

ORDINANCE NO. 16,405

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, is hereby amended, by amending Chapter 74, Sections 74-97, 74-99, 74-100, 74-103, 74-110, 74-111, 74-175, 74-176, 74-179, 74-181, 74-182, 74-183, 74-184, and 74-210, relating to parks and recreation.

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, Sections 74-97, 74-99, 74-100, 74-103, 74-110, 74-111, 74-175, 74-176, 74-179, 74-181, 74-182, 74-183, 74-184, and 74-210, relating to parks and recreation, as follows:

Sec. 74-97. Lakes, ponds and lagoons.

- (a) No person shall throw or place any foreign or waste substance in any lake, pond, lagoon or swimming beach in any public park.
- (b) Boats and other personal watercraft are not permitted in lakes and ponds, with the exception of Gray's Lake, without the permission of the parks and recreation director.
- (c) No person shall fish from or dangle any object from the Gray's Lake watercraft rental dock, the Gray's Lake swimming beach, the Gray's Lake pedestrian bridges, MacRae Park Boardwalk or any pedestrian bridges in any city park.
- (d) Where fishing is permitted at lakes, ponds and lagoons, only rod and reel or pole fishing are allowed.

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

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Sec. 74-99. Dogs and other pets.

No dog or other pet 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 or other pet shall be deemed to be found running at large, unless the owner carries such dog or other pet or leads such animal by a chain, strap or rope not exceeding six feet in length or keeps any such animal 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.

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- (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, the Hub Spot and Rotary Riverwalk Park which follow 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).

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Sec. 74-103. Baseballs; softballs.

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

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Sec. 74-110. Multi-use recreational trails.

- (a) *Definitions.*
 - (1) Multi-use recreational trails are defined pursuant to section 114-1 of this Code and exclude dedicated bicycle facilities within the city right-of-way.
 - (2) Electric personal assistive mobility devices are defined as a self-balancing device with two non-tandem wheels, designed to transport not more than one person, and operated by an electric propulsion system. A Segway is an example device.
 - (3) Single user electric devices means a device with or without handlebars designed to be stood or sat upon by the operator, and powered by electric motor that is capable of propelling the device with or without human propulsion. A One Wheel is an example device.
- (b) *Permitted Uses.* Except as otherwise provided, the following recreation, transportation, fitness and other similar 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, skateboard, inline skates, scooter, wheelchair, or other similar activities;
 - (3) persons utilizing or operating an electric-motorized device of one horsepower or less, such as bicycles as defined in 114-677, single user electric devices, electric personal assistive mobility devices, or other similar activities;
 - (4) persons with mobility impairments or disabilities using manually operated or power-driven wheelchairs and manually powered mobility aids for the purpose of locomotion;
 - (5) persons with mobility impairments or disabilities using another power-driven mobility device for the purpose of locomotion, as provided in 28 CFR 35; and
 - (6) 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 portions of trails that utilize an existing park road except at designated crossings as indicated by surfacing markings and or signage.
- (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;
 - (2) sections of trails may be closed temporarily by the parks and recreation director for emergency situations; and
 - (3) sections of trails may be closed temporarily by the parks and recreation director for improvement projects.
- (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, surface markings, 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.

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Sec. 74-175. Outdoor sport courts.

- (a) Fees for rental with reservations for tennis, futsal or Mini-Pitch, pickleball, basketball sport courts, and table tennis/ping pong tables are \$10.00 per hour per court.
- (b) All reservations are 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	Tournament Per Field Per Day	Per Game	Practice* Per Hour
George Davis Softball Park**	\$150.00	\$50.00	\$25.00
Savage Softball Fields at Easttown Park	N/A	\$50.00	\$25.00
Carney Softball Park	N/A	N/A	\$25.00
James W. Cownie Baseball Park**	N/A	\$50.00	\$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 practices: \$75.00 per hour per field.
 - (ii) For adult (participants ages 19 and older) practices: \$100.00 per hour per field.
 - (iii) For tournaments only: \$750.00 per field, per day.
 - (iv) For non-tournament games: \$125.00 per game for youth (18 and younger), \$175.00 per game for adults.
 - (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.

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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)	
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.

