



Roll Call Number

Agenda Item Number

57

Date July 15, 2019

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 repealing Chapter 74 thereof, and adding and enacting a new Chapter 74 relating to the Parks and Recreation Board and Parks and Recreation Department and Director; regulating conduct for the use of parks and recreational facilities; fees for rental and use of parks facilities and programs; and mobile food vendors",

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. 19-325)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and 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, as heretofore amended, by repealing Chapter 74 thereof, and adding and enacting a new Chapter 74 relating to the Parks and Recreation Board and Parks and Recreation Department and Director; regulating conduct for the use of parks and recreational facilities; fees for rental and use of parks facilities and programs; and mobile food vendors.

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 repealing Chapter 74 thereof, and adding and enacting a new Chapter 74 relating to the Parks and Recreation Board and Parks and Recreation Department and Director; regulating conduct for the use of parks and recreational facilities; fees for rental and use of parks facilities and programs; and mobile food vendors, as follows:

ARTICLE I. IN GENERAL

~~Secs. 74 1 - 74 25. Reserved.~~

ARTICLE II. PARK AND RECREATION BOARD*

~~*Cross reference(s) - Boards, commissions, committees and agencies, § 2-1046 et seq.~~

~~Sec. 74 26. Duties generally.~~

- ~~(a) The city park and recreation board shall:~~
 - ~~(1) Oversee the planning, coordination and execution of the city's park and recreation programs and facilities by the park and recreation director and his or her staff.~~
 - ~~(2) Advise and make appropriate recommendations to the city council on subsection (a)(1) of this section.~~
 - ~~(3) Prescribe the necessary rules and regulations for the equipping, maintenance, conduct, supervision and control of the city playgrounds, recreation centers and special facilities.~~
 - ~~(4) Coordinate with the city's park and recreation director in the preparation of annual budget and oversee the expenditure of funds appropriated to the city's park and recreation programs and facilities.~~

~~(b) All such rules and regulations adopted by the city park and recreation board in the performance of the duties in subsection (a) of this section shall be reported to the city council and shall be effective when approved by the city council.~~

~~**Sec. 74-27. Advisory committees.**~~

~~The park and recreation board may create and appoint members to committees to perform certain duties and advise the board on various park and recreation issues. Members of such committees may include residents and nonresidents of the city.~~

~~**Sec. 74-28. Appointment, composition and terms.**~~

- ~~(a) The park and recreation board shall consist of fifteen members. Each councilmember may recommend candidates for appointment to two positions on the board. The Des Moines Independent School District board of education may recommend one of its members for appointment to the board, subject to approval by the city council.~~
- ~~(b) Each member of the board shall be appointed for a term of four years, with no more than four members' terms expiring each year.~~
- ~~(c) The park and recreation board is the successor to the city park board.~~

~~**Sec. 74-29. Liaison with board of education.**~~

~~The park and recreation board shall cooperate where possible with the board of education in providing for the joint operation and maintenance of all school grounds and school structures under the jurisdiction of the board of education when used as city playgrounds and recreation centers.~~

~~**Secs. 74-30-74-55. Reserved.**~~

~~**ARTICLE III. PARK AND RECREATION DEPARTMENT***~~

~~*Cross reference(s) Departments, § 2-536 et seq.~~

~~**Sec. 74-56. Supervision by director.**~~

~~The park and recreation director shall supervise the park and recreation department.~~

~~**Sec. 74-57. Appointment of director.**~~

~~The city manager shall appoint the park and recreation director from a certified list provided by the civil service commission.~~

~~Sec. 74-58. Duties of director generally.~~

~~The park and recreation director shall be responsible in the park and recreation department for the following:~~

- ~~———— (1) ——— The maintenance and repair of city parks, including park properties, structures and specialized facilities, golf courses, recreational trails, leased and assigned areas, tennis courts, swimming pools and aquatic centers, boat ramps and marinas, riverfronts, and stadia.~~
- ~~———— (2) ——— The management, care, and maintenance of city cemeteries.~~
- ~~———— (3) ——— The management of recreation activities sponsored and/or conducted under the aegis of the department, to include but not be limited to year-round activities and centers, sports, athletics, arts; programs for senior citizens and persons with disabilities; and informational services to the general public.~~
- ~~———— (4) ——— The management of staff and material support necessary to operate the department. This shall include landscape and horticultural services, the city nursery, clerical support, professional staff services, and material supplies.~~
- ~~———— (5) ——— Liaison with the park and recreation board in the preparation of budgets; the expenditure of funds; the coordination, planning and execution of the department's programs, activities, facilities, and ordinances; provide the necessary support services to the board for the conduct of its monthly meetings and year-round administrative requirements.~~
- ~~———— (6) ——— The care and maintenance of all buildings and properties not otherwise assigned within the city organization.~~
- ~~———— (7) ——— Other duties and functions as may be assigned by this Code and other city ordinances or by the city manager.~~

~~Sec. 74-59. Divisions enumerated.~~

~~The park and recreation department shall be composed of the following divisions:~~

- ~~(1) ——— Horticulture division.~~
- ~~(2) ——— Park division.~~
- ~~(3) ——— Cemetery division.~~
- ~~(4) ——— Recreation division.~~

~~Sec. 74-60. Repealed by Ord. No. 14,425.~~

~~Sec. 74-61. Horticulture division.~~

- ~~(a) ——— The horticulture division of the park and recreation department shall be supervised by an administrator, the horticulture manager, who shall be responsible to the park and recreation director for its activities.~~
- ~~(b) ——— This division shall provide a variety of culturally and educationally enriching exhibits related to plants; also, activities in citizen education, floral plantings, volunteer services, public information, employee training. This division shall also perform such other duties as may be assigned by the park and recreation director.~~

~~Sec. 74-62. Park division.~~

- ~~(a) — The park division of the park and recreation department shall be supervised by an administrator, the park and recreation services manager, who shall be responsible to the park and recreation director for its activities.~~
- ~~(b) — The activities of this division shall consist of maintaining parks and recreation facilities and assigned properties in a safe and attractive condition and to provide services and aid field personnel in the construction and maintenance of park and recreation facilities and equipment.~~
- ~~(c) — This division shall provide the direction and maintenance of golf courses, the city nursery, swimming pools and aquatic centers, specialized park facilities, lakes and lagoons, boat ramps, and the riverfront; also, grounds maintenance of city libraries, municipal buildings, police academy, civic center complex, art and science centers, city-owned historical structures and sites, rights of way, and recreational trails. This division shall also perform such other duties as may be assigned by the park and recreation director.~~

~~Sec. 74-63. Cemetery division.~~

- ~~(a) — The cemetery division of the park and recreation department shall be supervised by an administrator, the business manager, who shall be assisted by cemetery supervisors. The administrator shall be responsible to the park and recreation director.~~
- ~~(b) — The activities of this division shall consist of providing attractive municipal cemetery grounds and facilities, providing efficient interment and disinterment services, and the sale of cemetery lots.~~
- ~~(c) — This division shall also perform such other duties as may be assigned by the park and recreation director.~~

~~Sec. 74-64. Recreation division.~~

- ~~(a) — The recreation division of the park and recreation department shall be supervised by an administrator, the park and recreation services manager, who shall be responsible to the park and recreation director.~~
- ~~(b) — The activities of this division shall consist of planning, direction, and operation of leisure sports, including adult and youth leagues, tournaments of various types, and instruction; special activities for elderly and persons with disabilities; summer and winter recreation centers in parks and schools; ice skating rinks; arts and crafts activities; musical concerts; swimming pools and aquatic centers; and the maintenance and operation of community center buildings.~~
- ~~(c) — This division shall also perform such other duties as may be assigned by the park and recreation director.~~

~~Secs. 74-65–74-90. Reserved.~~

ARTICLE IV. FACILITIES

~~Sec. 74-91. Public meetings and organized uses.~~

~~Public meetings, religious, political or otherwise, including picnic parties and entertainment for charitable or religious purposes, may be held in any public park upon first obtaining permission from the park and recreation board or the park and recreation director. Such assemblages shall be conducted in a lawful and orderly manner, shall be under the supervision of the park supervisor and shall occupy such ground as may be reserved for them. Permits shall be obtained from the park and recreation director for use of parks and facilities by organized groups for all such purposes, including athletic and sporting activities.~~

~~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~~
 - ~~(8) — 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";~~
 - ~~(9) — Within the service building and designated outdoor areas of Birdland Marina pursuant to a concession agreement.~~
- ~~(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" and Birdland Marina for uses pursuant to (a)(9) above.~~
- ~~(d) — No person shall be intoxicated or simulate intoxication in a city park.~~

~~Cross reference(s) — Alcoholic beverages, ch. 10.~~

~~Sec. 74-93. Destruction of plant or animal life.~~

~~No person, except persons authorized, shall in any manner deface, injure or remove any tree, shrub or plant standing or growing in any public park or recreation facility or pick or destroy any flowers or seeds growing therein. No person, except persons authorized, shall remove or attempt to remove, injure, or kill any wild or captive animal in any public park or recreation facility.~~

~~Cross reference(s) — Animals, ch. 18; vegetation, ch. 122.~~

~~Sec. 74-94. Fires.~~

~~No person shall kindle, build, maintain, or in any way light a fire in any public park in the city or in any city-owned park, except in fireplaces provided or in self-supporting barbecue grills or stoves in places designated as picnic areas, or by special written permit from authorized personnel on behalf of the park and recreation board after a determination that such fire creates no hazards to the park or to persons in the immediate vicinity. No fire shall be built within ten feet of any tree or building or beneath the branches of any tree or in any underbrush, unless such fire is enclosed within a stove, oven, or fireplace provided on the premises by the city for use in picnic cooking. Any fire shall be continuously under the care and control of a competent person, from the time it is kindled until it is extinguished.~~

~~Cross reference(s) — Fire prevention and protection, ch. 46.~~

~~Sec. 74-95. Fireworks and explosives.~~

~~No person shall use firearms, explosives, weapons, firecrackers or fireworks of any character in any public park, except as otherwise provided by ordinance.~~

~~Cross reference(s) — Fire prevention and protection, ch. 46.~~

~~Sec. 74-96. Glass containers and waste material.~~

- ~~(a) — No person shall bring into, use or possess in any park a bottle, jar, drinking cup or other container made of glass, except by approval of the park and recreation director by permit for a special event or when a liquor control license has been obtained.~~
- ~~(b) — No person shall litter the ground with any form of waste material. All waste material shall be deposited in receptacles provided for that purpose. Park waste receptacles shall not be used for dumping trash or rubbish introduced in that form to the park.~~

~~Cross reference(s) — Solid waste, ch. 98.~~

~~Sec. 74-97. Lakes and ponds.~~

~~———— No person shall throw or place any foreign or waste substance in any lake, wading pool or swimming beach in any public park. Boats are not permitted in lakes and ponds, with the~~

~~The hours of operation for all public parks, community centers, and city recreational facilities, except for the Botanical Center, Zoo, and Brenton Ice Rink and support pavilion, 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. The hours of the Brenton Ice Rink and support pavilion shall be established by the park and recreation director. For the purposes of this section, "one season" shall mean the first weekend in April through the~~

~~Sec. 74-101. Park facility hours.~~

~~Cross reference(s) Dogs generally, § 18-41 et seq.~~

~~No dog shall be allowed to run at large in any public park. Any dog shall be deemed to be found running at large, unless the owner carries such dog or leads such dog by a chain, strap or rope not exceeding six feet in length or keeps any such dog confined in an automobile in compliance with section 18-55 of this Code. However, a service dog, except for a vicious dog, as defined in section 18-41 of this Code, and accompanying such person shall not be deemed to be running at large, even though restraints as described in this section are not used. Such person shall keep the service dog under control and shall be liable for any damage done to the premises or facilities by the dog. No dog in a designated off-leash area in any public park shall be deemed at large if such dog and owner or person given charge of the dog are in compliance with section 18-55(a)(6) of this code. Vicious dogs must be on a leash while in such designated off-leash area in compliance with section 18-56 of this Code.~~

~~Sec. 74-100. Dogs.~~

~~No person shall enter upon any land owned or leased to the city and under the jurisdiction of the park and recreation department and conduct activities thereon in disregard of signs or posted notices forbidding those activities.~~

~~Sec. 74-99. Posted notices.~~

~~Cross reference(s) Animals, ch. 18.~~

~~No person shall disturb or interfere with any building or improvements of any kind made or being made in or about any public park, or disturb or interfere with birds or animals kept or found therein.~~

~~Sec. 74-98. Buildings and animals.~~

~~Cross reference(s) Waterways, ch. 130.~~

~~exception of Gray's Lake, without the permission of the park and recreation director. No person shall fish from or dangle any object from the Gray's Lake watercraft rental dock, the Gray's Lake swimming beach, or the Gray's Lake pedestrian bridge.~~

~~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. 74-101.5 Overnight use of parks by special permit.

