

## Staff Report

**VENDING CODE REVISIONS**

Municipal Code, Chapter 22

October 28, 2014

**Background**

After receiving several complaints regarding vending carts along Main Street and experiencing difficulty in administering the current ordinance language on vending, City staff is offering proposed revisions to Chapter 22, Division III of the City Code that pertains to vending on public rights-of-way. Staff has worked with the Main Street Cultural District and the Campustown Action Association to obtain input from the districts members as well as with vendors over the last year. Additionally, City staff from the City Clerk's Office, Fire Department-Inspections Division, Police Department, Planning and Housing, and Public Works were requested to provide input to ensure clear information is provided to those wanting to vend on public rights-of-way. The input from all parties was used to create the draft ordinance changes, applications, and administrative policies. Examples of these changes are attached.

As a final follow up prior to coming back to City Council on October 28, 2014, vending cart owners were invited to discuss the draft ordinance and administrative policies with staff on Thursday, September 18, 2014. Only two of the 14 vendors attended this meeting. The two in attendance were very satisfied with the revisions and appreciated that the application contained a copy of the administrative policies and pertinent ordinance language for them to refer to when necessary. They recommended staff consider adding a decibel limit to music being played by vending carts that would allow for conversations with patrons. Staff has addressed this concern and added a decibel limit for vending carts as part of the revisions to the code. The vendor recommendation on decibels also addresses a concern submitted to the City Council about noise emitted by vending carts where there are residents living in buildings above businesses.

Staff has attached specific Municipal Code and administrative policies changes that are being proposed for each of the six uses laid out in this section of the code: Vending Carts, Vendor Persons, Mobile Vending Vehicle (Ice Cream Trucks), and Sidewalk Sales. Staff feels that the current regulations in Chapter 22, Division III for these very different vending functions do not work well for either the City or the vendors. The present code only provides definitions for Stand and Vendor. The new code provides a comprehensive set of definitions and administrative policies to allow for equitable implementation of the Code. The revisions as presented do not include sidewalk cafes, however, definitions for sidewalk cafes are included as part of the new definitions section, since work is wrapping up on the sidewalk cafe revisions. Sidewalk cafe revisions will be brought back to the City Council at a later date for a separate discussion.

**Overall changes to the ordinance include for all types of vending:**

- limits vending to Downtown Service Center, Campustown Service Center, and Village Zoning Districts - except for mobile vending vehicles
- requires display of vending permit at all times
- requires background checks; those with a felony in the last five years are not eligible for a permit
- provides the City Manager the ability to issue, renew, revoke a permit as well as relocate the site of vending (due to construction), subject to appeal right to the City Council
- provides the Police Chief, Fire Chief, or their designees the ability to temporarily suspend a permit for public safety reasons
- requires specific insurance limits per the recommendations of the City's Risk Manager
- requires private waste disposal
- prohibits the sale, transfer, or assignment of the permit to another party
- provides specific appeals process
- requires specific information if the business is a partnership, LLC, or corporation be submitted, not just a contact name of an individual
- requires a four foot clearance for pedestrian flow

**The following is a listing of changes to a particular type of vending:**

***Vending Cart*** (formerly vending stand) requirements

- a photo or picture of proposed cart
- allows for 24 hour a day operations, no restrictions
- cart site plan
- restricted to 100 square feet of space for operations
- noise making devices are prohibited, except music, which is limited based to reflect the residential noise control levels in Chapter 16 of the Ames Municipal Code (65 decibels from 7:00 a.m. to Midnight & 55 decibels from Midnight to 7:00 a.m. )
- non-task specific illumination is prohibited
- signage is restricted to name of business and menu
- permits are issued for a year on a first come first serve basis and allow for annual renewal (As proposed, this right to renew ceases for new permit holder)

***Vendor Person***

- no noise making devices or illumination
- allows for 24 hour a day operations, no restrictions
- cannot stand in one location and never move
- must be able to carry all items at one time that are for sale or distribution
- permit issued for up to seven days at a time, unless for a special event as approved by City Council

***Mobile Vending Vehicle***

- only allows ice cream trucks to be a mobile vending vehicle (this is current Code requirement)
- operation restricted to daylight hours
- restricts where they can stop, prohibits stops on arterials and major collector streets
- cannot park in one spot and not move
- prohibits operating in parks, city parking lots, by CyRide bus stops and other areas that would endanger pedestrians
- annual permit

***Sidewalk Sales***

- requires that sales do not impede pedestrian movement and allow for 4 foot of clearance for pedestrians
- only allowed during assigned hours, business hours, unless there is a special reason for exception
- no noise making devices or illumination
- seven day permit for individual business
- multiple options for business district permits

**STAFF COMMENTS**

The changes that are detailed above are an attempt to balance the concerns that have been presented to staff by all stakeholders. They also provide improved guidance to vendors for use of the City's right-of-way. The spirit of these changes seeks 1) to achieve the purpose of vending on public rights-of-way which is to promote the public interest by contributing to an active and attractive pedestrian environment and 2) to protect the public health, safety, and welfare.

**As you might imagine, creating a vending ordinance that satisfies all interested parties is extremely difficult. Therefore, it is realized that through your deliberations, the proposed ordinance might be further modified.**

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 22, SECTION 22.11 THROUGH 22.24 AND ENACTING A NEW SECTION 22.11 THROUGH 22.28 THEREOF, FOR THE PURPOSE OF SETTING FORTH THE CONDITIONS AND REQUIREMENTS UNDER WHICH A VENDOR, AS DEFINED, MAY BE PERMITTED TO OPERATE WITHIN THE CITY OF AMES PUBLIC RIGHT-OF-WAY; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section as follows:

**“22.11. FINDINGS AND PURPOSE.** It is found and declared that:

- 1) Vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment. The purpose of accommodating vending carts, sidewalk sales, newspaper dispensers, vendor persons and sidewalk dining in pedestrian oriented commercial areas is to add activity, attract pedestrians, extend their visits and enhance overall community quality of life.
- 2) Reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, welfare and meet the primary purpose as described in Division III. 22.11.

