

City of West Des Moines Sound Permit Application

**For the Outdoor Use of Sound Amplification
Equipment**



City of West Des Moines
Development Services Department
4200 Mills Civic Parkway – Suite 2D
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www.wdm.iowa.gov

REVISED JUNE 2013

A complete copy of the West Des Moines Noise Ordinance is available from the Development Services Department. The following is an excerpt from that ordinance as it pertains to the Sound Permit:

4-7-11: REGULATION OF SOUND EQUIPMENT AND SOUND AMPLIFYING EQUIPMENT:

- A. No person shall use or cause to be used any loudspeaker, loudspeaker system, sound amplifier or any other machine or device which produces, reproduces, or amplifies sound outside of buildings or other enclosed structures for the purpose of amplifying a live performance or pre-recorded music without first obtaining a permit to do so.
- B. A permit may be obtained by making application to the Director of Development Services or designee.
- C. Application requests shall be filed with the Development Services Department. No application request shall be accepted for filing and processing unless it conforms to the requirements of this Title, contains in a full, true and correct form the required materials and information prescribed by the forms supplied by the Development Services Department and is accompanied by the appropriate fees.
- D. All permits are subject to approval by the Director of Development Services, or designee. The Director shall have the discretion to refer any sound permit request to the City Council for their review and action. **The City Council must approve any sound permit request that extends past ten o'clock 10:00) P.M.**
- E. The permit requires separate payment for each type of activity and permits shall be nontransferable. A permit for a single event or a series of events at the same location may be issued. The City Council, the Director of Development Services, or designee retains the ability to revoke or modify any issued permits for any alleged violations of this Chapter, including those based upon sound meter readings taken by the City. The Chief of Police or designee may also terminate the permit activity if the activity continues to exceed the maximum permitted sound level after the permit holder or the holder's employee or agent has been advised that the activity has exceeded the maximum permitted sound level.
- F. The permit shall be displayed on or immediately adjacent to the sound equipment.
- G. Each application request shall be accompanied by the fee specified by City Council resolution before it is accepted for filing and processing.
- H. If the property is a rental property, the applicant needs to have written permission from the landlord. If the property is under common ownership, the applicant needs to have written permission from the landlord or association.
- I. The use of any loudspeaker, loudspeaker system, sound amplifier, or any other similar machine or device which is permitted pursuant to this Section is subject to the following regulations:

1. The only sound permitted shall be either music or human speech, or both.

2. The volume of the sound amplified pursuant to this Section shall not exceed the maximum permissive sound levels measured from the receiving land use, as outlined in this Chapter.

- *J. Any radio, record player, stereo, television, compact disc player, tape deck or player that is rated for fifty (50) watts or less of electrical power, does not require a sound permit application.

4-7-12: CONDITIONS OF SOUND PERMIT APPROVAL:

- A. The Development Services Department may regulate the issuance of a sound permit as is necessary to meet the purposes of this Chapter and protect the public health, safety, and welfare of adjacent uses. Conditions which may be regulated may include, but are not limited to:
 - 1. Setbacks.
 - 2. Fences, walls, or other screening necessary to mitigate noise.
 - 3. Control of noise, vibration, or other nuisances.
 - 4. Hours of operation.

4-7-13: PRIOR DETERMINATION FOR SOUND PERMIT APPROVAL:

- A. The following shall be considered in determination for approval of an application for a sound permit:
 - 1. Adverse impact on the health, safety, and welfare of person or property in the surrounding area.
 - 2. Prior violations of this chapter by the applicant requesting a sound permit.

4-7-14: APPEALS:

- A. Wherein the applicant, the adjacent property owner, or any officer, department, board, or bureau of the City is affected by any decision or order made by the Director of Development Services or designee regarding the approval or denial of a sound permit, such appeal shall be taken within ten (10) days from the decision or order made by the Director of Development Services, by filing a written petition with the City Clerk requesting a hearing on the matter and specifying the grounds thereof. A hearing before the Municipal Code Hearing Officer will be held as provided by subsections 4-4-9(E), (F), and (G) of this Title. An appeal pursuant to this Chapter shall not stay the effect of the decision or order made by the Director of Development Services or designee unless so ordered by the Municipal Code Hearing Officer.

SOUND PERMIT FEES
 ❖ 1-48 hrs event = \$22.00
 ❖ 2-7 days event = \$44.00
 ❖ Multiple events in one calendar year = \$82.50

The City Council MUST approve any sound permit request that extends past ten o'clock (10:00) P.M.

Permit. Applications received less than two (2) weeks before the event MAY NOT be processed by the City in time for the event

**CITY OF WEST DES MOINES
 SOUND PERMIT
 For the Amplification of a Live Performance**

***Denotes required field**

Today's Date _____ Fee Received: _____ Permit No. _____

*Applicant's Name: _____ *Phone No. _____

*Applicant's **Complete** Address (**include city/state/zip**): _____

*Applicant's E-mail Address: _____

Have you, the applicant, ever been cited for a violation of the West Des Moines Noise Ordinance? Y/ N

If yes, explain: _____

*Property owner name: _____

*Property owner address: _____

I, the undersigned, hereby acknowledge and certify that I am the record fee title holder of the property for which this sound permit is requested, and I hereby consent to this application for a sound permit, for the amplification of a live performance, as described on this application.

 *Property Owner Signature Date

Address of proposed activity: _____
 (If located in a City park, please include the name of the park)

*Describe proposed activity, including **EVENT AND MUSIC START AND ENDING TIME(S) AND DATE(S)** and number of people attending: _____

*How will the parking for this event be handled? _____

Please refer to Page 2, Paragraph J of this application form regarding wattage requirements for the proposed sound equipment as a sound permit may not be deemed necessary.

***Attach an 8½" x 11½" sketch plan of the proposed layout of the sound amplification equipment, including the orientation to and approximate distances from the adjoining properties.**

*Have the adjoining property owners/residents been notified of the event for which this permit is requested? Y/ N
 If so, please list addresses notified (attach additional sheets if necessary): _____

*Describe what measures will be taken, if any, to minimize the effects of this performance on surrounding property owners. _____

Provide any additional information that pertains to this application for a Sound Permit.

APPLICANT'S CERTIFICATION - I hereby certify under penalty of perjury that the statements furnished including the drawing, present all information required for this application, and that the facts, statements and information presented are true and correct, and based upon my personal knowledge. I hereby acknowledge my obligation to comply with the West Des Moines Municipal Code as it pertains to this activity and to obtain any and all necessary City, County, State and Federal permits, approvals and/or clearances, if applicable. Further, I hereby certify that I have read, understand and have received a copy of the conditions for the operation of the Sound Permit, and hereby agree to comply with such conditions. I also understand that should I fail to comply with the agreed upon conditions, my permit may be immediately revoked and that all other applicable penalties, including criminal prosecution may be pursued.

*Applicant's Signature

Date

FOR STAFF USE ONLY

APPROVAL OF SOUND PERMIT

Approved by: _____

Date:

City Council Approval Date:

This sound permit is approved subject to the following exhibits and conditions.

Exhibits:

Conditions:

Expiration Date:

DENIAL OF SOUND PERMIT

Denied by: _____

Date:

This sound permit is denied based upon the following findings.

Findings:

Copies of this permit have been distributed to the following departments:

- Development Services Department
- City Clerk's Office

- Police Department
- Parks and Recreation Department