

ORDINANCE NO.16,085

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 74-28, 74-29, 74-58, 74-92, 74-93, 74-95, 74-96, 74-99, 74-100, 74-101, 74-102, 74-109, 74-110, 74-111, 74-112, 74-175, 74-176, 74-177, 74-178, 74-179, 74-180, 74-181, 74-182, 74-183, 74-184, 74-185, 74-186, 74-187, 74-188, 74-189, and 74-210, relating to the Parks and Recreation Board and Parks and Recreation Department and Director; regulating conduct for use of parks and recreational facilities; fees for rental and use of parks and recreational facilities and programs and 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, by Sections 74-28, 74-29, 74-58, 74-92, 74-93, 74-95, 74-96, 74-99, 74-100, 74-101, 74-102, 74-109, 74-110, 74-111, 74-112, 74-175, 74-176, 74-177, 74-178, 74-179, 74-180, 74-181, 74-182, 74-183, 74-184, 74-185, 74-186, 74-187, 74-188, 74-189, and 74-210, relating to the Parks and Recreation Board and Parks and Recreation Department and Director; regulating conduct for use of parks and recreational facilities; fees for rental and use of parks and recreational facilities and programs and mobile food vendors, as follows:

ARTICLE I. IN GENERAL

Secs. 74-1--74-25. Reserved.

ARTICLE II. PARKS AND RECREATION BOARD*

***Cross reference(s)--Boards, commissions, committees and agencies, § 2-1046 et seq.**

Sec. 74-26. Duties generally.

- (a) The city parks and recreation board shall:
- (1) Advise on the planning, coordination and execution of the city's parks and recreation programs and facilities by the parks and recreation director and his or her staff.
 - (2) Advise and make appropriate recommendations to the city council on subsection (a)(1) of this section.

- (3) Approve and advise on the necessary rules and regulations for the equipping, maintenance, conduct, supervision and control of the city parks, community recreation centers and recreational facilities.
- (4) Advise the city's parks and recreation director in the preparation of the annual budget.
- (b) All such rules and regulations adopted by the city parks and recreation board in the performance of the duties in subsection (a) of this section shall be reported to the city council and shall be effective when approved by the city council.

Sec. 74-27. Advisory committees.

The parks and recreation board may create and appoint members to committees to perform certain duties and advise the board on various park and recreation issues. Members of such committees may include residents and nonresidents of the city.

Sec. 74-28. Appointment, composition and terms.

- (a) The parks and recreation board shall consist of fifteen members. Each city councilmember may recommend candidates for appointment to two positions on the board. The Des Moines Independent Community School District board of education may recommend one of its members for appointment to the board, subject to approval by the city council.
- (b) Each member of the board shall be appointed for a term of four years, with no more than four members' terms expiring each year.
- (c) The parks and recreation board is the successor to the city parks board.

Sec. 74-29. Liaison with board of education.

The parks and recreation department shall cooperate where possible with the Des Moines Independent Community School District board of education in providing for the joint operation and maintenance of all school grounds and school structures under the jurisdiction of the board of education when jointly used as city parks, playgrounds and community recreation centers.

Secs. 74-30--74-55. Reserved.

ARTICLE III. PARKS AND RECREATION DEPARTMENT*

 *Cross reference(s)--Departments, § 2-536 et seq.

Sec. 74-56. Supervision by director.

The parks and recreation director shall supervise the parks and recreation department.

Sec. 74-57. Appointment of director.

The city manager shall appoint the parks and recreation director.

Sec. 74-58. Duties of director generally.

The parks and recreation director shall be responsible in the parks and recreation department for the following:

- (1) The maintenance and repair of city parks, including park properties, structures and specialized facilities, golf courses, recreational trails, leased and assigned areas, sports courts, aquatic facilities, boat ramps and marinas, riverfronts, and stadia.
- (2) The management, care, and maintenance of city cemeteries.
- (3) The management of recreation activities sponsored and/or conducted under the aegis of the department, to include but not be limited to year-round activities and centers, sports, athletics, arts; programs for seniors and persons with disabilities; and informational services to the general public.
- (4) The management of staff and material support necessary to operate the department. This shall include landscape and horticultural services, the city greenhouse, clerical support, professional staff services, and material supplies.
- (5) Liaison with the parks and recreation board in the preparation of budgets; the expenditure of funds; the coordination, planning and execution of the department's programs, activities, facilities, and ordinances; provide the necessary support services to the board for the conduct of its monthly meetings and year-round administrative requirements.
- (6) Other duties and functions as may be assigned by this Code and other city ordinances or by the city manager.

Secs. 74-59--74-90. Reserved.

ARTICLE IV. FACILITIES

Sec. 74-91. Public meetings and organized uses and permits issued by the parks and recreation director.

Public meetings, religious, political or otherwise, including picnic parties and entertainment for charitable or religious purposes, may be held in any city park upon first obtaining permission from the parks and recreation director or his or her designee. Such assemblages shall be conducted in a lawful and orderly manner, shall be under the supervision of the parks and recreation department supervising staff and shall occupy such ground as may be reserved for them. Permits shall be obtained from the parks and recreation director for use of parks and facilities by organized groups and individuals for all such purposes, including athletic and sporting activities.

Sec. 74-92. Consumption of alcohol; intoxication.

- (a) It is unlawful for any person to use, possess or consume beer, wine or alcoholic liquor in any city park, including all park roads and parking areas in parks, except by issuance of a permit or pursuant to a concession agreement and either:
 - (1) Approval of the parks and recreation board; or
 - (2) Such use, possession or consumption is in an enclosed park shelter; or

