

ORDINANCE NO. 14,174

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, and amended by Ordinance No. 14,095, passed June 3, 2002, by amending Sections 102-415, 102-491, 102-527, 102-562, 102-618, 102-619, 102-620, 102-621, 102-662, 102-663, 102-1000, 102-1008 and 102-1025 of Chapter 102, Streets, Sidewalks, Skywalks and Other Public Places, to set forth miscellaneous fees in a schedule of fees adopted by the city council by resolution.

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, and amended by Ordinance No. 14,095, passed June 3, 2002, is hereby amended by amending Sections 102-415, 102-491, 102-527, 102-562, 102-618, 102-619, 102-620, 102-621, 102-662, 102-663, 102-1000, 102-1008 and 102-1025 of Chapter 102, Streets, Sidewalks, Skywalks and Other Public Places, to set forth miscellaneous fees in a schedule of fees adopted by the city council by resolution, as follows:

**Sec. 102-415. License and permit fees.**

Upon the approval by the city council of an application to engage in the business of maintaining benches in accordance with this article, the city treasurer shall collect a license fee in the amount set in the schedule of fees adopted by the city council by resolution, payable in advance, in lieu of all other license fees. Upon the approval by the city council of an application to place any bench in accordance with this article, the city treasurer shall also collect, in advance, for each bench an encroachment or areaway fee as set forth in section 102-618 of this chapter payable annually on or before April 1 of each year. No refund of any fee shall be made except as provided in sections 102-420 and 102-426.

**Sec. 102-491. Fee.**

a. The applicant for an entertainment district license shall pay a license fee to the city clerk at the time of filing the application in the amount set in the schedule of fees adopted by the city council by resolution.

(b) In the event the application is withdrawn by the applicant or is denied either initially or on appeal, either all or a portion of such fee in an amount set in the schedule of fees adopted by the city council by resolution shall be retained by the city to defray the administrative costs incurred.

**Sec. 102-527. Fee.**

(a) The applicant for the sidewalk sale permit shall pay a permit fee to the city clerk at the time of filing the application in the amount set in the schedule of fees adopted by the city council by resolution.

(b) If the application is withdrawn by the applicant or denied either initially or on appeal, either all or a portion of such fee in an amount set in the schedule of fees adopted by the city council by resolution shall be retained by the city to defer the administrative costs incurred.

**Sec. 102-562. Fee.**

a. The applicant for a farmers' or public market permit shall pay a permit fee to the city clerk at the time of filing the application in the amount set in the schedule of fees adopted by the city council by resolution.

(b) In the event the application is withdrawn by the applicant or denied either initially or on appeal, either all or a portion of such fee in an amount set in the schedule of fees adopted by the city council

by resolution shall be retained by the city to defray the administrative costs incurred.

**Sec. 102-618. License fees for encroachments under, upon or in public property.**

Any person constructing, maintaining or using any area, vault room, or other encroachment under, upon or in any part of any public property shall obtain a license therefor from the city as provided by section 102-605 of this article and shall pay to the city, in advance,

a fee in the amount set in the schedule of fees adopted by the city council by resolution, except as provided in subsection 102-610(b) and (c) and sections 102-620 and 102-623 of this article.

**Sec. 102-619. Lease fees for newsracks within skywalk system.**

Any person who has been granted the right to lease one or more enclosed or unenclosed newsrack spaces within the skywalk system, as provided by section 102-609 of this article, shall pay to the city, in advance, a fee in the amount set in the schedule of fees adopted by the city council by resolution .

**Sec. 102-620. License for grates and openings.**

(a) Any person constructing, maintaining or using any grate, door, coal hole, coal chute, or other similar encroachment under, upon or in any public property shall pay to the city, in advance, a fee in the amount set in the schedule of fees adopted by the city council by resolution.

(b) When grates, vaults and openings are secured and sealed in such a manner that they cannot be opened as determined by the city engineer, no fee under this section shall be charged. The property owner assumes all liability and financial responsibility

for any cavity remaining under city property and shall hold the city harmless for any and all damages resulting from any failure of the opening, vault or cavity. The property owner shall also assume all financial responsibility for any and all repairs to both private and city property resulting from any failure of an opening, vault or cavity. The city retains the right to inspect all openings sealed in this manner to ascertain that the seal remains intact.

(c) Any property owner or user of an opening, vault or grate reopening it after it has been sealed shall immediately notify the city engineer that the area is in use and apply for an areaway license for such area.

(d) Failure to notify the city engineer under this section shall subject the owner/user to that enforcement action provided for in this chapter which the city engineer deems appropriate.

**Sec. 102-621. 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 102-605 of this article and shall pay to the city, in advance, a fee in the amount set in the schedule of fees adopted by the city council by resolution except as provided in subsections 102-610(b) and (c) and section 102-222 of this article. Any neighborhood association or organization recognized by the city, 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 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. 102-622. Lease fee for architectural projections.**

Any person constructing, maintaining or using any oriel window, cornish belt course, air conditioner, ventilating or heating vent, architectural projection or other similar projection which encroaches more than 18 inches over public property and which does not serve as a marquee or canopy and which does not contain usable floor space shall pay to the city, in advance, a fee in the amount set in the schedule of fees adopted by the city council by resolution; provided, however, that a separate fee shall be charged as specified in section 102-621 of this article for any sign attached to such projection.

**Sec. 102-623. License fee for coin-operated telephones installed upon public property.**

The license fee for coin-operated telephones installed upon public property shall be in the amount set in the schedule of fees adopted by the city council by resolution. This fee shall be payable to the city treasurer on a monthly basis.

**Sec. 102-1000. House mover's license fee and term.**

The fee for a license as a house mover shall be a fee in the amount set in the schedule of fees adopted by the city council by resolution, and the license shall expire on April 1 of each year.

**Sec. 102-1008. House moving permit fees.**

The fees for house moving permits shall be in the amounts set in the schedule of fees adopted by the city council by resolution. This fee shall be paid at the time the application is filed.

**Sec. 102-1025. Fees for permits.**

(a) The fees for annual and single trip permits shall be in the amount set in the schedule of fees adopted by the city council by resolution.

(b) The city may charge a permit applicant for the cost of trimming trees and removal and replacement of natural obstructions or official signs and signals or other public or private property required to be removed during the movement of a vehicle and load. In addition to the fees provided in this section, the annual fee for a permit for special mobile equipment, as defined in I.C. § 321.1(75), operated pursuant to I.C. § 321E.7(2), shall be in the amount set in the schedule of fees adopted by the city council by resolution.

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

FORM APPROVED:

David L. Phillips, Assistant City Attorney

Preston A. Daniels, Mayor

Attest:

I, Donna V. Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 02-2936), passed by the City Council of said City at a meeting held December 16, 2002 signed by the Mayor on December 16, 2002 and published as provided by law in the Polk County Press Citizen on December 27, 2002 Authorized by Publication Order No. 3500.

Donna V. Boetel-Baker, City Clerk