

ORDINANCE NO. 13,679

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, by adding and enacting a new Subchapter 4 to Chapter 20 including Sections 20-36, 20-37, 20-38, 20-39, 20-40 and 20-41 thereof, relating to regulation of facility use and conduct at Birdland Marina.

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

Iowa:

Section 1. That the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, by adding and enacting a new Subchapter 4 to Chapter 20 including Sections 20-36, 20-37, 20-38, 20-39, 20-40 and 20-41 thereof, relating to regulation of facility use and conduct at Birdland Marina, as follows:

Subchapter 4. BIRDLAND MARINA REGULATIONS

20-36. Illegal moorage.

Any vessel moored, docked or in any way using harbor dock space without proper rental identification affixed to the vessel is considered illegal moorage and subject to immediate removal and impoundment at the owner's expense.

20-37. Illegal parking.

- (a) Vehicle parking is allowed in designated areas for the use of facilities in and around the Marina harbor area only.
- (b) Overnight parking of vehicles is allowed for harbor tenants only.
- (c) Vehicles and trailers, other than harbor tenants, may be parked for no longer than 12 hours. Vehicles or trailers which remain longer than 12 hours shall be ticketed.
- (d) Ticketed vehicles or trailers parked for more than 48 hours will be towed at the owner's expense.
- (e) At no time shall any vehicle obstruct or block access to roadways, parking lots or gated harbor entrances.

20-38. Commercial use.

Commercial use of the Marina facilities, space, waters, real estate, or buildings is not allowed unless prior written permission to conduct such business has been granted by the City.

20-39. Prohibited Conduct.

(a) No person shall use any loud, violent, obscene or profane language while in the Marina or on the adjacent premises, nor shall any person conduct himself or herself in a disorderly or obscene manner or commit any nuisance therein.

(b) Consumption of wine, beer or alcoholic beverages is prohibited, except on private vessels or by permit granted by the City.

(c) The use of grills or other cooking devices on wood docks is prohibited unless fire protection devices are placed between the grill or other cooking device and the dock.

(d) Storage of any private equipment including but not limited to tables, grills, benches, hoses, electric cords, coolers, etc. on the dock or land areas of the Marina facilities is prohibited.

(e) Deposit of garbage, trash, food product, oil, fuel debris, or other material, liquid or solid, in the water or on the land areas of the Marina facilities is prohibited.

(f) Swimming, skin diving or scuba diving or use of any unlicensed vessel, raft or floating device in the Marina harbor is prohibited.

(g) Children under 12 years of age must be accompanied by a parent or other responsible adult while on the docks and floats.

20-40. Fishing.

(a) Fishing within the harbor from private vessels, public docks, or the shoreline is prohibited.

(b) Fishing from private vessels or the riverbank is prohibited in the area extending from the Birdland Marina harbor entrance upstream to the dock leased to the Drake Rowing Club and downstream to a point 150 ft. down river from the boat ramp.

(c) Fishing from the Birdland Drive bridge, located immediately north of the harbor, is prohibited.

20-41. Vessel Movement.

Movement of vessels within the harbor must be for the purpose of entering or exiting a dock only and must be accomplished without creating a wake.

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

FORM APPROVED:

Emily Gould Chafa, Assistant City Attorney