- ~~(a) Purpose. The city's parks and park facilities were not designed for unlimited overnight use. The unlimited use of city parks after hours of operation, such as for camping or storage of personal property, interferes with the rights of others to use the parks for the recreational, leisure and environmental purposes for which they were intended. The purpose of this section is to allow the city's parks to be maintained in a clean and accessible condition and to protect the health, safety and welfare of the city and its residents, while recognizing that infrequent overnight use, subject to reasonable conditions, can be beneficial to the recreational, cultural or educational needs of the community.~~
- ~~(b) For purpose of this section, *overnight use* shall mean remaining in or being in a park during hours when the park is not open for operation. *Overnight use* does not include storage of equipment, vehicles, or buildings or structures as defined in chapter 134 of this code, which:
 - ~~(1) is intended for use and is used during the hours of operation of the park; and~~
 - ~~(2) is not intended or used for sleeping or residing; and~~~~

- (3) — which does not remain in the park for more than fourteen (14) consecutive days.
- (c) — ~~The park and recreation director, after consultation with the park and recreation board, shall adopt a policy designating the city parks and areas within such parks in which overnight use shall be permitted and providing reasonable conditions on such use, including camping. Overnight use shall be allowed only by permit issued by the director. No more than ten (10) days of overnight use per calendar year per park shall be allowed. No person shall be permitted overnight use of a city park for more than three (3) days per calendar year per park, unless permitted by the city manager for a compelling recreational, cultural or educational need of the community. Commercially manufactured tents designed for no more than eight (8) persons may be permitted with overnight use of a park, although no other buildings or structures as defined in chapter 134 of this code or which are regulated by chapters 26 or 42 of this code shall be allowed for overnight use.~~
- (d) — ~~Overnight use of the cabins at Ewing Park shall be exempt from the calendar year day limits of this section.~~
- (e) — ~~Overnight use of the parks for city sponsored or hosted events, activities, and programs shall be exempt from the requirements of this section.~~

Sec. 74-102. Ice skating.

~~No person shall throw any stone, dirt, stick or other missile or obstruction upon the ice in any park. No person shall engage in tandem skating, games, racing or other activities on the ice except as allowed by the park supervisor.~~

Sec. 74-103. Neighborhood signs and Unauthorized signs.

- (a) — ~~A recognized neighborhood organization established pursuant to city policy shall be permitted to locate one sign recognizing such neighborhood organization within one park (signs are not allowed within cemeteries, sports complexes, golf courses, aquatic facilities, Principal Riverwalk, John and Mary Pappajohn Sculpture Park, Principal Park, and the Robert D. Ray Asian Garden) which is within the boundaries of the neighborhood organization or within a park which is immediately adjacent to such neighborhood association. Such sign shall:~~
- (1) — ~~Not exceed 24 square feet in area; and~~
 - (2) — ~~Be of a design and constructed of such durable materials as specified by the park and recreation director which are consistent with the park and recreation department park signage; and~~
 - (3) — ~~All costs of the sign, its installation and maintenance shall be the responsibility of the neighborhood association; and~~
 - (4) — ~~Conspicuously display the official city logo, six inches by seven inches minimum size, as part of the sign; and~~
 - (5) — ~~Not be installed until a permit has been issued by the park and recreation director; and~~
 - (6) — ~~Donor recognition names, but not logos, may be shown on the rear side of the sign in the lowest one third of such sign; and~~
 - (7) — ~~The following donor names are not permitted: Religious, advocacy or political organizations, brand names of goods or services, names of alcohol, tobacco~~

~~products, firearms, bars, taverns, or other products or services which are not legal for minors, pornographic, lewd or obscene names. Motorized vehicle brand names or dealer names may be permitted.~~

~~If any such sign becomes in a state of disrepair as determined by the park and recreation director or if the sponsoring neighborhood organization ceases to be a recognized neighborhood organization whose boundaries encompass the site of the sign or is immediately adjacent to the park, a 30 day written notice will be given to the sponsoring neighborhood organization to remedy the situation. If the situation is not remedied within the 30 day period, the city may remove the sign. In such event, the sponsoring neighborhood organization shall be responsible for the costs of such removal.~~

~~(b) The park and recreation director shall determine the location of the neighborhood association sign in the park.~~

~~(c) Public art installations shall not include a sign element and must be reviewed by the Greater Des Moines Public Art Foundation and the Park and Recreation Board.~~

~~(d) No person shall post, paste, fasten, paint or affix any placard, bill, notice or sign upon any structure, tree, stone, fence or enclosure along or within any park.~~

~~Sec. 74-104. Moving benches and tables.~~

~~No person shall move benches, seats or tables from their places in any park except on picnic grounds.~~

~~Sec. 74-105. Removal of wood, grass or gravel.~~

~~No person shall cut or remove any wood, turf, grass, soil, rock, sand or gravel from any public park without written permission from the park and recreation board.~~

~~Sec. 74-106. Baseballs.~~

~~No one shall throw, hit or play with a baseball in any city park except in areas clearly designated by a sign posted in a conspicuous place permitting such activity.~~

~~Sec. 74-107. Golf balls.~~

~~No one shall drive, hit or play with a golf ball in any city park except in areas clearly designated by a sign posted in a conspicuous place permitting such activity.~~

~~Sec. 74-108. Power-driven model airplanes.~~

~~No one shall fly, glide or play with a power-driven model airplane in any city park except in areas clearly designated by a sign posted in a conspicuous place permitting such activity.~~

~~Sec. 74-109. Designation of areas for use of baseballs, golf balls and power-driven model airplanes.~~

~~The park and recreation director shall inspect each city park and shall cause a sign to be placed in each area of each park where baseballs, golf balls, or power-driven model airplanes may be used.~~

~~Sec. 74-110. Responsibility of parent or guardian.~~

~~No parent, guardian or custodian of a minor shall allow the minor to do any act prohibited by any of the rules set out by this article.~~

~~Sec. 74-111. Pools and aquatic centers.~~

~~Bathing, swimming and wading in park swimming pools, aquatic centers and wading pools shall be permitted on such days and at such times as are designated in rules and regulations which have been approved as set forth in this chapter and which are posted at each such facility.~~

~~Sec. 74-112. Beaches.~~

- ~~(a) Bathing, swimming and wading in bodies of water other than swimming pools, aquatic centers and wading pools in the parks is permitted only within the marked area adjacent to authorized bathing beaches, except by written permission of the park and recreation director.~~
- ~~(b) Bathing, swimming and wading adjacent to authorized bathing beaches shall be permitted only during the swimming season as established by the park and recreation board. The board may extend or shorten the swimming season or may eliminate or close areas adjacent to such beaches as authorized swimming areas with due regard for weather conditions and public safety.~~
- ~~(c) No person shall change clothes in a park except in a bathhouse or other authorized place designated for such activity.~~
- ~~(d) No person shall swim, dive or enter the water within marked areas adjacent to any bathing beach while wearing or carrying an air or gas tank for the purpose of underwater breathing, in the activity commonly known as skindiving or scuba diving, without special permission from the park and recreation director. No person shall bring into or use in the water adjacent to any such beach artificial floats of any kind or description, unless a float is rented from the city, or any mask, spear, swimming fin or snorkel.~~
- ~~(e) No person shall disregard notices, prohibitions or directions on any beach sign or disobey the lawful order of a lifeguard or public officer.~~
- ~~(f) No person shall act at any bathing beach or in the water in such a manner as to jeopardize the safety and health of that person or others.~~
- ~~(g) Nothing contained in this section shall be construed to prohibit swimming, wading and bathing (i) in the conduct of official duties, or (ii) when fishing or seining for minnows while wearing personal flotation devices at such times and places as may be authorized.~~

Sec. 74-113. Peddling.

No person shall sell or offer for sale, hire or lease anything in any recreation facility or park without a permit from the park and recreation director.

~~Cross reference(s) Peddlers and solicitors, ch. 78.~~

Sec. 74-114. Photographs and cinematic productions.

No person shall take still photographs for a commercial purpose or engage in cinematic production for any commercial purpose in any park, recreation facility or park road, exclusive of the Botanical Center or zoo, without a permit from the park and recreation director. No such permit shall be required of a commercial photographer who has been hired for the occasion to take still photographs or motion pictures of a group or gathering in any such locations.

Sec. 74-115. Multi-Use Recreational Trails.

- (a) ~~**Definition.** Multi use recreational trails are defined pursuant to section 114-1.~~
- (b) ~~**Permitted Uses.** Except as otherwise provided, the following uses are permitted on multi-use recreational trails:

 - (1) ~~persons walking, jogging or running;~~
 - (2) ~~persons utilizing or operating a non-motorized device, such as a bicycle, skateboard, inline skates or wheelchair;~~
 - (3) ~~persons with mobility disabilities using manually operated or power driven wheelchairs and manually powered mobility aids for the purpose of locomotion;~~
 - (4) ~~persons with mobility disabilities using an other power driven mobility device for the purpose of locomotion, as provided in 28 CFR 35;~~
 - (5) ~~official emergency vehicles and authorized maintenance vehicles as necessary to perform the duties of the operator.~~~~
- (c) ~~**Uses Not Permitted.** Except as otherwise provided, the following uses are not permitted on multi-use recreational trails:

 - (1) ~~motorized vehicles, except where the trail utilizes an existing road, street or highway;~~
 - (2) ~~equestrian uses;~~
 - (3) ~~skateboards are not permitted on the portions of trails that utilize an existing road, street or highway.~~~~
- (d) ~~**Hours of Permitted Use.** Multi-use recreational trails shall be open for use by the public for recreation and transportation at all times, except for the following:

 - (1) ~~hours of use of sections of trails may be limited by the park and recreation board;~~
 - (2) ~~sections of trails may be closed temporarily in emergency situations by the park and recreation director.~~~~
- (e) ~~**Official Signs.** Every user of a recreational trail shall observe and obey any and all official signs posted along a recreational trail, including, but not limited to, speed limits, hours of use, stop signs and yield signs.~~

- (f) ~~Reasonable Speed.~~ Each person using the trail shall travel at a speed that is reasonable and prudent under the conditions then existing and shall not travel in such a manner as to constitute a willful or wanton disregard for the safety of persons or property.

Sec. 74-116. Smoking Prohibited.

- (a) ~~A person shall not smoke in or on the following facilities or in or on city owned real estate which is within 25 feet of such facilities' entrances:~~
- (1) ~~The park between 10th and 15th Streets and Grand Avenue and Locust Street a/k/a "Western Gateway Park";~~
 - (2) ~~Aquatic Centers and swimming pools;~~
 - (3) ~~Gray's Lake Beach;~~
 - (4) ~~Wading pools;~~
 - (5) ~~Playgrounds;~~
 - (6) ~~Enclosed shelters;~~
 - (7) ~~Golf course clubhouses;~~
 - (8) ~~Park restrooms;~~
 - (9) ~~James W. Cownie Baseball Park;~~
 - (10) ~~James W. Cownie Soccer Park;~~
 - (11) ~~Community centers;~~
 - (12) ~~Long Look Garden; and~~
 - (13) ~~Westchester Park.~~
- (b) ~~A person shall not smoke in the area in a facility where the following programs for youth under the age of 18 are in progress or on or in city owned real estate which is within 25 feet of such programs:~~
- (1) ~~Park and recreation department sponsored activities;~~
 - (2) ~~Athletic games and athletic practices; and~~
 - (3) ~~Summer programs.~~
- (c) ~~A person shall not smoke in any facility during concerts sponsored by the park and recreation department.~~
- (d) ~~Exceptions, suspensions or modifications to the smoking prohibitions in this section may be made for special events by permit from the park and recreation director.~~
- (e) ~~For purposes of this section "smoke" or "smoking" means to carry or exercise control over a lighted cigar, cigarette, pipe, or other lighted smoking equipment.~~

Sec. 74-117. Sledding at parks and golf courses and ice skating on ponds.

