



Date June 13, 2011

APPROVING AN AMENDMENT TO THE SCHEDULE OF FEES APPLICABLE TO SIDEWALK CAFÉ LEASE AND LICENSE AGREEMENTS

WHEREAS, Section 102-576 of the Municipal Code of the City of Des Moines provides for sidewalk café license fees and lease rentals in the amounts set in the Schedule of Fees adopted by the City Council by resolution; and

WHEREAS, an amendment to the Schedule of Fees setting new sidewalk café lease and license fees and refunds for unused portion of terms has been prepared for Council consideration and is recommended for adoption, which amendment is appended hereto and is now on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the amendment to the Schedule of Fees appended hereto is hereby approved and adopted.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to incorporate said amendment into the Schedule of Fees, and to maintain said Schedule of Fees, as amended, on file in the Office of the City Clerk for public reference.

(Council Communication No. 11- 346 Attached)

APPROVED AS TO FORM: Moved by _____ to adopt.

[Handwritten signature]

Lawrence R. McDowell Deputy City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk

DEPARTMENT	CATEGORY	SUB-CATEGORY	CODE	DESCRIPTION	FEES	LATE FEES	ADMIN FEES	EFFECT DATE	ROLL CALL	RC DATE
	&TRANS									
COMMUNITY DEVELOPMENT	VACATION	Right of Way & Sidewalk Cafes	102-286(f)	annual permit; over 80,000 lbs See foot note: 3. Application fee for petition to vacate a street or alley	\$100.00			07/03/2006	06-1257	06/19/2006
ENGINEERING	TRAFFIC & TRANS	Areaway Permits	102-415	License for public bench	\$25.00			12/18/02		
CITY CLERK		Street and Sidewalk Business License	102-491	Entertainment district license fee	\$200.00		\$50.00	12/18/02	02-3007	
CITY CLERK		Street and Sidewalk Business License	102-527	Sidewalk sale permit fee	\$50.00		\$50.00	12/18/02	02-3007	
CITY CLERK		Street and Sidewalk Business License	102-562	Farmer's or public market license fee	\$200.00		\$50.00	12/18/02	02-3007	
COMMUNITY DEVELOPMENT	VACATION	Right of Way & Sidewalk Cafes	102-576(a)	Application fee for a sidewalk café license or lease	\$200.00			07/03/2006	06-1257	06/19/2006
COMMUNITY DEVELOPMENT	VACATION	Right of Way & Sidewalk Cafes	102-576(b)	License fee per square foot of a licensed area for a sidewalk café license agreement for a term of 3 calendar years. See foot note: 19.	\$4.50			06/13/2011	11-	06/13/2011
COMMUNITY DEVELOPMENT	VACATION	Right of Way & Sidewalk Cafes	102-576(c)	Rental per square foot of leased area for a sidewalk café lease agreement for a term of 3 calendar years. See foot note: 20.	\$4.50			07/03/2006	06-1257	06/19/2006
ENGINEERING	TRAFFIC & TRANS	Areaway Permits	102-618	License for encroachment under, upon or in public property: Flower pots and planters – per property. Permit required; fees exempt See foot note: 1.	\$25.00			01/01/03		
ENGINEERING	TRAFFIC & TRANS	Areaway Permits	102-618	License for encroachment under, upon or in public property: Public benches with advertising. Per bench-per location; annual fee + \$300.00 for annual license. See foot note: 8.	\$100.00			04/01/05		
ENGINEERING	TRAFFIC & TRANS	Areaway Permits	102-618	License for encroachment under, upon or in public property: All other encroachments See foot note: 8.	\$1.00 sq ft with \$25.00 minimum			12/18/02		
ENGINEERING	TRAFFIC & TRANS	Areaway Permits	102-619	Newsracks in sidewalk system	\$25.00			12/18/02		
ENGINEERING	TRAFFIC & TRANS	Areaway Permits	102-620	Grates and Openings	\$25.00			12/18/02		
ENGINEERING	TRAFFIC & TRANS	Areaway Permits	102-621	License fee for encroachments over public property: Awnings, canopies and marquees; per building. Initial permit + \$25.00 each time permit changes. See foot note: 2.	\$25.00			01/01/03		
ENGINEERING	TRAFFIC & TRANS	Areaway Permits	102-621	License fee for encroachments over public property: Sign, banner or other. Each, per year. See foot note: 9.	\$25.00			12/18/02		
ENGINEERING	TRAFFIC & TRANS	Areaway Permits	102-622	Lease fee for architectural projections	\$25.00			12/18/02		

Foot notes:

1. Exemption: The license fee identified above shall apply only to the initial license for any flower pot or planter without signage. No license fee shall be charged for the renewal of a license for any flower pot or planter, if no signage is placed on the pot or planter.
2. Exemption: The license fee identified above shall apply only to the initial license for any awning, canopy or marquee. No license fee shall be charged for the renewal of a license for any awning, canopy or marquee.
3. Fee established by state law and can only be changed by state law
4. **NOTE REGARDING CALCULATION OF INSPECTION COST COMPONENT:** Pursuant to 23-56.01 (e) of the City Code, the base inspection cost component for excavation and obstruction permits is hereinabove expressed as a per square foot fee for the area to be excavated or obstructed, or impacted by excavation or obstruction. The fees for follow-up inspections, conducted after a permittee is informed of a violation of a specification or regulation in order to obtain compliance therewith, shall be at the hourly rate of \$50.00, which is based on the salary, benefit, and overhead costs to the city of the inspectors providing follow-up inspection services. Follow-up inspection services shall be charged to permittees on the basis of the number of hours of inspector time spent providing follow-up inspection services with respect to work performed in connection with each permit, multiplied by the applicable hourly rates on the schedule. The city engineer may waive the follow-up inspection fee on the initial follow-up inspection in the event a dispute over the occurrence of a violation is resolved in favor of the permittee, or for other good cause shown.
5. **NOTE REGARDING CALCULATION OF GIS COST COMPONENT:** The GIS cost component will only be applied to permits involving the placement of new equipment, the relocation of existing equipment, or a change of use or ownership of equipment requiring entry of data or notation into the GIS system. GIS mapping fee doesn't apply to service connections nor when user provides maps in acceptable GIS format.
6. **NOTE REGARDING PERMIT EXTENSIONS:** All excavation and / or obstruction work shall be completed within three (3) consecutive work days, or any other extension period granted in the permit, from the start of work. Permit extension is required if work is not completed within the permitted period. Permit extension fee to include the city cost component and the disruptive cost component for each additional three (3) workday extension and to be calculated as shown above. If the permit is issued with additional extension, the disruptive cost component will be charged for each five (5) day extension.
7. Foundation prices are total square inches multiplied by the square inch price equals the fee. Example: 28" x 18" foundation is 504 square inches multiplied by .63 cents per square inch, for a total of \$317.62
8. Exemption: The license fee identified above shall apply only to the initial license for any flower pot or planter without signage. No license fee shall be charged for the renewal of a license for any flower pot or planter, if no signage on the pot or planter.
9. Exemption: The license fee identified above shall apply only to the initial license for any awning, canopy or marquee. No license fee shall be charged for the renewal of a license for any awning, canopy or marquee.
10. Note: The sign area includes the area between letters and figures.
11. No fee shall be required for any sound equipment permit issued to the city, the state, or the federal government or a governmental subdivision or agency.
12. In addition to the fees, the owner shall pay the notification costs for property owners, publication costs and recording costs as established by the community development department.
13. In addition to such fee the applicant shall pay the estimated notification costs as determined by the Community Development Department
14. In addition to such fee the applicant shall pay the estimated notification to property owners as established by the community development department.
15. New Application – if the applicant **does not** currently hold a license or **has not** held a license within the previous 12 months
16. New Application – if the applicant **currently holds** a license or **has held** a license within the previous 12 months
17. Renewal – license that is currently in effect
18. Permanent or temporary transfer of license from one premise to another (not required if transfer is within 60 days prior to renewal date of an existing license)
19. If the term commences after July 1st of the first year, then the fee per square foot of licensed area for the remainder of the term of 3 calendar years shall be: \$3.75 (\$0.75 for the 1st year and \$1.50 per year for the 2nd and 3rd years) if the licensee is forced to vacate the adjoining business by no fault of its own prior to the expiration of the 2nd calendar year of the term, the City Manager or designee may, upon written request of such licensee, refund such portion of the fee for each unused full calendar year (\$1.50 sf) or unused full ½ calendar year (\$0.75 sf). Effective date: 06/19/2006/06/13/2011.
20. If the term commences after July 1st of the first year, then the rental per square foot of leased area for the remainder of the term of 3 calendar years shall be: \$3.75 (\$0.75 for the 1st year and \$1.50 per year for the 2nd and 3rd years) if the lessee is forced to vacate the adjoining business by no fault of its own prior to the expiration of the 2nd calendar year of the term, the City Manager or designee may, upon written request of such licensee, refund such portion of the rental for each unused full calendar year (\$1.50 sf) or unused full ½ calendar year (\$0.75 sf). Effective date: 06/19/2006/06/13/2011.

Fee has been deemed - INACTIVE