

ORDINANCE NO. 15,104

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 amending Sections 102-558 and 102-1132, relating to insurance requirements for farmers' and public market permits and for street use permits.

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 amending Sections 102-558 and 102-1132, relating to insurance requirements for farmers' and public market permits and for street use permits, as follows:

**Sec. 102-558. Application.**

Any person applying for a permit to conduct a farmers' or public market shall make written application to the city manager's office at least 30 days prior to the first proposed date for the market. No permit shall be issued unless an application containing the following information is first completed:

- (1) The name, address and phone number of the applicant and/or market manager he or she represents.
- (2) The proposed location of the market and the names of any businesses which the market will front.
- (3) If such businesses are not participating in the market, a copy of the notice sent to such businesses of the market, its location and duration.
- (4) The proposed dates of the market and its hours of operation.
- (5) The number of vendors involved in the market, their names, and permanent addresses.
- (6) The type of merchandise to be sold.
- (7) A certificate of insurance demonstrating compliance with all insurance requirements. The amount and type of liability insurance to be required shall be determined by the city's finance director or designee and are hereby, by reference, made a part of the permit application form.

**Sec. 102-1132. Insurance.**

- (a) The applicant for a street use permit agrees to indemnify, and hold harmless the city, its employees, and agents, and to purchase and maintain liability insurance as per the requirements set forth in the city's risk management special events policy.
- (b) The amount and type of liability insurance to be required in the city's risk management special events policy shall be determined by the city's finance director or designee and are hereby, by reference, made a part of the permit application form. The requirements of insurance shall be determined using objective standards including, but not limited to, the size and nature of the event, the number of expected participants, and the potential for physical injury or property damage caused by participants.
- (c) As evidence of the applicant's ability to perform the conditions of the permit, the applicant shall furnish a certificate of insurance at the time of application to the city manager's office.

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

FORM APPROVED:

Douglas P. Philip, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 12-0731), passed by the City Council of said City at a meeting held May 7, 2012 signed by the Mayor on May 7 2012 and published as provided by law in the Business Record on May 25, 2012. Authorized by Publication Order No. 7912.

Diane Rauh, City Clerk