

ORDINANCE NO. 13,695

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, by adding language to Section 23-46 to exempt recognized neighborhood associations and other organizations which have tax exempt status over the payment of fees for encroachments over public property.

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, be and is hereby amended by adding language to Section 23-46 to exempt recognized neighborhood associations and other organizations which have tax exempt status over the payment of fees for encroachments over public property, as follows:

23-46. LEASES AND FEES FOR ENCROACHMENTS OVER PUBLIC PROPERTY.

Any party constructing, maintaining or using any sign, banner, canopy, marquee, awning or other encroachment over any public property shall obtain a lease therefor from the city as provided by section 23-32 of this subchapter and shall pay to the city, in advance, an annual fee of \$0.50 per square foot, except as provided in sections 23-36(b) and (c) and 23-47 of this subchapter. Any neighborhood association or organization recognized by the city of Des Moines, or any association or organization which has tax exempt status under section 501(c)(3) of the United States Internal Revenue Code, or succeeding legislation, shall be exempt from the payment of fees to the City under this section. The minimum fee for the encroachments covered by this section shall be \$10.00. The size of a sign shall be determined by its measurement on a vertical plane. The size of an awning shall be determined by the area covered when the awning is in the lowered position.

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

FORM APPROVED:

Richard J. Scieszinski, Assistant City Attorney