- (3) Such use, possession or consumption is within the Clare and Miles Mills Rose Garden, Sylvan Theater or the Lilac Arboretum; or
 - (4) Such use, possession or consumption is within specified areas of the Principal Riverwalk including the Hub Spot Plaza, Hub Spot River Plaza, Hub Spot Building, Long Look Garden, Brenton Skating Plaza and plaza adjacent to World Food Prize building; or
 - (5) Such use, possession or consumption is within the Robert D. Ray Asian Garden; or
 - (6) Such use, possession or consumption is during an adult event at the Carney Softball, James W. Cownie Soccer and Baseball Parks, or George Davis Softball Park. Such use, possession or consumption is allowed at fields at James W. Cownie Soccer Park, Savage Softball Complex, and George Davis Softball Park in use for adult events except when other fields are in use for youth events; or
 - (7) Such use, possession or consumption is within the park between Tenth and Fifteenth Streets and Grand Avenue and Locust Street a/k/a “Western Gateway Park”; or
 - (8) Within Riverview Park or in conjunction with the Prairie Meadows Riviera Amphitheater at Riverview Park.
- (b) The permit must be obtained from the parks and recreation director or his or her designee.
 - (c) Use, possession or consumption of beer or wine is allowed pursuant to a concession agreement covering:
 - (1) Gray's Lake Park Christine Hensley Terrace and Terrace building and designated outdoor areas; or
 - (2) Birdland Marina service building and designated outdoor areas.
 - (d) In addition to the above requirements, a state liquor control license and approval of the parks and recreation board is required in order to use, possess or consume keg beer or alcoholic liquor, except that parks and recreation board approval is not required for use, possession or consumption within “Western Gateway Park,” Birdland Marina and Christine Hensley Terrace and Terrace building and designated outdoor areas.
 - (e) No person shall be intoxicated or simulate intoxication in a city park.

Cross reference(s)--Alcoholic beverages, ch. 10.

Sec. 74-93. Destruction of plant or animal life.

- (a) No person, except persons authorized, shall in any manner deface, disturb injure or remove any tree, shrub, turf, or plant standing or growing in any city park or recreation facility or pick or destroy any flowers or seeds growing therein. No person, except persons authorized, shall feed, remove or attempt to remove, disturb, injure, or kill any bird, waterfowl or other animal in any city park or recreation facility.
- (b) No person shall cut or remove any wood, turf, grass, soil, rock, sand or gravel from any city park without a written permit from the parks and recreation director.

Cross reference(s)--Animals, ch. 18; vegetation, ch. 122.

Sec. 74-94. Fires.

No person shall kindle, build, maintain, or in any way light a fire in any city park, except in fireplaces provided or in self-supporting barbecue grills or stoves in places designated as picnic areas, or by permit from the parks and recreation director after a determination that such fire creates no hazards to the park or to persons in the immediate vicinity. No fire shall be built within ten feet of any tree or building or beneath the branches of any tree or in any underbrush, unless such fire is enclosed within a stove, oven, or fireplace provided on the premises by the city for use in picnic cooking. Any fire shall be continuously under the care and control of a competent person, from the time it is kindled until it is extinguished.

Cross reference(s)--Fire prevention and protection, ch. 46.

Sec. 74-95. Firearms, weapons, fireworks and explosives.

- (a) No person shall use firearms or other weapons within any city park, community recreation center or recreational facility unless permitted under section 70-86 of this Code.
- (b) No person shall use or possess explosives or fireworks as defined in article VI of chapter 46 of this Code and novelties as defined in American Pyrotechnics Association Standard 87-1, Chapter 3, in any city park, community recreation center or recreational facility.

Cross reference(s)--Fire prevention and protection, ch. 46.

Sec. 74-96. Glass containers and waste material.

- (a) No person shall bring into, use or possess in or on any park, trail or other recreation facility a bottle, jar, drinking cup or other container made of glass, except by approval of the parks and recreation director by permit for a special event or when a liquor control license has been obtained.
- (b) No person shall litter the ground with any form of waste material. All waste material shall be deposited in receptacles provided for that purpose or shall otherwise be legally disposed of elsewhere. Park waste receptacles shall not be used for dumping trash or rubbish introduced in that form to the park.

Sec. 74-97. Lakes and ponds.

No person shall throw or place any foreign or waste substance in any lake, pond or swimming beach in any public park. Boats are not permitted in lakes and ponds, with the exception of Gray's Lake, without the permission of the parks and recreation director. No person shall fish from or dangle any object from the Gray's Lake watercraft rental dock, the Gray's Lake swimming beach, or the Gray's Lake pedestrian bridges or any pedestrian bridges in any city parks.

Cross reference(s)--Waterways, ch. 130.

Sec. 74-98. Posted notices.

No person shall enter upon any land owned or leased to the city and under the jurisdiction of the parks and recreation department and conduct activities thereon in disregard of signs or posted notices forbidding those activities.

Cross reference(s)--Solid waste, ch. 98.

Sec. 74-99. Dogs.

No dog shall be allowed to run at large in any city park or multi-use recreational trail or other hard or soft surface trail. Any dog shall be deemed to be found running at large, unless the owner carries such dog or leads such dog by a chain, strap or rope not exceeding six feet in length or keeps any such dog confined in an automobile in compliance with section 18-55 of this Code. However, a service dog or dog employed by and under the control of an authorized person for the sole use of waterfowl control and management and trained for such purpose, except for a vicious dog, as defined in section 18-41 of this Code, and accompanying such person shall not be deemed to be running at large, even though restraints as described in this section are not used. Such person shall keep the service dog under control and shall be liable for any damage done to the premises or facilities by the dog. No dog in a designated off leash area in any public park shall be deemed at large if such dog and owner or person given charge of the dog are in compliance with section 18-55(a)(6) of this Code. Vicious dogs must be on a leash while in such designated off leash area in compliance with section 18-56 of this Code.

Cross reference(s)--Dogs generally, § 18-41 et seq.

Sec. 74-100. Park facility hours.

The hours of operation for all public parks, community recreation centers, aquatic centers, pools, wading pools, splash pools and spray grounds, and city recreational facilities, except for the Greater Des Moines Botanical Garden, A. H. Blank Park Zoo, Principal Park, Prairie Meadows Riviera Amphitheater at Riverview Park and Brenton Skating Plaza and support pavilion, shall be established by the Des Moines parks and recreation board by vote at one board meeting. The parks and recreation director shall thereafter have authority to adjust such hours, for a period of one season, unless otherwise directed by the Des Moines parks and recreation board. The hours of the Brenton Skating Plaza and support pavilion shall be established by the parks and recreation director. For the purposes of this section, "one season" shall mean the first weekend in April through the last weekend in October and the Monday following the last weekend of October up to the first weekend in April.

- (a) No person shall remain in any public park, community recreation center or recreational facility during the periods of time set by this section unless special permission shall have been given by the parks and recreation director for such persons or group of persons to remain there. Such permit shall not allow use of the park for more than two (2) hours prior to its opening time or more than two (2) hours after its closing time, unless issued in compliance with section 74-101.

