

ORDINANCE NO. 16,210

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 Chapter 74, Article IV, Sections 74-92, 74-97, 74-100, 74-101, Article V, Sections 74-176, 74-177, 74-178, 74-179, 74-181, 74-182, 74-183, 74-184, 74-186, 74-188, and Article VI, Section 74-210, regulating parks and recreational facilities, fees, and mobile food vendors in designated parks.

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 Chapter 74, Article IV, Sections 74-92, 74-97, 74-100, 74-101, Article V, Sections 74-176, 74-177, 74-178, 74-179, 74-181, 74-182, 74-183, 74-184, 74-186, 74-188, and Article VI, Section 74-210, regulating parks and recreational facilities, fees, and mobile food vendors in designated parks, as follows:

ARTICLE IV. Facilities

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 in accordance with all federal, state and local laws and 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 within an enclosed park shelter; or
 - (3) Such use, possession or consumption is within the Clare and Miles Mills Rose Garden, Sylvan Theater, Lilac Arboretum or the Gray's Lake Park Christine Hensley Terrace and Terrace building and designated outdoor areas; or
 - (4) Such use, possession or consumption is within specified areas of the Principal Riverwalk including Long Look Garden, Brenton Skating Plaza and plaza adjacent to World Food Prize building; or
 - (5) Such use, possession or consumption is allowed within the fields and stands at Carney Softball Park, James W. Cownie Soccer Park and Baseball Park, Savage Softball Fields at Easttown Park, and George Davis Softball Park when said park facilities are in use for adult events and except when other fields at said park facilities are in use for youth events; or
 - (6) 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
 - (7) 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) 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.

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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 park.

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Sec. 74-100. Park facility hours.

The hours of operation for all public parks, community recreation centers, aquatic centers, pools, wading pools, splash pools, spraygrounds, and city recreational facilities, except for the Greater Des Moines Botanical Garden, A. H. Blank Park Zoo, Principal Park, and Prairie Meadows Riviera Amphitheater at Riverview Park, 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 Riverfront Amphitheater.* This facility may remain open until 12:00 a.m. (midnight).

- (3) *Prairie Meadows Riviera Amphitheater at Riverview Park.* This facility may remain open until 12:00 a.m. (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 a.m. (midnight).
- (6) *Western Gateway Park and John and Mary Pappajohn Sculpture Park.* This facility may remain open until 12:00 a.m. (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 which follow multi-use recreational trails hours, and Rotary Riverwalk Park which follows standard park hours): 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 Fields at Easttown Park and Carney Softball Park.* These facilities may be open until 12:00 a.m. (midnight).

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

- (a) Purpose. The city's parks and park facilities are 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 are 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 the 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;
 - (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.

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ARTICLE V. Fees

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	Tournament Per Field Per Day	Per Game	Practice* Per Hour
George Davis Softball Park**	\$132.00	\$49.00	\$25.00
Savage Softball Fields at Easttown Park	N/A	\$49.00	\$25.00
Carney Softball Park	N/A	N/A	\$25.00
James W. Cownie Baseball Park**	N/A	\$49.00	\$25.00
Ashfield Park Field	N/A	N/A	\$12.00

*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.*
 - (1) Fees for exclusive use of soccer fields:
 - (i) For youth, college/university soccer programs, and specialty program: \$75.00 per hour per field.
 - (ii) For adult (participants ages 19 and older) recreational league soccer programs: \$100.00 per hour per field.
 - (2) All uses are by reservation only; no first-come-first-served use.
 - (3) Use of night lighting: \$30.00 per match per field.
- (d) *James W. Cownie Baseball Park.*
 - (1) Fees for dragging and lining:

- (i) Usual practice after every third game: Included in the base fee listed in the section 74-176 table above.
- (ii) Additional marking or lining requested outside usual practice: \$30.00 per hour.
- (e) *George Davis Softball Park.*
 - (1) Fees for dragging and lining:
 - (i) Usual practice after every third game: Included in the base fee listed in the section 74-176 table above.
 - (ii) Additional marking or lining requested outside usual practice: \$30.00 per hour.
 - (2) Field Dry: \$30.00 per bag.
 - (3) Temporary fencing: \$200.00 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	\$10.00	\$20.00	\$30.00	\$80.00
Hybrid or Mountain Bike with Bike Helmet – ages 12 and younger	\$5.00	\$15.00	\$25.00	\$75.00
Road Bike with Helmet – ages 13 and over	\$10.00	\$20.00	\$40.00	\$110.00
Road Bike with Helmet – ages 12 and younger	\$5.00	\$15.00	\$35.00	\$105.00
Trailer bikes and carriers	\$6.00	\$20.00	\$30.00	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	\$100.00
5,000 and more	\$300.00

