



Roll Call Number

Agenda Item Number

40

Date March 7, 2016

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, by adding a new Article VIII, Mobile Food Venders in Designated Parks, to Chapter 74, Parks and Recreation, and by amending Section 78-201, relating to mobile food vendors",

(Council Communication No. 16-105)

presented.

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

FORM APPROVED:

(First of three required readings)

Ann DiDonato
Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, 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.

City Clerk

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, by adding a new Article VIII, Mobile Food Venders in Designated Parks, to Chapter 74, Parks and Recreation, and by amending Section 78-201, relating to mobile food vendors.

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 adding a new Article VIII, Mobile Food Venders in Designated Parks, to Chapter 74, Parks and Recreation, and by amending Section 78-201, relating to mobile food vendors, as follows:

ARTICLE VIII. MOBILE FOOD VENDERS IN DESIGNATED PARKS

Sec. 74-210. Mobile Food Venders.

This article is being adopted as a pilot project for a limited duration, after which the city council will determine whether to repeal this article or to make changes to this article, as appropriate.

- (a) Mobile vendors operating mobile vendor vehicles, as defined in article V of chapter 78 of this code, may be located or operated only in the following parks:
 - (1) Greenwood Park.
 - (2) Ashworth Park.
 - (3) Union Park.
 - (4) Grandview Park.
 - (5) Ewing Park.
 - (6) MacRae Park.
- (b) Mobile vendor vehicles may only be located in a parking space designated by a sign for mobile food vendors within the paved parking lot or park road. Use of such designated parking spaces are on a first-come first-serve basis each day. No other parking space or parking on unpaved areas within the parks may be used for mobile vendor vehicles. Mobile vendors are not allowed to place any items within the park, other than the mobile vendor vehicle, such as tables or chairs.
- (c) Mobile vendor vehicles are only allowed in the above-designated parks during the days of the year when permanent restrooms are open to the public in such parks and only during hours when the park is open to the public.
- (d) Every mobile food vendor operating or locating a mobile vendor vehicle within the designated parks must have a current mobile vendor license issued in compliance with article V of chapter 78 of this code and operate in compliance with all license and article V of chapter 78 requirements.

- (e) Every mobile food vender operating or locating a mobile vender vehicle within the above designated parks must have a mobile food vender permit issued by the park and recreation director. An application for such permit must be made by submitting an application on a form provided by the department at least three business days prior to use. The application must include a copy of the applicant's mobile vender license issued by the city clerk and payment of the application fee of \$200 for an annual permit or \$25 per day for a one day permit. Annual permits shall be in effect for one year, or portion thereof, from April 1 through October 31 of each year and are in effect only during the time periods when the requirements of subsection (d) above are met. The park and recreation director may designate dates within the permit period during which mobile vendors are prohibited from operating within the designated parks.
- (f) The permit must be displayed within the mobile vender vehicle in a manner such that it is readily visible to all persons seeking to conduct business with the mobile vender.
- (g) Upon complaint or a reasonable suspicion that a permittee or the permittee's employees or agents has furnished any false information in its application or has violated or failed to comply with any of the requirements of this article or chapter 78 of this code, or any other provisions of this code, the suspension or revocation provisions in section 78-211 of this code shall apply, with the park and recreation director or director's designee in substitution for the city clerk of city clerk's designee.
- (h) Section 74-178 does not apply to mobile vendors operating mobile vender vehicles.

Sec. 78-201. - Mobile vender zones.

- (a) Subject to the requirements of this article, a mobile vender license is only valid for the sale of food or beverages for immediate consumption from a mobile vender vehicle lawfully parked within one of the following zones:
 - (1) The downtown mobile vender zones identified in subsection (b), below.
 - (2) The neighborhood mobile vender zones identified in subsection (c), below.
 - (3) The park locations identified in section 74-210 of this code.
- (b) The downtown mobile vender zones consist of and are limited to the following street segments:
 - (1) Downtown mobile vender zone A:
Grand Avenue from 13th Street to 15th Street,
Locust Street from 13th Street to 15th Street,
Walnut Street from 13th Street to 15th Street,
13th Street from Grand Avenue to Walnut Street, and
15th Street from Grand Avenue to Walnut Street.
 - (2) Downtown mobile vender zone B:
Center Street from 5th Avenue to 9th Street,
Crocker Street from 5th Avenue to 9th Street,
Park Street from 3rd Street to 7th Street, and
Watson Powell Jr Way from 3rd Street to 7th Street.
 - (3) Downtown mobile vender zone C:
Cherry Street from 5th Avenue to 9th Street,

Mulberry Street from 5th Avenue to 7th Street, and
5th Avenue from Vacated Vine Street to Mulberry Street.

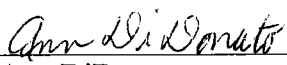
- (4) Downtown mobile vender zone D:
 East Court Avenue from East 2nd Street to East 6th Street,
 East Grand Avenue from Robert D Ray Drive to East 4th Street,
 Locust Street and East Locust Street from the west end of the Locust Street bridge
 over the Des Moines River to East 4th Street,
 East Walnut Street from East 1st Street to East 7th Street,
 Robert D Ray Drive from East Grand Avenue to East Locust Street,
 East 2nd Street from East Walnut Street to E Court Avenue,
 East 3rd Street from East Walnut Street to E Court Ave,
 East 4th Street from East Walnut Street to East Court Avenue, and
 East 7th Street from East Walnut Street to a point 240 feet south of East Court
 Avenue.

(c) The neighborhood mobile vender zones consist of and are limited to the following street
segments during the days of the week and the hours of the day identified for each such zone
below:

- (1) Neighborhood mobile vender zone 1: *Reserved*
 Location:
 Days and hours of operation:

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

FORM APPROVED:



 Ann DiDonato
 Assistant City Attorney