- (b) No person shall remain in or on any city park, inclusive of municipal golf courses, from 10:00 p.m. until 6:00 a.m.
- (c) Exceptions are made for:
 - (1) *Clubhouses and related facilities on golf courses.* These facilities may remain open until 2:00 a.m.
 - (2) *Concerts at the Simon Estes Amphitheater.* This facility may remain open until 12:00 midnight.
 - (3) *Prairie Meadows Riviera Amphitheater at Riverview Park..* This facility may remain open until 12:00 midnight.
 - (4) *Birdland Marina.* This facility may remain open until 11:00 p.m.
 - (5) *Brenton Skating Plaza.* This facility may remain open until 12:00 midnight.
 - (6) *Western Gateway Park and John and Mary Pappajohn Sculpture Park.* This facility may remain open until 12:00 midnight.
 - (7) *Gray's Lake Park.* This facility may remain open from 6:00 a.m. until 10:00 p.m. from November 1-March 31 and from 5:00 a.m. until 10:00 p.m. from April 1-October 31.
 - (8) *Principal Riverwalk (excluding trails and trail heads):* These facilities may remain open until 2:00 a.m.
 - (9) *Multi-use recreational trails.* These facilities shall be open at all times.
 - (10) *James W. Cownie Soccer Park, James W. Cownie Baseball Park, George Davis Softball Park, Savage Softball Complex and Carney Softball Complex.* These facilities may be open until 12:00 midnight.

Sec. 74-101 Overnight use of parks by special permit.

- (a) Purpose. The city's parks and park facilities were not designed for unlimited overnight use. The unlimited use of city parks after hours of operation, such as for camping or storage of personal property, interferes with the rights of others to use the parks for the recreational, leisure and environmental purposes for which they were intended. The purpose of this section is to allow the city's parks to be maintained in a clean and accessible condition and to protect the health, safety and welfare of the city and its residents, while recognizing that infrequent overnight use, subject to reasonable conditions, can be beneficial to the recreational, cultural or educational needs of the community.
- (b) For purpose of this section, overnight use shall mean remaining in or being in a park during hours when the park is not open for operation. Overnight use does not include storage of equipment, vehicles, or buildings or structures as defined in chapter 134 of this Code, which:
 - (1) is intended for use and is used during the hours of operation of the park; and
 - (2) is not intended or used for sleeping or residing; and
 - (3) does not remain in the park for more than fourteen (14) consecutive days.
- (c) The city parks and areas within such park in which overnight use is permitted and the conditions on such use, including camping, may be established by the parks and recreation director with the consultation of the parks and recreation board. Overnight use shall be allowed only by permit issued by the director. No more than ten (10) days of overnight use per calendar year per park shall be allowed. No person shall be permitted overnight use of a city park for more than three (3) days per calendar year per park, unless permitted by the

city manager for a compelling recreational, cultural or educational need of the community. Commercially manufactured tents designed for no more than eight (8) persons may be permitted with overnight use of a park, although no other buildings or structures as defined in chapter 134 of this Code or which are regulated by chapters 26 or 42 of this Code shall be allowed for overnight use.

- (d) Overnight use of the cabin at Ewing Park shall be exempt from the calendar year day limits of this section.
- (e) Overnight use of the parks for city sponsored or hosted events, activities, and programs shall be exempt from the requirements of this section.
- (f) Moorage at the Birdland Marina pursuant to a rental agreement shall be exempt from the requirements of this section.

Sec. 74-102. Signage in parks, land and facilities managed by the parks and recreation department.

Only signs which are city signs, or sponsorship or donor signage authorized by an agreement with the city, are permitted on or in city parks, land and facilities managed by the parks and recreation department. Such signs shall be deemed to be city signs and are under the control of the parks and recreation department. Temporary signage in connection with an event during the time of the event may be permitted by the director of parks and recreation.

Sec. 74-103. Baseballs.

No one shall throw, hit or play with a baseball in any city park except in areas clearly designated as baseball fields.

Sec. 74-104. Golf balls.

No one shall drive, hit or play with a golf ball in any city park.

Sec. 74-105. Power-driven model airplanes.

No one shall fly, glide or play with a power-driven model airplane in any city park except in areas clearly designated by a sign posted in a conspicuous place permitting such activity.

Sec. 74-106. Responsibility of parent or guardian.

No parent, guardian or custodian of a minor shall knowingly allow the minor to do any act prohibited by any park rules or by this article.

Sec. 74-107. Beaches.

- (a) Swimming and wading in bodies of water in the parks is permitted only within the marked area adjacent to designated swimming beaches, except by written permission of the parks and recreation director.

- (b) Swimming and wading adjacent to authorized swimming beaches shall be permitted only during the swimming season as established by the parks and recreation board. The director may extend or shorten the swimming season or may eliminate or close areas adjacent to such beaches as authorized swimming areas with due regard for weather conditions and public safety.
- (c) No person shall change clothes in a park except in a restroom or other authorized place designated for such activity.
- (d) No person shall swim, dive or enter the water within marked areas adjacent to any swimming beach while wearing or carrying an air or gas tank for the purpose of underwater breathing, in the activity commonly known as skin diving or scuba diving, without special permission from the parks and recreation director.
- (e) No person shall disregard notices, prohibitions or directions on any beach sign or disobey the lawful order of any public officer or parks and recreation department staff.
- (f) No person shall act at any swimming beach or in the water in such a manner as to jeopardize the safety and health of that person or others.
- (g) Nothing contained in this section shall be construed to prohibit swimming or wading (i) in the conduct of official duties, or (ii) when fishing or seining for minnows at such times and places as may be authorized.

Sec. 74-108. Peddling.

No person shall sell or offer for sale, hire or lease anything in any recreation facility or park without a permit from the parks and recreation director.

Sec. 74-109. Photographs and cinematic productions.

No person shall take still photographs or shoot video, including by use of a drone, for a commercial purpose in any park, recreation facility or park road, exclusive of the Greater Des Moines Botanical Garden, Principal Park or A. H. Blank Park Zoo, without a permit from the parks and recreation director. No such permit shall be required of a commercial photographer or videographer who has been hired to take still photographs or video of an individual, a group or gathering in any such locations for non-commercial use by such individual, group or gathering.