**22.12. DEFINITIONS.** The following words, terms, and phrases, when used in this Division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where words and phrases used in this Division are defined by state law, such definitions shall apply to the use of such words and phrases in this Division and are adopted by reference. Those definitions so adopted that are further defined or are reiterated in this Division shall have the meanings set out in this Division.

- 1) Alcoholic beverages - means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.
- 2) Applicant - a person who applies for a permit as provided in this division.
- 3) Mobile Vending Vehicle - a motorized structure that is used for vending ice cream or similar frozen desserts from public streets.
- 4) Mobile Vending Location - an appropriate area to operate a mobile vending vehicle as approved in writing by the City Manager or designee in writing. Mobile vending vehicles are allowed to operate on public streets. Mobile vending vehicles are prohibited from operating on sidewalks, alleys, walkways, bicycle lane right-of-way or public way, designated for bicycle or pedestrian travel.
- 5) Mobile Vending Vehicle Permit - means a permit issued by the City for operation of a mobile vehicle business that meets all of the requirements of this Division and all other applicable ordinances of the City and all State laws.
- 6) Pedestrian - any person traveling on foot or with an assistive device.
- 7) Person - any person, business association or other business entity including, but not limited to, a corporation, a limited liability company, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assignee of any of the foregoing, or any other legal entity.
- 8) Public Right-of-Way - means any public street, alley, roadway, sidewalk, walkway, highway, bicycle lane right-of-way, or public way designed for vehicular, bicycle, or pedestrian travel that is dedicated to public use and/or publicly owned.

9) Public Sidewalk - means the improved portion of the public right-of-way lying between the traveled portion of the street and the private property line or building line that is intended primarily for pedestrian use.

10) Sidewalk Cafe - an outdoor area located on a public right-of-way, contiguous to a building wherein a restaurant is located and where food and beverages are taken for consumption by persons sitting or standing at tables in that area. Permitted sidewalk cafes must abide by the requirements and limitations as determined by the City.

11) Sidewalk Cafe Elements - means all tables, chairs, fencing, planters and plants, and any other privately owned property comprising the sidewalk cafe, which is approved for use in a sidewalk cafe by this division or in a sidewalk cafe permit.

12) Sidewalk Cafe Permit - means a permit issued by the City for operation of a sidewalk cafe which meets all of the requirements of this division and all other applicable ordinances of the city and all state laws.

13) Vendor - means any person engaged in selling, or offering for sale, of food, beverages, or other merchandise from a stand, motor vehicle or from the vendors person, on the public streets, alleys, parking lots, sidewalks, thoroughfares, and public rights-of-way.

14) Vending Cart - is defined as a non-motorized wheeled carrier that is pushed or pulled into place on the sidewalk. A vending cart is not designed for human enclosure or occupancy. And is used for outdoor display and vending of food and non-alcoholic beverages, unless it is for a special event as designated by the City Council, it may also include merchandise. Vending carts may include light cooking and final preparation of food products. Any components associated with the vending cart operation must be either integrated into the cart, or able to be stored on the cart for mobility. Separate counters or appliances that cannot be folded and easily stored on the vending cart are not allowed. The vending cart and its components cannot be more than one hundred (100) square feet in size. Vending carts must be removed and stored in a non-public location when not in use. Vending carts are intended to be used by walk-by patrons and may not include sit-down dining.

15) Vending Cart Location - the area assigned on the Vending Permit as determined by the City Manager, or designee, in writing for the operation of vending carts.

16) Vending Cart Permit - that a permit issued by the City for operation of a vending cart business which meets all of the requirements of this Division and all other applicable ordinances of the City and all state laws. Each vending permit shall carry with it the authorization to operate at one designated location during valid dates of operation as stated on the permit.

17) Vendor Person - any person operating a vending business that does not require a vending cart or is not attached to an adjacent business to conduct a sidewalk sale.

18) Vendor Person Permit - means a permit issued by the City for operation of a vendor person business which meets all of the requirements of this Division and all other applicable ordinances of the City and all State laws.

**22.13. USE OF PUBLIC SIDEWALKS RESTRICTED:** Use of public sidewalks for any commercial purpose, including sidewalk cafes and all forms of vending, shall be unlawful except as specifically provided herein or as specifically authorized by this Division.

**22.14. VENDING PERMIT REQUIRED:** It shall be unlawful to sell, or offer for sale, any food, beverage, merchandise, or service on any street, sidewalk, alley, City parking lot or other thoroughfare or public right-of-way without first obtaining the applicable vending permit for the following:

- 1) Vending Cart
- 2) Vendor Person
- 3) Sidewalk Sales
- 4) Mobile Vending Vehicle-Ice Cream Truck
- 5) Newspaper Dispenser
- 6) Sidewalk Cafe
- 7) or other private uses of the public right-of-way

**22.15. VENDING ON PUBLIC RIGHT-OF-WAY**

1) Where Permissible. The Downtown Service Center, Campustown Service Center and Village-Town Center Zoning Districts are allowed for the operation of vending on public right-of-way. Mobile Vending Vehicle-ice cream is allowed on public streets, except the Hospital-Medical zoning district.

2) Vending in City Parks is regulated by the Parks and Recreation Commission and the City of Ames Park System Vending Policy.

**22.16. FILING APPLICATION:**

1) Applications for all Permits in Division III, Sec. 4 will be available in the Office of the City Clerk.

2) An application for a Permit shall be filed with the City Manager or designee by any person or group of persons desiring to use the public right-of-way as provided in this Division. Applications shall be made on forms prepared by the City Manager or designee.

3) The City will not issue a permit any earlier than three business days from receipt of the application.

**22.17. CONSIDERATION OF APPLICATIONS FOR VENDING:**

1) All permits are granted on a first come, first served basis.

2) In the event that two or more applications are received for the same location, the earliest application, if approved, shall be awarded the location if otherwise qualified and acceptable.

**22.18. VENDING PERMIT TERM:**

1) A vending cart, sidewalk cafe, newspaper dispensers, and mobile vending vehicle - ice cream permits may be used for up to one year.

2) A vendor person and sidewalk sales permits no more than five business days.

