

ORDINANCE NO. 14,868

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. 14,746 passed February 25, 2008, and Ordinance No. 14,752 passed April 7, 2008, and Ordinance No. 14,774 passed June 9, 2008, by amending paragraphs (A) and(E)(10) of Section 42-258 and paragraph (A) of Section 42-264 thereof, relating to noise control regarding sound equipment, sound amplifying equipment and construction equipment.

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. 14,746 passed February 25, 2008, and Ordinance No. 14,752 passed April 7, 2008, and Ordinance No. 14,774 passed June 9, 2008 is hereby amended by amending paragraphs (A) and (E)(10) of Section 42-258 and paragraph (A) of Section 42-264 thereof, relating to noise control regarding sound equipment, sound amplifying equipment and construction equipment, as follows:

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

(A) *Permit required.* No person shall, use, operate or cause to be used or operated any sound equipment or tools or equipment used in construction activities beyond the hours permitted under section 42-260 of this article upon the public right-of-way or in any building or upon any premises, public or private, creating a noise disturbance unless such person:

(E) *Application standards.* The following are general standards

for the type of permit:

(10) Type "J" permit - night construction.

A type "J" permit may be issued for residential construction activities beyond the hours permitted under section 42-260. A type "J" permit may be issued for construction performed on behalf of a nonprofit or philanthropic organization where such construction activity is to be completed in an expedited manner pursuant to a construction schedule which has been approved by the community development director and has been determined to advance the overall welfare of city residents, provided that the residential structure is being built for occupation by low or moderate income persons. Application for a type "J" permit shall be processed pursuant to sections 42-264 through 42-267 of this article.

Sec. 42-264. Application for sound variances or type "J" permits.

(A) Any person desiring to exceed the standard conditions of any type of permit as set out in this article may apply to the community development department for a variance from such conditions. An application for a type "J" permit under section 42-458 shall be processed as a variance as set forth in this section.

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

FORM APPROVED:

Michael F. Kelley, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, 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. 09-6626), passed by the City Council of said City at a meeting held July 27, 2009 signed by the Mayor on July 27, 2009 and published as provided by law in the Business Record on August 10, 2009. Authorized by Publication Order No. 6626.

Diane Rauh, City Clerk