

ORDINANCE NO. 14,871

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, by repealing Section 10-11 and adding and enacting new Sections 10-14 and 10-15, relating to music permits and the revocation and expiration of music permits.

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, is hereby amended by repealing Section 10-11 and adding and enacting new Sections 10-14 and 10-15, relating to music permits and the revocation and expiration of music permits, as follows:

Sec. 10-11. Repealed by Ord. No. 14,871.

Sec. 10-14. Music permit, application and fee.

- (a) No person shall play or permit to be played music of any type on the premises for a liquor license or beer/wine permit during those hours when it is prohibited to sell or dispense alcoholic liquor, wine or beer as set out in section 10-6 of this chapter without a music permit.
- (b) Application for the permit required in this section shall be made in writing to the city clerk, accompanied by the required permit fee and the following information:
 - 1. The name and address of the applicant.
 - 2. The name and address of the business and/or location the permit will be used.
 - 3. Designation of the days of use and proposed hours of operation for the music permit.
 - 4. The name(s) and phone number(s) of the person(s) responsible for the use of the permit.
 - 5. The application must include a petition wherein 75 percent of the occupants of surrounding residences and businesses and/or owners or managers of multiple-

residential structures within 250 feet of the permitted property agree to issuance of the music permit.

6. Applicant must sign an agreement to comply with the sound ordinance and all other applicable ordinances while operating under a music permit and to not allow the property to become a nuisance.
- (c) If the application contains the required information and is accompanied by the required fee as set in the schedule of fees adopted by council resolution, and the premises has or is approved by city council to have a liquor license or beer/wine permit the city clerk shall issue the music permit.

Sec. 10-15. Revocation of music permit, expiration.

- (a) The police department may immediately revoke any music permit for violation of any federal, state or local law or ordinance occurring on the premises that results in a criminal charge.
- (b) The music permit upon revocation shall remain revoked for one year from the date of revocation.
- (c) The permit may be reinstated before expiration of one year upon the applicant showing proof by court record that the violation of law which resulted in the revocation resulted in an acquittal or dismissal of the defendant from all charges for such violations.
- (d) The permit will expire when the liquor license or beer/wine permit expires for the premises.

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

FORM APPROVED:

Douglas P. Philiph, 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. 09-1365), 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. 6629.

Diane Rauh, City Clerk