3) A permit for vending during a special event or celebration shall be limited to no longer than the stated duration of such event or celebration. Sidewalk cafe and newspaper dispenser permits will remain valid during special events or celebrations.

4) Permits may be temporally suspended for a special event or celebration that compasses the permit location.

5) The sale, transfer, or assignment of a permit is prohibited.

**22.19. RENEWAL.** All permits are valid for the entire period as stated in the application, as approved, unless revoked or suspended prior to expiration. Permittees may renew their permit to maintain a location based on the following stipulations:

1) An application for vending cart permit may be renewed no earlier than 60 days before the expiration date.

2) Vending cart applicants must file for renewal more than 30 days before the expiration date in order to maintain seniority.

**22.20. REVOCATION OR DENIAL OF A PERMIT**

1) The City Manager or designee may revoke or deny a Vending Permit if:

a. It is determined by the Chief of Police or Fire Chief and/or their designees that public safety requires such revocation or denial.

b. The application is incomplete;

c. The application is determined to be fraudulent, to include a misrepresentation, or to contain a false statement;

d. The applicant has had a permit revoked by the City for any reason within the preceding two (2) years;

e. The applicant or permittee has been convicted, under the laws of the State of Iowa or of any other jurisdiction, of a felony or of a crime involving dishonesty within the preceding five (5) years; or  
f. The applicant or permittee has an outstanding arrest warrant in this or any other jurisdiction, or is a fugitive from this or from any other jurisdiction.  
g. The permittee is operating a vending operation in violation of the terms of the Permit.  
h. The permittee's insurance has been canceled.  
i. The permittee violates any Requirements or Operating Policies of the Vendor Permit Administrative Policies.

2) A Vending Permit may be revoked by the City Manager, or designee, at any time, without advanced notice, for any violation of this ordinance, other City of Ames ordinances, or State or federal laws or to evaluate or ensure the safety of the community.

#### **22.21. TEMPORARY SUSPENSION**

1) A permit may be temporarily suspended, if it is determined by the Chief of Police or Fire Chief and/or their designees that, by reason of disaster, public calamity, riot, or other emergency, the public safety requires such suspension. A temporary suspension may also be issued due to any of the items noted in Division III, 22.20  
2) As stated elsewhere, a temporary suspension may be issued due to a special event or celebration on public right-of-way.

#### **22.22. CONSTRUCTION RELATED TO THE PUBLIC RIGHT-OF-WAY**

1) Permittees may be required to accommodate construction on or adjacent to the public right-of-way, including construction on private property that requires use of the public right-of-way. Construction on public right-of-way might also require suspension or revocation of the permit.

**22.23. APPEAL PROCESS:** Any party aggrieved by the City Manager's or designee's decision to deny, revoke, or issue a permit may appeal the determination to the City Council if, within ten (10) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than its next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code. Upon such hearing, the City Council may, based upon the standards enumerated herein, reverse, affirm or modify in any regard the City Manager's or designee's decision. The City Council's decision is the final decision.

**22.24. ADMINISTRATIVE RULES AND REGULATIONS:** Separate administrative rules and regulations not inconsistent with any ordinance will be established by the City Council. A copy of said rules and regulations shall be on file with the City Clerk.

**22.25. DISPLAY OF PERMIT.** All permits shall be displayed at all times during the operation of the vending business.

**22.26. FEE.** A fee for the permit and inspection shall be charged based upon the direct and indirect costs of administration, inspection, and enforcement as set by resolution of the City Council.

#### **22.27. BLANKET VENDING PERMITS AND OTHER EXCEPTIONS TO VENDING ON PUBLIC RIGHTS OF WAY.**

1) Organized business districts' are allowed to apply for a vending permit for the entire district. Blanket Vending Permits can only be issued in the Downtown Service Center, Campustown Service Center, Village Town Center Zoning Districts, and any farmers market located in these three organized business districts.

**22.28. HEALTH AND SANITATION REQUIREMENTS FOR FOOD AND BEVERAGE VENDING.**

Vendors of food and beverages shall comply with the inspection provisions and standards as stated by the Iowa Department of Inspections and Appeals and all other applicable State of Iowa requirements for health and sanitation.”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

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

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane R. Voss, City Clerk

\_\_\_\_\_  
Ann H. Campbell, Mayor



# APPLICATION FOR A

## VENDING PERMIT

### Vending Cart

*(Chapter 22, Division - Code of Ames)*



**Business Name**

APPLICATION RECD \_\_\_\_\_

PROOF OF INSURANCE RECD \_\_\_\_\_

Questions should be directed to the City Manager's Office, at 515 239-5101.

# APPLICATION FOR VENDING CART PERMIT

If the applicant is not a natural person (for example, a partnership, an LLC, or a corporation, or represents another), please complete the addendum.

1. **APPLICANT'S NAME:** \_\_\_\_\_  
FIRST LAST

2. **DATE OF BIRTH:**      /      /       
MONTH DAY YEAR

3. **ADDRESSES (Permanent Address, provide local address if permanent address is outside of the State of Iowa. Business mailing address):**

\_\_\_\_\_

PERMANENT                      STREET                      APT#                      CITY                      State                      ZIP CODE

\_\_\_\_\_

BUSINESS                      STREET                      APT#                      CITY                      State                      ZIP CODE

4. **EMAIL ADDRESS:** \_\_\_\_\_

5. **PHONE NUMBER(S):** \_\_\_\_\_

6. Attach a brief description of the activity to be permitted, including the nature of the applicant's business and the goods or services to be offered. Attach a list of products or menus.
7. Attach copy of applicant's government issued photo identification and or driver license. If driving is required for operating under this permit, then a valid driver's license will be required.
8. Attach a typed description of any and all vehicles, including license plate numbers to be used.
9. I acknowledge that I will be subject to a background check.
10. **DESCRIPTION OF VENDING CART:** Attach a photo of your cart as it appears today, or a picture of the proposed cart. Please provide dimensions of cart (length, width, height of counter, height of entire cart including any awnings or umbrellas) in addition to materials to be used. Details of proposed signage must also be submitted.

11. **IOWA SALES TAX NO.** (Required if approved, prior to issuance of permit): \_\_\_\_\_

12. **HAVE YOU HELD A VENDING CART PERMIT BEFORE?** YES \_\_\_\_\_ NO \_\_\_\_\_

13. **LOCATION AND HOURS, IF HELD PRIOR:** \_\_\_\_\_

14. **IF YES, NAME OF CART** \_\_\_\_\_ **NUMBER OF YEARS** \_\_\_\_\_

**WAS IT OPERATED IN 2013 FOR THE FULL SEASON?** YES \_\_\_\_\_ NO \_\_\_\_\_

15. **REQUESTED LOCATION(S) OF OPERATION AND HOURS (Please complete addendum Cart Site Plan):** \_\_\_\_\_

16. Provide attached a letter(s) of support from adjacent property owner(s) and management of businesses located in those properties.

17. If I am selling food or drinks, I acknowledge that I have contacted the Iowa Department of Inspections and Appeals and met all other applicable State of Iowa requirements.

18. **ELECTRICAL APPLIANCE(S) TO BE USED (Please note where you will get power from for these appliances):**

\_\_\_\_\_

19. **WILL FUEL BE USED TO POWER EQUIPMENT?** YES \_\_\_\_\_ NO \_\_\_\_\_

What type of fuel will be used? (See regulations for use in Administrative Policy Governing Vending Carts)

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**20. ARE YOU USING A CHARCOAL GRILL?**

**YES**\_\_\_\_\_ **NO**\_\_\_\_\_

**21. INDEMNIFICATION AGREEMENT**

The applicant agrees to:

Each Vendor assumes full responsibility for any injury to persons or property resulting from the display, sale, exchange or use of Vendor's food, drink, merchandise, vehicles, equipment, or other property; or of the assigned ground space occupied by Vendor and/or Vendor's employees or agents. Vendor further agrees to indemnify the City of Ames from all liabilities, claims, and damages, and to hold them free and harmless and to defend them at Vendor's sole expense, against all such liabilities, claims and damages.

**22.** Provide along with this application a certificate of insurance as required by the Administrative Policy Governing Vendors.

**23.** Applicant acknowledges that it must compile with all applicable Federal and State laws and City ordinances, including reporting of sales taxes.

**24.** If the applicant is not an individual, the person signing this application acknowledges that he or she has the authority to act on behalf of the group that is requesting the permit.

Applicant: Return completed application to:  
City Manager's Office  
City of Ames  
515 Clark Street  
Ames, Iowa 50010

Any questions can be directed to the City Manager's office at 515-239-5101.

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Signature of Applicant

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Date

## APPEAL RIGHTS

Any party aggrieved by the City Manager's or designee's decision to grant or deny a permit under Chapter 22, Division III may appeal the determination to the City Council if, within five (5) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than the next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code.

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### FOR CITY USE ONLY:

#### NOTICE OF DECISION GRANTING OR DENYING THE APPLICATION

The application is approved. \_\_\_\_\_

The application is denied because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
City Manager or Designee

\_\_\_\_\_  
Date

## ADDENDUM TO APPLICATION FOR VENDING PERMIT NOT NATURAL PERSON

To be completed only if applicant is not a natural person (for example, a partnership, an LLC, or a corporation).

1. If the applicant is a partnership, list all partners and the share of partnership distribution.

\_\_\_\_\_  
Name of Partner

\_\_\_\_\_  
% share in partnership distribution

\_\_\_\_\_  
Name of Partner

\_\_\_\_\_  
% share in partnership distribution

\_\_\_\_\_  
Name of Partner

\_\_\_\_\_  
% share in partnership distribution

2. If the applicant is a corporation, list all shareholders and their percentage ownership.

\_\_\_\_\_  
Name of Shareholder

\_\_\_\_\_  
% of stock owned

\_\_\_\_\_  
Name of Shareholder

\_\_\_\_\_  
% of stock owned

\_\_\_\_\_  
Name of Shareholder

\_\_\_\_\_  
% of stock owned

3. If applicant is a limited liability company, list all members and their membership interest.

\_\_\_\_\_  
Name of Member

\_\_\_\_\_  
Membership interest

\_\_\_\_\_  
Name of Member

\_\_\_\_\_  
Membership interest

\_\_\_\_\_  
Name of Member

\_\_\_\_\_  
Membership interest

4. If the applicant has had a permit previously, has the information on the Addendum changed, and if so, how (e.g., new partner, change in how much stock a shareholder owns)?

\_\_\_\_\_  
\_\_\_\_\_

5. In what State was this entity established: \_\_\_\_\_

## ADDENDUM TO APPLICATION FOR VENDING PERMIT CART SITE PLAN

Please provide enough information for the City Manager or designee to determine the exact location within the Downtown Service Center and Campustown Service Center and Village Zoning Districts. Additionally, provide notation of other significant features of the site (i.e street lights, trash cans, over head signs or awnings, planters, benches, trees or parking meters that would impede the flow of traffic for vehicles or pedestrians with the placement of the cart.) The applicant is responsible for maintaining a minimum of four (4) foot of unobstructed sidewalk between the front and sides of the vendor cart. The serving area needs to be large enough for workers to operate safely and cannot impact vehicular or pedestrian traffic flow.

*The vending space for cart operations cannot be more than one hundred (100) square feet in size.*



# ADMINISTRATIVE POLICY GOVERNING VENDING CARTS

(09-2014)

Section 22 of the Code of Ordinances of the City of Ames provides that the City Manager may establish an administrative policy for vending. Reference to the "City" in the following administrative policy shall mean the City Manager or his/her appointed designee.

## I. APPLICATION

Applications for Vending Permits must be submitted on the form provided by the City that can be obtained from the Office of the City Manager or on the City website at [www.cityofames.org](http://www.cityofames.org). Applications for vending permits must be submitted to the office of the City Manager. The City will notify each applicant as soon as possible whether the application has been approved. The City will limit the number of vendor permits for carts in the Downtown Service Center and Campustown Service Center and Village Zoning Districts based on ability to meet the requirements for pedestrian and vehicular traffic flow as well as any other factors deemed necessary as delineated in these Administrative Policy Governing Vendors. Additionally, the City has the right to deny permits for all types of vending permits that do not meet the requirements for pedestrian and vehicular traffic flow.

