



Roll Call Number

Agenda Item Number

42

Date February 5, 2024

An Ordinance entitled, "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, is hereby amended, by amending Section 42-258, relating to noise control",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage. Second by _____.

FORM APPROVED:

(First of three required readings)

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Mayor

City Clerk

42

ORDINANCE NO. _____

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, is hereby amended, by amending Section 42-258, relating to noise control.

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 42-258, relating to noise control, as follows:

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

.....

(f) *Application standards.* The following are general standards for the type of permit:

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(13) *Type "M" permit Zoo and Water Works Park.* A type "M" permit may be issued for amplification equipment for live performances held on the Blank Park Zoo Foundation Parcel and Water Works Park field, emitting music or human speech, 114 dBCs measured at front of house which will be 125 feet from the state-stage and limited to 85 dBCs when measured at the nearest residence. A type "M" permit is effective for one or two days and for the hours of 9:00 a.m. and 10:00 p.m. Sunday through Thursday, and between the hours of 9:00 a.m. and 11:00 p.m. on Friday and Saturday, the Sunday of Memorial Day weekend, Labor Day weekend and the Fourth of July should it fall on a Sunday. The stage and sound equipment for any live performances held on the Blank Park Zoo Foundation Parcel shall be set up facing the south causing the sound to be directed towards the Blank Park Zoo and the Blank Golf Course. For the purpose of this subsection, Blank Park Zoo Foundation Parcel means the tract owned by Blank Park Zoo Foundation located south of Army Post Road and east of SW 9th Street, and designated for tax purposes as Polk County district/parcel number 120/00324-005-001. Additionally, the stage and sound equipment for any live performances held in the field in Waterworks Park shall be set up facing the northeast causing the sound to be directed through the park and away from residential areas.

(14) *Type "N" permit – Simon Estes Riverfront Amphitheater.* A type "N" permit may be issued for sound equipment to be used in the Simon Estes Riverfront Amphitheater in conjunction with a lease agreement entered into with the Parks and Recreation Department, emitting music or human speech, registering not more than

100 dBCs, when measured at the middle cement crosswalk. This permit is effective between the hours of 9:00 a.m. to 10:00 p.m. Sunday through Thursday and 9:00 a.m. to 11:00 p.m. on Friday and Saturday, the Sunday of Memorial Day weekend, Labor Day weekend and the Fourth of July should it fall on a Sunday.

- (15) *Type "O" permit – Riverview Amphitheater.* The type permit may be issued for sound equipment in the Riverview Amphitheater, in conjunction with a lease agreement entered into with the Parks and Recreation Department, emitting music or human speech, registering not more than ~~105-114 dBCs at the front of house -50 feet from the speakers~~ which shall be ~~theis~~ established ~~to be 75 feet from the soundfront of house for purposes of noise control measurements.~~ This permit is effective between the hours of 9:00 a.m. to 10:00 p.m. Sunday through Thursday and 9:00 a.m. to 11:00 p.m. on Friday and Saturday, the Sunday of Memorial Day weekend, Labor Day weekend and the Fourth of July should it fall on a Sunday.

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

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney