

ORDINANCE NO. 13,716

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, as heretofore amended, by repealing Section 23-46 thereof and enacting a new Section 23-46, regarding the fees for temporary street banners within the public rights-of-way.

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, as amended by Ordinance No. 13,695 passed April 5, 1999, be and is hereby amended by repealing Section 23-46 thereof and enacting a new Section 23-46, regarding the fees for temporary street banners within the public rights-of-way, 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 for any temporary street banner allowed by resolution of the city council . 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:

Roger K. Brown, Assistant City Attorney