Sec. 74-110. Multi-Use Recreational Trails.

- (a) *Definition.* Multi-use recreational trails are defined pursuant to section 114-1 of this Code and exclude a bicycle lane on right-of-way.
- (b) *Permitted Uses.* Except as otherwise provided, the following uses are permitted on multi-use recreational trails:
 - (1) persons walking, jogging or running;
 - (2) persons utilizing or operating a non-motorized device, such as a bicycle, including electronic bicycles as defined in 114-677, skateboard, inline skates, scooters, segways or wheelchair;
 - (3) persons with mobility disabilities using manually operated or power-driven wheelchairs and manually powered mobility aids for the purpose of locomotion;
 - (4) persons with mobility disabilities using another power-driven mobility device for

- the purpose of locomotion, as provided in 28 CFR 35; and
- (5) official emergency vehicles and authorized maintenance vehicles as necessary to perform the duties of the operator.
- (c) *Uses Not Permitted.* Except as otherwise provided, the following uses are not permitted on multi-use recreational trails:
 - (1) motorized vehicles, except where the trail utilizes an existing road, street or highway and except by authorized personnel for the purpose of maintenance;
 - (2) equestrian uses; and
 - (3) skateboards are not permitted on the portions of trails that utilize an existing road, street or highway.
 - (d) *Hours of Permitted Use.* Multi-use recreational trails shall be open for use by the public for recreation and transportation at all times, except for the following:
 - (1) hours of use of sections of trails may be limited by the parks and recreation director; and
 - (2) sections of trails may be closed temporarily in emergency situations by the parks and recreation director.
 - (e) *Official Signs.* Every user of a recreational trail shall observe and obey any and all official signs posted along a recreational trail, including, but not limited to, speed limits, hours of use, stop signs, yield signs and trail closures.
 - (f) *Reasonable Speed.* Each person using the trail shall travel at a speed that is reasonable and prudent under the conditions then existing and shall not travel in such a manner as to constitute a willful or wanton disregard for the safety of persons or property.

Sec. 74-111. Smoking Prohibited.

- (a) No person shall smoke upon the premises of any city park or recreation facility property, including sports facilities, golf courses, trails and community recreation centers.
- (b) No person shall smoke within 25 feet of the entrance to any city park or recreation facility property. For purposes of this section "smoke" or "smoking" means to carry or exercise control over a lighted cigar, cigarette, pipe, or other lighted smoking equipment.
- (c) No person shall use tobacco of any kind upon the premises of any city or recreation facility property, including sports facilities, golf courses, trails and community recreation centers. "Tobacco" means any product made or derived from tobacco that is intended for human use, including both cigarettes and tobacco products as both are defined in Iowa Code Section 453A.1, and also including any kind of vapor product as defined in Iowa Code Section 453A.1 or any kind of electronic smoking device. "Electronic smoking devices" means any device that can be used to deliver an aerosolized solution that may or may not contain nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, e-hookah, or other simulated smoking device. Nicotine products approved by the United States Food and Drug Administration for tobacco cessation shall be allowed in or on park property.
- (d) This section does not apply to the Greater Des Moines Botanical Garden, A. H. Blank Park Zoo or Principal Park.

Sec. 74-112. Sledding, ice skating and cross-country skiing at parks and golf courses.

- (a) The city council finds that:
- (1) sledding in city parks and in designated areas in municipal golf courses ("sledding"); and
 - (2) skating on designated ponds in city parks and on man-made, temporary ice surfaces created by or under the authority of the parks and recreation department ("temporary ice rinks") in municipal golf courses or city parks ("ice skating"); and
 - (3) cross-country skiing in designated areas in municipal golf courses and in parks ("cross-country skiing")
- are valuable, family friendly activities and are favored by considerations of social policy.
- (b) The city council further finds that the parks and recreation department budget does not contain sufficient funds to provide for supervision or inspection or grooming of sledding hills in city parks and golf courses, ponds and temporary ice rinks in parks and municipal golf courses for ice skating, and cross-country skiing trails in municipal golf courses and parks. As a result of the inability to supervise or groom the sledding hills, skating ponds and temporary ice surfaces and cross-country skiing trails, such surfaces are uneven and may contain bumps, dips, ramps, ice, or thinning ice, trees and other hard and fixed objects in close proximity to a sledding or ice skating or skiing area and other dangers associated with numerous people utilizing various devices to proceed rapidly down icy or snowy inclines and enjoying various forms of recreational skating activities and cross-country skiing. As sledding, ice skating and cross-country skiing can be dangerous activities, the city council finds that persons desiring to sled in city parks or golf courses and to skate on ponds in city parks or temporary ice rinks, and to cross-country ski in municipal golf courses and parks have the obligation to inspect the sledding, ice skating, and skiing area conditions prior to using such areas. In balancing the social policies favoring family friendly but potentially dangerous sledding, ice skating and cross-country skiing activities and the economic policies which prevent the city from supervising or inspecting or grooming such surfaces and areas, the city council finds that:
- (1) sledding is allowed in areas and during times designated by the parks and recreation director at municipal golf courses or parks designated by the director;
 - (2) ice skating is allowed at temporary ice rinks designated by the parks and recreation director at municipal golf courses and at ponds within parks designated by the director during times designated by the director; and
 - (3) cross-country skiing is allowed at municipal golf courses designated by the park and recreation director, except on tees and greens, during the times designated by the director and at city parks.
- (c) Winter recreational activities, including skating, sledding, ice fishing, and skiing, are not permitted in or on the water or ice of Gray's Lake.

Secs. 74-113--74-174. Reserved.

ARTICLE V. FEES

Sec. 74-175. Tennis courts.

Fees for rental with reservations: \$5.00 per hour per court. All reservations subject to approval of recreation manager. No fee is required for first-come-first-served use for non-reserved courts.

Sec. 74-176. Ball diamonds and soccer fields.