Applicants must contact the Iowa Department of Inspections and Appeals prior to submission of the City application to review health code compliance requirements, related to sale of food and beverages. Visit <http://dia.iowa.gov/> for information and contact numbers for the department.

## II. REQUIREMENTS

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

Application for a Vending Cart Permit shall include at a minimum:

- 1) The applicant's name, business information, date of birth, address, email address, home and business address, and phone numbers
- 2) A description of the vending cart and description of the type of food, non-alcoholic beverage or merchandise to be sold. A photo or rendering of proposed vending cart must be provided at time of application.
- 3) A copy of the applicant's government issued photo identification and or drivers license, if driving is required for the operation.
- 4) A list of any and all vehicles to be used, including license plate numbers. Registration must be current.
- 5) A copy of the Iowa Sales Tax Permit to be used for this business.
- 6) A description of the proposed location and hours of operations of the vending cart for consideration, including a cart site plan.
- 7) A letter of support from adjacent property owners and management of businesses located in those properties.
- 8) A copy of food license issued by the Iowa Department of Inspections and Appeals.
- 9) A signed indemnification agreement and certificate of insurance as requirement.
- 10) A drawing of the area to be used.

Administrative Rules shall be established by the City Manager to effectively carry out this Division of the City Code, including:

- 1) A vending location is available which will not interfere with free movement within the emergency/service lane.
- 2) The vending location will not interfere with an existing outdoor service area.
- 3) The vending shall be placed so as not to obstruct visibility at street intersections or to obstruct driveway entrances or to unreasonably obstruct the view of merchandising displays of other businesses abutting the sidewalk.
- 4) 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. It must meet a minimum four foot clearance (4') to the sides and front of the vendor area and provide safe flow of movement for pedestrians.
- 5) The applicant agrees to operate the applicant's business only at the assigned vending location or on the routes as stated in the application. The applicant also agrees to only operate during assigned hours.
- 6) Vending items should only be those stated in the application.
- 7) No tobacco or alcoholic beverages shall be offered for sale.
- 8) All vending from motor vehicles shall be conducted in such a way as not to restrict or interfere with the ingress or egress of the abutting property, create a public nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life, property, or be an obstruction to adequate access to fire, police or sanitation vehicles.

- 9) Cart vendor may sell any type of food or non-alcoholic beverage or merchandise.
- 10) Noise making devices are prohibited, except music playing devices, which are limited to no more than 65 decibels from 7 a.m. to midnight and 55 decibels from midnight to 7 a.m. Non-task specific illumination is prohibited. Signage can only be affixed to the vending cart stating the name of the business and menu options with pricing. No other signage is allowed, other than the mandatory display of the City vending permit.
- 11) The appearance of the vending cart or vehicle will be taken into consideration. If an applicant has previously operated such a cart or vehicle, the history of maintenance of its appearance will be taken into account. Cart or vehicle must maintain the same appearance for the entire vending season as that submitted at the time of application. If enhancements to the cart or vehicle are to be made, the enhancements must comply with this Division and must be approved by the City Manager or designee prior to the enhancements being made.
- 12) Authorization to complete a background check will be required of the applicants for vending cart permit. The City of Ames conducts background investigations to determine if applicants and their proposed business meet licensing requirements. Although time-consuming, these background investigations play an important role in the issuance of permits. Background investigations protect both the permittee and the public. To be eligible to hold a street vending permit, the permit applicant is required to meet the standards of 'good moral character'. Applicants are considered to be of 'good moral character' if the applicant fulfills the following criteria:
  - a) Business entities that are required to register with the Iowa Secretary of State must be registered and in good standing with the Iowa Secretary of State and must maintain their registration in good standing while the vending permit is active.
  - b) Has not been convicted of a felony during the past five years. If an applicant has a felony conviction, the applicant is not eligible to hold a permit unless the felony conviction is more than five years old and the applicant's rights of citizenship have been restored.
  - c) Has not had any financial interest in vending or consumer service business permit, that was revoked during the past two years. Has 'financial standing' and 'good reputation' to indicate that the applicant will comply with all laws and rules governing the permit. **Note:** *In evaluating the applicant's 'financial standing,' the City of Ames may consider verified sources of financial support and adequate operating capital for the permittee's business, record of prompt payment of state and local taxes, fees and charges for municipal utilities and municipal services, etc. In evaluating the applicant's 'good reputation,' the City of Ames may consider pattern and practice of disregard for the law including convictions for prohibited sales practices, zoning violations, or other similar disregard for municipal or state regulations. All applicants and their employees are expected to fully comply with sales tax collection and reporting requirements.*
  - d) All requirements apply to all officers, directors and shareholders of a corporation, all general partners in a partnership, or the individual owner if the business is operated as a sole proprietorship.
  - e) The applicant has signed the Vending Permit Application and agreed to the Indemnification Agreement.
- 13) Each Vendor shall provide the City of Ames with an original certificate of insurance, lawfully transacted, which sets forth the following information:
  - a) That the City of Ames is made an additional insured.
  - b) The dates of inception and expiration of the insurance. Applicant agrees to provide the certificate of insurance to the City by the last working day prior to the first day of vending operation.
  - c) The named insured must be either the Vendor to whom the space is issued, or if the named insured is a company, the Vendor must also be listed as an additional insured.
  - d) The amounts of liability coverage of not less than \$500,000 per occurrence/\$1,000,000 general aggregate annually (where an aggregate limit is applicable to the policy), for all hazards (including contractual liability and completed operations), for all damages caused by personal injury, bodily injury, and property damage.
  - e) A statement by the insurance company that it will not cancel said policy or policies without giving thirty (30) days prior notice to the insured and to the City of Ames.
  - f) When a permitted motor vehicle of any type is utilized to move equipment used by the Vendor for purposes of conducting the activities for which the Permit is issued, the Vendor shall, in addition to Commercial General Liability, shall provide evidence of Automobile Liability Insurance with minimum limits of \$500,000 Combined Single Limit (CSL) Bodily Injury and Property Damage.
  - g) THE CITY OF AMES, AT ITS SOLE DISCRETION, MAY REQUIRE HIGHER LIMITS AND/OR ADDITIONAL COVERAGE FOR SUCH ACTIVITIES OR PRODUCTS AS IT MAY DEEM NECESSARY.
- 14) The applicant is responsible for keeping the information provided in the Application for Vending Permit current with the City of Ames.
- 15) The application contains no material falsehood or misrepresentation.
- 16) The applicant and or employee(s) must comply with lawful requests made by City staff, including the Ames Police Department



- 17) 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 and unpaid debts to the City.
- 18) The use or activity intended by the applicant is not prohibited by law.
- 19) All applicable fees have been paid to the City of Ames.
- 20) The application is fully completed and executed.

