

ORDINANCE NO. 034-15

AN ORDINANCE AMENDING SECTIONS 10.09, 56.03 AND 62.01 OF THE CEDAR RAPIDS MUNICIPAL CODE REGULATING SOUND AND NOISE, SO AS TO PERMIT THE CONDUCT OF CERTAIN OUTDOOR EVENTS AT AND USES OF MCGRATH AMPHITHEATRE DURING SPECIFIED TIME PERIODS

WHEREAS, THE CITY OF CEDAR RAPIDS has established the McGrath Amphitheatre in Cedar Rapids, at which certain outdoor events are held during the time frame from May 1 through and including October 31 of each year; and

WHEREAS, THE CITY COUNCIL, by Ordinance No. 049-14, authorized the Cedar Rapids Chief of Police to allow the operation and play of musical instruments, sound amplifiers, or similar devices until 11:30 p.m. during events held on certain specified dates at McGrath Amphitheatre; and

WHEREAS, THE CITY COUNCIL has determined the need to extend the aforesaid authorization for the Cedar Rapids Chief of Police with respect to all events and performances at and uses of McGrath Amphitheatre during the time frame from May 1 through and including October 31 of each year, beginning with the year 2015 and continuing each year thereafter, provided such occurrences are arranged for by the City of Cedar Rapids through its agents or employees in the City's management of the McGrath Amphitheatre;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

Section 1. Section 56.03(f) of the Cedar Rapids Municipal Code is hereby amended by adding the following provision as the final unnumbered paragraph of said subsection (f):

Notwithstanding the provisions of this subsection to the contrary, no event, performance or use of the McGrath Amphitheatre Cedar Rapids held between May 1 and October 31 shall be a violation of this section until after 11:30 p.m., provided said event, performance or use shall have been arranged for by the official City of Cedar Rapids' manager for McGrath Amphitheatre Cedar Rapids.

Section 2. Section 62.01 of the Cedar Rapids Municipal Code is hereby amended by adding thereto the following provision as subsection (d):

(d) Notwithstanding the provisions of subsections 62.01(a) and 62.01(b) to the contrary, no event, performance or use of the McGrath Amphitheatre Cedar Rapids held between May 1 and October 31 shall be a violation of this section until after 11:30 p.m., provided said event, performance or use shall have been arranged for by the official City of Cedar Rapids' manager for McGrath Amphitheatre Cedar Rapids.

Section 3. Section 10.09 of the Cedar Rapids Municipal Code is hereby amended by striking it in its entirety and substituting the following in its place:

All parks shall be closed from 10:00 p.m. to 6:00 a.m. on each day with the following exceptions: (1) the Parks Director may grant special permission to persons or groups to use designated parks, venues or facilities after 10:00 p.m.; (2) persons participating in and attending scheduled tournament ball games in progress may remain to completion of game if not finished by 10:00 p.m.; (3) any municipal employee on duty, law enforcement officer, or person duly authorized by the Park Director or his representative to be in the park. Any person entering or being in a public park during the hours the park is closed except as above provided shall be guilty of a misdemeanor subject to penalties provided in the Municipal Code, City of Cedar Rapids.

Section 4. Separability of Provisions. It is the intention of the Council that each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and, if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that affected by such decision.

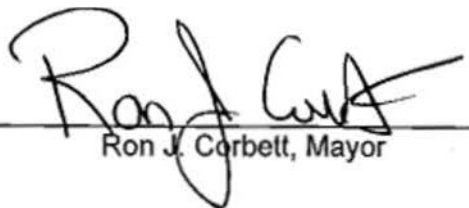
Section 5. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa, and made a part of said Code as provided by law.

Section 6. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 28th day of April, 2015.

Passed this 12th day of May, 2015.

Voting: Council member Gulick moved the adoption of the ordinance; seconded by Council member Vernon. Adopted, Ayes, Council members Shey, Olson, Shields, Russell, Gulick, Vernon, Weinacht and Mayor Corbett.



Ron J. Corbett, Mayor

Attest:



Amy Stevenson, City Clerk