- (a) *Scope.* Fees for use of city ball diamonds and soccer fields shall be as provided in this section.
- (b) *Ball diamonds.* Fees for exclusive use of ball diamonds, shall be as follows:

Ball Diamond	2022			2023 and Beyond		
	Tournament Per Field	Per Game	Practice* Per Hour	Tournament	Per Game	Practice Per Hour
George Davis Softball Park**	\$126	\$47	\$25	\$132	\$49	\$25
Savage Softball Fields	\$100	\$25	\$25	\$125	\$26	\$25
Carney Softball Park	\$100	\$25	\$25	\$125	\$26	\$25
James W. Cownie Baseball Park**	N/A	\$47	\$25	\$132	\$49	\$25
Ashfield Park Field	N/A	N/A	\$12	N/A	N/A	\$12

*Practice shall include only one (1) team on the field at a time. Multiple teams present on a single field will be considered a game.

**All ball diamonds at these facilities require reservations for use. Diamonds at the other facilities may be used on a first-come-first-served basis when they are *not* rented.

- (c) *James W. Cownie Soccer Park.* Fees for exclusive use of soccer fields: \$75.00 per hour per field. All uses are by reservation only; no first-come-first-served use. Use of night lighting: \$30.00 per match per field.

Sec. 74-177. Bike and Related Equipment Rental.

Bike and Related Equipment Rental Fees. Fees for use of bicycles and related equipment are as follows:

Item*	Fee Per Hour	Fee Per Half Day (6 hours)	Fee per Full Day (24 hours)	Fee Per Week (7 days)
Hybrid or Mountain Bike with Bike Helmet – ages 13 and over	\$10	\$20	\$30	\$80
Hybrid or Mountain Bike with Bike Helmet – ages 12 and younger	\$5	\$15	\$25	\$75
Road Bike with Helmet – ages 13 and over	\$10	\$20	\$40	\$110

Road Bike with Helmet – ages 12 and younger	\$5	\$15	\$35	\$105
Trailer bikes and carriers	\$6	\$20	\$30	N/A

*15% discount on total fee for groups of 15 people or more.

Sec. 74-178. Temporary concession.

In addition to payment of all other required fees, the following fees shall be paid for use of park facilities for temporary concession purposes related to food, beverage and novelty items less than \$15.00 each. The payment for the sale of items which cost more than \$15.00 each, a concession for more than six (6) events or special service items shall be negotiated in a separate agreement and approved by the parks and recreation director or the city manager:

Number of Persons Attending	Charge Per Day Per Vendor
Less than 5,000	\$100
5,000 and more	\$300

Sec. 74-179. Park between Tenth and Fifteenth Streets and Grand Avenue and Locust Street a/k/a “Western Gateway Park”- Rentals.

For the purposes of this section “Facility Use Outdoor Rooms” shall be considered the area of ambience around a specific sculpture or grouping of sculptures within the John and Mary Pappajohn Sculpture Park and the “Lawn Areas” shall be the open space surrounding the Pappajohn Higher Education Center and the Central Des Moines Public Library.

Item	Fee	Notes
Facility Use Outdoor Rooms	\$1,500/half day (6 hours)	
Facility Use Outdoor Rooms	\$3,000/day (during park hours)	
Lawn Areas	\$500/day (during park hours)	
Chess Garden	\$250/day (during park hours)	
Set-up/tear down (rooms)	\$500/half day (6 hours)	Does not include hours when park is closed
Set-up/tear down (lawn)	\$100/half day (6 hours)	
Clean up if required by City	\$40/hour per staff position	Billed to event after event
Seeding if required by City	Contractor cost	Billed to event after event
Sodding if required by City	Contractor cost	Billed to event after event
Repair of damage if required by City	Actual cost of replacement	Billed to event after event

Sec. 74-180. Community recreation center building rentals.

(a) Community recreation center building admission fees shall be as follows:

Admission Fee	Ages 19 to 59	Ages Under 19 and Over 59
Daily entry fee per person	\$1.00	No charge
Monthly pass per person	\$12.00	No charge
Annual pass per person	\$100.00	No charge

(b) Community recreation center building rental fees shall be as follows:

Rental Fees	Per Hour During Regular Operating Hours (2 hour minimum)	Per Hour During Holidays and Non Operating Hours (2 hour minimum)
Rental by governmental, public school and recognized Neighborhood Associations	No charge	No charge
Rental for exclusive use and public admissions where no fee or admission is charged and nothing is sold:		
Small meeting room	\$20.00	\$35.00
Multipurpose room	\$35.00	\$60.00
Gymnasium	\$35.00	\$60.00
Upper floor in east and west wings of Pioneer Columbus	\$35.00	\$60.00

Sec. 74-181. Golf courses.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) Weekdays are Monday through Friday and weekends/holidays after 12:00 p.m.
- (2) Weekends are Saturday, Sunday and holidays before 12:00 p.m.
- (3) Twilight is from 3:00 p.m. until sunset on Friday and 4:00 p.m. until sunset on Saturday and Sunday and as otherwise designated during non-peak periods by the parks and recreation director.

(b) *Green fees.* Greens fees for golf courses shall be as follows:

- (1) *Daily:*

	9-Holes Weekday	18-Holes Weekday	9-Holes Weekday with Cart	18-Holes Weekday with Cart	9-Holes Weekend before Noon	18-Holes Weekend before Noon	9-Holes Weekend before Noon with Cart	18-Holes Weekend before Noon with Cart	9-Holes Weekend after Noon	18-Holes Weekend after Noon	9-Holes Weekend after Noon with Cart	18-Holes Weekend after Noon with Cart	Twilight	Twilight with Cart
A.H. Blank	\$18.00	24.00	31.00	40.00	20.00	33.00	33.00	49.00	18.00	24.00	31.00	40.00	18.00	31.00
Bright Grandview	\$14.00	19.00	26.00	34.00	18.00	24.00	30.00	39.00	14.00	19.00	26.00	34.00	14.00	26.00
Waveland	\$20.00	27.00	33.00	43.00	23.00	36.00	36.00	50.00	20.00	27.00	33.00	43.00	20.00	33.00

a. *Youth mentor rates.* No charge for youth (under 18) playing with a paying adult, Monday through Friday and after noon on Saturday and Sunday. Valid with non-discounted daily fee only; does not include season badge players.