### **III. SELECTION CRITERIA**

Criteria for the selection of vendors shall include, but not be limited to, the following:

There are limited sites available for vendor carts in the Downtown Service Center, Campustown Service Center, and Village Zoning Districts and therefore there will be a limited number of available spaces for this type of permits. All Permits are granted on a first come first serve basis. If the applicant is not a natural person (for example, a partnership, an LLC, or a corporation) and if the applicant has had a vendor permit previously, the applicant will not retain its seniority if there has been a substantial change, as determined by the City, in the stock ownership, membership interest, or partnership distribution.

In the event that two or more applications are received for the same location, the earliest application, if approved, shall be awarded the location if otherwise qualified and acceptable.

### **IV. FEES AND CHARGES**

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

Any vendor who operates his/her vending business before all required fees and 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/her permit revoked for the remainder of the current vending season and will not be considered for a permit for the following year's vending season.

### **V. OPERATING POLICIES ON PUBLIC RIGHTS OF WAY FOR VENDING**

- 1) Operating vending carts on public rights of way
  - a. Vending cart operations must be contained to the assigned area and utilizing no more than a one hundred (100) square foot area. No storage of vending items is allowed on public benches, planters, or other fixtures.
  - b. Power cords must be in good condition, be kept dry and not create a tripping hazard.
  - c. Any cords/wiring must be securely fastened to the ground and covered by a cord protector.
  - d. LP gas cylinders shall be limited to those required for the cooking device and one spare. Maximum cylinder size is 100 pounds.
  - e. All compressed gas cylinders are required to be nested or restrained to prevent tip over.
  - f. LP cylinders must be kept 15' from building openings. Stored cylinders need kept in a ventilated area.
  - g. Open flame cooking operations, including charcoal grills, must be kept 10 ft. away from combustible construction.
  - h. All cooking operations are required to have multipurpose ABC extinguisher with a minimum rating of 2A 10BC.
  - i. Cooking operations that deep fry using oil are required to have a class K extinguisher.
  - j. All extinguishers are required to be readily accessible to the operator, and have a current annual service tag.
  - k. Refueling of gasoline powered equipment, such as generators is prohibited.
  - l. Permittees 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.

- m. Operators must privately dispose of all wastepaper and other waste materials in a lawful manner. All vendors must supply a waste receptacle for patrons, in addition to their own waste.
- n. All vending carts must be attended at all times and removed during hours of non-operation. Driving or backing onto the sidewalks are prohibited.
- o. A specific location has been designated for the vending permit. The permit is required to be displayed at all times in visible and plain sight.

## **VI. VENDING PERMIT TERM:**

- 1) A vending cart permit may be used for up to one year.
  - a) A permit for vending during a special event or celebration shall be limited to no longer than the stated duration of such event or celebration.
  - b) Permits may be temporally suspended for a special event or celebration that compasses the permit location.
  - c) The sale, transfer, or assignment of a permit is prohibited.

**VII. RENEWAL.** All permits are valid for the entire period as stated in the application, as approved, unless revoked or suspended prior to expiration. Permittees may renew their permit to maintain a location based on the following stipulations:

- 1) An application for vending cart permit may be renewed no earlier than 60 days before the expiration date.
- 2) Vending cart applicants must file for renewal more than 30 days before the expiration date in order to maintain seniority.

## **VIII. REVOCATION OR DENIAL OF A PERMIT**

- 1) The City Manager or designee may revoke or deny a Vending Permit if:
  - a) It is determined by the Chief of Police or Fire Chief that public safety requires such revocation or denial.
  - b) The application is incomplete;
  - c) The application is determined to be fraudulent, to include a misrepresentation, or to contain a false statement;
  - d) The applicant has had a permit revoked by the City for any reason within the preceding two (2) years;
  - e) The applicant or permittee has been convicted, under the laws of the State of Iowa or of any other jurisdiction, of a felony or of a crime involving dishonesty within the preceding five (5) years; or
  - f) The applicant or permittee has an outstanding arrest warrant in this or any other jurisdiction, or is a fugitive from this or from any other jurisdiction.
  - g) The permittee is operating a vending operation in violation of the terms of the Permit.
  - h) The permittee's insurance has been canceled.
  - i) The permittee violates any Requirements or Operating Policies of the Vendor Permit Administrative Policies.
- 2) A Vending Permit may be revoked by the City Manager, or designee, at any time, without advanced notice, for any violation of this ordinance, other City of Ames ordinances, or State or federal laws or to evaluate or ensure the safety of the community.

## **IX. TEMPORARY SUSPENSION**

- 1) A permit may be temporarily suspended, if 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 suspension. A temporary suspension may also be issued due to any of the items noted in Division III, 9.
- 2) As stated elsewhere, a temporary suspension may be issued due to a special event or celebration on public right-of-way.

## **X. CONSTRUCTION RELATED TO THE PUBLIC RIGHT-OF-WAY**

- 1) Permittees may be required to accommodate construction on or adjacent to the public right-of-way, including construction on private property that requires use of the public right-of-way. Construction on public right-of-way might also require suspension or revocation of the permit.

