



Roll Call Number

Agenda Item Number

40

Date March 25, 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 amending Section 42-258, relating to noise control",

presented. **(Council Communication No. 19-122)**

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

FORM APPROVED:

Douglas P. Philip
Assistant City Attorney

(First of three required readings)

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

MOTION CARRIED

APPROVED

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.

_____ Mayor

_____ City Clerk

ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Section 42-258, relating to noise control.

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 42-258 relating to noise control, as follows:

Sec. 42-258. Sound equipment, sound amplifying equipment and construction equipment.

(e) *Application standards.* The following are general standards for the type of permit:

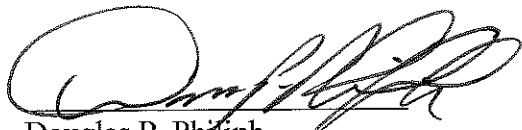
(6) *Type "F" permit - Waterworks Park Amphitheater, Simon Estes Riverfront Amphitheater, Brenton Skating Plaza and other property owned by the city.* A type "F" permit may be issued for sound equipment to be used in the Waterworks Park Amphitheater, Simon Estes Riverfront Amphitheater or the Brenton Skating Plaza or other property owned by the city, in conjunction with a lease agreement entered into with the Parks and Recreation Department or the city if the property is not city parkland, emitting music or human speech, registering not more than 100 dBCs, when measured at the middle cement crosswalk area of the amphitheater or 50 feet from the sound equipment at the waterworks amphitheater, skating plaza or other property owned by the city. This permit is effective between the hours of 9:00 a.m. to 11:00 p.m. Sunday through Thursday and 9:00 a.m. to 12:30 a.m. on Friday and Saturday, the Sunday of Memorial Day weekend, Labor Day weekend and the Fourth of July should it fall on a Sunday.

(9) *Type "I" permit- Waterworks Park and Zoo.* A type "I" permit may be issued for amplification equipment for live performances held in Waterworks Park or in the Blank Park Zoo Foundation Parcel, emitting music or human speech, at a level not greater than ~~85~~ 100 dBCs when measured at a distance of 50 feet from the sound equipment ~~the nearest residence.~~ A type "I" permit is effective for one or two days and for the hours of 9:00 a.m. and 10:00 p.m. Sunday through Thursday, and between the hours of 9:00 a.m. and 12:00 midnight on Friday and Saturday, the Sunday of Memorial Day weekend, Labor Day weekend and the Fourth of July should it fall on a Sunday. Additionally the stage and sound equipment for any live performances held in Waterworks Park shall be set up facing the northeast causing the sound to be directed through the park and away from residential areas. The

stage and sound equipment for any live performances held on the Blank Park Zoo Foundation Parcel shall be set up facing the south causing the sound to be directed towards the Blank Park Zoo and the Blank Golf Course. For the purpose of this subsection, Blank Park Zoo Foundation Parcel means the tract owned by Blank Park Zoo Foundation located south of Army Post Road and east of SW 9th Street, and designated for tax purposes as Polk County district/parcel number 120/00324-005-001.

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

FORM APPROVED:



Douglas P. Philip
Assistant City Attorney