

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: April 25, 2016
	Agenda Item No. 50 Roll Call No. <u>16-709</u> Communication No. <u>16-230</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Approval of amendments to Chapter 78 regarding the transient merchant ordinance and the mobile food vendor ordinance.

SYNOPSIS:

Recommend amending the Mobile Food Vending Permit and Transient Merchant Permit, to require all vendors selling food (and non-food items) to have the same permit regulations. Additionally, a new Premise Permit is being created, which will require private property owners to obtain a separate permit prior to inviting licensed vendors to sell on their property.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The mobile food vendor license was enacted to allow food trucks to sell on the City streets with the option to sell in City parks. It was discovered that food vendors in parks would be required to pay for unnecessary meter hoods. The amendment will allow a vendor to have a transient merchant license or a mobile food vendor license to operate in a City park.

At the same time the Legion of Food was requesting a path to allow food vendors on private property to be more mobile and locate in a number of locations only paying for one (1) food sales license. This is best accomplished by issuing a permit to allow sales on private property directly to a private property owner.

The substantive changes to the ordinances include:

- A transient merchant will be subject to the same permit requirements as a mobile food vendor.
 - Application requirements.
 - Insurance requirements.
 - Fire inspections.
- Create a premise permit for a property owner to obtain to allow a vendor to sell on their property.
 - The property owner will be responsible to supply restrooms within 500 feet of food sales.
 - The property owner will be responsible for maintenance of the lot.
 - A property owner may only allow one (1) vendor (selling food or merchandise) on the property at any time.

- A property owner will be required to indicate the area for sales and parking by striping the paving.
- New requirements for a transient merchant located on private property.
 - A transient merchant must vacate the private property from the hours of 1:30 a.m. and 8:00 a.m.
 - A transient merchant cannot park a vehicle or leave items in connection with the sales activity on private property unattended.
 - A push cart will be allowed to obtain a license to sell food on private property but not on a City street.
 - Sales of food can only occur while supplied restrooms are available for use.

The following provisions will not change:

- Non-residentially owned private property from which food is sold must have a restroom within 500 feet.
 - It will be the responsibility of the property owner to reach an agreement to supply the restroom.
- Transient sales must occur on commercial non-residentially occupied properties.
- Changes will not affect seasonal sales of vegetables and Christmas trees.

These changes will allow for easier inspections and enforcement. By having all vendors be obligated to leave private property at a prescribed time staff will have an easier time identifying a violation. The private property owner will have to agree that anyone they allow on the property abides by the ordinance requirements.

The changes also clean up some language that obligated a food vendor to pay for a meter hood to locate in a park. Under the changes they are only required to pay for meter hoods if they intend to sell on a City street. The purpose of paying for a meter hood is to reimburse the City for lost meter revenue.

PREVIOUS COUNCIL ACTION(S):

Date: April 11, 2016

Roll Call Number: [16-0602](#)

Action: [Amending](#) Chapter 74 of the Municipal Code regarding mobile food vendors in City Parks, as amended to allow for push carts. ([Council Communication No. 16-182](#)) Moved by Coleman that this ordinance do now pass, [#15,461](#). Motion Carried 7-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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