



Roll Call Number

Agenda Item Number

54

Date August 5, 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",

which was considered and voted upon under Roll Call No. 19- 1138 of July 15, 2019; again presented.

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

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor


CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

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COUNCIL COMMUNICATION			
	Number:	19-325	Meeting: July 15, 2019
	Agenda Item:	57	Roll Call: [19-1138]
	Submitted by:	Benjamin R. Page, Park and Recreation Director	

AGENDA HEADING:

Recommend approval of proposed amendments of Municipal Code Chapter 74 regarding various changes to clarify intent of ordinance, tobacco use in parks, fees for use of facilities and programs, alcohol use, park facility hours and other various changes.

SYNOPSIS:

Recommend approval of changes to Municipal Code Chapter 74, including but not limited to:

- Elimination of tobacco use in all City parks and facilities
- Expansion of hours where City parks and facilities are open to the public
- Areas where alcohol is allowed in City parks and facilities
- Change of fees for the following facilities:
 - Enclosed shelter house facilities
 - Community Recreation Centers
- Addition of new fees for the following items:
 - Commercial photography permit fee
 - Creation of annual pass for Community Recreation Centers

FISCAL IMPACT:

Amount: It is estimated that the proposed fee changes will have minimal impacts to the revenue received by the City.

ADDITIONAL INFORMATION:

- At the June 25, 2019 Parks and Recreation Board meeting, the board unanimously approved all of the following proposed changes.
- Chapter 74 of the Des Moines Municipal Code is dedicated to the organization and management of the City parks and recreation facilities and outlines the role of the Parks and Recreation Board, the authority of the Parks and Recreation Director, operation of City parks and recreation facilities and the fees for use of facilities and programs.
- In addition to Chapter 74, parks and recreation facility elements can be found in Chapter 34, Cemeteries and Chapter 130, Waterways, but the proposed changes covered by this action are limited to Chapter 74.

- All changes to the City of Des Moines Municipal Code must be approved by the Des Moines City Council.
- The proposed changes to Chapter 74 represent the first review of the entire ordinance since the adoption of LiveDSM, the Parks and Recreation Comprehensive Plan in December of 2018. The result of this ordinance review are many proposed changes to the ordinance to help further the goals that were adopted as part of LiveDSM. These goals include:
 1. Equity – Deliver equitable services and facilities
 2. Attraction – Support year-round programming that attracts people to parks
 3. Heart – Make parks and trails are the heart of the community
 4. Nature – Improve natural systems
 5. Innovation – Launch new approaches to parks and recreation
- Staff also met with the City's Equity Coordinator to better understand what proposed changes to the ordinance might have on disadvantaged populations in the City and, if some disadvantaged populations are impacted by a change, what can be done to alleviate that impact. Staff believes that the proposed changes to the ordinance will not have a negative impact to disadvantaged populations and that the proposed changes in many cases remove existing barriers to access.

Proposed Ordinance Changes

The following summary describes the proposed major changes to the ordinance along with all of the proposed changes to the fees for use of facilities and programs. The Parks and Recreation Board should use this document as a guide to the changes, but still read in detail the proposed marked up copy of Chapter 74 changes for all of the proposed changes.

Ordinance Clarity and Intent

Many of the proposed changes to Chapter 74 are to eliminate sections that are outdated and no longer needed or to clarify the role of the Parks and Recreation Board, the authority of the Parks and Recreation Director and operation of the Parks and Recreation Department. Major changes include:

- Park and Recreation Board – Currently written as Park and Recreation Board throughout the ordinance. Recommended to be changed to Parks and Recreation Board.
- Park and Recreation Director – Currently written as Park and Recreation Director throughout the ordinance. Recommended to be changed to Parks and Recreation Director
- Principal Park – Staff recommends the removal of Article V. Principal Park Stadium from Chapter 74 because the operations and maintenance of the stadium are covered under an agreement with the Iowa Cubs. The Legal Department advises that there is no legal need to include these sections in Chapter 74.
- Organization of the Department – The following sections are proposed to be eliminated from the ordinance because they no longer describe how the department is organized and are not needed:
 - Sec. 74-59. Divisions Enumerated
 - Sec. 74-61. Horticulture Division
 - Sec. 74-62. Park Division
 - Sec. 74-63. Cemetery Division
 - Sec. 74-64. Recreation Division

- Approval of the Aquatics Schedule – Currently the ordinance reads that the Parks and Recreation Board needs to approve the aquatics schedule at two (2) Board meetings. It will be changed to approval one (1) time. The aquatics schedule will still be brought to the Board for consideration two (2) times per year, but will be receive and file the first time and approval the second time instead of approval both times.
- Mobile Food Venders in Designated Parks – Add Simon Estes Amphitheater – plaza area to the list of approved locations for mobile food venders in parks.

