required	\$10/square yard	Billed to event
Repair of Damage	Actual cost of replacement	Billed to event

Sec. 74-180. Community center building rentals.

Community center building rental fees shall be as follows:

	<i>Per Hour Regular <u>2 Hour Minimum</u></i>	<i>Holidays and Non- operating Hours</i>
Class I governmental, public school and recognized Neighborhood Association uses where no fee or admission is charged. This is during regular operating hours only. Class II fee will be charged at other times	No charge	No charge
Class II private use and public admissions where no fee or admission is charged and nothing is sold:		
Meeting <u>Small meeting room</u>	\$ 20.00	\$ 40 <u>35.00</u>
Multipurpose room	\$ 25 <u>35.00</u>	\$ 5 <u>60.00</u>
Gymnasium	\$ 35 <u>0.00</u>	\$ 65 <u>0.00</u>
Kitchen. This fee is a flat fee with the rental of another room	\$ 5.00 <u>\$35.00</u>	\$ 5.00 <u>\$ 55.00</u>
<u>Upper floor - east and west wings - Pioneer Columbus</u>		
Class III City-managed community centers-adults 19-59 years:		
	Per person per entry	\$1.00
	Monthly Pass	\$12.00
Class IV City-managed community centers-ages under 19 and over 59	Free	Free

Sec. 74-182. Lodge, park shelter and other park rentals.

Fees for lodges, park shelter and other park rentals shall be as follows:

- ~~(1) Waveland Lodge. Available October 1 through Christmas for non-golf functions and evenings on a limited basis January 1 through March 31, per hour - \$40.00~~

- (21) ~~Sylvan Theater (electricity \$15.00 extra)~~
 - a. Fee Based Event - \$750.00 for 1/2 day (sunrise to 1:00 or 2:00 to sunset)
 - b. Weddings/Private Parties - \$300.00 first two hours (minimum) - \$150.00 each additional hour

- (32) Garden reservation fee. For one-hour session, must specify garden area:
 - a. Clare and Miles Mills Rose Garden:
 - \$300.00 first two hours (minimum)
 - \$150.00 each additional hour
 - b. Union Formal Garden: \$15.00

(43) Enclosed Shelters ~~houses~~. Unless otherwise specified, each rental session is for a five hour block. ~~shelter houses are reserved by session from 10:00 a.m. to 3:00 p.m.; or 4:00 p.m. to 9:00 p.m.~~

- a. Enclosed Shelters (Greenwood, Pioneer, MacRae and Union): \$40.00 per session
- b. Birdland and Grandview South Enclosed: ~~\$60~~\$80.00 per session
- c. Martin Luther King Jr. Shelter - \$235.00 per hour for the first two hours - (two hour minimum requirement)

~~\$20 for each hour thereafter~~
~~\$20.00 for the third hour~~
~~\$15.00 for each hour thereafter~~
~~(above session times do not apply)~~

- d. Open air shelters with the exception of shelters with a capacity of over 100 people (reserved for only one group per day):- \$30.00
 - 1. Shelters with capacity of over 100 people may be reserved in two time blocks/day: \$60 per session.
 - 2. Rental rates for all shelters double on holidays.

(54) Gray's Lake Park. ~~(Items b, c, and 6 to take effect January 1, 2011.)~~

- a. Overlook Terrace Rentals - \$50.00 per section per 3 hour block
- b. Designated open space rental - \$250.00 per half day (6 hours)
- c. Event parking (south of Terrace) - \$50.00 for three hours increments
- d. Boat rentals - \$5.00 per one-half hour

(65) Trail Event Use Fees. - \$250.00 per event with 100 or more participants for events/activities collecting donations or charging an entrance fee.

(76) Cabins. Overnight at Ewing Scout Camp, ~~cabin III, weekends only,~~ per night - \$40.00

~~(8) Special service fees:~~

- ~~a. Transport, set up, remove bleachers (two sets) - \$150.00~~
- (7) Community garden plot: \$25 per plot (beginning January 1, 2014).
- (98) Miscellaneous:
 - a. Electric use permit - \$25.00
 - b. Equipment rental:
 - 1. Priced \$2.00 to \$12.00 per item
 - 2. Late fee for each day late - \$5.00
- ~~(109) Wading pool rental: Available during playground season only, \$25.00 per hour (minimum three hours) - \$20.00~~
- (10) Robert D. Ray Asian Garden: \$500.00 per 4 hour block, \$100 for each additional hour.

Sec. 74-183. Aquatic centers, swimming pools and marina.