(2) *Military.* Active military personnel with a valid ID fees for golf shall be as follows:

	9-Holes Weekday	18-Holes Weekday	9-Holes Weekday with Cart	18-Holes Weekday with Cart	9-Holes Weekend before Noon	18-Holes Weekend before Noon	9-Holes Weekend before Noon with Cart	18-Holes Weekend before Noon with Cart	9-Holes Weekend after Noon	18-Holes Weekend after Noon	9-Holes Weekend after Noon with Cart	18-Holes Weekend after Noon with Cart	Twilight	Twilight with Cart
A.H. Blank	\$13.75	18.25	26.75	34.25	15.25	25.00	28.25	41.00	13.75	18.25	31.00	34.25	13.75	26.75
Bright Grandview	\$10.75	14.50	22.75	29.50	13.75	18.25	25.75	33.25	10.75	14.50	24.25	29.50	10.75	22.75
Waveland	\$15.25	20.50	28.25	36.50	17.50	27.25	30.50	43.25	15.25	20.50	33.00	36.50	15.25	28.25

(3) *Senior.* For seniors (62 years and older), shall be as follows:

	9-Holes Weekday	18-Holes Weekday	9-Holes Weekday with Cart	18-Holes Weekday with Cart	9-Holes Weekend before Noon	18-Holes Weekend before Noon	9-Holes Weekend before Noon with Cart	18-Holes Weekend before Noon with Cart	9-Holes Weekend after Noon	18-Holes Weekend after Noon	9-Holes Weekend after Noon with Cart	18-Holes Weekend after Noon with Cart	Twilight	Twilight with Cart
A.H. Blank	\$15.00	20.00	28.00	36.00	20.00	33.00	33.00	49.00	15.00	20.00	28.00	36.00	18.00	31.00
Bright Grandview	\$14.00	19.00	26.00	34.00	18.00	24.00	30.00	39.00	14.00	19.00	26.00	34.00	14.00	26.00
Waveland	\$17.00	23.00	30.00	39.00	23.00	36.00	36.00	50.00	17.00	23.00	30.00	39.00	20.00	33.00

(c) *Season badges.* Fees for golf badges shall be as follows:

	5 Day Weekday Pass Mon. – Fri.	7 Day Golf Pass	7 Day Golf Pass With a Cart	5 Day Senior Weekday Pass Mon. – Fri.	7 Day Senior Golf Pass	5 Day Couple Pass	5 Day Senior Couple Pass	Jr. Badge (17 and Under)
All Courses Under City's Contractor's Management	\$900.00	\$1,300.00	\$2,275.00	\$670.00	\$950.00	\$1,175.00	\$825.00	\$275.00

(1) 5-day badges are valid for play Monday through Friday and weekends and holidays after 12:00 p.m., except at Jester Park Golf Course where Fridays are considered a weekend.

(2) 7-day badges are valid for play all days and open hours.

(d) *Golf carts.*

(1) Fees for renting golf carts for use on the course rented from are as follows:

Course	9-Holes	18-Holes
A.H. Blank	\$13.00	\$16.00
Bright Grandview	\$12.00	\$15.00
Waveland	\$13.00	\$16.00

(2) Private golf carts registered by an individual with a city of Des Moines municipal golf course before May 1, 1996 with the same registrant as the operator are permitted. Such registrations may not be transferred to another individual. No new private golf

cart registrations are accepted after April 30, 1996. The fee for use of private golf carts shall be one of the following:

- (i) Registration fee - \$200.00, plus a Daily Trail fee, per course, per cart - \$8.00; or
- (ii) Season cart badge - \$600.00.

(e) Miniature golf course fees shall be as follows:

Child (ages 4 and under)	Free
Child (ages 5 through 12)	\$ 5.00
Adult (ages 13 and older)	\$ 8.00
Groups of 10 or more	\$ 5.00 each

(f) *High school team* golf course fees involving at least one Des Moines high school team shall be as follows:

- (1) Practices (Des Moines high schools only) (start time 2:30 p.m. - 4:00 p.m.) \$1.00/person.
- (2) Dual meets (start time 2:30 p.m. - 4:00 p.m.) \$1.00/person.
- (3) Tournament (more than two teams, start time 2:30 p.m. - 4:00 p.m.) \$10.00/person.
- (4) Tournament (more than two teams, start time before 2:30 p.m.) \$70.00/team.
- (5) Schedules must be submitted to golf course management by August 1st each year.
- (6) Events scheduled are subject to change of date/time at the discretion of golf course management up to one week prior to the event.
- (7) Free golf cart use may be offered to officials/coaches at the discretion of golf course management.

Sec. 74-182. Park shelters and other park rentals.

Fees for Park shelters and other park rentals shall be as follows:

- (1) *Sylvan Theater*
 - a. Fee Based Event - \$750.00 for 1/2 day (6:00 a.m. - 1:00 p.m. or 2:00 – 10:00 p.m.)
 - b. Events free to the public and exclusive use events (i.e. weddings) - \$350.00 first two (2) hours (minimum) - \$150.00 each additional hour
- (2) *Garden reservation fees.* Must specify garden area:
 - a. Clare and Miles Mills Rose Garden at Greenwood Park: \$350.00 first two hours (minimum) \$150.00 each additional hour
 - b. Union Park Formal Garden: \$15.00 per hour
 - c. Lilac Arboretum Plaza at Ewing Park: \$50.00 per hour
- (3) *Shelters.* Unless otherwise specified, each rental session is for the hours of 10:00 a.m. to 9:00 p.m. No rentals on New Year’s Day, Thanksgiving Day, day after Thanksgiving, Christmas Eve, Christmas Day and New Year’s Eve.
 - a. *Enclosed Shelters:*

Shelter	2022	2023 and Beyond
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	Monday through Thursday	Friday through Sunday	Monday through Thursday	Friday through Sunday
Birdland Park - Ding Darling Shelter	\$200	\$300	\$210	\$315
Columbus Park Shelter	\$180	\$250	\$190	\$265
Drake Park Shelter	\$180	\$200	\$190	\$210
Grandview Park - Bob Mahaffey Shelter	\$180	\$200	\$190	\$210
Greenwood Park - Jay Spence	\$180	\$200	\$190	\$210
MacRae Park - W.C. Walker Shelter	\$180	\$200	\$190	\$210
Martin Luther King Jr. Park Shelter	\$65 per hour for minimum of two (2) hours, \$40 per hour for each additional hour			
Pioneer Park Shelter	\$80	\$100	\$85	\$105
Union Park – Bill and Nellie Ritchie Shelter (East)	\$80	\$100	\$85	\$105
Union Park – Margaret Swanson Shelter (West)	\$80	\$100	\$85	\$105

b. *Open air shelters.*

Capacity	10:00 a.m. – 3:00 p.m.	4:00 p.m. – 9:00 p.m.	10:00 a.m. – 9:00 p.m. (all-day rental)
Capacity of 100 or less	N/A	N/A	\$50
Capacity of more than 100	\$75	\$75	\$140

