

# ADMINISTRATIVE RULES GOVERNING MOBILE VENDORS (REV. 1/31/2019)

Section 10-5-9 of the Code of Ordinances of the City of Iowa City provides that the City Manager may establish administrative rules for mobile vending. Reference to the "City" in the following administrative rules shall mean the City Manager or his/her appointed designee. Four (4) permits will be issued for City Plaza for the permit cycle beginning May 1, 2019.

## **1. Length of Permit and Approval Criteria**

Permit shall be issued for a period of 3 years and shall be valid for 3 years providing the vendor meets all requirements, operational policies and pays fees in a timely manner. The permit may be revoked using the criteria found in Section 7 at any time during the 3 year period. At the end of each 3 year period, all current permit holders will be subject to an open application process. Seniority will not be a criterion for renewal. Criteria for the selection of vendors shall include but not be limited to the following:

- a. Prior satisfactory operation, including problems, if any, occurring during past operations.
- b. The appearance and maintenance of the vending cart. Cart must maintain same appearance for the entire vending season as that submitted at the time of application.
- c. Consistent and available hours of operation. While there are no required hours of operation, a mobile vendor who does not have a predictable presence on City Plaza jeopardizes renewal or faces possible revocation of his/her permit.
- d. For a new applicant who has not previously had a permit for mobile vending, the City will consider the vendor's past experience, a submitted business plan or any other information the applicant feels is pertinent to the application.
- e. Preference may be provided to brick and mortar food service operations currently located in Iowa City.

## **2. Application**

The open application period for 2019 - 2022, will begin February 1, 2019 and all applications must be received by 5:00 PM, March 1, 2019. Applications for Mobile Vending Permits must be submitted on the form provided by the City that can be obtained from Neighborhood and Development Services or on the City web site at [icgov.org](http://icgov.org). Applications received after the March 1st deadline will be kept on file and may be considered in the event a current vendor elects not operate or has his/her permit revoked. However, the City may elect to not assign a replacement.

Applicants must contact the Johnson County Health Department prior to submission of the City application to review health code compliance requirements. The Health Department is located at 855 S. Dubuque Street, Iowa City. Phone is 319-356-6040.

### **3. Requirements**

The City Manager or designee may issue a permit if the following conditions have met:

- a. A mobile vending location is available which will not interfere with free movement within the emergency services lane and will not interfere with an existing or new outdoor service area or sidewalk café.
- b. The applicant's proposed mode of operation will not impede the free flow of pedestrian traffic along the public right of way or in or out of adjacent properties. Any cords/wiring must be securely fastened to the ground and covered by a cord protector.
- c. The applicant agrees to operate the cart only at the assigned mobile vending location.
- d. The dimensions of the applicant's vending cart shall not exceed a size of four (4) feet wide by nine (9) feet long by eight (8) feet high.
- e. The applicant has adequate storage for the mobile vending cart off of the City Plaza or public right of way.
- f. The applicant has obtained all necessary permits required by the Johnson County Health Department.
- g. All applicable fees have been paid.
- h. The application is fully completed and executed.
- i. The indemnification agreement has been signed.
- j. A Certificate of Liability insurance showing the City of Iowa City as "Additional Insured" has been provided.
- k. The application contains no material falsehood or misrepresentation.
- l. The applicant has not damaged City property, and, if the applicant has, the damage has been paid in full and the applicant has paid all other outstanding debts to the City.
- m. The applicant has complied with all applicable laws concerning the sale or offering for sale any food related items.
- n. The use or activity intended by the applicant is not prohibited by law.
- o. Mobile vendor may sell any type of food or non-alcoholic beverage.

### **4. Fees and Charges**

Fees for all permits are established by resolution of the City Council and must be paid promptly and prior to the specified deadlines. No permit holder shall be allowed to operate until the appropriate fee has been paid to the City.

Mobile vending permit fee is \$1,500 per year and the entire amount must be paid by May 1 of each year of the permit.

The use of an electrical hook up must be requested on the application and be approved by the City. The fee is \$25.00 per month and must be paid for the whole year – total cost \$300.00 – payable by May 1 of each year of the permit.

All fees must be paid within ten (10) days of the due date or the permit will be revoked.