Fees for use of city aquatic centers, swimming pools and the marina shall be as follows:

- (1) Northwest, Nahas, Teachout, ~~Birdland~~ Aquatic Centers and Ashworth and Birdland Pools admissions*:
 - a. Children (under 3 years) - Free
 - b. Youth (3 through 20 years) - \$2.00
 - ~~c. Students (8 to 15 years) - \$2.00~~
 - dc. Adults (21 years and over) - \$4.00

*Half price admission after 5:00 on weekdays
- (2) Season swim passes at aquatic centers and swimming pools:

		Early Bird Rate	Price
a.	Single	\$40.00	\$45.00
	First two people in family or shared residence	\$75.00	\$80.00
	<u>Additional 3rd and 4th family member</u>	<u>Additional \$25.00 each with \$120.00 max.</u>	<u>Additional \$30.00 each with \$140.00 max.</u>
	<u>Additional family members after 4</u>	<u>Additional \$5.00 each</u>	<u>Additional \$5.00 each</u>
	Replacement tags	\$35.00	\$35.00
b.	Youth agency:		
	1 day a week child		\$15.00
	2 day a week child		\$25.00
	3 day a week child		\$30 \$35.00
	4 day a week child		\$45.00
	5 day a week child		\$55.00
c.	Replacement tags	\$35.00	\$35.00

- (3) Pool rental (private use). All rentals are usually after hours, exceptions may be made by approval of the park and recreation director:
 - Private rental, per hour - \$110.00
 - Plus, per person after 50 persons - \$1.00

(4) Pool rental (athletic programs and swim meets).

		2009 2013	2010	2011
a.	Athletic Programs Hourly Rental			
	Participant fee	\$7.00/hr.	\$8.00/hr.	\$9.00/hr.
	Plus Hourly Rental 1-50 Swimmers	\$12.00/hr. \$40.00		
	51-100 Swimmers	\$50.00		
	101-150 Swimmers	\$60.00		
	151-200 Swimmers	\$70.00		
b.	Swim meets			
	Exclusive use	\$250.00 per day		
	Non-exclusive use	\$125.00 per day		

(5) Birdland Marina moorage fees. All moorage fees include tax. All rentals are based on availability:

- a. Seasonal:
 - 1. Double access, long length - ~~\$496~~505.00
 - 2. Double access, regular length - ~~\$492.00~~
 - 3. Single access, regular length - ~~\$466~~475.00
- b. Monthly, single access only - \$165.00
- c. Weekend rate, in after 12:00 noon on Friday, out by 6:00 p.m. Sunday - ~~\$38.50~~40.00
- d. Replacement moorage decal - \$5.00

Sec. 74-185. Simon Estes Riverfront Amphitheater fees.

~~(a) Electricity. Fees for use of electricity at the amphitheater, per session, shall be as follows:~~

- ~~(1) Additional electrical hookup for plaza area . \$ 50.00~~
- ~~(2) Additional electrical panel for stage area . 150.00~~

~~(b) Rental fees. Rental fees for the use of the amphitheater shall be as follows:~~

~~(1) Free public event and private parties (weddings).~~

- a. Per four-hour session\ \$500.00
- Plus, for each additional hour\ \$100.00

~~(2) Fee Based Event.~~

- a. Per four-hour session\ \$750.00
- Plus, for each additional hour\ 175.00

~~b. Fourteen percent (14%) of gross revenue from vending.~~

~~(3) Weddings/Private Parties.~~

- a. Per four-hour session\ \$400.00
- Plus, for each additional hour\ 75.00

Sec. 74-186. Vendor fees. (Repealed by Ord. No. 15, ---)

~~(a) The following fees shall be required of all vendors selling food, beverage, and other items at city or non-city sponsored events in city parks and recreation facilities:~~

- ~~—— (1) Non-refundable application fee - \$20.00.~~
- ~~—— (2) Season fee (first weekend in April through the second weekend in October) - \$850.00.~~
- ~~—— (3) Daily/single event fee - \$150.00 per day.~~

~~(b) All vendors on city parks and recreation facilities must receive prior permission from the park and recreation department. All such vendors are subject to the provisions of section 78-74 of this Code.~~

Sec. 74-186. Principal Riverwalk Fees.

- (a) Long Look Garden: \$200.00 - 4 hour time interval, \$100.00 for each additional hour, weekends only.
- (b) Hub Spot Plaza, Hub Spot River Plaza, Hub Spot building: each \$200.00 - four hour time interval, \$100.00 for each additional hour.
- (c) Union Pacific Railroad bridge: \$30.00 - four hour time interval for either the north or south area.
- (d) Plaza adjacent to World Food Prize building: \$500.00 - four hour block, \$100.00 for each additional hour, additional \$100.00 to block access for private event.

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

FORM APPROVED:

Ann DiDonato
Assistant City Attorney