Alcohol Use, Sec 74-92.

Currently alcohol use is allowed at some enclosed shelters and not others. To be consistent, staff is recommending alcohol be allowed at all enclosed shelters. Staff is also recommending revisions regarding the use of alcohol at Gray's Lake Park to be consistent with needs of the upcoming proposed concessionaire agreement to operate the concession stand at the Christine Hensley Terrace at the southwest corner of the park.

The following is the proposed language regarding alcohol use in parks and recreation facilities:

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, Savage Softball Complex, or Greater Des Moines Softball Park. Such use, possession, or consumption is allowed on fields at James W. Cownie Soccer Park, Greater Des Moines Softball Park and Savage Softball complex 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 the service building and designated outdoor areas of Birdland Marina pursuant to a concession agreement; or
 - (9) Within Riverview Park and in conjunction with the Prairie Meadows Stage.
- (b) The permit must be obtained from the Parks and Recreation Director.
- (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.

Park and Facility Hours, Sec. 74.101

Currently the hours of use for parks are from 6:00 a.m. to 30 minutes past sunset central standard time unless otherwise noted in the ordinance.

Staff contacted over 20 different park and recreation agencies in the Des Moines area and across the country to better understand what most agencies have for hours of operation for their parks and recreation facilities. Of the communities that were contacted, only one (1) other agency had similar hours of operation to Des Moines. Most communities allow people to begin using park and recreation facilities at either 5:00 a.m. or 6:00 a.m. daily and most closed to the public between 10:00 p.m. and 12:00 a.m. daily with almost every community having some exceptions to the posted hours for specialized parks and recreation facilities.

The daily closure of parks and recreation facilities at 30 minutes past sunset creates an uneven approach to closure each day that can be difficult for the Parks and Recreation staff and the Police Department to enforce.

Staff is recommending that the hours of operation for parks and recreation facilities be from 6:00 a.m. to 10:00 p.m. daily with the following exceptions:

- (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.* This facility may remain open until 12:00 midnight.
- (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) *Sports complexes* may remain open until 12:00 a.m.

Staff believes that the consistent hours of operation will provide more opportunities for use of parks and recreation facilities while making it easier to enforce for staff and the Police Department.

Tobacco Use in City Parks and Facilities, Sec. 74-116.

Currently the ordinance prohibits smoking within 25 feet of most recreation facilities and at activities for youth, department sponsored events and programs and department sponsored concerts.

Staff recommends that smoking and the use of all tobacco products be prohibited upon the premises of any City park or recreation facility property, including sports facilities, golf courses, trails and community recreation centers. The following is the proposed language for the ordinance:

Sec. 74-116. 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.

Signage in Parks, Sec. 74-103

Currently the ordinance allows neighborhood signs within parks if they can meet the specified guidelines established in this section of the ordinance.

Staff recommends that the provision to allow neighborhood signs be removed from the ordinance and replaced with the following:

Sec. 74-103. 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.

Article V. Fees

The following are the proposed changes to the fees section of the ordinance:

- *Sec. 74-175. Tennis courts.* – Proposed change is clarification that charge to rent court is per hour and per court.
- *Sec. 74-176. (b)(1) Ball diamonds and soccer fields.* – Add Savage Softball Complex.