**XI. APPEAL PROCESS:** Any party aggrieved by the City Manager's or designee's decision to deny, revoke, or issue a permit may appeal the determination to the City Council if, within ten (10) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than its next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of

said appeal in accordance with Chapter 21 of the Iowa Code. Upon such hearing, the City Council may, based upon the standards enumerated herein, reverse, affirm or modify in any regard the City Manager's or designee's decision. The City Council's decision is the final decision.

**XII. DISPLAY OF PERMIT.** All permits shall be displayed at all times during the operation of the vending business.

**APPLICATION FOR A**  
**VENDING PERMIT**  
**Mobile Vending Vehicle-Ice Cream Trucks**  
*(Chapter 22, Division - Code of Ames)*



**Business Name**

APPLICATION RECD \_\_\_\_\_

PROOF OF INSURANCE RECD \_\_\_\_\_

Questions should be directed to the City Manager's Office, at 515 239-5101.

# APPLICATION FOR MOBILE VENDING VEHICLE PERMIT-ICE CREAM

If the applicant is not a natural person (for example, a partnership, an LLC, or a corporation, or represents another), please complete the addendum.

1. **APPLICANT'S NAME:** \_\_\_\_\_  
FIRST LAST

2. **DATE OF BIRTH:** \_\_\_\_/\_\_\_\_/\_\_\_\_  
MONTH DAY YEAR

3. **ADDRESSES (Permanent Address, provide local address if permanent address is outside of the State of Iowa. Business mailing address):**

PERMANENT STREET APT# CITY State ZIP CODE

BUSINESS STREET APT# CITY State ZIP CODE

4. **EMAIL ADDRESS:** \_\_\_\_\_

5. **PHONE NUMBER(S):** \_\_\_\_\_

6. Attach a brief description of the activity to be permitted, including the nature of the applicant's business and the goods or services to be offered.

7. Attach copy of applicant's government issued photo identification and or driver license. If driving is required for operating under this permit, then a valid driver's license will be required.

8. Attach a typed description of any and all vehicles, including license plate numbers to be used.

9. I acknowledge that I will be subject to a background check.

10. **DESCRIPTION OF MOBILE VENDING VEHICLE:** Attach a photo of your mobile vending vehicle as it appears today, or a picture of the proposed vehicle. Details of proposed signage must also be submitted.

11. **IOWA SALES TAX NO.** (Required if approved, prior to issuance of permit): \_\_\_\_\_

12. **HAVE YOU HELD A VENDING PERMIT BEFORE?** YES \_\_\_\_\_ NO \_\_\_\_\_

13. **LOCATION AND HOURS, IF HELD PRIOR:** \_\_\_\_\_

14. **IF YES, NAME OF VEHICLE** \_\_\_\_\_ **NUMBER OF YEARS** \_\_\_\_\_

**WAS IT OPERATED IN 2012 FOR THE FULL SEASON?** YES \_\_\_\_\_ NO \_\_\_\_\_

15. **REQUESTED LOCATION(S) OF OPERATION AND HOURS:** \_\_\_\_\_

16. If I am selling food or drinks, I acknowledge that I have contacted the Iowa Department of Inspections and Appeals and met all other applicable State of Iowa requirements.

## 17. INDEMNIFICATION AGREEMENT

The applicant agrees to:

Each Vendor assumes full responsibility for any injury to persons or property resulting from the display, sale, exchange or use of Vendor's food, drink, merchandise, vehicles, equipment, or other property; or of the assigned ground space occupied by Vendor and/or Vendor's employees or agents. Vendor further agrees to indemnify the City of Ames from all liabilities, claims, and damages, and to hold them free and harmless and to defend them at Vendor's sole expense, against all such liabilities, claims and damages.

18. Provide along with this application a certificate of insurance as required by the Administrative Policy Governing Vendors.
19. Applicant acknowledges that it must compile with all applicable Federal and State laws and City ordinances, including reporting of sales taxes.
20. If the applicant is not an individual, the person signing this application acknowledges that he or she has the authority to act on behalf of the group that is requesting the permit.

Applicant: Return completed application to:  
City Manager's Office  
City of Ames  
515 Clark Street  
Ames, Iowa 50010

Any questions can be directed to the City Manager's office at 515-239-5101.

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Signature of Applicant

---

Date

## APPEAL RIGHTS

Any party aggrieved by the City Manager's or designee's decision to grant or deny a permit under this Chapter may appeal the determination to the City Council if, within five (5) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than the next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code.

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### FOR CITY USE ONLY:

#### NOTICE OF DECISION GRANTING OR DENYING THE APPLICATION

The application is approved. \_\_\_\_\_

The application is denied because \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Manager or Designee

\_\_\_\_\_  
Date

## ADDENDUM TO APPLICATION FOR VENDING PERMIT NOT NATURAL PERSON

To be completed only if applicant is not a natural person (for example, a partnership, an LLC, or a corporation).

1. If the applicant is a partnership, list all partners and the share of partnership distribution.

\_\_\_\_\_  
Name of Partner

\_\_\_\_\_  
% share in partnership distribution

\_\_\_\_\_  
Name of Partner

\_\_\_\_\_  
% share in partnership distribution

\_\_\_\_\_  
Name of Partner

\_\_\_\_\_  
% share in partnership distribution

2. If the applicant is a corporation, list all shareholders and their percentage ownership.

\_\_\_\_\_  
Name of Shareholder

\_\_\_\_\_  
% of stock owned

\_\_\_\_\_  
Name of Shareholder

\_\_\_\_\_  
% of stock owned

\_\_\_\_\_  
Name of Shareholder

\_\_\_\_\_  
% of stock owned

3. If applicant is a limited liability company, list all members and their membership interest.

\_\_\_\_\_  
Name of Member

\_\_\_\_\_  
Membership interest

\_\_\_\_\_  
Name of Member

\_\_\_\_\_  
Membership interest

\_\_\_\_\_  
Name of Member

\_\_\_\_\_  
Membership interest

4. If the applicant has had a permit previously, has the information on the Addendum changed, and if so, how (e.g., new partner, change in how much stock a shareholder owns)?