- (a) ~~The city council finds that:~~
- (1) ~~sledding in city parks and in designated areas in municipal golf courses ("sledding"); and~~
 - (2) ~~skating on designated ponds in city parks and on man-made, temporary ice surfaces created by or under the authority of the park and recreation department ("temporary ice rinks") in municipal golf courses ("ice skating"); and~~
 - (3) ~~cross country skiing in designated areas in municipal golf courses and in parks ("cross country skiing")~~

are valuable, family friendly activities and are favored by considerations of social policy. The city council further finds that the park and recreation department budget does not contain sufficient funds to provide for supervision or inspection or grooming of sledding hills in city parks and golf courses, ponds and temporary ice rinks in parks and municipal golf courses for ice skating, and cross country skiing trails in municipal golf courses and parks. As a result of the inability to supervise or groom the sledding hills, skating ponds and temporary ice surfaces and cross country skiing trails, such surfaces are uneven and may contain bumps, dips, ramps, ice, or thinning ice, trees and other hard and fixed objects in close proximity to a sledding or ice skating or skiing area and other dangers associated with numerous people utilizing various devices to proceed rapidly down icy or snowy inclines and enjoying various forms of recreational skating activities and cross-country skiing. As sledding, ice skating and cross-country skiing can be dangerous activities, the city council finds that persons desiring to sled in city parks or golf courses and to skate on ponds in city parks or temporary ice rinks, and to cross-country ski in municipal golf courses and parks have the obligation to inspect the sledding, ice skating, and skiing area conditions prior to using such areas. In balancing the social policies favoring family friendly but potentially dangerous sledding, ice skating and cross-country skiing activities and the economic policies which prevent the city from supervising or inspecting or grooming such surfaces and areas, the city council finds that:

- (1) sledding is allowed in areas and during times designated by the park and recreation director at municipal golf courses designated by the director and at city parks;
 - (2) ice skating is allowed at temporary ice rinks designated by the park and recreation director at municipal golf courses designated by the director during times designated by the director and at ponds within parks designated by the director during times designated by the director;
 - (3) cross-country skiing is allowed at municipal golf courses designated by the park and recreation director, except on tees and greens, during the times designated by the director and at city parks.
- (b) Winter recreational activities, including skating, sledding, ice fishing, and skiing, are not permitted in or on the water or ice of Gray's Lake.

~~Secs. 74-118-74-140. Reserved.~~

ARTICLE V. PRINCIPAL PARK STADIUM

Sec. 74-141. Maintenance as public property.

~~Principal Park Stadium shall be known, operated and maintained as public property and shall not be included within the park and playground area of the city.~~

Sec. 74-142. Operation of historic facility.

~~The park and recreation board shall have the right to operate a special historic facility known as Fort Des Moines No. 2 on the Principal Park Stadium site.~~

~~Sec. 74-143. Jurisdiction.~~

~~The use, operation, control, maintenance, terms and conditions upon which Principal Park Stadium shall be used are declared within the jurisdiction of the park and recreation board with the approval of the city manager and city council.~~

~~Sec. 74-144. Use declared public benefit.~~

~~It is declared that the property designated as "Principal Park Stadium" shall not be needed for the immediate use of the city, and it is further declared that the use, operation, control and maintenance of the stadium and the improvement thereof from gifts and donations or otherwise shall be deemed for the public benefit.~~

~~Sec. 74-145. Authority for leases.~~

~~The mayor is authorized to sign on behalf of the city and the city clerk is authorized to attest such signature on any lease, rental or grant of use of the Principal Park Stadium or part thereof, when approved by a vote of the city council.~~

~~Sec. 74-146. Reversion after termination of lease.~~

~~At the termination of any lease having a fixed term of more than one year or any extension thereof for more than a year at Principal Park Stadium, the property as improved shall revert to the control of the park and recreation board for park and playground purposes, when so ordered by the city council.~~

~~Sec. 74-147. Accounts of lessee.~~

- ~~(a) — A lessee of Principal Park Stadium or any part thereof shall maintain such financial accounts and records as are customary in the business. If the lessee is in default under the terms of the lease with the city, the lessee shall make such accounts and records available to the city upon request at any reasonable time which does not interfere with lessee's operations.~~
- ~~(b) — If a lease provides for a financial consideration consisting of a percentage of the gross or net profits or receipts of any part of the business operation of the lessee, such as the gate, concessions or other operation, the lessee shall make such accounts and records available to the city upon request at any reasonable time which does not interfere with the lessee's operations.~~

~~Sec. 74-148. Indemnity to city.~~

~~Any lease or sublease of the premises at Principal Park Stadium shall contain a provision saving the city harmless from liability to the public growing out of or connected with the use, occupancy, operation and control of the stadium. No lease shall be assigned without the written consent of the city duly approved by the city council.~~

~~Sec. 74-149. Professional baseball season.~~

~~The professional baseball season shall include the training season, the playing season and championship or post-season games in the league in which the city is a member.~~

~~Sees. 74-150-74-173. Reserved.~~

ARTICLE VI. FEES

~~Sec. 74-174. Repealed by Ord. No. 14,217.~~

~~Sec. 74-175. Tennis courts.~~

~~Fees for rental with reservations: tennis facilities with more than one court --\$5.00 per hour. All reservations subject to approval of recreation manager.~~

~~Sec. 74-176. Ball diamonds and soccer fields.~~

~~(a) Scope. Fees for use of city ball diamonds and soccer fields shall be as provided in this section.~~

~~(b) Ball diamonds. Fees for use of ball diamonds for private use at Carney and Cownie Baseball Parks, Chesterfield Park, Savage Softball Park, and Greater Des Moines Softball Park, shall be as follows:~~

~~(1) Tournament Field Rental -- \$100.00 per field per day at Greater Des Moines Softball Park in calendar year 2015, \$110.00 in 2017, and \$120.00 in 2019, and \$75.00 per field per day at Carney Softball Park in calendar year 2015, \$85.00 in 2017 and \$95.00 in 2019. Tournament fee includes lining and chalking every three games.~~

~~(2) Tournament Field Rental after 5:00 p.m. --\$35.00 per field per day.~~

~~(3) Tournament fees include lining and chalking every three games.~~

~~(4) Rental for Games and Practices (Leagues):~~

Non Profit	For-Profit
\$17.00 in calendar year 2015	\$20.00 in calendar year 2015
\$19.00 in calendar year 2016	\$25.00 in calendar year 2016
\$20.00 in calendar year 2017	\$30.00 in calendar year 2017.

~~Rental for Games and Practices (Leagues) at Chesterfield and Ashfield: \$12.00 per hour.~~

~~(5) Youth baseball tournament at Cownie Baseball Park and Carney Baseball Park --\$45.00 per game.~~

~~(c) Soccer park field. Rental fees for the soccer park shall be as follows:~~

~~(1) Tournament (per field per day/minimum of four fields):~~

Calendar Year	2014	2015/2016	2017/2018	2019/2020	2021
Per Field Charge	\$120.00	\$125.00	\$130.00	\$135.00	\$140.00

~~(2) League (per match) --\$100.00~~

- ~~(3) Competitive tournament \$ 25.00/team~~
- ~~(4) Lights (per match) \$ 30.00~~
- ~~(5) Per team/per tournament parking fees:~~

Calendar Year	2014	2015/2016	2017/2018	2019/2020	2021
3 on 3 Teams	\$40.00	\$45.00	\$50.00	\$55.00	\$60.00
10 years and under	\$75.00	\$80.00	\$85.00	\$90.00	\$95.00
11/12 year olds	\$140.00	\$145.00	\$150.00	\$155.00	\$160.00
13 years old and older	\$165.00	\$170.00	\$175.00	\$180.00	\$185.00

Sec. 74-177. Bike and Related Equipment Rental fees.

Bike and Related Equipment Rental Fees. Fees for use of bicycles and related equipment are as follows:

Hybrids and Mountain Bikes (with helmet)*

- \$10.00 per hour
- \$20.00 per ½ day (5 hours)
- \$30.00 full day (24 hours)
- \$80.00 per week (7 days)

- *\$5.00 off youth 12 and under
- *15% off groups of 15 or more

Road Bikes (with helmet)*

- \$10.00 per hour
- \$20.00 per ½ day (5 hours)
- \$40.00 full day (24 hours)
- \$110.00 per week (7 days)

- *\$5.00 off youth 12 and under
- *15% off groups of 15 or more

Equipment

- Trailer bikes and carriers:
 - \$6.00 per hour
 - \$20.00 ½ day (5 hours)
 - \$30.00 full day (24 hours)

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 or the city manager:

<i>No. of Persons Attending</i>	<i>Charge Per Day</i>
Less than 500	\$ 25.00
500 - 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.

<i>Item</i>	<i>Fee</i>	<i>Date Due</i>
Facility Use Outdoor rooms	\$1,500/half day (6 hours)	
Facility Use Outdoor rooms	\$3,000/day (during park hours)	
Facility Use lawn areas	\$500/day (during park hours)	
Chess Garden	\$250/day (during park hours)	
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 2 Hour Minimum</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:		
—— Small meeting room	\$ 20.00	\$ 35.00
—— Multipurpose room	\$ 35.00	\$ 60.00
—— Gymnasium	\$ 35.00	\$ 65.00
Upper floor east and west wings Pioneer Columbus	\$35.00	\$ 55.00
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. 74-181. Golf courses.

(a) ~~Definitions.~~ The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

—— Weekdays are Monday through Friday and weekends/holidays after 12:00 p.m.

—— Weekends are Saturday, Sunday and holidays before 12:00 p.m.

—— Twilight is from 3:00 p.m. until sunset on Friday and 4:00 p.m. until sunset on Saturday and Sunday and as otherwise designated during non-peak periods by the park and recreation director.

(b) ~~Green fees.~~ Greens fees for golf courses shall be as follows:

—— (1) ~~Daily green fees:~~ ——

	9 Holes Weekday	9 Holes with Cart Weekday per person	9 Hole Cart per person	3rd 9 Holes	4th 9 Holes	9 Holes Weekend Morning	9 Holes Weekend Morning with Cart per person
Bright-Grandview	\$13.00	\$23.00	\$11.00	\$12.00	\$12.00	\$12.00	\$27.00
Blank	\$16.00	\$26.00	\$12.00	\$14.00	\$14.00	\$17.00	\$28.00
Waveland	\$20.00	\$28.00	\$12.00	\$16.00	\$16.00	\$20.00	\$31.00
	18 Holes Weekday	18 Holes with Cart Weekday per person	18 Holes Cart per person	18 Holes Weekend Morning	18 Holes Weekend Morning with Cart per person	Twilight Golf Walking	Twilight Golf With Cart per person
Bright-Grandview	\$18.00	\$30.00	\$14.00	\$22.00	\$36.00	\$14.00	\$25.00
Blank	\$23.00	\$34.00	\$15.00	\$29.00	\$42.00	\$14.00	\$26.00
Waveland	\$26.00	\$36.00	\$15.00	\$32.00	\$46.00	\$18.00	\$30.00

- (2) ~~Youth mentor rates. For youth (under 18) playing with a paying adult, Monday through Friday and after noon on Saturday and Sunday. No charge for the youth. Does not include badges.~~
- (3) ~~Green Fees - Military. Active military personnel with a valid ID fees for golf shall be as follows (cart not included):~~

	9 Holes Weekday	18 Holes Weekday	9 Holes Weekend	18 Holes Weekend	Twilight- Sat/Sun 4:00 - Sunset
Bright-Grandview	\$10.00	\$13.00	\$17.00	\$23.00	\$ 9.00
Blank	\$12.00	\$17.00	\$19.00	\$30.00	\$10.50
Waveland	\$14.00	\$20.00	\$22.00	\$33.00	\$12.00

- (4) ~~Green Fees - Senior. For seniors (62 years and older) fees for golf on any day or time, except for Twilight, shall be as follows:~~

