

ORDINANCE NO. 15,789

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 Sections 102-1125, 102-1126, 102-1128.2 and 102-1130, and by adding and enacting new Section 102-1128.3, relating to street use 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, as heretofore amended, is hereby amended by amending Sections 102-1125, 102-1126, 102-1128.2 and 102-1130, and by adding and enacting new Section 102-1128.3, relating to street use permits, as follows:

Sec. 102-1125. Application.

- (a) *Contents.* A written application for a street use permit by persons or groups desiring the same shall be made on a form provided by the city manager's office and shall be filed with the city manager's office. The application shall set forth the following information regarding the proposed street use:
- (1) The name, address, telephone number, facsimile number and e-mail address of the applicant(s) or sponsor(s) of the event and contact person(s).
 - (2) If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.
 - (3) The date(s) and duration of time for which the requested use of the street is proposed to occur.
 - (4) An accurate description of that portion of the street proposed to be used including a map or diagram of proposed locations of food stands, generators, dumpsters, trash receptacles, temporary restroom facilities, or any other noise or odor generating item proposed to be used, placement of banners and temporary inscriptions or markings in the closed portion of the street to be used, and full description of event route if applicable including street closure times.
 - (5) The estimated number of participants/attendees.
 - (6) The proposed use, described in detail, including a description of the activities planned.
 - (7) After initial filing of the application, any additional information may be requested that the street use team deems reasonably necessary to make a fair determination as to whether a permit should be issued, including but not limited to a crowd control/security plan and a traffic control barricade plan. These plans can be prepared by an outside contractor or the person or representative of the group

applying for a street use permit. There will be an additional fee charged if city staff prepares the traffic control barricade plan or the crowd control/security plan.

- (b) *Deadline for applications.*
 - (1) Applications that include a commercially zoned district must be submitted not less than 90 calendar days prior to the date of the event. Applications received less than 90 days in advance will be assessed the late fee set in the schedule of fees and may be denied.
 - (2) Applications limited to a residential district must be submitted not less than 30 calendar days prior to the date of the event. Applications received less than 30 days in advance will be assessed the late fee set in the schedule of fees and may be denied.
- (c) *Petition required.*
 - (1) For all street closure applications with planned street closures at any one location lasting more than 1 hour except events taking place entirely in a residentially zoned district, a petition is required designating the proposed areas of the street to be used and the time of the proposed use. The petition shall be signed by more than 60 percent of the business owners either abutting or within a building that abuts the portion of the street to be closed for more than one hour.
 - (2) A good faith attempt shall be made to obtain signatures from all business owners/managers either abutting or within a building that abuts the portion of the street to be closed for more than one hour.
 - (3) Applications with petitions that do not have more than 60 percent approval pursuant to this section will be denied unless appealed pursuant to section 102-1133 of this division.
 - (4) The petition form shall be available from the street use team and when completed the petition may be verified by the street use team.
 - (5) Applicants who have obtained a farmers or public market permit for the current year pursuant to sections 102-556 through 102-564 are exempt from the petition required by this section.
- (d) *Notice.* The applicant shall provide notice of the event to all residents and commercial tenants, owners, and lessees satisfactory to the street use team including maps, closure times, and contact information.

Sec. 102-1126. Application process.

- (a) Upon receipt of a completed street use permit application, the non-refundable application fee(s), petition, map, and any accompanying materials, the city manager's office shall immediately forward copies of the application to the street use team.
- (b) The team shall evaluate the application and materials using the standards found elsewhere in this article or other city ordinances. The team shall either approve with conditions as necessary to control potential odor and/or noise issues to ensure the safety of the public and provide for an orderly event, or deny the application. Upon approval, the city manager's office shall issue the permit, including any special provisions or conditions.
- (c) The approval or denial of a completed application by the team shall be made to the applicant as soon as reasonably practicable.

Sec. 102-1128.2. Access to businesses.

- (a) Access to businesses that abut the street closure shall be maintained during the normal business hours of the affected business.
- (b) Access to businesses within the street closure for deliveries shall be maintained up to one hour before the event opens.
- (c) Service vehicles present for the event shall not block entrances to businesses.

Sec. 102-1128.3. Clean up required.

- (a) Trash and litter shall be cleaned up in the permitted street closure area and within a one block radius of the permitted street closure area upon the end of the event.
- (b) All grease spills on the street that occur during the street closure shall be cleaned off if not prevented with a protective covering.

Sec. 102-1130. Criteria and standards in reviewing street use permit applications.

The criteria to be considered in reviewing street use permit applications may include:

- (1) Whether the applicant appeared at the street use meeting at the request of the street use team and/or supplied information requested by the street use team.
- (2) Whether the time and size of the event would substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic in the vicinity of the event's location;
- (3) Whether the concentration of persons at the event would unduly interfere with proper fire and police protection of, or other emergency service through, the event or to areas adjacent to the event's location;
- (4) Whether the estimated number of participants or the size or type of event equipment is sufficient to close a street or if there is an alternative available to closing a street;
- (5) Whether another street use permit has already been granted for substantially the same time and location;
- (6) Whether the size or time of the event would require so great a diversion of the city police department as to prevent normal police protection of the city or to prevent adequate police protection at another previously scheduled city-wide event;
- (7) Whether a recurring event conflicts with the requested location and time.
- (8) Whether city personnel necessary to regulate and monitor the event can reasonably be made available.
- (9) Whether the event is reasonably likely to cause injury to persons or property and there is adequate planning for crowd control or participants;
- (10) Whether adequate sanitation or other health facilities will be available at the event;
- (11) Whether there is a sufficient number of parking places within a reasonable distance to accommodate the number of vehicles expected;
- (12) Whether the time, size, or nature of the events are compatible with the normal activity at that location;
- (13) Whether the proposed use or event will have a significantly adverse environmental impact;

- (14) Whether negative police or other official reports of past activities sponsored by the same applicant or in the same location merit a recommendation of denial; or
- (15) Whether the sponsor, applicant, their employees or agents have violated the Des Moines Municipal Code at past events.
- (16) Whether applicant(s) have paid the City all fees due and owing under any chapter of the Des Moines Municipal Code.
- (17) Whether the sponsor, applicant, their employees or agents have followed all conditions which may have been placed on a prior street use permit including, but not limited to, the placement of potential noise and/or odor generating items or have caused excess noise and/or odors at past events.

Section 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. Philip, 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. 19-1247), passed by the City Council of said City at a meeting held August 5, 2019 signed by the Mayor on August 5, 2019 and published and provided by law in the Business Record on August 23, 2019. Authorized by Publication Order No. 10779.

Diane Rauh, City Clerk