

ORDINANCE NO. 15,106

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, as heretofore amended, by amending Section 74-101 and adding and enacting a new Section 74-101.5, relating to park facility hours and overnight use of parks by special permit.

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, as heretofore amended, is hereby amended by amending Section 74-101 and adding and enacting a new Section 74-101.5, relating to park facility hours and overnight use of parks by special permit, as follows:

**Sec. 74-101. Park facility hours.**

The hours of operation for all public parks, community centers, and city recreational facilities, except for the Botanical Center and Zoo, shall be established by the Des Moines park and recreation board and must receive two readings for final approval. The park and recreation director shall thereafter have authority to adjust park and recreation facility hours, except for the Botanical Center and Zoo, for a period of one season, unless otherwise directed by the Des Moines park and recreation board. For the purposes of this section, "one season" shall mean the first weekend in April through the last weekend in October and the Monday following the last weekend of October up to the first weekend in April.

- (a) No person shall remain in any public park, community center or city recreational facility during the periods of time set by this section unless special permission shall have been given by the park and recreation director for such persons or group of persons to remain there. Such permit shall not allow use of the park for more than two (2) hours prior to its opening time or more than two (2) hours after its closing time, unless issued in compliance with section 74-101.5.
- (b) No person shall remain in or on any city park, inclusive of municipal golf courses, and Waveland tennis courts, from one-half hour after sunset to 6:00 a.m. during central standard time.

- (c) Exceptions are made for:
- (1) Clubhouses and related facilities on golf courses. These facilities may remain open until 2:00 a.m.
  - (2) Concerts at the Simon Estes Amphitheater. This facility may remain open until 12:00 midnight.
  - (3) Birdland Tennis Courts. This facility may remain open until 11:00 p.m.
  - (4) Birdland Marina. This facility may remain open until 11:00 p.m.
  - (5) Brenton Skating Plaza. This facility may remain open until 12:00 midnight.
  - (6) Park between Tenth and Fifteenth Streets and Grand Avenue and Locust Street. This facility may remain open until 12:00 midnight.

**Sec. 74-101.5 Overnight use of parks by special permit.**

- (a) Purpose. The city's parks and park facilities were not designed for unlimited overnight use. The unlimited use of city parks after hours of operation, such as for camping or storage of personal property, interferes with the rights of others to use the parks for the recreational, leisure and environmental purposes for which they were intended. The purpose of this section is to allow the city's parks to be maintained in a clean and accessible condition and to protect the health, safety and welfare of the city and its residents, while recognizing that infrequent overnight use, subject to reasonable conditions, can be beneficial to the recreational, cultural or educational needs of the community.
- (b) For purpose of this section, *overnight use* shall mean remaining in or being in a park during hours when the park is not open for operation. *Overnight use* does not include storage of equipment, vehicles, or buildings or structures as defined in chapter 134 of this code, which:
- (1) is intended for use and is used during the hours of operation of the park; and
  - (2) is not intended or used for sleeping or residing; and
  - (3) which does not remain in the park for more than fourteen (14) consecutive days.
- (c) The park and recreation director, after consultation with the park and recreation board, shall adopt a policy designating the city parks and areas within such parks in which overnight use shall be permitted and providing reasonable conditions on such use, including camping. Overnight use shall be allowed only by permit issued by the director. No more than ten (10) days of overnight use per calendar year per park shall be allowed. No person shall be permitted overnight use of a city park for more than three (3) days per calendar year per park, unless permitted by the city manager for a compelling recreational, cultural or educational need of the community.

Commercially manufactured tents designed for no more than eight (8) persons may be permitted with overnight use of a park, although no other buildings or structures as defined in chapter 134 of this code or which are regulated by chapters 26 or 42 of this code shall be allowed for overnight use.

- (d) Overnight use of the cabins at Ewing Park shall be exempt from the calendar year day limits of this section.
- (e) Overnight use of the parks for city sponsored or hosted events, activities, and programs shall be exempt from the requirements of this section.

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

FORM APPROVED:

Ann DiDonato, 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. 12-0813), passed by the City Council of said City at a meeting held May 21, 2012 signed by the Mayor on May 21, 2012 and published as provided by law in the Business Record on June 8, 2012. Authorized by Publication Order No. 7914.

Diane Rauh, City Clerk