	9 Holes	9 Holes With Cart	18 Holes	18 Holes With Cart
Bright-Grandview	\$10.00		\$17.00	
Blank	\$15.00	\$26.00	\$20.00	\$31.00
Waveland	\$16.00	\$28.00	\$21.00	\$36.00

- (e) ~~Season badges. Badges are valid for play Monday through Friday and weekends and holidays after 12:00 p.m. and rounds beginning before 12:00 noon on Fridays. Fees for golf badges shall be as follows:~~

Daily	18 Holes Weekdays	9 Holes Weekdays	18 Holes Weekends	9 Holes Weekends	Cart 18	Cart 9
Waveland	\$24.00	\$18.00	\$32.00	\$20.00	\$15.00	\$12.00
Blank	\$21.00	\$15.00	\$29.00	\$17.00	\$15.00	\$12.00
Grandview	\$16.00	\$12.00	\$22.00	\$16.00	\$14.00	\$11.00

Type	5-Day Weekday Pass Mon.—Fri.	7-Day Golf Pass	7-Day Golf Pass With a Cart	5-Day Senior Weekday Pass Mon.—Fri.	7-Day Senior Golf Pass	5-Day Couple Pass	5-Day Senior Couple Pass	Jr. Badge (17 and Under)
Waveland Blank Grandview w Jester	\$900.00	\$1,300.00 0	\$2,225.00 0	\$650.00	\$950.00 0	\$1,175.00 0	\$825.00 0	\$275.00 0

(d) ~~Private golf carts registered by an individual with a city of Des Moines municipal golf course before May 1, 1996 with the same registrant as the operator are permitted. Such registrations may not be transferred to another individual. No new private golf cart registrations are accepted after April 30, 1996. The fee for use of private golf carts shall be one of the following:~~

- ~~(1) Registration fee \$200.00, plus a Daily Trail fee, per course, per cart \$8.00; or~~
- ~~(2) Season cart badge \$600.00.~~

(e) ~~Miniature golf course fees shall be as follows:~~

Child (age 4 and under)	Free
Child (age 5 through 12)	\$ 5.00
Adult (age 13 and older)	\$ 7.00
Groups of 10 or more	\$ 5.00

(f) ~~High school team golf course fees involving at least one Des Moines high school team shall be as follows:~~

- ~~Practices (Des Moines high schools only) (start time 2:30 p.m. 4:00 p.m.) \$1.00/person~~
- ~~Dual meets (start time 2:30 p.m. 4:00 p.m.) \$1.00/person~~
- ~~Tournament (more than two teams, start time 2:30 p.m. 4:00 p.m.) \$10.00/person~~
- ~~Tournament (more than two teams, start time before 2:30 p.m.) \$70.00/team~~
- ~~Schedules must be submitted to golf course management by August 1st each year~~
- ~~Events scheduled are subject to change of date/time at the discretion of golf course management up to one week prior to the event~~

~~Free golf cart use may be offered to officials/coaches at the discretion of golf course management.~~

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

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

~~(1) *Sylvan Theater*~~

- ~~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~~

~~(2) *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~~

~~(3) *Enclosed Shelters.* Unless otherwise specified, each rental session is for an eleven hour block. No rentals on Thanksgiving day and Christmas day.~~

- ~~a. *Enclosed Shelters (Greenwood, Pioneer, MacRae and Union):* \$80.00 per session Monday-Thursday and \$100.00 per session on Friday, Saturday, Sunday and holidays per session.~~
- ~~b. *Grandview Enclosed:* \$160.00 Monday through Thursday per session and \$200.00 Friday, Saturday, Sunday and holidays per session.~~
- ~~c. *Ding Darling Enclosed:* \$200.00 per session Monday-Thursday and \$240.00 per session on Friday, Saturday, Sunday and holidays per session.~~
- ~~d. *Martin Luther King Jr. Shelter* - \$35.00 per hour (two hour minimum requirement) \$20 for each hour thereafter~~
- ~~e. *Open air shelters* with the exception of shelters with a capacity of over 100 people (reserved for only one group per day): \$40.00~~
 - ~~1. Shelters with capacity of over 100 people may be reserved in two time blocks (10:00 a.m. - 3:00 p.m. and 4:00 p.m. - 9:00 p.m.) per day: \$60 per session.~~
 - ~~2. Rental rates for all shelters double on holidays.~~

~~(4) *Stewart Square Park and Stage.* Each rental session is for a nine hour block (reserved for only one group per day): \$30.00~~

~~(5) *Gray's Lake Park.*~~

- ~~a. Overlook Terrace Rental - \$200.00 per 3 hour block~~
- ~~b. Designated open space rental - \$250.00 per half day (6 hours)~~
- ~~c. Boat rentals - \$5.00 per one half hour~~

~~(6) *Trail Event Use Fees.* - \$250.00 per event with 100 or more participants for events/activities collecting donations or charging an entrance fee.~~

~~(7) *Cabins.* Overnight at Ewing Scout Camp per night - \$40.00~~

~~(8) *Community garden plot:* \$25 per plot (beginning January 1, 2014).~~

~~(9) *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~~
- ~~(10) Wading pool rental: \$25.00 per hour (minimum three hours)~~
- ~~(11) Robert D. Ray Asian Garden: \$500.00 per 4 hour block, \$100 for each additional hour.~~
- ~~(12) Park field permit: \$1.00 per hour per field effective January 15, 2014, \$2.00 per hour per field effective January 1, 2015, \$3.00 per hour per field effective January 1, 2016, \$4.00 per hour per field effective January 1, 2017, \$5.00 per hour per field effective January 1, 2018 (park and recreation director has no authority to waive).~~
- ~~(13) Disc golf tournament: \$100.00 for recreational tournaments.~~

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, Teahout Aquatic Centers and Ashworth and Birdland Pools admissions*:~~
- ~~a. Children (under 3 years) Free~~
- ~~b. Youth (3 through 20 years) \$2.00~~
- ~~c. 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:~~

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

- ~~(3) Pool rental (private use). All rentals are usually after hours, exceptions may be made by approval of the park and recreation director:~~

Number of People	Hourly Rate
1-50	\$110.00
51-100	\$160.00
101-150	\$210.00

151-200	\$260.00
201-250	\$310.00
251-300	\$360.00

(4) ~~Pool rental (athletic programs and swim meets):~~

a.	Athletic Programs Hourly Rental	
	1-50 Swimmers	\$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 \$505.00~~
 - ~~2. Single access \$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 \$40.00~~
- ~~d. Replacement moorage decal \$5.00~~

Sec. 74-184. Brenton Skating Plaza fees.

(a) Fees for use of the Brenton Skating Plaza ice rink shall be as follows:

(1) ~~[Brenton Skating Plaza ice rink fees:]~~

Fee	Fall 2017	Fall 2018	Fall 2019
Adult	\$8.00	\$8.50	\$9.00
Child (6-12)/Senior (62+)	\$5.00	\$5.25	\$5.50
Children Under 5	Free	Free	Free
Skate Rental	\$4.50	\$4.75	\$5.00
Punch Pass - 10 Admissions and Skate Rentals	\$80.00	\$80.00	\$80.00

*A holiday pricing increase of \$1.00 on admission would be effective:

- ~~• Thanksgiving Day through Sunday~~
- ~~• Winter break (aligned with the Des Moines Public Schools calendar)~~
- ~~• Martin Luther King Jr. Day~~

(2) ~~Ice rink rental:~~

- ~~a. Private rental \$250.00/hour~~
- ~~b. Private rental (non-profit) \$200.00/hour~~

(b) Fees for use of the Brenton Skating Plaza during the non-skating season are as follows:

	Mon-Thurs	Fri & Sun	Saturday
IF ADMISSION IS NOT CHARGED*			
4 hour block base rate	\$500	\$650	\$650
Each additional hour	\$115	\$130	\$130
Daily maximum rate	\$950	\$1,200	\$1,200
IF ADMISSION FEE IS CHARGED*			
Half-day rental rate	\$650	\$850	\$1,000
Each additional hour	\$130	\$150	\$175
Daily maximum rate	\$1,200	\$1,700	\$2,000

*A 15 percent discount off all rates applies for non-profit organizations.

*A ten percent same-season repeat rental discount applies off all rates.

*Discounts can be combined.

*A ten percent vending fee applies for all third-party catering sales.

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

(a) *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 \$550.00
Plus, for each additional hour \$100.00

(2) *Fee Based Event.*

a. Per four hour session \$800.00
Plus, for each additional hour \$175.00

Sec. 74-185.1. Repealed by Ord. No. 14,931.

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:*

Indoor (4 Hour Session)	M-F before 5 p.m. Restricted Area*	M-F 6 pm-12 am Restricted Area*	Weekend/Holiday Restricted Area*	Entire Building Add
Base Fee	\$150.00	\$200.00	\$250.00	\$150.00

*Unless the additional fee for rental of the entire building is paid, renters will only have the use of a restricted area while the concessionaire and public continue to access the remainder of the facility.

Outdoor Areas (4-Hour Session)	Weekdays 2014-2015	Weekdays 2016	Weekends 2014-2015	Weekends 2016
Hub Spot Plaza	\$250.00	\$300.00	\$300.00	\$400.00

Hub Spot River Plaza	\$250.00	\$300.00	\$300.00	\$400.00
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- (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.~~

~~Sec. 74-187. Set program fees and authority to make temporary fee adjustments. —~~

~~Recreation program fees, administrative fees for processing refunds, and customer requested program schedule changes that are not related to admissions or rental charges established in this section shall be set by the park and recreation director taking into consideration market conditions and direct expenses related to said program offerings. Fees as determined in sections 74-176 through 74-186, and section 34-69 of this code may be changed at the discretion of the park and recreation director for engaging in special projects, programs or promotions that justify such change, including reduced fees to provide access to park and recreation programs and facilities to low income residents, organizations solely or primarily devoted to serving low income individuals, or not for profit agencies. The park and recreation director shall report annually in January to the park and recreation board and city manager on changed fees for the preceding year's activities which were approved by the director.~~

~~Secs. 74-188 — 74-200. Reserved.~~

**~~ARTICLE VII. GARDENS AND PLANTS ON
CITY OWNED RIGHT OF WAY AND CITY PROPERTY~~**

~~Sec. 74-201. Garden leases.~~

- (a) ~~Persons or entities desiring to plant or place flowers, plants, or shrubs in a permanent structure on any city right of way or city real property shall execute a garden lease which identifies all areas of the proposed planting or placement, and shall abide by the terms of such lease, including insurance and indemnification responsibilities, if any, established by the city risk manager. Persons or entities executing a garden lease shall be exempt from the permit requirements of section 102-660 of this code.~~
- (b) ~~The garden lease shall be denied if such plantings or placement is likely to create a public danger or nuisance or would be harmful to existing trees, shrubs, flowers, plants or facilities, as determined by the City Engineer.~~
- (c) ~~For purposes of this article, City right of way means the surface and space above and below any public street, boulevard or sidewalk, but does not include the border area as defined in Sec. 102-1 of this code and governed by Sec. 102-2 of this code. (4) — Persons or entities desiring to maintain City property that abuts their property or is located on neighboring property shall execute a lease which shall set forth the duties associated with the use of the property.~~

~~Sec. 74-202. Administration.~~

~~—The park and recreation director shall be responsible for the administration of the garden leases. The director of the park and recreation department, or his or her designee, is authorized to execute garden leases on city right of way and other city real property on behalf of the city and may delegate any or all of his or her duties under this article.~~

~~Secs. 74-203—74-209. Reserved~~

~~ARTICLE VIII. MOBILE FOOD VENDERS IN DESIGNATED PARKS~~

~~Sec. 74-210. Mobile Food Venders and Transient Merchants.~~

~~This article is being adopted as a pilot project for a limited duration, after which the city council will determine whether to repeal this article or to make changes to this article, as appropriate.~~

