

★ **Roll Call Number**

Agenda Item Number

39

Date April 3, 2017

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 Section 74-210, relating to mobile food vendors and transient merchants",

presented.

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

FORM APPROVED:

(First of three required readings)

Ann DiDonato
Ann DiDonato
Assistant City Attorney

(Council Communication No. 17-324)

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

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 Section 74-210, relating to mobile food vendors and transient merchants.

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 74-210, relating to mobile food vendors and transient merchants, as follows:

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) Greenwood Park.
 - (2) Ashworth Park.
 - (3) Union Park.
 - (4) Grandview Park.
 - (5) Ewing Park.
 - (6) MacRae 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 push cart, 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 vender and transient merchant operating or locating a mobile vender vehicle within the above designated parks must have a mobile food vender or transient 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 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 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 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 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 78-93 or 78-211 of this code, as applicable, 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 or transient merchants 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.
- (j) Notwithstanding subsection 74-210(a) above, up to two mobile vender vehicles or transient merchant push carts, structures, or vehicles licensed under article III or V of chapter 78 may be located in Birdland Marina within the concession area pursuant to a concession agreement approved by the city council.

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
Assistant City Attorney