

★ Roll Call Number

Agenda Item Number

52

Date April 11, 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, relating to mobile food venders",

which was considered and voted upon for the first time under Roll Call No. 16-0404 of March 7, 2016, and considered and voted upon for the second time under Roll Call No. 16-0491 of March 21, 2016, again presented.

**(Council Communication No. 16-182)**

Moved by \_\_\_\_\_ that this ordinance do now pass.

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

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

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, 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, relating to mobile food vendors, as follows:

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

**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 vendor 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 vendor 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. Mobile vendors 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 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.

- (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 or city clerk's designee.
- (h) Section 74-178 does not apply to mobile vendors operating mobile vender vehicles.
- (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.

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