Any vendor who operates his/her vending business on the City Plaza before all required fees or charges have been received by the City or who operates while under order from the City to cease operation for lack of payment or any other valid reason, shall have his or her permit revoked for the remainder of the current season and will not be considered for a permit for the following year's vending season or the open application process which ever is first.

## **5. Operational Policies**

Mobile vending carts may operate seasonally or all year round.

Mobile Vending Carts must be entirely self-contained with no storage of items on the ground or on benches, planters, or other fixtures. This includes no external ice storage containers.

Vendors must take proper care to ensure that no grease or other substances are spilled or allowed to drip on the ground and, if this accidentally occurs, ensure prompt and complete clean up. All carts must be equipped with a 5lb multi-purpose fire extinguisher.

Operators of vending carts must privately dispose of all waste paper and other waste materials. The City owned trash receptacles are for the general public and patrons of the vending carts. Waste from carts must be disposed of by private means and not in any publicly-provided waste receptacles.

At no time shall a cart in operational mode be left unattended on City Plaza.

## **6. Additional Requirements**

Specific locations will be designated within the boundaries of City Plaza for the operation of mobile vending carts. Each mobile vending permit shall carry with it the authorization to operate from one (1) designated location. The City reserves the right to change a designated location due to extenuating circumstances such as construction on City Plaza. Any deviation during special events must be requested by the vendor and approved in advance by the City. The City reserves the right to change a designated location or dictate allowed set up times when special events are occurring on City Plaza. The vendor may sell in transit if a

customer request is made provided the primary trade shall be conducted at the designated location.

All carts must be removed from their vending locations at the end of each vending day to a location off of City Plaza and/or city right of way. Provisions for storage must be described in the permit application.

The applicant will supply to the City a copy of the Johnson County Health Department permit and said permit shall be displayed at the vending location.

The sale, transfer or assignment of a mobile vending permit is expressly prohibited except as allowed by a. below. If the permitted vendor is not a natural person (for example a partnership, LLC or corporation) and there is a substantial change, as determined by the City, in the stock ownership, membership interest or partnership distribution, this will be considered a sale, transfer or re-assignment of the permit and will not be permitted. The permit will be revoked.

- a. If death or other diminished capacity requires transfer of ownership, whether natural person, partnership, LLC or corporation, the permit may be transferred to new owner with the approval of the City Manager or designee.

No person may have an ownership interest, as determined by the city, in more than three (3) mobile vending cart operations.

## **7. Revocation of a Permit**

The City Manager or designee, or City Council if issued after an appeal may revoke a mobile vending permit based on the following criteria:

- a. It is determined by the Chief of Police or Fire Chief that, by reason of disaster, public calamity, riot or other emergency, the public safety requires such revocation.
- b. The vendor has misstated any material fact in the application.
- c. There is a substantial and material variance between the information in the application and the actual facts or those facts which appear reasonably to have occurred.
- d. The vendor is operating a mobile vending cart in violation of the terms of the permit.
- e. The vendor's insurance has been cancelled.
- f. The vendor violates any of the previously stated administrative rules and requirements.
- g. The vendor fails to pay any fees in the required time frame.
- h. The vendor interferes with the actions or duties of a police officer or any other city employee.

A vendor may appeal the revocation in the same manner as appealing the issuance or denial of a permit.

Upon revocation of any vending permit, a pro-rated portion of the permit fee based on the time of revocation, less 20% of the annual fee will be returned to the vendor. Any amount owed to the City at the time of revocation shall be withheld in addition to the above mentioned 20% of the annual fee.

#### **8. Minimum Insurance Requirements**

The applicant shall agree to indemnify, defend, and save harmless the City of Iowa City, its agents, officers, and employees, from and against all claims, damages, losses and expenses in a manner resulting from, arising out of or connected with, the construction, use, maintenance, or removal of any structure, cart or use. The applicant shall at all times, maintain a policy of liability insurance in the **minimum amount of \$500,000 for personal injuries** and **\$50,000 for property damage** arising out of the permitted operation. The applicant shall submit to Housing and Inspection Services, prior to vending, a copy of all the liability insurance policies executed by a company authorized to do insurance business in the State of Iowa on a form approved by the City Clerk. Such cancellation or change without written approval shall revoke the permit.