

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: April 11, 2016
	Agenda Item No. 52 Roll Call No. <u>16-0602</u> Communication No. <u>16-182</u> Submitted by: Benjamin R. Page, Park and Recreation Director

AGENDA HEADING:

Amending Chapter 74 of the City Code regarding a pilot program to allow mobile food vendors to operate in designated City parks.

SYNOPSIS:

Recommend approval to amend Chapter 74 of the ordinance to establish a pilot program to allow mobile food vendors to operate in designated City parks. Since amendments to Chapter 78 are planned to be proposed at the next Council meeting to license pushcart food vendors, the proposed amendment to Chapter 74 at this third reading has been revised to also allow pushcart food vendors that have obtained a mobile food vendor license from the City.

FISCAL IMPACT:

Amount: \$200 fee for a yearly permit, or \$25 fee for a daily permit. It is expected that a pilot program to allow food vendors will have a nominal impact to the Park and Recreation Department’s overall operating budget.

Funding Source: N/A

ADDITIONAL INFORMATION:

Staff has reviewed sections of Chapters 78 of the Municipal Code in regards to Mobile Food Vendors and is recommending that a pilot program be started in 2016 that would allow mobile food vendors and pushcarts to operate in selected Des Moines Parks. In addition, the pilot program would allow Food vendor pushcarts to operate at City sponsored events at City parks and under a concession agreement for the concessionaire at The Hub Spot.

On February 23, 2016, the Park and Recreation Board unanimously approved the pilot program for mobile food vendors in designated parks.

The proposed additions to Chapter 74 to allow for this pilot program are outlined below

Sec. 74-210. Mobile Food Vendors.

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; and
 - 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, with a maximum of two (2) spaces being designated in each park. 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 vendor operating or locating a mobile vendor vehicle within the above designated parks must have a mobile food vendor 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 (3) business days prior to use. The application must include a copy of the applicant's mobile vendor 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 (1) day permit. Annual permits shall be in effect for one (1) 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 vendor vehicle in a manner such that it is readily visible to all persons seeking to conduct business with the mobile vendor.
- (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 or City clerk's designee.
- (h) Section 74-178 does not apply to mobile vendors operating mobile vendor vehicles.

The ordinance has been amended on this third reading to include the following section to allow food carts at City sponsored events and at the Hub Spot pursuant to the concession agreement approved by the City Council.

- i) Notwithstanding subsection 74-210(a) above, food carts as defined in Section 78-61 of this code may be located or operated at The Hub Spot pursuant to a concession agreement approved by the City Council and at any City park during a City sponsored event pursuant to a temporary concession permit issued by the director. The requirements of subsection 74-210(b), (c), (d), (e), (f) and (g) above shall not apply to such food cart operation.

Upon approval by the City Council of the proposed amendments of Municipal Code Chapter 74 Article Viii. Mobile Food Venders In Designated Parks, the Parks and Recreation Department will designate parking spaces in the selected parks.

PREVIOUS COUNCIL ACTION(S):

Date: March 21, 2016

Roll Call Number: [16-0491](#)

Action: [Amending](#) Chapter 74 of the Municipal Code regarding mobile food vendors in City Parks. Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Park and Recreation

Date: February 23, 2016

Resolution Number: 16-012

Action: Approval to allow food trucks in designated park.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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