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	\$1,500.00/half day (6 hours)	
Facility Use Outdoor Rooms	\$3,000.00/day (during park hours)	
Lawn Areas	\$650.00/day (during park hours)	
Chess Garden	\$250.00/day (during park hours)	
Set-up/tear down (rooms)	\$500.00/half day (6 hours)	Does not include hours when park is closed
Set-up/tear down (lawn)	\$250.00/day	
Clean up if required by City	\$40.00/hour per staff position, two-hour minimum	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

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Sec. 74-181. Golf courses

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(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 - 4:00 p.m.) \$1.00/person.
- (2) Dual meets (start time 2:30 - 4:00 p.m.) \$1.00/person.
- (3) Tournament (more than two teams, start time 2:30 - 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 1 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 half-day (6:00 a.m. - 1:00 p.m. or 2:00 – 9:00 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 (2) hours (minimum), - \$150.00 each additional hour
 - b. Floral Garden at Union Park: \$15.00 per hour
 - c. Lilac Arboretum 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:*

Enclosed Shelter	Monday through Thursday	Friday through Sunday
Birdland Park - Ding Darling Shelter	\$210.00	\$315
Columbus Park Shelter	\$190.00	\$250.00

Drake Park Shelter	\$190.00	\$210.00
Grandview Park - Bob Mahaffey Shelter	\$190.00	\$210.00
Greenwood Park - Jay Spence Shelter	\$190.00	\$210.00
Hub Spot Shelter	\$210.00	\$315.00
MacRae Park - W.C. Walker Shelter	\$190.00	\$210.00
Martin Luther King Jr. Park Shelter	\$65.00 per hour for minimum of two (2) hours, \$40.00 per hour for each additional hour between the hours of 10:00 a.m. to 9:30 p.m.	
Pioneer Park Shelter	\$85.00	\$105.00
Union Park – Bill and Nellie Ritchie Shelter (East)	\$85.00	\$105.00
Union Park – Margaret Swanson Shelter (West)	\$85.00	\$105.00

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	\$50.00
Capacity of more than 100	\$75.00	\$75.00	\$140.00

- (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, \$67.00 per hour for each additional hour
 - 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 hour, 2-hour minimum
 - e. Gray's Lake Railroad Corridor - \$500.00 per day per area as defined by Parks and Recreation Department (during park hours only)
- (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 weekends only
- (11) *Open space permit*: \$10.00 per hour per field.
 - 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 and 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	\$25.00
2 day a week child	N/A	\$35.00
3 day a week child	N/A	\$45.00
4 day a week child	N/A	\$55.00
5 day a week child	N/A	\$65.00
Replacement tags	N/A	\$7.00

* 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.* Moorage allowed annually from March 15 through November 15. All rentals are based on availability and are as follows:

- (1) *Seasonal Double access* - \$630.00
- (2) *Seasonal Single access* - \$550.00
- (3) *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, as determined by the Parks and Recreation Department based on seasonal conditions, shall be as follows:

(1) Admission and skate rental fees:

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

(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, as determined by the Parks and Recreation Department based on seasonal conditions, are as follows:

- (1) Monday through Friday rental: \$65.00 per hour, minimum of two (2) hours.
- (2) Saturday and Sunday rental: \$90.00 per hour, minimum of two (2) hours.

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Sec. 74-186. Principal Riverwalk.

(a) *Long Look Garden:* \$200.00 – 4-hour time block, \$100.00 for each additional hour, weekends only.

(b) *Union Pacific Railroad Bridge:* \$50.00 – 4-hour time interval for either the north or south area.

- (c) *World Food Prize Plaza adjacent to World Food Prize Hall of Laureates*: \$500.00 – 4-hour block, \$100.00 for each additional hour.
- (d) *Iowa Women of Achievement Bridge*: \$50.00 – 4-hour block, either the north or the south section of the bridge.
- (e) *Rotary Riverwalk Park*: \$50.00 per hour – playground must remain open to public during a permitted event.
- (f) *SW 1st Street Bridge (Water Street)*: \$50.00 – 4-hour block, down river (east) section of the bridge.

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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, and the Women of Achievement Bridge. 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) Each applicant may request up to two permits per calendar year. Each permit shall be limited to no more than three (3) consecutive total days and one (1) color scheme.

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) Ashworth Park
 - (2) Evelyn K. Davis Park
 - (3) Ewing Park
 - (4) Grandview Park
 - (5) Greenwood Park
 - (6) MacRae Park
 - (7) Riverview Park
 - (8) Simon Estes Amphitheater Plaza

(9) Union 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 pushcart, 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 total mobile vendors operating mobile vendor vehicles, as defined in article V of chapter 78 of this code, and/or transient merchants, as defined in article III of chapter 78 of this code, may be located or operated in Birdland Marina within the concession area pursuant to a concession agreement approved by resolution of the city council.

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

FORM APPROVED: Glenna K. Frank, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest: I, Laura Baumgartner, 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. 22-1954), passed by the City Council of said City at the meeting held on December 12, 2022 and signed by the Mayor on December 12, 2022 and published and provided by law in the Business Record on December 30, 2022 Authorized by Publication Order No. 12180.

Laura Baumgartner, City Clerk