- *Sec. 74-176. (b)(2) Ball diamonds and soccer fields.* – Proposed change is to eliminate field rental of \$35 per field after 5pm and clarification of when fields will be chalked and the addition of a \$25 fee if renter requests fields be chalked between each game.
- *Sec. 74-176. (c)(3) Ball diamonds and soccer fields.* – Proposed change to the price per team in a competitive tournament from the current \$25 per team to \$40 per team in 2019 and 2020 and \$45 per team starting in 2021.
- *Sec. 74-178. Temporary concession.* – Proposed change is to simplify the fees based upon the number of persons attending the event. Proposed fees are \$100 per vender for less than 5,000 persons attending and \$300 for more than 5,000 persons attending.
- *Sec. 74-179. Park between Tenth and Fifteenth Streets and Grand Avenue and Locust Street a/k/a "Western Gateway Park" - Rentals.* – Proposed changes are to charge the renter for seeding and sodding damages based on the contractor cost and not per square yard.
- *Sec. 74-180. Community recreation center building rentals.* – Proposed change to add a \$100 per year annual pass to the community recreation centers.
- *Sec. 74-180. Community recreation center building rentals.* – Proposed changes are to decrease the holiday rate for the gymnasium rental from \$65 to \$60 per hour and increase the rental cost of the upper floor at Pioneer-Columbus from \$55 to \$60 per hour. Both changes are to make the holiday rental rates consistent with the multi-purpose room rental rate of \$60 per hour.
- *Sec. 74-182.(1)(b) Lodge, park shelter and other park rentals.* – Proposed change increases the fee to rent Sylvan Amphitheater in Greenwood Park from \$300 to \$350 for the first two (2) hours of rental.
- *Sec. 74-182.(2)(a) Lodge, park shelter and other park rentals.* – Proposed change increases the fee to rent Clare and Miles Mills Rose Garden in Greenwood Park from \$300 to \$350 for the first two (2) hours of rental.
- *Sec. 74-182.(2)(c) Lodge, park shelter and other park rentals.* – Proposed change creates a fee to rent the Lilac Arboretum Plaza in Ewing Park for \$20 per hour with a three (3) hour minimum.
- *Sec. 74-182.(3)(a)(8) Lodge, park shelter and other park rentals.* – Proposed change creates a fee for the new enclosed shelter in Columbus Park that is expected to begin rentals in August of 2019. Proposed rental rates are \$160 per session Monday – Thursday and \$250 per session Friday, Saturday and Sunday.
- *Sec. 74-182.(3)(a)(9) Lodge, park shelter and other park rentals.* – Proposed change adjusts the rates for the Ding Darling Shelter House in Birdland Park.
 - Decrease the rate from \$200 to \$160 per session Monday – Thursday
 - Increase the rates from \$240 to \$300 per session Friday, Saturday and Sunday.
- *Sec. 74-182.(3)(b)(1) Lodge, park shelter and other park rentals.* – Proposed change increases the rates to rent an open-air shelter from \$40 to \$50 per day.
- *Sec. 74-182.(3)(b)(2) Lodge, park shelter and other park rentals.* – Proposed change increases the rates to rent a large open-air shelter from \$60 to \$75 per session and adds a fee for \$140 to rent for a 11 hour session.
- *Sec. 74-182.(4) Lodge, park shelter and other park rentals.* – Proposed change increases the rates to the stage at Stewart Square Park from \$30 to \$50 per day for 11 hours.
- *Sec. 74-182.(5) Lodge, park shelter and other park rentals.* – Proposed change increases the rates to rent watercraft at Gray's Lake Park from \$5 per half hour to \$8 per half hour or \$15 per hour. Proposed change also adds a fee to rent sailboats for \$25 per half hour.
- *Sec. 74-182.(9) Lodge, park shelter and other park rentals.* – Proposed change adds fees to the following items:
 - Snowshoe rental - \$5 per day or \$10 per weekend
 - Additional picnic tables or trash cans for events - \$10 per item

- Cleaning Fee - \$40 per hour, two (2) hour minimum
 - Cancellation/transfer/administrative fee - \$10 for activities and rentals up to \$100, \$30 for activities and rentals over \$100
- *Sec. 74-182.(10) Lodge, park shelter and other park rentals.* – Proposed change increases the fee to rent a wading pool from \$25 to \$35 per hour and reduces the minimum rental from three (3) hours to two (2) hours.
- *Sec. 74-182.(10) Lodge, park shelter and other park rentals.* – Proposed change increases the field permit from \$6 per hour to:
 - \$7 per hour on January 1, 2020
 - \$8 per hour on January 1, 2021
 - \$9 per hour on January 1, 2022
 - \$10 per hour on January 1, 2023
- *Sec. 74-183.(2)(a) Aquatic centers, swimming pools and marina.* – Proposed change is to increase the cost of replacement tags at the aquatic centers from \$5 to \$7 per tag replaced.
- *Sec. 74-183.(2)(b) Aquatic centers, swimming pools and marina.* – Proposed change is to increase the costs for youth agencies as follows:
 - 1 day a week child increases from \$15 to \$20
 - 2 day a week child increases from \$25 to \$30
 - 3 day a week child increases from \$35 to \$40
 - 4 day a week child increases from \$45 to \$50
 - 5 day a week child increases from \$55 to \$60
- *Sec. 74-183. (5) Aquatic centers, swimming pools and marina.* – Proposed changes are to increase the moorage fees at Birdland Marina. Single Access is proposed to increase to \$500 from the current rate of \$475 and double access is proposed to increase to \$550 from the current rate of \$505.
- *Sec. 74-185. Simon Estes Riverfront Amphitheater* – Proposed change increases the block of time that the amphitheater can be rented from four (4) to eight (8) hours. The rental rates for a free event will be \$1,000 and for a fee-based event it will be \$1,500. This results in a lower hourly cost to rent the facility, but longer block of time that the facility is rented each time.
- *Sec. 74-186.(c) Principal Riverwalk* – Proposed change increases the fee to rent the overlooks on the Union Railway Bridge (Red Bridge) from \$30 to \$50 per four (4) hour interval.
- *Sec. 74-186.(e) Principal Riverwalk* – Proposed change creates a fee of \$50 per four (4) hour interval to rent the middle of the Women of Achievement Bridge.
- *Sec. 74-187. Riverview Park.* – Proposed change sets the fees for rental of the Prairie Meadows Stage:
 - *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.
 - (2) *Fee based event:* Per day - \$4,000.
- *Sec. 74-188. Miscellaneous.* – Proposed change is that this is a new section where a \$10 fee has been created for a commercial photography or video permit.

