

Date May 7, 2012

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 102-558 and 102-1132, relating to insurance requirements for farmers' and public market permits and for street use permits",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)



Douglas P. Philip  
Assistant City Attorney

(Council Communication No. **12-200**)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
<b>TOTAL</b>				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_ City Clerk

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 102-558 and 102-1132, relating to insurance requirements for farmers' and public market permits and for street use permits.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Sections 102-558 and 102-1132, relating to insurance requirements for farmers' and public market permits and for street use permits, as follows:

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

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

- (1) The name, address and phone number of the applicant and/or market manager he or she represents.
- (2) The proposed location of the market and the names of any businesses which the market will front.
- (3) If such businesses are not participating in the market, a copy of the notice sent to such businesses of the market, its location and duration.
- (4) The proposed dates of the market and its hours of operation.
- (5) The number of vendors involved in the market, their names, and permanent addresses.
- (6) The type of merchandise to be sold.
- (7) A certificate of insurance demonstrating compliance with all insurance requirements. The amount and type of liability insurance to be required shall be determined by the city's finance director or designee and are hereby, by reference, made a part of the permit application form. ~~issued by an insurance company licensed to do business in this state, providing commercial general liability insurance (ISO CG 00 01 10 93 or its equivalent~~

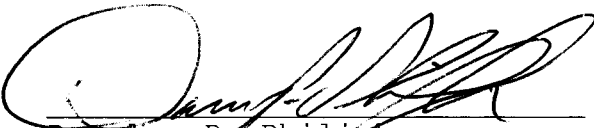
~~replacement addition or non-ISO equivalent) including an aggregate per location endorsement and a minimum limit of liability of \$1,000,000.00 per occurrence, and workers compensation insurance to the extent required by the Code of Iowa, and the city's additional insured endorsement, governmental immunities endorsement and cancellation and material change endorsement, and any other types of insurance endorsement as deemed necessary by the city's risk management office based on the nature of the activities to take place.~~

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

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

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

FORM APPROVED:

  
 Douglas P. Philip  
 Assistant City Attorney