- (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 Thursday, except Seniors are Monday through Friday.
 - (2) Weekends are Friday, Saturday, Sunday and holidays before 3:00 p.m.
 - (3) Twilight is from 3:00 p.m. until sunset on Friday and 3:00 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 3 p.m.	18-Holes Weekend before 3 p.m.	9-Holes Weekend before 3 p.m. with Cart	18-Holes Weekend before 3 p.m. with Cart					Twilight	Twilight with Cart
A.H. Blank	\$18.00	24.00	32.00	41.00	20.00	31.00	34.00	48.00					18.00	32.00
Bright Grandview	\$17.00	22.00	31.00	39.00	20.00	26.00	34.00	43.00					14.00	28.00

Waveland	\$20.00	27.00	34.00	44.00	23.00	34.00	37.00	51.00					20.00	34.00
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a. *Youth mentor rates.* No charge for youth (under 18) playing with a paying adult, Monday through Thursday and after 3:00 p.m. on Friday, Saturday and Sunday and holidays. 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									Twilight	Twilight with Cart
A.H. Blank	\$15.00	20.00	29.00	37.00									18.00	32.00
Bright Grandview	\$14.00	19.00	28.00	36.00									14.00	28.00
Waveland	\$17.00	22.00	31.00	39.00									20.00	34.00

(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									Twilight	Twilight with Cart
A.H. Blank	\$15.00	20.00	29.00	37.00									18.00	32.00
Bright Grandview	\$14.00	19.00	28.00	36.00									14.00	28.00
Waveland	\$17.00	22.00	31.00	39.00									20.00	34.00

(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	7 Day Couple Pass	7 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	700.00	975.00	1,250.00	900.00	1,820.00	1,365.00	275.00

- (1) 5-day badges are valid for play Monday through Friday and weekends and holidays after 3:00 p.m.
- (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	\$14.00	\$17.00
Bright Grandview	\$14.00	\$17.00
Waveland	\$14.00	\$17.00

- (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 - \$650.00.

(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.) \$13.00/person.
- (4) Tournament (more than two teams, start time before 2:30 p.m.) \$15.00/player.
- (5) Schedules must be submitted to golf course management by March 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	\$315.00
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 8:00 a.m. to 9:30 p.m. on Saturday and Sunday and 4 p.m. – 9:30 p.m. Monday – Friday.	
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/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*: \$35 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 18 years of age) - \$3.00
 - c. Adult (19 through 59 years of age) - \$5.00
 - d. Senior (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.* \$ \$200.00/hour for a minimum block of two (2) hours. This fee includes \$150.00 per hour for pool use plus \$50.00 per hour for a minimum of three lifeguards and a supervisor. 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* - \$662.00
 - (2) *Seasonal Single access* - \$578.00
 - (3) *Replacement moorage decal* - \$5.00
 - (4) *Boat left past last day* - \$20.00 per day

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	Rate
Adult (ages 13-59)	\$10.00

Child (6-12)/Senior (60+)	\$6.00
Children Under 5 years of age	Free
Skate Rental	\$5.00
Punch Pass – 10 Admissions including Skate Rentals, all ages	\$ 95.00

(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: \$75.00 per hour, minimum of two (2) hours.

(2) Saturday and Sunday rental: \$100.00 per hour, minimum of two (2) hours.

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ARTICLE VI. MOBILE FOOD VENDORS IN DESIGNATED PARKS

Sec. 74-210. Mobile Food Vendors 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 vendors operating mobile vendor 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 vendor 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 vendor 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 vendor vehicle, such as tables or chairs.

(c) Mobile vendor 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 vendor operating or locating a mobile vendor vehicle within the designated parks must have a current mobile vendor license issued in compliance with article V of chapter 78 of this Code and operate in compliance with all license and article V of chapter 78 requirements. 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 vendor and transient merchant operating or locating a mobile vendor vehicle within the above designated parks must have a mobile food vendor 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 vendor 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 15 through October 15 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 vendor 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 vendor.
- (g) Upon complaint or a reasonable suspicion that a permittee or the permittee's employees or agents has furnished any false information in its application or has violated or failed to comply with any of the requirements of this article or chapter 78 of this Code, or any other provisions of this Code, the suspension or revocation provisions in section 78-73 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, 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 as of the later of January 1, 2025 or the date of publication as provided by law.

FORM APPROVED: Glenna K. Frank, Assistant City Attorney

Connie Boesen, 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. 24-1686), passed by the City Council of said City at the meeting held on December 9, 2024 and signed by the Mayor on December 9, 2024 and published and provided by law in the Business Record on December 27, 2024. Authorized by Publication Order No. 12854.

Laura Baumgartner, City Clerk