PREVIOUS COUNCIL ACTION(S):

Date: October 8, 2018

Roll Call Number: 18-1688

Action: Amending Chapter 74 of the Municipal Code regarding golf course greens fees and season badges. (Council Communication No. 18-500) Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Parks and Recreation Board

Date: June 25, 2019

Resolution Number: 19-054

Action: Motion by Boggus to approve Chapter 74 changes. Second by Woodard. Motion carried.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

City Council consideration of the second and third reading of ordinance changes.

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

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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) ~~Oversee~~ 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) ~~Prescribe~~ Approve and advise on the necessary rules and regulations for the equipping, maintenance, conduct, supervision and control of the city ~~playgrounds~~ parks, community recreation centers and ~~special recreational~~ facilities.
 - (4) ~~Coordinate with~~ Advise the city's parks and recreation director in the preparation of the 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 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.

(C62, § 34-24; O.8753; C75, C79, C91, § 15-160; C00, § 74-26; O.15,---)

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.

(O.13,564; C00, § 74-27; O.15,---)

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.

(C79, § 15-160.02; O.9682, 9713, 10,685; C85, § 15-160.02; O.11,385; C91, § 15-160.02; C00, § 74-28; O.13,909, 15,---)

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

The parks and recreation ~~board~~ 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.

(C62, § 34-25; O.8753; C75, C79, C91, § 15-161; C00, § 74-29; O.15,---)

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.

(C79, § 2-126.08; O.10,674; C91, § 2-126.08; C00, § 74-56; O.15,---)

Sec. 74-57. Appointment of director.

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

(C79, § 2-126.09; O.10,674; C91, § 2-126.09; C00, § 74-57; O.15,---)

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) The care and maintenance of all buildings and properties not otherwise assigned within the city organization, pools,oolspray grounds~~
- (76) Other duties and functions as may be assigned by this Code and other city ordinances or by the city manager.

(C79, § 2-126.10; O.10,674; C91, § 2-126.10; O.11,948; C00, § 74-58; O.15,---)

Sec. 74-59. ~~Divisions enumerated~~Repealed by Ord. No. 15,---.

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

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

~~(C79, § 2-126.11; O.10,674; C91, § 2-126.11; O.11,948; C00, § 74-59; O.14,425)~~

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

Sec. 74-61. ~~Horticulture division~~Repealed by Ord. No. 15,---.

- ~~(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.~~

~~(C79, § 2-126.13; O.10,674; C91, § 2-126.13; C00, § 74-61; O.14,305)~~

Sec. 74-62. ~~Park division~~Repealed by Ord. No. 15,---.

- ~~(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.~~

~~(C79, § 2-126.14; O.10,674; C91, § 2-126.14)~~

Sec. 74-63. ~~Cemetery division~~Repealed by Ord. No. 15,---.

- ~~(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.~~

~~(C79, § 2-126.15; O.10,674; C91, § 2-126.15)~~

Sec. 74-64. ~~Recreation division~~Repealed by Ord. No. 15,---.

- ~~(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.~~

~~(C79, § 2-126.17; O.10,674; C91, § 2-126.17)~~

Secs. ~~74-65~~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 ~~public city~~ park upon first obtaining permission from the ~~park and recreation board or 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 ~~park supervisor~~ 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.

(C42, § 75-1; C54, C62, § 34-1; C75, C79, § 15-125; O.10,353, 10,685; C91, § 15-125; C00, § 74-91; O.15,---)

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 ~~in~~ park shelters; or 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~~
 - ~~(43)~~ Such use, possession or consumption is within the Clare and Miles Mills Rose Garden or the Lilac Arboretum; or
 - ~~(54)~~ 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
 - ~~(65)~~ Such use, possession or consumption is within the Robert D. Ray Asian Garden; or
 - ~~(76)~~ 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~~ 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
 - ~~(87)~~ 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

- ~~(9) Within the service building and designated outdoor areas of Birdland Marina pursuant to a concession agreement.~~
- (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.
- ~~(ed) In addition to the above requirements, No keg beer or alcoholic liquor is allowed except under~~ 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," and Birdland Marina and Christine Hensley Terrace and Terrace building and designated outdoor areas. ~~for uses pursuant to (a)(9) above.~~
- ~~(de)~~ No person shall be intoxicated or simulate intoxication in a city park.