- ~~(a) — Mobile venders operating mobile vender vehicles, as defined in article V of chapter 78 of this code, and transient merchants, as defined in article III of chapter 78 of this code, may be located or operated only in the following parks:
 - ~~(1) — Greenwood Park.~~
 - ~~(2) — Ashworth Park.~~
 - ~~(3) — Union Park.~~
 - ~~(4) — Grandview Park.~~
 - ~~(5) — Ewing Park.~~
 - ~~(6) — MacRae Park.~~~~
- ~~(b) — Mobile vender vehicles and transient merchant push carts, structures, and vehicles may only be located in a parking space designated by a sign for mobile food venders within the paved parking lot or park road. Use of such designated parking spaces are on a first-come first-serve basis each day. No other parking space or parking on unpaved areas within the parks may be used for mobile vender vehicles or transient merchant push carts, structures, or vehicles. Mobile venders and transient merchants are not allowed to place any items within the park, other than the mobile vender vehicle, such as tables or chairs.~~
- ~~(c) — Mobile vender vehicles and transient merchant push carts, structures, and vehicles are only allowed in the above designated parks during the days of the year when permanent restrooms are open to the public in such parks and only during hours when the park is open to the public.~~
- ~~(d) — Every mobile food vender operating or locating a mobile vender vehicle within the designated parks must have a current mobile vender license issued in compliance with article V of chapter 78 of this code and operate in compliance with all license and article V of chapter 78 requirements. Every transient merchant operating or locating a push cart, structure, or vehicle within the designated parks must have a current transient merchant license issued in compliance with article III of chapter 78 of this code and operate in compliance with all license and article III of chapter 78 requirements.~~

- (e) ~~Every mobile food vender and transient merchant operating or locating a mobile vender vehicle within the above designated parks must have a mobile food vender or transient permit issued by the park and recreation director. An application for such permit must be made by submitting an application on a form provided by the department at least three business days prior to use. The application must include a copy of the applicant's mobile vender or transient merchant license issued by the city clerk and payment of the application fee of \$200 for an annual permit or \$25 per day for a one day permit. Annual permits shall be in effect for one year, or portion thereof, from April 1 through October 31 of each year and are in effect only during the time periods when the requirements of subsection (d) above are met. The park and recreation director may designate dates within the permit period during which mobile vendors are prohibited from operating within the designated parks.~~
- (f) ~~The permit must be displayed within the mobile vender vehicle or on the transient merchant push carts, structures, and vehicles in a manner such that it is readily visible to all persons seeking to conduct business with the mobile vender.~~
- (g) ~~Upon complaint or a reasonable suspicion that a permittee or the permittee's employees or agents has furnished any false information in its application or has violated or failed to comply with any of the requirements of this article or chapter 78 of this code, or any other provisions of this code, the suspension or revocation provisions in section 78-93 or 78-211 of this code, as applicable, shall apply, with the park and recreation director or director's designee in substitution for the city clerk or city clerk's designee.~~
- (h) ~~Section 74-178 does not apply to mobile vendors or transient merchants.~~
- (i) ~~Notwithstanding subsection 74-210(a) above, pushcarts as defined in Section 78-61 of this code may be located or operated at The Hub Spot pursuant to a concession agreement approved by the city council and at any city park during a city sponsored event pursuant to a temporary concession permit issued by the director. The requirements of subsection 74-210(b), (c), (d), (e), (f) and (g) above shall not apply to such pushcart operation.~~
- (j) ~~Notwithstanding subsection 74-210(a) above, up to two mobile vender vehicles or transient merchant push carts, structures, or vehicles licensed under article III or V of chapter 78 may be located in Birdland Marina within the concession area pursuant to a concession agreement approved by the city council.~~

ARTICLE I. IN GENERAL

Secs. 74-1--74-25. Reserved.

ARTICLE II. PARKS AND RECREATION BOARD*

*Cross reference(s)--Boards, commissions, committees and agencies, § 2-1046 et seq.

Sec. 74-26. Duties generally.

- (a) The city parks and recreation board shall:

- (1) Advise on the planning, coordination and execution of the city's parks and recreation programs and facilities by the parks and recreation director and his or her staff.
 - (2) Advise and make appropriate recommendations to the city council on subsection (a)(1) of this section.
 - (3) Approve and advise on the necessary rules and regulations for the equipping, maintenance, conduct, supervision and control of the city parks, community recreation centers and recreational facilities.
 - (4) Advise the city's parks and recreation director in the preparation of the annual budget.
- (b) All such rules and regulations adopted by the city parks and recreation board in the performance of the duties in subsection (a) of this section shall be reported to the city council and shall be effective when approved by the city council.

Sec. 74-27. Advisory committees.

The parks and recreation board may create and appoint members to committees to perform certain duties and advise the board on various park and recreation issues. Members of such committees may include residents and nonresidents of the city.

Sec. 74-28. Appointment, composition and terms.

- (a) The parks and recreation board shall consist of fifteen members. Each councilmember may recommend candidates for appointment to two positions on the board. The Des Moines Independent School District board of education may recommend one of its members for appointment to the board, subject to approval by the city council.
- (b) Each member of the board shall be appointed for a term of four years, with no more than four members' terms expiring each year.
- (c) The parks and recreation board is the successor to the city parks board.

Sec. 74-29. Liaison with board of education.

The parks and recreation department shall cooperate where possible with the board of education in providing for the joint operation and maintenance of all school grounds and school structures under the jurisdiction of the board of education when used as city playgrounds and recreation centers.

Secs. 74-30--74-55. Reserved.

ARTICLE III. PARKS AND RECREATION DEPARTMENT*

*Cross reference(s)--Departments, § 2-536 et seq.

Sec. 74-56. Supervision by director.

The parks and recreation director shall supervise the parks and recreation department.

Sec. 74-57. Appointment of director.

The city manager shall appoint the parks and recreation director.

Sec. 74-58. Duties of director generally.

The parks and recreation director shall be responsible in the parks and recreation department for the following:

- (1) The maintenance and repair of city parks, including park properties, structures and specialized facilities, golf courses, recreational trails, leased and assigned areas, tennis courts, swimming pools and aquatic centers, boat ramps and marinas, riverfronts, and stadia.
- (2) The management, care, and maintenance of city cemeteries.
- (3) The management of recreation activities sponsored and/or conducted under the aegis of the department, to include but not be limited to year-round activities and centers, sports, athletics, arts; programs for senior citizens and persons with disabilities; and informational services to the general public.
- (4) The management of staff and material support necessary to operate the department. This shall include landscape and horticultural services, the city nursery, clerical support, professional staff services, and material supplies.
- (5) Liaison with the parks and recreation board in the preparation of budgets; the expenditure of funds; the coordination, planning and execution of the department's programs, activities, facilities, and ordinances; provide the necessary support services to the board for the conduct of its monthly meetings and year-round administrative requirements.
- (6) Other duties and functions as may be assigned by this Code and other city ordinances or by the city manager.

Secs. 74-59--74-90. Reserved.

ARTICLE IV. FACILITIES

Sec. 74-91. Public meetings and organized uses and permits issued by the parks and recreation director.

Public meetings, religious, political or otherwise, including picnic parties and entertainment for charitable or religious purposes, may be held in any city park upon first obtaining permission from the parks and recreation director or his or her designee. Such assemblages shall be conducted in a lawful and orderly manner, shall be under the supervision of the parks and recreation department supervising staff and shall occupy such ground as may be reserved for them. Permits shall be obtained from the parks and recreation director for use of parks and

facilities by organized groups and individuals for all such purposes, including athletic and sporting activities.

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 or pursuant to a concession agreement and either:
 - (1) Approval of the parks and recreation board; or
 - (2) Such use, possession or consumption is in an enclosed park shelter; or
 - (3) Such use, possession or consumption is within the Clare and Miles Mills Rose Garden or the Lilac Arboretum; or
 - (4) 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
 - (5) Such use, possession or consumption is within the Robert D. Ray Asian Garden; or
 - (6) 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 Park. Such use, possession, or consumption is allowed on fields at James W. Cownie Soccer Park, Savage Softball Complex, and Greater Des Moines Softball Park in use for adult events when other fields are in use for youth events; or
 - (7) 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"; or
 - (8) Within Riverview Park and in conjunction with the Prairie Meadows Stage.
- (b) The permit must be obtained from the parks and recreation director or his or her designee.
- (c) Use, possession or consumption of beer, wine or alcoholic liquor is allowed pursuant to a concession agreement covering:
 - (1) Gray's Lake Park Christine Hensley Terrace and Terrace building and designated outdoor areas; or
 - (2) Birdland Marina service building and designated outdoor areas.
- (d) In addition to the above requirements, a state liquor control license and approval of the parks and recreation board is required in order to use, possess or consume keg beer or alcoholic liquor, except that parks and recreation board approval is not required for use, possession or consumption within "Western Gateway Park," Birdland Marina and Christine Hensley Terrace and Terrace building and designated outdoor areas.
- (e) No person shall be intoxicated or simulate intoxication in a city park.

Cross reference(s)--Alcoholic beverages, ch. 10.

Sec. 74-93. Destruction of plant or animal life.

- (a) No person, except persons authorized, shall in any manner deface, disturb injure or remove any tree, shrub, turf, or plant standing or growing in any city park or recreation facility or pick or destroy any flowers or seeds growing therein. No person, except persons authorized, shall remove or attempt to remove, disturb, injure, or kill any wild or captive animal in any city park or recreation facility.
- (b) No person shall cut or remove any wood, turf, grass, soil, rock, sand or gravel from any city park without written a permit from the parks and recreation director.

Cross reference(s)--Animals, ch. 18; vegetation, ch. 122.

Sec. 74-94. Fires.

No person shall kindle, build, maintain, or in any way light a fire in any city park, except in fireplaces provided or in self-supporting barbecue grills or stoves in places designated as picnic areas, or by permit from the parks and recreation director after a determination that such fire creates no hazards to the park or to persons in the immediate vicinity. No fire shall be built within ten feet of any tree or building or beneath the branches of any tree or in any underbrush, unless such fire is enclosed within a stove, oven, or fireplace provided on the premises by the city for use in picnic cooking. Any fire shall be continuously under the care and control of a competent person, from the time it is kindled until it is extinguished.

Cross reference(s)--Fire prevention and protection, ch. 46.

Sec. 74-95. Firearms, weapons, fireworks and explosives.

- (a) No person shall use firearms or other weapons within any city park, community recreation center or recreational facility unless permitted under section 70-86 of this Code. No person shall carry firearms or weapons within any city park, community recreation center or recreational facility except pursuant to a valid permit to carry weapons.
- (b) No person shall use or possess explosives or fireworks as defined in article VI of chapter 46 of this Code and novelties as defined in American Pyrotechnics Association Standard 87-1, Chapter 3, in any city park, community recreation center or recreational facility.

Cross reference(s)--Fire prevention and protection, ch. 46.

Sec. 74-96. Glass containers and waste material.

- (a) No person shall bring into, use or possess in any park a bottle, jar, drinking cup or other container made of glass, except by approval of the parks and recreation director by permit for a special event or when a liquor control license has been obtained.
- (b) No person shall litter the ground with any form of waste material. All waste material shall be deposited in receptacles provided for that purpose. Park waste receptacles shall not be used for dumping trash or rubbish introduced in that form to the park.

Cross reference(s)--Solid waste, ch. 98.

Sec. 74-97. Lakes and ponds.

No person shall throw or place any foreign or waste substance in any lake, pond or swimming beach in any public park. Boats are not permitted in lakes and ponds, with the exception of Gray's Lake, without the permission of the parks and recreation director. No person shall fish from or dangle any object from the Gray's Lake watercraft rental dock, the Gray's Lake swimming beach, or the Gray's Lake pedestrian bridges or any pedestrian bridges in any city parks.

Cross reference(s)--Waterways, ch. 130.

Sec. 74-98. Posted notices.

No person shall enter upon any land owned or leased to the city and under the jurisdiction of the parks and recreation department and conduct activities thereon in disregard of signs or posted notices forbidding those activities.

Sec. 74-99. Dogs.

No dog shall be allowed to run at large in any city park or multi-use recreational trail or other hard or soft surface trail. Any dog shall be deemed to be found running at large, unless the owner carries such dog or leads such dog by a chain, strap or rope not exceeding six feet in length or keeps any such dog confined in an automobile in compliance with section 18-55 of this Code. However, a service dog, except for a vicious dog, as defined in section 18-41 of this Code, and accompanying such person shall not be deemed to be running at large, even though restraints as described in this section are not used. Such person shall keep the service dog under control and shall be liable for any damage done to the premises or facilities by the dog. No dog in a designated off leash area in any public park shall be deemed at large if such dog and owner or person given charge of the dog are in compliance with section 18-55(a)(6) of this Code. Vicious dogs must be on a leash while in such designated off leash area in compliance with section 18-56 of this Code.

