



Roll Call Number

Agenda Item Number

51

Date August 5, 2024

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, is hereby amended, by amending Section 74-101, relating to overnight use of parks by special permit”,

presented.

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

FORM APPROVED:

(First of three required readings)

/s/ Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED	APPROVED			

CERTIFICATE

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

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

_____ Mayor

_____ City Clerk

ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended, by amending Section 74-101, relating to overnight use of parks by special permit.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended, by amending Section 74-101, relating to overnight use of parks by special permit, as follows:

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

- (a) Purpose. The city's parks and park facilities are 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 are 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 the 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 without a permit issued pursuant to subsection (c) of this section. Unpermitted overnight use shall be subject to prohibitions, disposition and removal pursuant to chapter 102, article IV, and sections 102-8 and 102-615, of this Code. 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;~~
 - ~~(2) is not intended or used for sleeping or residing; and~~
 - ~~(3) does not remain in the park for more than fourteen (14) consecutive days.~~
- (c) The city parks and areas within such park in which overnight use is permitted and the conditions on such use, including camping, may be established by the parks and recreation director with the consultation of the parks and recreation board. 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 permitted use of the cabin 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.

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

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank
Assistant City Attorney