(C85, § 15-127; O.11,034, 11,482, 11,483; C91, § 8-127; O.11,858, 11,869, 13,347; C91, § 15-127; C00, § 74-92; O.13,947, 14,899, 15,156, 15,536; 15,---)

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 ~~public 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 ~~public 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.

(C42, § 75-4; C54, C62, § 34-6; C75, C79, C85, § 15-128; O.11,525; C91, § 15-128; C00, § 74-93; O.14,425; 15,---)

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 city~~ 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 parks and recreation director-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.

(C42, § 75-5; C54, C62, § 34-7; C75, C79, § 15-129; O.9104; C91, § 15-129; C00, § 74-94; O.15,---)

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 ~~firearms, or possess~~ explosives, ~~weapons, firecrackers~~ 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. ~~of any character in any public park, except as otherwise provided by ordinance.~~

(C42, § 75-6; C54, C62, § 34-8; O.7167; C75, C79, C91, § 15-130; C00, § 74-95; O.15,---)

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.

(C42, § 75-7; C54, C62, § 34-9; C75, C79, C85, § 15-131; O.11,360; C91, § 15-131; C00, § 74-96; O.14,860, 15,---)

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 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.

(C42, § 75-9; C54, C62, § 34-11; C75, § 15-133; O.9507; C79, § 15-133; O.10,685; C91, § 15-133; C00, § 74-97; O.15,293, 15,---)

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

Sec. 74-98. ~~Buildings and animals~~ Repealed by Ord. No. 15,---.

~~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.~~

~~(C42, § 75-10; C54, C62, § 34-12; C75, C79, C91, § 15-134)~~

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

Sec. 74-99. 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.

(C42, § 75-11; C54, C62, § 34-13; C75, C79, C85, § 27-135; O.11,369; C91, § 15-135; C00, § 74-99; O.15,---)

Sec. 74-100. Dogs.

No dog shall be allowed to run at large in any ~~public 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.

(C42, § 75-12; C54, C62, § 34-14; C75, C79, § 15-136; O.10,685; C91, § 15-136; C00, § 74-100; O.14,425, 15,001, 15,024, 15,---)

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

Sec. 74-101. 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-~~Lee Rink~~ Skating Plaza and support pavilion, shall be established by the Des Moines parks and recreation board by vote at one board meeting ~~and must receive two readings for final approval~~. The parks and recreation director shall thereafter have authority to adjust ~~park and recreation facility such~~ hours, ~~except for the Botanical Center and Zoo~~, for a period of one season, unless otherwise directed by the Des Moines parks and recreation board. The hours of the Brenton-~~Lee Rink~~ 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 ~~city~~ 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 74-101.5.
- (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~~ 10:00 p.m. until 6:00 a.m. during eCentral-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.~~
 - (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) *Park between Tenth and Fifteenth Streets and Grand Avenue and Locust Street.*~~ *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 ~~midnight~~ 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.

~~(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.~~

(C42, § 75-15; C54, C62, § 34-15; O.8352; C75, C79, § 15-137; O.9914, 10,685; C85, § 15-137; O.11,501; C91, § 15-137; O.11,858; C00, § 74-101; O.13,946, 14,305, 14,607, 14,620, 15,106, 15,118, 15,156, 15,315, 15,---)

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 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.

(C00, § 74-101; O.15,106, 15,---)

Sec. 74-102. ~~Ice skating~~ Repealed by Ord. No. 15,---.

~~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.~~

~~(C42, § 75-16; C54, C62, § 34-16; C75, C79, C91, § 15-138)~~

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

- ~~(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.~~

(C42, § 75-17; C54, C62, § 34-17; C75, C79, C91, § 15-139; C00, § 74-103, O.15,211, [15,---](#))

~~Sec. 74-104. Moving benches and tables.~~ [Repealed by Ord. No. 15,---](#).

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

~~(C42, § 75-18; C54, C62, § 34-18; C75, C79, § 15-140; O.10,685; C91, § 15-140)~~

~~Sec. 74-105. Removal of wood, grass or gravel~~ [Repealed by Ord. No. 15,---](#).

~~—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.~~

~~(C42, § 75-19; C54, C62, § 34-19; C75, C79, C91, § 15-141)~~

Sec. 74-106. Baseballs.

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

(C54, § 34-19.01; O.6704; C62, § 34-19.01; C75, C79, § 15-142; O.10,685; C91, § 15-142; [C00, § 74-106; O.15,---](#))

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.~~

(C54, § 34-19.02; O.6704; C62, § 34-19.02; C75, C79, § 15-143; O.10,685; C91, § 15-143; [C00, § 74-107; O.15,---](#))

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.