Cross reference(s)--Dogs generally, § 18-41 et seq.

Sec. 74-100. Park facility hours.

The hours of operation for all public parks, community recreation centers, aquatic centers, pools, wading pools, splash pools and spray grounds, and city recreational facilities, except for the Botanical Center, Zoo, Principal Park, Riverview Park Prairie Meadows Stage and Brenton Skating Plaza and support pavilion, shall be established by the Des Moines parks and recreation board by vote at one board meeting. The parks and recreation director shall thereafter have authority to adjust such hours, for a period of one season, unless otherwise directed by the Des Moines parks and recreation board. The hours of the Brenton Skating Plaza and support pavilion

shall be established by the parks and recreation director. 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 recreation center or recreational facility during the periods of time set by this section unless special permission shall have been given by the parks 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.
- (b) No person shall remain in or on any city park, inclusive of municipal golf courses, and Waveland tennis courts, from 10:00 p.m. until 6:00 a.m. during Central 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) Riverview Park Prairie Meadows Stage.
 - (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) Western Gateway Park and John and Mary Pappajohn Sculpture Park. 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 10:00 p.m. from April 1-October 31.
 - (8) Principal Riverwalk (excluding trails and trail heads): These facilities may remain open until 2:00 a.m.
 - (9) Multi-use recreational trails shall be open at all times.
 - (10) James W. Cownie Soccer Park, James W. Cownie Baseball Park, Greater Des Moines Softball Park, Savage Softball Complex and Carney Softball Complex. These facilities may be open until 12:00 a.m.

Sec. 74-101 Overnight use of parks by special permit.

- (a) Purpose. The city's parks and park facilities were not designed for unlimited overnight use. The unlimited use of city parks after hours of operation, such as for camping or storage of personal property, interferes with the rights of others to use the parks for the recreational, leisure and environmental purposes for which they were intended. The purpose of this section is to allow the city's parks to be maintained in a clean and accessible condition and to protect the health, safety and welfare of the city and its residents, while recognizing that infrequent overnight use, subject to reasonable conditions, can be beneficial to the recreational, cultural or educational needs of the community.
- (b) For purpose of this section, overnight use shall mean remaining in or being in a park during hours when the park is not open for operation. Overnight use does not include storage of equipment, vehicles, or buildings or structures as defined in chapter 134 of this Code, which:

- (1) is intended for use and is used during the hours of operation of the park; and
- (2) is not intended or used for sleeping or residing; and
- (3) does not remain in the park for more than fourteen (14) consecutive days.
- (c) The parks and recreation director, after consultation with the parks and recreation board, shall adopt a policy designating the city parks and areas within such parks in which overnight use shall be permitted and providing reasonable conditions on such use, including camping. Overnight use shall be allowed only by permit issued by the director. No more than ten (10) days of overnight use per calendar year per park shall be allowed. No person shall be permitted overnight use of a city park for more than three (3) days per calendar year per park, unless permitted by the city manager for a compelling recreational, cultural or educational need of the community. Commercially manufactured tents designed for no more than eight (8) persons may be permitted with overnight use of a park, although no other buildings or structures as defined in chapter 134 of this Code or which are regulated by chapters 26 or 42 of this Code shall be allowed for overnight use.
- (d) Overnight use of the cabins at Ewing Park shall be exempt from the calendar year day limits of this section.
- (e) Overnight use of the parks for city sponsored or hosted events, activities, and programs shall be exempt from the requirements of this section.
- (f) Moorage at the Birdland Marina pursuant to a rental agreement shall be exempt from the requirements of this section.

Sec. 74-102. Signage in parks and land and facilities managed by the parks and recreation department.

Only signs which are city signs, or sponsorship or donor signage authorized by an agreement with the city, are permitted in city parks and land and facilities managed by the parks and recreation department. Such signs shall be deemed to be city signs and are under the control of the parks and recreation department. Temporary signage in connection with an event during the time of the event may be permitted by the director of parks and recreation.

Sec. 74-103. Baseballs.

No one shall throw, hit or play with a baseball in any city park except in areas clearly designated as baseball fields.

Sec. 74-104. Golf balls.

No one shall drive, hit or play with a golf ball in any city park.

Sec. 74-105. Power-driven model airplanes.

No one shall fly, glide or play with a power-driven model airplane in any city park except in areas clearly designated by a sign posted in a conspicuous place permitting such activity.

Sec. 74-106. Responsibility of parent or guardian.

No parent, guardian or custodian of a minor shall knowingly allow the minor to do any act prohibited by any park rules or by this article.

Sec. 74-107. Beaches.

- (a) Swimming and wading in bodies of water in the parks is permitted only within the marked area adjacent to designated swimming beaches, except by written permission of the parks and recreation director.
- (b) Swimming and wading adjacent to authorized swimming beaches shall be permitted only during the swimming season as established by the parks and recreation board . The director may extend or shorten the swimming season or may eliminate or close areas adjacent to such beaches as authorized swimming areas with due regard for weather conditions and public safety.
- (c) No person shall change clothes in a park except in a restroom or other authorized place designated for such activity.
- (d) No person shall swim, dive or enter the water within marked areas adjacent to any swimming beach while wearing or carrying an air or gas tank for the purpose of underwater breathing, in the activity commonly known as scindiving or scuba diving, without special permission from the parks and recreation director.
- (e) No person shall disregard notices, prohibitions or directions on any beach sign or disobey the lawful order of any public officer or parks and recreation department staff.
- (f) No person shall act at any swimming beach or in the water in such a manner as to jeopardize the safety and health of that person or others.
- (g) Nothing contained in this section shall be construed to prohibit swimming or wading (i) in the conduct of official duties, or (ii) when fishing or seining for minnows at such times and places as may be authorized.

Sec. 74-108. Peddling.

No person shall sell or offer for sale, hire or lease anything in any recreation facility or park without a permit from the parks and recreation director.

Sec. 74-109. Photographs and cinematic productions.

No person shall take still photographs or shoot video, including by use of a drone, for a commercial purpose in any park, recreation facility or park road, exclusive of the Botanical Garden, Principal Park, or Zoo, without a permit from the parks and recreation director. No such permit shall be required of a commercial photographer or videographer who has been hired to take still photographs or video of an individual, a group or gathering in any such locations for non-commercial use by such individual, group or gathering.

Sec. 74-110. Multi-Use Recreational Trails.

- (a) **Definition.** Multi-use recreational trails are defined pursuant to section 114-1 of this Code and exclude a bicycle lane on right-of-way.
- (b) **Permitted Uses.** Except as otherwise provided, the following uses are permitted on multi-use recreational trails:
 - (1) persons walking, jogging or running;
 - (2) persons utilizing or operating a non-motorized device, such as a bicycle, including electronic bicycles as defined in 114-677, skateboard, inline skates, scooters, segways or wheelchair;
 - (3) persons with mobility disabilities using manually operated or power-driven wheelchairs and manually powered mobility aids for the purpose of locomotion;
 - (4) persons with mobility disabilities using an other power-driven mobility device for the purpose of locomotion, as provided in 28 CFR 35;
 - (5) official emergency vehicles and authorized maintenance vehicles as necessary to perform the duties of the operator.
- (c) **Uses Not Permitted.** Except as otherwise provided, the following uses are not permitted on multi-use recreational trails:
 - (1) motorized vehicles, except where the trail utilizes an existing road, street or highway;
 - (2) equestrian uses;
 - (3) skateboards are not permitted on the portions of trails that utilize an existing road, street or highway.
- (d) **Hours of Permitted Use.** Multi-use recreational trails shall be open for use by the public for recreation and transportation at all times, except for the following:
 - (1) hours of use of sections of trails may be limited by the parks and recreation director;
 - (2) sections of trails may be closed temporarily in emergency situations by the parks and recreation director.
- (e) **Official Signs.** Every user of a recreational trail shall observe and obey any and all official signs posted along a recreational trail, including, but not limited to, speed limits, hours of use, stop signs, yield signs and trail closure.
- (f) **Reasonable Speed.** Each person using the trail shall travel at a speed that is reasonable and prudent under the conditions then existing and shall not travel in such a manner as to constitute a willful or wanton disregard for the safety of persons or property.

Sec. 74-111. Smoking Prohibited.

- (a) No person shall smoke upon the premises of any city park or recreation facility property, including sports facilities, golf courses, trails and community recreation centers.
- (b) No person shall smoke within 25 feet of the entrance to any city park or recreation facility property. For purposes of this section "smoke" or "smoking" means to carry or exercise control over a lighted cigar, cigarette, pipe, or other lighted smoking equipment.
- (c) No person shall use tobacco of any kind upon the premises of any city or recreation facility property, including sports facilities, golf courses, trails and community recreation centers. "Tobacco" means any product made or derived from tobacco that is intended for

human use, including both cigarettes and tobacco products as both are defined in Iowa Code Section 453A.1, and also including any kind of vapor product as defined in Iowa Code Section 453A.1 or any kind of electronic smoking device. "Electronic smoking devices" means any device that can be used to deliver an aerosolized solution that may or may not contain nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, e-hookah, or other simulated smoking device. Nicotine products approved by the United States Food and Drug Administration for tobacco cessation shall be allowed in or on park property.

(d) This section does not apply to the Botanical Garden, Zoo or Principal Park.

Sec. 74-112. Sledding, ice skating and cross-country skiing at parks and golf courses.

(a) The city council finds that:

- (1) sledding in city parks and in designated areas in municipal golf courses ("sledding"); and
- (2) skating on designated ponds in city parks and on man-made, temporary ice surfaces created by or under the authority of the parks and recreation department ("temporary ice rinks") in municipal golf courses or city parks ("ice skating"); and
- (3) cross-country skiing in designated areas in municipal golf courses and in parks ("cross-country skiing")

are valuable, family friendly activities and are favored by considerations of social policy. The city council further finds that the parks and recreation department budget does not contain sufficient funds to provide for supervision or inspection or grooming of sledding hills in city parks and golf courses, ponds and temporary ice rinks in parks and municipal golf courses for ice skating, and cross-country skiing trails in municipal golf courses and parks. As a result of the inability to supervise or groom the sledding hills, skating ponds and temporary ice surfaces and cross-country skiing trails, such surfaces are uneven and may contain bumps, dips, ramps, ice, or thinning ice, trees and other hard and fixed objects in close proximity to a sledding or ice skating or skiing area and other dangers associated with numerous people utilizing various devices to proceed rapidly down icy or snowy inclines and enjoying various forms of recreational skating activities and cross-country skiing. As sledding, ice skating and cross-country skiing can be dangerous activities, the city council finds that persons desiring to sled in city parks or golf courses and to skate on ponds in city parks or temporary ice rinks, and to cross-country ski in municipal golf courses and parks have the obligation to inspect the sledding, ice skating, and skiing area conditions prior to using such areas. In balancing the social policies favoring family friendly but potentially dangerous sledding, ice skating and cross-country skiing activities and the economic policies which prevent the city from supervising or inspecting or grooming such surfaces and areas, the city council finds that:

- (1) sledding is allowed in areas and during times designated by the parks and recreation director at municipal golf courses or parks designated by the director;
- (2) ice skating is allowed at temporary ice rinks designated by the parks and recreation director at municipal golf courses designated by the director during times designated by the director and at ponds within parks designated by the director during times designated by the director;

- (3) cross-country skiing is allowed at municipal golf courses designated by the park and recreation director, except on tees and greens, during the times designated by the director and at city parks.
- (b) Winter recreational activities, including skating, sledding, ice fishing, and skiing, are not permitted in or on the water or ice of Gray's Lake.

Secs. 74-113--74-174. Reserved.

ARTICLE V. FEES

Sec. 74-175. Tennis courts.

Fees for rental with reservations: tennis facilities with more than one court - \$5.00 per hour per court. All reservations subject to approval of recreation manager.

Sec. 74-176. Ball diamonds and soccer fields.

