

ORDINANCE NO. 13,601

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, by adding and enacting a new Section 2-85.01, relating to concessions.

Be It Ordained by the City Council of the City of Des Moines,

Iowa:

Section 1. That the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, be and is hereby amended by adding and enacting a new Section 2-85.01 thereof, relating to concessions, as follows:

**2-85.01. CONCESSIONS IN CITY PARKS AND RECREATION FACILITIES. (a)**

Definitions:

(1) "Concession" means a person, firm or corporation operating a profit making venture located in a city park or recreation facility that is engaged in the sale of consumer goods or services to the public under a written agreement with the city.

(2) "Temporary concession" means a concession as defined above that is conducted for no more than thirty-one consecutive days or for no more than fifteen days within a calendar year.

(3) "Competitive procurement" means the competitive bidding process described in section 2-85 of this code.

(4) "Non-profit agency or organization" means an agency or organization that is incorporated under Iowa Code Chapter

504A or is tax-exempt under section 501(c) of the Internal Revenue Code.

(b) No person, firm or corporation shall be allowed to make use of a city park or recreation facility to conduct or promote a profit making venture to sell consumer goods or services to the public without successfully completing the competitive procurement process and obtaining a concession for such use as defined in (a)(1) above.

(1) A non-profit agency or organization, as defined in (a)(4) above, need not complete the competitive procurement process but must obtain written permission from the city manager or his or her designee to sell consumer goods or services to its members or the public in a city park or recreation facility.

(2) A temporary concession, as defined in (a)(2) above, may be granted through a written agreement approved by the city manager or his or her designee without completing the competitive procurement process.

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

FORM APPROVED:

Emily Gould Chafa

Assistant City Attorney