(C54, § 34-19.03; O.6704; C62, § 34-19.03; C75, C79, § 15-144; O.10,685; C91, § 15-144)

Sec. 74-109. Repealed by Ord. No. 15,---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.~~

~~(C54, § 34-19.04; O.6704; C62, § 34-19.04; C75, C79, § 15-145; O.10,685; C91, § 15-145)~~

Sec. 74-110. 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 ~~of the~~ park rules ~~set out or~~ by this article.

(C42, § 75-20; C54, C62, § 34-20; C75, C79, C91, § 15-146; C00, § 74-110; O.15,---)

Sec. 74-111. Repealed by Ord. No. 15,---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.~~

~~(C75, § 15-150; O.9507; C79, C91, § 15-150)~~

Sec. 74-112. Beaches.

- (a) ~~Bathing, s~~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~~ designated swimming beaches, except by written permission of the parks and recreation director.
- (b) ~~Bathing, s~~Swimming and wading adjacent to authorized ~~bathing~~ swimming beaches shall be permitted only during the swimming season as established by the parks and recreation board ~~as established by the park and recreation board.~~ The ~~board~~ 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 ~~bathhouse~~ 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 bathing swimming beach while wearing or carrying an air or gas tank for the purpose of underwater breathing, in the activity commonly known as skin diving or scuba diving, without special permission from the parks 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~~ any public officer or parks and recreation department staff.
- (f) No person shall act at any ~~bathing~~ 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 ~~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.

(C75, § 15-151; O.9507; C79, § 15-151; O.10,685; C85, § 15-151; O.11,369; C91, § 15-151, C00, § 74-112; O.15,---)

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 parks and recreation director.

(C79, § 15-152; O.10,685; C91, § 15-152; C00, § 74-113; O.15,---)

Sec. 74-114. Photographs and cinematic productions.

No person shall take still photographs or shoot video, including by use of a drone, 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 Garden Center, 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 ~~for the occasion~~ to take still photographs or ~~motion pictures~~ video of an individual, a group or gathering in any such locations for non-commercial use by such individual, group or gathering.

(C79, § 15-153; O.10,685; C85, § 15-153; O.11,525; C91, § 15-153; C00, § 74-114; O.14,305, 14,425, 15,---)

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

- (a) **Definition.** Multi-use recreational trails are defined pursuant to section 114-1 of this Code and excludes 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 ~~board~~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, ~~and~~ 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.

(C00, § 74-115; O.14,141, 15,000, 15,---)

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:~~ 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.
 - (1) ~~The park between 10th and 15th Streets and Grand Avenue and Locust Street a/k/a known as "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) ~~Cortiva? 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.~~
- ~~(e) 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.~~
- (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.

(C00, § 74-116; O.14,684, 15,---)

Sec. 74-117. Sledding, ice skating and cross-country skiing 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 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 ~~and at city parks~~;
 - (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.

(C00, § 74-117; O.15,212, 15,---)

Secs. 74-118--~~74-140~~74-173. Reserved.

~~ARTICLE V. PRINCIPAL PARK STADIUM~~Repealed by Ord. No. 15,---

~~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.~~

~~(C42, § 3-11; O.4883, 4897, 5240; C42, § 79.1-1; C54, § 37-1; O.6084; C54, C62, § 47A-1; C75, C79, C91, § 15-163; O.13,021; C00, § 74-141; O.14,369)~~

~~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.~~

~~(C42, § 79.1-1; O.4897, 5240; C54, § 37-2; O.6084; C54, C62, § 47A-2; C75, C79, § 15-164; O.10,685; C91, § 15-164; O.11,666, 13,021; C00, § 74-142; O.14,369)~~

~~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.~~

~~(C42, § 3-12; O.4883, 5240; C42, § 79.1-2; C54, § 37-3; O.6084; C54, § 47A-3; O.6863; C62, § 47A-3; C75, C79, C91, § 15-165; C00, § 74-143; O.14,369)~~

~~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.~~

~~(C42, § 3-13; O.4883, 5240; C42, § 79.1-3; C54, § 37-4; O.6084; C54, C62, § 47A-4; C75, C79, C91, § 15-166; C00, § 74-144; O.14,369)~~

~~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.~~

~~(C42, § 3-14; O.4883, 5240; C42, § 79.1-4; C54, § 37-5; O.6084; C54, C62, § 47A-5; C75, C79, C91, § 15-167; C00, § 74-145; O.14,369)~~

~~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.~~

~~(C42, § 3-15; O.4883, 5240; C42, § 79.1-5; C54, § 37-6; O.6084; C54, C62, § 47A-6; C75, C79, C91, § 15-168; C00, § 74-146; O.14,369)~~

~~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.~~

~~(C42, § 3-16; O.4883, 5240; C42, § 79.1-6; C54, § 37-7; O.6084; C54, § 47A-7; O.6863, C62, § 47A-7; C75, C79, C91, § 15-169; O.11,666; C00, § 74-147; O.14,369)~~

~~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.~~

~~(C42, § 3-18; O.4883, 5240; C42, § 79.1-8; C54, § 37-9; O.6084; C54, C62, § 47A-9; C75, C79, C91, § 15-171; C00, § 74-148; O.14,369)~~

~~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.~~

~~(C42, § 79.1-6; O.4883, 5240; C54, § 37-12; O.6084; C54, C62, § 47A-12; C75, C79, C91, § 15-173)~~

~~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 per court. All reservations subject to approval of recreation manager.