- (a) Scope. Fees for use of city ball diamonds and soccer fields shall be as provided in this section.
- (b) Ball diamonds. Fees for use of ball diamonds for private use at Carney Softball Park and Cownie Baseball Parks, Savage Softball Complex, and Greater Des Moines Softball Park, shall be as follows:
 - (1) Tournament Field Rental - \$120.00 per field per day at Greater Des Moines Softball Park, and \$95.00 per field per day at Carney Softball Park and Savage Softball Complex.
 - (2) Tournament fees include lining and chalking every three games or after two games if field rental is for four games or less. Chalking fields between each game – an additional \$25.00.
 - (3) Rental for Games and Practices (Leagues):

Non-Profit	For-Profit
\$20.00	\$30.00
 - (4) Rental for Games and Practices (Leagues) at Ashfield: \$12.00 per hour.
 - (4) Youth baseball tournament at Cownie Baseball Park, Carney Baseball Park and Greater Des Moines Softball Park - \$45.00 per game.
- (c) James W. Cownie Soccer park field. Rental fees for the soccer park shall be as follows:
 - (1) Tournament (per field per day/minimum of four fields):

Calendar Year	2014	2015/2016	2017/2018	2019/2020	2021
Per Field Charge	\$120.00	\$125.00	\$130.00	\$135.00	\$140.00

- (2) League (per match) \$100.00
- (3) Competitive tournament \$40.00/team in calendar years 2019-2020
\$45.00/team in calendar year 2021
- (4) Lights (per match) \$ 30.00
- (5) Per team/per tournament parking fees:

<u>Calendar Year</u>	<u>2014</u>	<u>2015/2016</u>	<u>2017/2018</u>	<u>2019/2020</u>	<u>2021</u>
3 on 3 Teams	\$40.00	\$45.00	\$50.00	\$55.00	\$60.00
10 years and under	\$75.00	\$80.00	\$85.00	\$90.00	\$95.00
11/12 year olds	\$140.00	\$145.00	\$150.00	\$155.00	\$160.00
13 years old and older	\$165.00	\$170.00	\$175.00	\$180.00	\$185.00

Sec. 74-177. Bike and Related Equipment Rental.

Bike and Related Equipment Rental Fees. Fees for use of bicycles and related equipment are as follows:

Hybrids and Mountain Bikes (with helmet)*

\$10.00 per hour
\$20.00 per ½ day (5 hours)
\$30.00 full day (24 hours)
\$80.00 per week (7 days)

*\$5.00 off youth 12 and under
*15% off groups of 15 or more

Road Bikes (with helmet)*

\$10.00 per hour
\$20.00 per ½ day (5 hours)
\$40.00 full day (24 hours)
\$110.00 per week (7 days)

*\$5.00 off youth 12 and under
*15% off groups of 15 or more

Equipment

Trailer bikes and carriers:
\$6.00 per hour
\$20.00 ½ day (5 hours)
\$30.00 full day (24 hours)

Sec. 74-178. Temporary concession.

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 parks and recreation director or the city manager:

<u>No. of Persons Attending</u>	<u>Charge Per Day Per Vendor</u>
<u>Less than 5,000</u>	<u>\$100.00</u>
<u>5,000 and more</u>	<u>\$300.00</u>

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.

<i>Item</i>	<i>Fee</i>	<i>Date Due</i>
Facility Use Outdoor rooms	\$1,500/half day (6 hours)	
Facility Use Outdoor rooms	\$3,000/day (during park hours)	
Facility Use lawn areas	\$500/day (during park hours)	
Chess Garden	\$250/day (during park hours)	
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	Contractor Cost	Billed to event
Sodding if required	Contractor Cost	Billed to event
Repair of Damage	Actual cost of replacement	Billed to event

Sec. 74-180. Community recreation center building rentals.

Community recreation center building rental fees shall be as follows:

	<i>Per Hour Regular Operating Hours (2 Hour Minimum)</i>	<i>Holidays and Non Operating Hours (2 Hour Minimum)</i>
<u>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</u>	<u>No charge</u>	<u>No charge</u>
<u>Private use and public admissions where no fee or admission is charged and nothing is sold:</u>		
<u>Small meeting room</u>	<u>\$ 20.00</u>	<u>\$ 35.00</u>
<u>Multipurpose room</u>	<u>\$ 35.00</u>	<u>\$ 60.00</u>
<u>Gymnasium</u>	<u>\$ 35.00</u>	<u>\$ 60.00</u>
<u>Upper floor – east and west wings – Pioneer Columbus</u>	<u>\$35.00</u>	<u>\$ 60.00</u>
<u>City-managed community recreation centers- adults 19-59 years:</u>		

	Per person per entry	\$ 1.00
	Monthly Pass	\$ 12.00
	Annual Pass	\$100.00
City-managed community recreation centers- ages under 19 and over 59	Free	Free

Sec. 74-181. Golf courses.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Weekdays are Monday through Friday and weekends/holidays after 12:00 p.m.

Weekends are Saturday, Sunday and holidays before 12:00 p.m.

Twilight is from 3:00 p.m. until sunset on Friday and 4:00 p.m. until sunset on Saturday and Sunday and as otherwise designated during non-peak periods by the parks and recreation director.

(b) Green fees. Greens fees for golf courses shall be as follows:

(1) Daily green fees:

	<u>9 Holes Weekday</u>	<u>9 Holes with Cart Weekday per person</u>	<u>9 Hole Cart per person</u>	<u>3rd 9 Holes</u>	<u>4th 9 Holes</u>	<u>9 Holes Weekend Morning</u>	<u>9 Holes Weekend Morning with Cart per person</u>
Bright-Grandview	\$13.00	\$23.00	\$11.00	\$12.00	\$12.00	\$12.00	\$27.00
Blank	\$16.00	\$26.00	\$12.00	\$14.00	\$14.00	\$17.00	\$28.00
Waveland	\$20.00	\$28.00	\$12.00	\$16.00	\$16.00	\$20.00	\$31.00
	<u>18 Holes Weekday</u>	<u>18 Holes with Cart Weekday per person</u>	<u>18 Holes Cart per person</u>	<u>18 Holes Weekend Morning</u>	<u>18 Holes Weekend Morning with Cart per person</u>	<u>Twilight Golf Walking</u>	<u>Twilight Golf With Cart per person</u>
Bright-Grandview	\$18.00	\$30.00	\$14.00	\$22.00	\$36.00	\$14.00	\$25.00
Blank	\$23.00	\$34.00	\$15.00	\$29.00	\$42.00	\$14.00	\$26.00
Waveland	\$26.00	\$36.00	\$15.00	\$32.00	\$46.00	\$18.00	\$30.00

(2) Youth mentor rates. For youth (under 18) playing with a paying adult, Monday through Friday and after noon on Saturday and Sunday. No charge for the youth. Does not include badges.

(3) Green Fees - Military. Active military personnel with a valid ID fees for golf shall be as follows (cart not included):

	<u>9 Holes Weekday</u>	<u>18 Holes Weekday</u>	<u>9 Holes Weekend</u>	<u>18 Holes Weekend</u>	<u>Twilight- Sat/Sun 4:00 -Sunset</u>
Bright-Grandview	\$10.00	\$13.00	\$17.00	\$23.00	\$ 9.00
Blank	\$12.00	\$17.00	\$19.00	\$30.00	\$10.50
Waveland	\$14.00	\$20.00	\$22.00	\$33.00	\$12.00

(4) Green Fees – Senior. For seniors (62 years and older) fees for golf on any day or time, except for Twilight, shall be as follows:

	<u>9 Holes</u>	<u>9 Holes With Cart</u>	<u>18 Holes</u>	<u>18 Holes With Cart</u>
Bright-Grandview	\$10.00		\$17.00	
Blank	\$15.00	\$26.00	\$20.00	\$31.00
Waveland	\$16.00	\$28.00	\$21.00	\$36.00

(c) Season badges. Badges are valid for play Monday through Friday and weekends and holidays after 12:00 p.m. and rounds beginning before 12:00 noon on Fridays. Fees for golf badges shall be as follows:

<u>Daily</u>	<u>18 Holes Weekdays</u>	<u>9 Holes Weekdays</u>	<u>18 Holes Weekends</u>	<u>9 Holes Weekends</u>	<u>Cart 18</u>	<u>Cart 9</u>
Waveland	\$24.00	\$18.00	\$32.00	\$20.00	\$15.00	\$12.00
Blank	\$21.00	\$15.00	\$29.00	\$17.00	\$15.00	\$12.00
Grandview	\$16.00	\$12.00	\$22.00	\$16.00	\$14.00	\$11.00

<u>Type</u>	<u>5 Day Weekday Pass Mon. – Fri.</u>	<u>7 Day Golf Pass</u>	<u>7 Day Golf Pass With a Cart</u>	<u>5 Day Senior Weekday Pass Mon. – Fri.</u>	<u>7 Day Senior Golf Pass</u>	<u>5 Day Couple Pass</u>	<u>5 Day Senior Couple Pass</u>	<u>Jr. Badge (17 and Under)</u>
Waveland Blank Grandview Jester	\$900.00	\$1,300.00	\$2,225.00	\$650.00	\$950.00	\$1,175.00	\$825.00	\$275.00

(d) Private golf carts registered by an individual with a city of Des Moines municipal golf course before May 1, 1996 with the same registrant as the operator are permitted. Such registrations may not be transferred to another individual. No new private golf cart registrations are accepted after April 30, 1996. The fee for use of private golf carts shall be one of the following:

- (1) Registration fee - \$200.00, plus a Daily Trail fee, per course, per cart - \$8.00; or
- (2) Season cart badge - \$600.00.

(e) Miniature golf course fees shall be as follows:

Child (age 4 and under)	Free
Child (age 5 through 12)	\$ 5.00
Adult (age 13 and older)	\$ 7.00
Groups of 10 or more	\$ 5.00

(f) High school team golf course fees involving at least one Des Moines high school team shall be as follows:

Practices (Des Moines high schools only) (start time 2:30 p.m.-4:00 p.m.) \$1.00/person

Dual meets (start time 2:30 p.m.-4:00 p.m.) \$1.00/person

Tournament (more than two teams, start time 2:30 p.m.-4:00 p.m.) \$10.00/person

Tournament (more than two teams, start time before 2:30 p.m.) \$70.00/team

Schedules must be submitted to golf course management by August 1st each year

Events scheduled are subject to change of date/time at the discretion of golf course management up to one week prior to the event

Free golf cart use may be offered to officials/coaches at the discretion of golf course management.

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

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

(1) *Sylvan Theater*

a. Fee Based Event - \$750.00 for 1/2 day (6:00 a.m. - 1:00 p.m. or 2:00 – 10:00 p.m.)

b. Weddings/Private Parties - \$350.00 first two hours (minimum) - \$150.00 each additional hour

(2) *Garden reservation fee.* For one-hour session, must specify garden area:

a. Clare and Miles Mills Rose Garden:

\$350.00 first two hours (minimum)

\$150.00 each additional hour

b. Union Formal Garden: \$15.00

c. Lilac Arboretum Plaza: \$20.00 per hour with three hour minimum

(3) *Shelters.* Unless otherwise specified, each rental session is for an eleven hour block. No rentals on Thanksgiving Day, Christmas Eve, Christmas Day and New Year's Eve.

a. *Enclosed Shelters:*

1. *Pioneer Park Enclosed Shelter:* \$80.00 per session Monday-Thursdays and \$100.00 per session Friday, Saturday and Sunday.

2. *MacRae Park Enclosed Shelter:* \$80.00 per session Monday – Thursday and \$100.00 per session Friday, Saturday and Sunday.

3. *W.C. Walker Enclosed Shelter, MacRae Park:* \$160.00 per session Monday – Thursday and \$200.00 per session Friday, Saturday and Sunday.

4. *Richie Enclosed Shelter, Union Park:* \$80.00 per session Monday – Thursday and \$100.00 per session Friday, Saturday and Sunday.