- (4) *Stewart Square Park and Stage.* Each rental session is for an 11- hour block (reserved for only one group per day): \$50.00
- (5) *Gray's Lake Park.*
 - a. Christine Hensley Terrace Rental - \$200.00 per 3- hour block
 - b. Designated open space rental - \$250.00 per half day (six hours)
 - c. Canoe/hydro bike/paddle boat/stand up paddle board rental - \$8.00 per half hour and \$15.00 per hour
 - d. Sailboat rental - \$25.00 per half hour, 1-hour minimum
- (6) Trail Event Use Fees. – \$1.00 per participant.
- (7) *Cabins.* Overnight at Ewing Scout Camp - \$40.00 per night
- (8) *Community garden plot:* \$25 per plot per year.
- (9) *Miscellaneous:*

- a. Equipment rental:
 - 1. Snowshoes - \$5.00 per day or \$10.00 for weekend (Friday noon until noon on Monday)
 - 2. Late fee for each day late - \$5.00
 - b. Additional trash cans - \$15.00 each up to 10 total
 - c. Cleaning fee - \$40.00 per hour, with a 2-hour minimum
 - d. Cancellation/transfer/administrative fee - \$10.00 for activities and rentals up to \$100.00, \$30.00 for activities and rentals over \$100.00
- (10) *Wading pool rental*: \$35.00 per hour (minimum two hours), available after-hours only
- (11) *Open space permit*: \$8.00 per hour per field effective January 1, 2021, \$9.00 per hour per field effective January 1, 2022, \$10.00 per hour per field effective January 1, 2023 and beyond.
- a. Parks and recreation director has no authority to waive this fee.
- (12) *Disc golf tournament*: \$100.00 per day per location for recreational tournaments.

Sec. 74-183. Aquatic centers, swimming pools and marina.

(a) Fees for use of city aquatic centers, swimming pools and the marina shall be as follows:

- (1) *Northwest, Nahas, Teachout Aquatic Centers and Ashworth and Birdland Pools admissions**:
 - a. Children (under 3 years of age) - Free
 - b. Youth (3 through 20 years of age) - \$3.00
 - c. Adults (21 through 59 years of age) - \$5.00
 - d. Seniors (60 years of age and over) - \$3.00

*Half price admission after 5:00 p.m. Monday through Friday
- (2) *Season swim passes at aquatic centers and swimming pools*:

Pass Type* (valid at all locations)	Early Bird Rate	Standard Rate
Single	\$40.00	\$45.00
1st and 2nd family members or shared residence	\$75.00	\$80.00
3rd and 4th family member	Additional \$25.00 each	Additional \$30.00 each
Additional family members beyond 4th	Additional \$10.00 each	Additional \$10.00 each
Replacement tags	\$7.00	\$7.00
Youth agency:		
1 day a week child	N/A	\$20.00
2 day a week child	N/A	\$30.00
3 day a week child	N/A	\$40.00
4 day a week child	N/A	\$50.00
5 day a week child	N/A	\$60.00
Replacement tags	N/A	\$5.00

* A season pass to the Heritage Carousel of Des Moines at Union Park may be added to the purchase of any season swim pass for \$25.00. All members included on the season swim pass will be included on the carousel pass. The carousel pass is valid for unlimited rides during the same season as the season swim pass. A new carousel pass must be purchased each season.

- (3) *Pool rental for exclusive use.* \$175.00/hour for a minimum of two (2) hours. This fee includes \$150.00 per hour for pool use plus \$25.00 per hour for a minimum of two lifeguards. All rentals shall be outside of regular business hours unless approved by the parks and recreation director.
 - (4) *Pool rental for athletic programs and practices.* \$75.00/hour for a minimum of two (2) hours. This fee includes \$50.00 per hour for pool use plus \$25.00 per hour for a minimum of two lifeguards.
 - (5) *Swim meets.* \$500.00/day, maximum of 12 hours. This fee includes exclusive use for a single facility; the City will provide lifeguards.
- (b) *Birdland Marina moorage fees.* All moorage fees include tax. All rentals are based on availability and are as follows:
- (1) *Seasonal Double access* - \$550.00
 - (2) *Seasonal Single access* - \$500.00
 - (3) *Monthly, single access only* - \$165.00
 - (4) *Weekend rate, in after 12:00 noon on Friday, out by 6:00 p.m. Sunday* - \$40.00
 - (5) *Replacement moorage decal* - \$5.00

Sec. 74-184. Brenton Skating Plaza.

- (a) Fees for use of the Brenton Skating Plaza ice rink during the skating season shall be as follows:
 - (1) Admission and skate rental fees:

Fee*	Fall 2021	Fall 2022	Fall 2023 and Beyond
Adult Admission	\$8.00	\$9.50	\$10.00
Child (6-12)/Senior (60+) Admission	\$5.00	\$5.75	\$6.00
Children Under 5 Admission	Free	Free	Free
Skate Rental	\$4.50	\$4.50	\$5.25
Punch Pass – 10 Admissions including Skate Rentals, all ages	\$80.00	\$85.00	\$85.00

*Adult and child admission fees shall increase \$1.00 on these holidays:

- Thanksgiving Day through the Sunday following Thanksgiving Day (four days total)
- Winter Break (aligned with the Des Moines Public Schools calendar)
- Martin Luther King Jr. Day

(2) *Ice rink rental:* Fee for exclusive use of the Brenton Skating Plaza - \$250 per hour, minimum of two (2) hours.

(b) Fees for use of the Brenton Skating Plaza during the non-skating season are as follows:

Item*	Monday through Thursday	Friday and Sunday	Saturday
If admission is not charged:			
4-hour block base rate	\$250	\$325	\$325
Each additional hour	\$60	\$65	\$65
Daily maximum rate	\$475	\$600	\$600
If admission is charged:			
Half-day (6 hours) rental rate	\$325	\$425	\$500
Each additional hour	\$65	\$75	\$90
Daily maximum rate	\$600	\$850	\$1,000

*A 10% vending fee applies to all third-party catering sales.