(C00, § 74-175; O.15,536, 15,---)

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, ~~Chesterfield Park~~, Savage Softball ~~Park~~ Complex, and Greater Des Moines Softball Park, shall be as follows:

(1) Tournament Field Rental - ~~\$100.00~~\$120.00 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~~\$95.00 per field per day at Carney Softball Park and Savage Softball Complex. ~~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.~~

~~(32)~~ 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.

~~(43)~~ 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.

~~(54)~~ Youth baseball tournament at Cownie Baseball Park, ~~and~~ 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 ~~\$ 25.00/team~~\$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:

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

(C91, § 15-174; O.11,953, 13,430; C91, § 15-174; O.13,569, 13,672; C00, § 74-176; O.13,929, 14,315, 14,633, 14,771, 14,931, 15,249, 15,312, 15,536, 15,---)

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)

(C00, § 74-177; O.14,991 (Formerly "Botanical Center space rental and admission fees" — Repealed by Ord. 14,305); 15,---)

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 parks and recreation director or the city manager:

<i>No. of Persons Attending</i>	<i>Charge Per Day <u>Per Vendor</u></i>
Less than <u>5000</u>	\$ 25.00 <u>100.00</u>
500—999 <u>5000 and more</u>	\$ 100.00 <u>300.00</u>
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

(C91, § 15-175.01; O.12,007, 13,145, 13,494; C00, § 78-178; O.14,305, 14,931, 15,156, 15,---)

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 Contractor Cost	Billed to event
Sodding if required	\$10/square yard Contractor Cost	Billed to event
Repair of Damage	Actual cost of replacement	Billed to event

(C00, § 74-179; O.14,641, 14,912, 14,931, 15,156, 15,249, 15,---)

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

Community recreation center building rental fees shall be as follows:

	<i>Per Hour Regular <u>Operating</u> Hours (2 Hour Minimum)</i>	<i>Holidays and Non Operating Hours (2 Hour Minimum)</i>

Class I <u>g</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	No charge	No charge
Class II <u>p</u> 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 <u>\$ 60.00</u>
Upper floor – east and west wings – Pioneer Columbus	\$35.00	\$ 55.00 <u>\$ 60.00</u>
Class III City-managed community <u>recreation</u> centers-adults 19-59 years:		
	Per person per entry	\$ 1.00
	Monthly Pass <u>Annual Pass</u>	\$ 12.00 <u>\$100.00</u>
Class IV City-managed community <u>recreation</u> centers-ages under 19 and over 59	Free	Free

(C91, § 15-177; O.11,953, 13,132; C00, § 74-180; O.14,315, 14,931, 15,156, 15,---)

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:*

	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

- (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:

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
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Type	5 Day Weekda y Pass Mon. – Fri.	7 Day Golf Pass	7 Day Golf Pass With a Cart	5 Day Senior Weekda y Pass Mon. – Fri.	7 Day Senior Golf Pass	5 Day Couple Pass	5 Day Senior Couple Pass	Jr. Badge (17 and Under)
Waveland Blank Grandvie w Jester	\$900.00	\$1,300.0 0	\$2,225.0 0	\$650.00	\$950.0 0	\$1,175.0 0	\$825.0 0	\$275.0 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.

(C91, § 15-178; O.11,953, 12,071, 13,022, 13,161, 13,172, 13,283, 13,315, 13,471, 13,556, 13,660, 13,778; C00, § 74-181; O.14,193, 14,315, 14,423, 14,424, 14,436, 14,525, 14,543, 14,737, 14,754, 14,931, 14,988, 15,249, 15,337, 15,420, 15,623, 15,714)

