

★ **Roll Call Number**

Agenda Item Number

36

Date March 23, 2015

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 78-35 and 78-66 , relating to buffer zones for street use permits",

which was considered and voted upon for the first time under Roll Call No. 15- 0333 of February 23, 2015, and considered and voted upon for the second time under Roll Call No. 15- 0416 of March 9, 2015, again presented.

Moved by _____ that this ordinance do now pass.

ORDINANCE NO. _____

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

15-0416 15-0333
4257
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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 78-35 and 78-66 , relating to buffer zones 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 Section 78-35 and 78-66, relating to buffer zones for street use permits, as follows:

Sec. 78-35. Prohibited acts.

- (a) No peddler shall conduct peddling with any person situated in a motor vehicle upon any public street, alley, driveway access, or public way.
- (b) No peddler shall conduct peddling upon any part of the public right of way along a parade route on the day of any permitted parade.
- (c) No peddler shall conduct peddling within one thousand ~~eight hundred (1,800)~~ (1,000) feet of the perimeter of a street closure, or inside such perimeter, for an event where a street use permit has been issued unless written permission from the street use permit holder has been obtained.
- (d) No peddler shall conduct peddling between the hours of 9:00 p.m. and 9:00 a.m.
- (e) No peddler shall do business or attempt to do business upon any property on which has a posted notice prohibiting peddling or soliciting.
- (f) No peddler shall harass, intimidate, coerce or threaten any individual to induce a sale.
- (g) No peddler shall falsely or fraudulently misrepresent the quality, character or quantity of any article, item or commodity offered for sale or sell any unwholesome or tainted food or foodstuffs.
- (h) No peddler shall conduct business in such a manner as to endanger the public health, welfare, or safety of the public.

Sec. 78-66. Application for license.

Every transient merchant shall apply to the city clerk for a transient merchant license at least three business days prior to use by providing the following information upon a form to be provided by the city clerk:

- (1) The full name, age, permanent address and phone number of the applicant.
- (2) A description of the merchandise to be sold.
- (3) The business name and address.
- (4) The starting date and duration of the proposed sale, and the specific hours, not less than six consecutive hours in every 24-hour period, when the site will be vacated as required by

15-0416

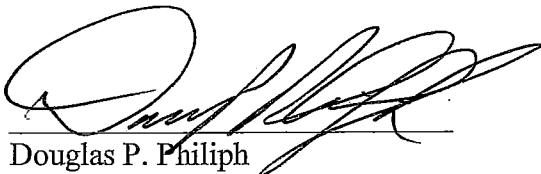
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section 78-74(i). The hours of operation must also comply with the requirements of section 78-74(m), if applicable.

- (5) The address of the private property where the sale will be held, and the name and address of the property owner or person in control of that property.
- (6) A written statement from the property owner or person in control of the property listed in subsection (5) of this section that the applicant is authorized to use the property for a sale on the proposed dates.
- (7) The period of time the applicant has been engaged in the same or similar business, and the jurisdictions in which the applicant has previously conducted business in the last year.
- (8) A description of the structure, vehicle, tent, trailer or other configuration from which the sale will be conducted.
- (9) A site sketch which identifies the location of the licensed premises, the placement of any equipment and facilities used in the operation of the business, and the three off-street parking spaces if required by section 78-67(5), in relationship to the adjoining streets, public sidewalks, and property lines.
- (10) The application must be accompanied by a copy of all required permits and licenses, including but not limited to, a retail sales tax permit issued by the Iowa Department of Revenue and the appropriate food establishment license issued by the Iowa Department of Inspections and Appeals.
- (11) Written permission from a street use permit applicant if the proposed location for sales are within one thousand eight hundred (1,800) ~~(1,000)~~ feet of the perimeter of a street use closure for an event when an application is on file with the city clerk for a street use permit or when the street use permit has been issued.
- (12) A description of how bathroom facilities will be provided to satisfy the requirements of section 78-69.

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