Sec. 74-185. Simon Estes Riverfront Amphitheater.

(a) *Rental fees.* Rental fees for the use of the amphitheater shall be as follows:

(1) *Events free to the public and private parties (i.e. weddings):*

- a. Per eight-hour session - \$1,000.00
- b. For each additional hour - \$100.00

(2) *Fee Based Event:*

- a. Per eight-hour session - \$1,500.00
- b. For each additional hour - \$175.00

Sec. 74-186. Principal Riverwalk.

- (a) *Long Look Garden*: \$200.00 – 4-hour time block, \$100.00 for each additional hour, weekends only.
- (b) *Hub Spot Plaza, Hub Spot River Plaza, Hub Spot Building*:
 - (1) Fees for indoor areas per 4-hour session:

Area	Monday through Friday before 5 p.m.	Monday through Friday after 5 p.m. until close	Saturday, Sunday, Available Holidays
Restricted Area Only	\$150.00	\$200.00	\$250.00
Entire Building	\$400.00	\$450.00	\$500.00

*Unless the entire building is rented, renters will only have the use of a restricted area while the concessionaire and public continue to access the remainder of the facility.

- (2) Fees for outdoor areas per 4-hour session:

Area	Weekdays all Hours	Weekends all Hours
Hub Spot Plaza	\$300.00	\$500.00
Hub Spot River Plaza	\$300.00	\$500.00

- (c) *Union Pacific Railroad Bridge*: \$50.00 – 4- hour time interval for either the north or south area.
- (d) *Plaza adjacent to World Food Prize building*: \$500.00 – 4- hour block, \$100.00 for each additional hour, additional \$100.00 to block access for private event.
- (e) *Iowa Women of Achievement Bridge*: \$50.00 – 4-hour block, either the north or the south section of the bridge.

Sec. 74-187. Riverview Park.

- (a) Rental fees for use of the Prairie Meadows Rivera Amphitheater at Riverview Park, shall be as follows:
 - (1) *Events free to the public and private parties (i.e. weddings)*: Per day - \$2,000.00.
 - (2) *Fee-based event*: Per day - \$4,000.00.

Sec. 74-188. Miscellaneous.

- (a) Commercial photography or video permits issued per Section 74-109: Per day - \$10.00.
- (b) Permits for special lighting on facilities equipped with programmable multi-colored L.E.D lighting features: \$150.00 per 24- hour period per facility, from sunset to sunrise the following day.

- (1) Facilities include the Chris and Marcie Coleman Bridge, the Ruan Connector, the Women of Achievement Bridge and the stage at Prairie Meadows Riviera Amphitheater at Riverview Park. Additional facilities may be added if equipped with programmable multi-colored L.E.D. lighting features, subject to approval of the city manager.
- (2) Permits are subject to approval of the parks and recreation director and must promote the city, its civic institutions, state and federal holidays, and other public events of community significance per applicant.
- (3) Permits are limited to no more than three (3) consecutive days and a single color scheme request for no more than six (6) total days per calendar year.

Sec. 74-189. Set program fees and authority to make temporary fee adjustments.

Recreation program fees, administrative fees for processing refunds, cancellations and customer requested program schedule changes that are not related to admissions or rental charges established in this section shall be set by the parks and recreation director taking into consideration market conditions and direct expenses related to said program offerings. Fees as determined in sections 74-175 through 74-188, and section 34-69 of this Code may be changed at the discretion of the parks and recreation director for engaging in special projects, programs or promotions that justify such change, including reduced fees to provide access to parks and recreation programs and facilities to low-income residents, organizations solely or primarily devoted to serving low-income individuals or not-for-profit agencies. The parks and recreation director shall report annually in January to the parks and recreation board and city manager on changed fees for the preceding year's activities which were approved by the director.

Secs. 74-190--74-209. Reserved.

ARTICLE VI. MOBILE FOOD VENDERS IN DESIGNATED PARKS

Sec. 74-210. Mobile Food Venders and Transient Merchants.

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 venders operating mobile vender vehicles, as defined in article V of chapter 78 of this Code, and transient merchants, as defined in article III 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.
 - (7) Simon Estes Amphitheater Plaza.
 - (8) Evelyn K. Davis Park.

(9) Riverview Park.

- (b) Mobile vender vehicles and transient merchant push carts, structures, and 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 vender vehicles or transient merchant push carts, structures, or vehicles. Mobile vendors and transient merchants are not allowed to place any items within the park, other than the mobile vender vehicle, such as tables or chairs.
- (c) Mobile vender vehicles and transient merchant push carts, structures, and 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 vender operating or locating a mobile vender vehicle within the designated parks must have a current mobile vender 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. Every transient merchant operating or locating a push cart, structure, or vehicle within the designated parks must have a current transient merchant license issued in compliance with article III of chapter 78 of this Code and operate in compliance with all license and article III of chapter 78 requirements.
- (e) Every mobile food vender and transient merchant operating or locating a mobile vender vehicle within the above designated parks must have a mobile food vender or transient permit issued by the parks and recreation director. An application for such permit must be made by submitting an application 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 vender or transient merchant license issued by the city clerk and payment of the application fee of \$200 for an annual permit or \$25 per day for a 1-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 parks 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 or on the transient merchant push carts, structures, and vehicles 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 78-73 or 78-211 of this Code, as applicable, shall apply, with the parks 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 or transient merchants.
- (i) Notwithstanding subsection 74-210(a) above, pushcarts 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 pushcart operation.

- (j) Notwithstanding subsection 74-210(a) above, up to two mobile vender vehicles or transient merchant push carts, structures, or vehicles licensed under article III or V of chapter 78 may be located in Birdland Marina within the concession area pursuant to a concession agreement approved by the city council.

Section 2. This ordinance shall be in full force and effect on and after its passage and publication on January 1, 2022.

FORM APPROVED.

Ann DiDonato, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest: I, P. Kay Cmelik, 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. 21-1857), passed by the City Council of said City at the meeting held on December 6, 2021 and signed by the Mayor on December 6, 2021 and published and provided by law in the Business Record on December 24, 2021. Authorized by Publication Order No. 11734.

P. Kay Cmelik, City Clerk