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~~ 6:00 a.m. - 1:00 p.m. or 2:00 - 10:00 p.m. ~~to sunset~~)
 - b. Weddings/Private Parties - ~~\$300.00~~ \$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:
~~\$300.00~~ \$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) ~~Enclosed Shelters.~~ Unless otherwise specified, each rental session is for an eleven hour block. No rentals on Thanksgiving ~~d~~Day, Christmas Eve, ~~and~~ Christmas ~~d~~Day and New Year's Eve.
 - ~~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~~
 - a. Enclosed Shelters:
 1. Pioneer Park Enclosed Shelter: \$80.00 per session Monday-Thursday 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.
- eb. Open air shelters, with the exception of shelters with a capacity of over 100 people (reserved for only one group per day):- ~~\$40.00~~\$50.00.
 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~~\$75.00 per session or \$140.00 for eleven hour block.
 2. ~~Rental rates for all shelters double on holidays.~~
- (4) Stewart Square Park and Stage. Each rental session is for ~~a nine~~ an eleven hour block (reserved for only one group per day): ~~\$30.00~~\$50.00
- (5) Gray's Lake Park.
 - a. ~~Overlook~~Christine Hensley Terrace Rental - \$200.00 per three hour block
 - b. Designated open space rental - \$250.00 per half day (six hours)
- ~~c. Boat rentals – \$5.00 per one half hour~~
- 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. – ~~\$250.00 per event with 100 or more participants for events/activities collecting donations or charging an entrance fee~~\$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. ~~Electric use permit – \$25.00~~
 - ba. Equipment rental:
 1. ~~Priced \$2.00 to \$12.00 per item~~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: ~~\$25.00~~\$35.00 per hour (minimum ~~three~~ two hours)
- (11) Robert D. Ray Asian Garden: \$500.00 per 4 hour block, \$100 for each additional hour.
- (12) Park field permit: ~~\$1.00~~\$6.00 per hour per field effective January ~~15, 2014~~ 1, 2019, \$2.00\$7.00 per hour per field effective January 1, ~~2015~~2020, \$3.00\$8.00 per hour per field effective January 1, ~~2016~~2021, \$4.00\$9.00 per hour per field effective January 1, ~~2017~~2022, \$5.00\$10.00 per hour per field effective January 1, ~~2018~~2023 (parks and recreation director has no authority to waive).
- (13) Disc golf tournament: \$100.00 for recreational tournaments.

(C91, § 15-179; O.11,953, 12,011, 13,018, 13,283, 13,321, 13,570, 13,709; C00, § 74-182; O.13,887, 14,063, 14,193, 14,217, 14,423, 14,525, 14,737, 14,771, 14,843, 14,931, 15,156, 15,249, 15,312, 15,000)

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 \$5.00 <u>\$10.00</u> each	Additional \$5.00 each
	Replacement tags	\$5.00 <u>\$7.00</u>	\$5.00 <u>\$7.00</u>
b.	Youth agency:		
	1 day a week child		\$15.00 <u>\$20.00</u>
	2 day a week child		\$25.00 <u>\$30.00</u>
	3 day a week child		\$35.00 <u>\$40.00</u>
	4 day a week child		\$45.00 <u>\$50.00</u>
	5 day a week child		\$55.00 <u>\$60.00</u>
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 - ~~\$505.00~~ \$550.00
 2. Single access - ~~\$475.00~~ \$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

(C91, § 15-180; O.11,953, 12,071, 13,143, 13,283, 13,322, 13,454, 13,570, 13,583, 13,708; C00, § 74-183; O.13,929, 14,063, 14,193, 14,217, 14,315, 14,423, 14,525, 14,737, 14,771, 14,847, 14,931, 15,156, 15,312, 15,---)

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.

(C00, § 74-194; O.14,606)(formerly Zoo, Repealed by Ord. No. 14,425, 14,663, 14,737, 14,771, 14,809, 14,991, 15,136, 15,249, 15,312, 15,613, 15,---)

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~~ eight-hour session ~~\$550.00~~ - \$1,000.00
Plus, for each additional hour ~~\$~~ - \$100.00
- (2) *Fee Based Event.*
 - a. Per ~~four~~ eight-hour session ~~\$800.00~~ - \$1,500
Plus, for each additional hour ~~\$~~ - \$175.00

(C91, § 15-181.01; O.13,336, 13,422; C00, § 74-185; O.14,193, 14,737, 14,931, 15,156, 15,312, 15,---)

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

Sec. 74-186. Principal Riverwalk-Fees.

- (a) *Long Look Garden:* \$200.00 – four hour time ~~interval~~ block, \$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
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.

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

- (c) *Union Pacific Railroad bridge:* ~~\$30.00~~\$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.

(C00, § 74-186; O.15,156, 15,312, 15,---)

Sec. 74-187. ~~Set program fees and authority to make temporary fee adjustments.~~Repealed by Ord. No. 15,---

~~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.~~

~~(C91, § 15-182; O.13,055; C00, § 74-187; O.14,011, 14,086, 14,193, 14,931, 15,249, 15,312)~~

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.

(C00, § 74-187; O.15,---)

Sec. 74-188. Miscellaneous.

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

(C00, § 74-188; O.15,---)

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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 74-186, 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.

(C00, § 74-189; O.15,---)

Secs. ~~74-188~~74-190--74-200. 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.
 - (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 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