5. Swanson Enclosed Shelter, Union Park: \$80.00 per session Monday – Thursday and \$100.00 per session Friday, Saturday and Sunday.
 6. Jay Spence Enclosed Shelter: \$160.00 per session Monday – Thursday and \$200.00 per session Friday, Saturday and Sunday.
 7. Bob Mahaffey Enclosed Shelter, Grandview Park: \$160.00 per session Monday – Thursday and \$200.00 per session Friday, Saturday and Sunday.
 8. Columbus Park Enclosed Shelter: \$160.00 per session Monday – Thursday and \$250.00 per session Friday, Saturday and Sunday.
 9. Ding Darling Enclosed Shelter, Birdland Park: \$160.00 per session Monday – Thursday and \$300.00 per session Friday, Saturday and Sunday.
 10. Martin Luther King Jr Enclosed Shelter: \$65.00 per hour (two hour minimum requirement), \$40.00 per hour for each hour thereafter.
- b. Open air shelters, with the exception of shelters with a capacity of over 100 people (reserved for only one group per day):- \$50.00. Shelters with capacity of over 100 people may be reserved in two time blocks (10:00 a.m. – 3:00 p.m. and 4:00 p.m. – 9:00 p.m.) per day: \$75.00 per session or \$140.00 for eleven hour block.
- (4) Stewart Square Park and Stage. Each rental session is for an eleven hour block (reserved for only one group per day): \$50.00
 - (5) Gray's Lake Park.
 - a. Christine Hensley Terrace Rental - \$200.00 per three hour block
 - b. Designated open space rental - \$250.00 per half day (six hours)
 - c. Canoe/Hydro Bikes/Paddle Boat rental - \$8.00 per half hour and \$15.00 per hour
 - d. Sail boat rental - \$25.00 per half hour
 - (6) Trail Event Use Fees. – \$1.00 per participant.
 - (7) Cabins. Overnight at Ewing Scout Camp per night - \$40.00
 - (8) Community garden plot: \$25 per plot (beginning January 1, 2014).
 - (9) Miscellaneous:
 - a. Equipment rental:
 1. Snowshoes - \$5.00 per day or \$10.00 for weekend (Friday noon until noon on Monday)
 2. Late fee for each day late - \$5.00
 - b. Additional trash cans and picnic tables - \$10.00 per item
 - c. Cleaning fee - \$40.00 per hour, with a two hour minimum
 - d. Cancellation/transfer/administrative fee - \$10.00 for activities and rentals up to \$100.00, \$30.00 for activities and rentals over \$100.00
 - (10) Wading pool rental: \$35.00 per hour (minimum two hours)
 - (11) Robert D. Ray Asian Garden: \$500.00 per 4 hour block, \$100 for each additional hour.
 - (12) Park field permit: \$6.00 per hour per field effective January 1, 2019, \$7.00 per hour per field effective January 1, 2020, \$8.00 per hour per field effective January

1, 2021, \$9.00 per hour per field effective January 1, 2022, \$10.00 per hour per field effective January 1, 2023 (parks and recreation director has no authority to waive).

(13) *Disc golf tournament*: \$100.00 for recreational tournaments.

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 Aquatic Centers and Ashworth and Birdland Pools admissions**:

- a. Children (under 3 years) - Free
- b. Youth (3 through 20 years) - \$2.00
- c. 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*:

		<i>Early Bird Rate</i>	<i>Price</i>
a.	Single	\$40.00	\$45.00
	First two people in family or shared residence	\$75.00	\$80.00
	3rd and 4th family member	Additional \$25.00 each	Additional \$30.00 each
	Additional family members after 4	Additional \$10.00 each	Additional \$5.00 each
	Replacement tags	\$7.00	\$7.00
b.	Youth agency:		
	1 day a week child		\$20.00
	2 day a week child		\$30.00
	3 day a week child		\$40.00
	4 day a week child		\$50.00
	5 day a week child		\$60.00
c.	Replacement tags	\$5.00	\$5.00

(3) *Pool rental (private use)*. All rentals are usually after hours, exceptions may be made by approval of the parks and recreation director:

Number of People	Hourly Rate
1-50	\$110.00
51-100	\$160.00
101-150	\$210.00
151-200	\$260.00
201-250	\$310.00
251-300	\$360.00

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

a.	Athletic Programs Hourly Rental	
	1-50 Swimmers	\$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 - \$550.00
 2. Single access - \$500.00
- b. Monthly, single access only - \$165.00
- c. Weekend rate, in after 12:00 noon on Friday, out by 6:00 p.m. Sunday - \$40.00
- d. Replacement moorage decal - \$5.00

Sec. 74-184. Brenton Skating Plaza.

(a) Fees for use of the Brenton Skating Plaza ice rink shall be as follows:

(1) [Brenton Skating Plaza ice rink fees:]

Fee	Fall 2017	Fall 2018	Fall 2019
Adult	\$8.00	\$8.50	\$9.00
Child (6-12)/Senior (62+)	\$5.00	\$5.25	\$5.50
Children Under 5	Free	Free	Free
Skate Rental	\$4.50	\$4.75	\$5.00
Punch Pass – 10 Admissions and Skate Rentals	\$80.00	\$80.00	\$80.00

*A holiday pricing increase of \$1.00 on admission would be effective:

- Thanksgiving Day through Sunday
- Winter break (aligned with the Des Moines Public Schools calendar)
- Martin Luther King Jr. Day

(2) Ice rink rental:

- a. Private rental \$250.00/hour
- b. Private rental (non-profit) \$200.00/hour

(b) Fees for use of the Brenton Skating Plaza during the non-skating season are as follows:

	Mon-Thurs	Fri & Sun	Saturday
IF ADMISSION IS NOT CHARGED*			
4-hour block base rate	\$500	\$650	\$650

Each additional hour	\$115	\$130	\$130
Daily maximum rate	\$950	\$1,200	\$1,200
IF ADMISSION FEE IS CHARGED*			
Half-day rental rate	\$650	\$850	\$1,000
Each additional hour	\$130	\$150	\$175
Daily maximum rate	\$1,200	\$1,700	\$2,000

*A 15 percent discount off all rates applies for non-profit organizations.

*A ten percent same-season repeat rental discount applies off all rates.

* Discounts can be combined.

*A ten percent vending fee applies for all third-party catering sales.

Sec. 74-185. Simon Estes Riverfront Amphitheater.

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

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

a. Per eight-hour session - \$1,000.00
Plus, for each additional hour - \$100.00

(2) Fee Based Event.

a. Per eight-hour session - \$1,500
Plus, for each additional hour - \$175.00

Sec. 74-186. Principal Riverwalk.

(a) Long Look Garden: \$200.00 – four hour time block, \$100.00 for each additional hour, weekends only.

(b) Hub Spot Plaza, Hub Spot River Plaza, Hub Spot building:

<u>Indoor (4-Hour Session)</u>	<u>M-F before 5 p.m. Restricted Area*</u>	<u>M-F 6 pm-12 am Restricted Area*</u>	<u>Weekend/Holiday Restricted Area*</u>	<u>Entire Building</u>
Base Fee	\$150.00	\$200.00	\$250.00	Add \$150.00

*Unless the additional fee for rental of the entire building is paid, renters will only have the use of a restricted area while the concessionaire and public continue to access the remainder of the facility.

<u>Outdoor Areas (4-Hour Session)</u>	<u>Weekdays 2014-2015</u>	<u>Weekdays 2016</u>	<u>Weekends 2014-2015</u>	<u>Weekends 2016</u>
Hub Spot Plaza	\$250.00	\$300.00	\$300.00	\$400.00
Hub Spot River Plaza	\$250.00	\$300.00	\$300.00	\$400.00

(c) Union Pacific Railroad bridge: \$50.00 – 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.

(e) Iowa Women of Achievement Bridge: \$50.00 – four hour block.

Sec. 74-187. Riverview Park.

Stage rental. Rental fees for use of the Prairie Meadows Stage shall be as follows:

(1) Free public event and private parties (weddings): Per day - \$2,000.00.

(2) Fee based event: Per day - \$4,000.00.

Sec. 74-188. Miscellaneous.

Commercial photography or video permits issued per Section 74-114: Per day - \$10.00.

Sec. 74-189. Set program fees and authority to make temporary fee adjustments.

Recreation program fees, administrative fees for processing refunds, and customer requested program schedule changes that are not related to admissions or rental charges established in this section shall be set by the parks and recreation director taking into consideration market conditions and direct expenses related to said program offerings. Fees as determined in sections 74-176 through 74-188, and section 34-69 of this Code may be changed at the discretion of the parks and recreation director for engaging in special projects, programs or promotions that justify such change, including reduced fees to provide access to parks and recreation programs and facilities to low income residents, organizations solely or primarily devoted to serving low income individuals, or not-for-profit agencies. The parks and recreation director shall report annually in January to the parks and recreation board and city manager on changed fees for the preceding year's activities which were approved by the director.

Secs. 74-190--74-209. Reserved.

ARTICLE VIII. MOBILE FOOD VENDERS IN DESIGNATED PARKS

Sec. 74-210. Mobile Food Vendors and Transient Merchants.

This article is being adopted as a pilot project for a limited duration, after which the city council will determine whether to repeal this article or to make changes to this article, as appropriate.

(a) Mobile vendors operating mobile vender vehicles, as defined in article V of chapter 78 of this Code, and transient merchants, as defined in article III of chapter 78 of this Code, may be located or operated only in the following parks:

(1) Greenwood Park.

(2) Ashworth Park.

(3) Union Park.

(4) Grandview Park.

(5) Ewing Park.

(6) MacRae Park.

(7) Simon Estes Amphitheater – Plaza area

- (b) Mobile vender vehicles and transient merchant push carts, structures, and vehicles may only be located in a parking space designated by a sign for mobile food vendors within the paved parking lot or park road. Use of such designated parking spaces are on a first-come first-serve basis each day. No other parking space or parking on unpaved areas within the parks may be used for mobile vender vehicles or transient merchant push carts, structures, or vehicles. Mobile vendors and transient merchants are not allowed to place any items within the park, other than the mobile vender vehicle, such as tables or chairs.
- (c) Mobile vender vehicles and transient merchant push carts, structures, and vehicles are only allowed in the above-designated parks during the days of the year when permanent restrooms are open to the public in such parks and only during hours when the park is open to the public.
- (d) Every mobile food vender operating or locating a mobile vender vehicle within the designated parks must have a current mobile vender license issued in compliance with article V of chapter 78 of this Code and operate in compliance with all license and article V of chapter 78 requirements. Every transient merchant operating or locating a push cart, structure, or vehicle within the designated parks must have a current transient merchant license issued in compliance with article III of chapter 78 of this Code and operate in compliance with all license and article III of chapter 78 requirements.
- (e) Every mobile food vender and transient merchant operating or locating a mobile vender vehicle within the above designated parks must have a mobile food vender or transient permit issued by the parks and recreation director. An application for such permit must be made by submitting an application on a form provided by the department at least three business days prior to use. The application must include a copy of the applicant's mobile vender or transient merchant license issued by the city clerk and payment of the application fee of \$200 for an annual permit or \$25 per day for a one-day permit. Annual permits shall be in effect for one year, or portion thereof, from April 1 through October 31 of each year and are in effect only during the time periods when the requirements of subsection (d) above are met. The parks and recreation director may designate dates within the permit period during which mobile vendors are prohibited from operating within the designated parks.
- (f) The permit must be displayed within the mobile vender vehicle or on the transient merchant push carts, structures, and vehicles in a manner such that it is readily visible to all persons seeking to conduct business with the mobile vender.
- (g) Upon complaint or a reasonable suspicion that a permittee or the permittee's employees or agents has furnished any false information in its application or has violated or failed to comply with any of the requirements of this article or chapter 78 of this Code, or any other provisions of this Code, the suspension or revocation provisions in section 78-73 or 78-211 of this Code, as applicable, shall apply, with the parks and recreation director or director's designee in substitution for the city clerk or city clerk's designee.
- (h) Section 74-178 does not apply to mobile vendors or transient merchants.
- (i) Notwithstanding subsection 74-210(a) above, pushcarts as defined in Section 78-61 of this Code may be located or operated at The Hub Spot pursuant to a

concession agreement approved by the city council and at any city park during a city sponsored event pursuant to a temporary concession permit issued by the director. The requirements of subsection 74-210(b), (c), (d), (e), (f) and (g) above shall not apply to such pushcart operation.

- (j) Notwithstanding subsection 74-210(a) above, up to two mobile vender vehicles or transient merchant push carts, structures, or vehicles licensed under article III or V of chapter 78 may be located in Birdland Marina within the concession area pursuant to a concession agreement approved by the city council.

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
Ann DiDonato
Assistant City Attorney