



**Roll Call Number**

**Agenda Item Number**

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**Date** March 21, 2016

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 adding a new Article VIII, Mobile Food Venders in Designated Parks, to Chapter 74, Parks and Recreation, and by amending Section 78-201, relating to mobile food venders",

which was considered and voted upon under Roll Call No. 16- 0404 of March 7, 2016; again presented.

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

(Second of three required readings)

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

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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 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> March 7, 2016
	<b>Agenda Item No.</b> <del>40</del> <b>Roll Call No.</b> [ 16-0404 ] <b>Communication No.</b> 16-105 <b>Submitted by:</b> Benjamin R. Page, Park and Recreation Director

**AGENDA HEADING:**

Amending Chapter 74 and 78 of the City Code regarding a pilot program to allow mobile food vendors to operate in designated City parks.

**SYNOPSIS:**

Recommend approval to amend Chapters 74 and 78 of the ordinance to establish a pilot program to allow mobile food vendors to operate in designated City parks.

**FISCAL IMPACT:**

Amount: \$200 fee for a yearly permit, or \$25 fee for a daily permit. It is expected that a pilot program to allow food vendors will have a nominal impact to the Park and Recreation Department's overall operating budget.

Funding Source: N/A

**ADDITIONAL INFORMATION:**

Staff has reviewed sections of Chapters 78 of the Municipal Code in regards to Mobile Food Vendors and is recommending that a pilot program be started in 2016 that would allow mobile food vendors to operate in selected Des Moines Parks.

On February 23, 2016, the Parks and Recreation Board unanimously approved the pilot program for mobile food vendors in designated parks.

The proposed additions to Chapter 74 to allow for this pilot program are outlined below.

**Sec. 74-210. Mobile Food Vendors.**

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 vender vehicles, as defined in Article V 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; and
  - (6) MacRae Park.
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- (b) Mobile vender 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, with a maximum of two (2) spaces being designated in each park. 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. Mobile vendors 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 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.
  - (e) Every mobile food vender operating or locating a mobile vender vehicle within the above designated parks must have a mobile food vender permit issued by the park and recreation director. An application for such permit must be made by submitting an application on a 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 license issued by the City Clerk and payment of the application fee of \$200 for an annual permit or \$25 per day for a one (1) day permit. Annual permits shall be in effect for one (1) 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 park 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 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 78-211 of this code shall apply, with the park 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 operating mobile vender vehicles.

Upon approval by the City Council of the proposed amendments of Municipal Code Chapter 74 Article VIII. MOBILE FOOD VENDERS IN DESIGNATED PARKS, the Parks and Recreation Department will designate parking spaces in the selected parks.

**PREVIOUS COUNCIL ACTION(S):**

Date: February 8, 2016

Roll Call Number: 16-0226, 16-0227, and 16-0228

Action: Amending Section 78 of the Municipal Code regarding the allowed locations, times and manner of operation of mobile food vendors. (Council Communication No. 16-066) Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member Gatto declares a conflict of interest and abstains from voting.

(A) Amending the Schedule of Fees for Mobile Venders. Moved by Hensley to adopt. Motion Carried 6-0. Council Member Gatto declares a conflict of interest and abstains from voting.

(B) Final consideration of ordinance above, requires six votes. Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,447. Motion Carried 6-0. Council Member Gatto declares a conflict of interest and abstains from voting.

**BOARD/COMMISSION ACTION(S):**

Board: Parks and Recreation

Date: February 23, 2016

Resolution Number: 16-012

Action: Approval of proposed amendments of Municipal Code Chapter 74 Article VIII. MOBILE FOOD VENDERS IN DESIGNATED PARKS regarding a pilot program to allow mobile food vendors to operate in designated parks.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

2<sup>nd</sup> and 3<sup>rd</sup> readings of the ordinance amendment.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).

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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 adding a new Article VIII, Mobile Food Venders in Designated Parks, to Chapter 74, Parks and Recreation, and by amending Section 78-201, relating to 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, is hereby amended by adding a new Article VIII, Mobile Food Venders in Designated Parks, to Chapter 74, Parks and Recreation, and by amending Section 78-201, relating to mobile food vendors, as follows:

**ARTICLE VIII. MOBILE FOOD VENDERS IN DESIGNATED PARKS**

**Sec. 74-210. Mobile Food Venders.**

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 vender vehicles, as defined in article V 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.
- (b) Mobile vender 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. Mobile vendors 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 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.

- (e) Every mobile food vender operating or locating a mobile vender vehicle within the above designated parks must have a mobile food vender permit issued by the park and recreation director. An application for such permit must be made by submitting an application on a form provided by the department at least three business days prior to use. The application must include a copy of the applicant's mobile vender license issued by the city clerk and payment of the application fee of \$200 for an annual permit or \$25 per day for a one 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 park 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 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 78-211 of this code shall apply, with the park and recreation director or director's designee in substitution for the city clerk of city clerk's designee.
- (h) Section 74-178 does not apply to mobile vendors operating mobile vender vehicles.

**Sec. 78-201. - Mobile vender zones.**

- (a) Subject to the requirements of this article, a mobile vender license is only valid for the sale of food or beverages for immediate consumption from a mobile vender vehicle lawfully parked within one of the following zones:
  - (1) The downtown mobile vender zones identified in subsection (b), below.
  - (2) The neighborhood mobile vender zones identified in subsection (c), below.
  - (3) The park locations identified in section 74-210 of this code.
- (b) The downtown mobile vender zones consist of and are limited to the following street segments:
  - (1) Downtown mobile vender zone A:  
Grand Avenue from 13th Street to 15th Street,  
Locust Street from 13th Street to 15th Street,  
Walnut Street from 13th Street to 15th Street,  
13th Street from Grand Avenue to Walnut Street, and  
15th Street from Grand Avenue to Walnut Street.
  - (2) Downtown mobile vender zone B:  
Center Street from 5th Avenue to 9th Street,  
Crocker Street from 5th Avenue to 9th Street,  
Park Street from 3rd Street to 7th Street, and  
Watson Powell Jr Way from 3rd Street to 7th Street.
  - (3) Downtown mobile vender zone C:  
Cherry Street from 5th Avenue to 9th Street,

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- Mulberry Street from 5th Avenue to 7th Street, and  
5th Avenue from Vacated Vine Street to Mulberry Street.
- (4) Downtown mobile vender zone D:
  - East Court Avenue from East 2nd Street to East 6th Street,
  - East Grand Avenue from Robert D Ray Drive to East 4th Street,
  - Locust Street and East Locust Street from the west end of the Locust Street bridge over the Des Moines River to East 4th Street,
  - East Walnut Street from East 1st Street to East 7th Street,
  - Robert D Ray Drive from East Grand Avenue to East Locust Street,
  - East 2nd Street from East Walnut Street to E Court Avenue,
  - East 3rd Street from East Walnut Street to E Court Ave,
  - East 4th Street from East Walnut Street to East Court Avenue, and
  - East 7th Street from East Walnut Street to a point 240 feet south of East Court Avenue.
- (c) The neighborhood mobile vender zones consist of and are limited to the following street segments during the days of the week and the hours of the day identified for each such zone below:
  - (1) Neighborhood mobile vender zone 1: *Reserved*
    - Location:
    - Days and hours of operation:

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

FORM APPROVED:

Ann DiDonato  
Ann DiDonato  
Assistant City Attorney