\_\_\_\_\_  
\_\_\_\_\_

5. In what State was this entity established: \_\_\_\_\_



# **ADMINISTRATIVE POLICY GOVERNING MOBILE VENDING VEHICLE (09-2014)**

Section 22 of the Code of Ordinances of the City of Ames provides that the City Manager may establish an administrative policy for vending. Reference to the "City" in the following administrative policy shall mean the City Manager or his/her appointed designee.

## **I. APPLICATION**

Applications for Vending Permits must be submitted on the form provided by the City that can be obtained from the Office of the City Manager or on the City website at [www.cityofames.org](http://www.cityofames.org). Applications for vending permits must be submitted to the office of the City Manager. The City will notify each applicant as soon as possible whether the application has been approved. The City will limit the number of vendor permits for carts in the Downtown Service Center and Campustown Service Center and Village Zoning Districts based on ability to meet the requirements for pedestrian and vehicular traffic flow as well as any other factors deemed necessary as delineated in these Administrative Policy Governing Vendors. Additionally, the City has the right to deny permits for all types of vending permits that do not meet the requirements for pedestrian and vehicular traffic flow.

Applicants must contact the Iowa Department of Inspections and Appeals prior to submission of the City application to review health code compliance requirements, related to sale of food and beverages. Visit <http://dia.iowa.gov/> for information and contact numbers for the department.

## **II. REQUIREMENTS**

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

- 1) Application for a mobile vending vehicle permit shall include at a minimum:
  - a) The applicant's name, business information, date of birth, address, email address, home and business address, and phone numbers.
  - b) A photo and description of mobile vending vehicle-ice cream truck and a list of the items to be sold.
  - c) A copy of the applicant's government issued photo identification and or drivers license, if driving is required for the operation.
  - d) A copy of the drivers license for all the operators of the mobile vending vehicle. Must be kept up to date with the City at all times.
  - e) A list of any and all vehicles to be use, including license plate numbers.
  - f) The Iowa Sales Tax Number to be used for this business.
  - g) A statement acknowledging that the mobile vending business will meet all requirements by the Iowa Department of Inspections and Appeals and will comply with all applicable Federal and State laws and City Ordinances.
  - h) A signed indemnification agreement and certificate of insurance as requirement.
- 2) Administrative Policies shall be established by the City Manager to effectively carry out this section of the City Code, including:
  - a) The applicant agrees to operate the applicant's business only on the approved public street routes. The applicant also agrees to only operate during hours approved by the permit.
  - b) Mobile vending items should only be those stated in the application.
  - c) No tobacco or alcoholic beverages shall be offered for sale.
  - d) All vending from motor vehicles shall be conducted in such a way as not to restrict or interfere with the ingress or egress of the abutting property, create a public nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life, property, or be an obstruction to adequate access to fire, police or sanitation vehicles.
  - e) The mobile vending vehicle shall not obstruct visibility at street intersections or obstruct driveway entrances or unreasonably obstruct the view of pedestrians or other vehicles while using public rights of way.
  - f) No signage other than signs that are printed on or attached to the vehicle; no freestanding signage is allowed.
  - g) No additional illumination other than safety devices required to operate the vehicle (i.e. headlights and turn signals).

- h) The appearance of the mobile vending vehicle will be taken into consideration. If an applicant has previously operated such a vehicle, the history of maintenance of its appearance will be taken into account. Vehicle must maintain the same appearance for the entire vending season as that submitted at the time of application.
- i) Authorization to complete a background check will be required of the applicants for mobile vending vehicle permit. The City of Ames conducts background investigations to determine if applicants and their proposed business meet licensing requirements. Although time-consuming, these background investigations play an important role in the issuance of permits. Background investigations protect both the permittee and the public. To be eligible to hold a street vending permit, the permit applicant is required to meet the standards of 'good moral character'. Applicants are considered to be of 'good moral character' if the permittee fulfills the following criteria:
  - i) The corporation must be registered and in good standing with the Iowa Secretary of State's office.
  - ii) Has not been convicted of a felony during the past five years. If an applicant has a felony conviction, the applicant is not eligible to hold permit unless the felony conviction is more than five years old and the applicant's rights of citizenship have been restored.
  - iii) Has not had any financial interest in vending or consumer service business permit, that was revoked during the past two years. Has 'financial standing' and 'good reputation' to indicate that the applicant will comply with all laws and rules governing the permit. **Note:** *In evaluating the applicant's 'financial standing,' the City may consider verified sources of financial support and adequate operating capital for the permittee's business, record of prompt payment of state and local taxes, fees and charges for municipal utilities and municipal services, etc. In evaluating the permittees 'good reputation,' the City of Ames may consider pattern and practice of disregard for the law including convictions for prohibited sales practices, zoning violations, or other similar disregard for municipal or state regulations. All permittees and their employees are expected to fully comply with sales tax collection and reporting requirements.*
  - iv) All requirements apply to all officers, directors and shareholders of a corporation, all general partners in a partnership, or the individual owner if the business is operated as a sole proprietorship.
  - v) The applicant has signed the Vending Permit Application and agreed to the Indemnification Agreement.
- j) Each Vendor shall provide the City with an original certificate of insurance, lawfully transacted, which sets forth the following information:
  - i) That the City of Ames is named an additional insured.
  - ii) The dates of inception and expiration of the insurance. Applicant agrees to provide the certificate of insurance to the City by the last working day prior to the first day of vending operation.
  - iii) The named insured must be either the Vendor to whom the space is issued, or if the named insured is a company, the Vendor must also be listed as an additional insured.
  - iv) The amounts of liability coverage of not less than \$500,000 per occurrence/\$1,000,000 general aggregate annually (where an aggregate limit is applicable to the policy), for all hazards (including contractual liability and completed operations), for all damages caused by personal injury, bodily injury, and property damage.
  - v) A statement by the insurance company that it will not cancel said policy or policies without giving thirty (30) days prior notice to the insured and to the City of Ames.
  - vi) When a permitted motor vehicle of any type is utilized to move equipment used by the Vendor for purposes of conducting the activities for which the Permit is issued, the Vendor shall, in addition to Commercial General Liability, shall provide evidence of Automobile Liability Insurance with minimum limits of \$500,000 Combined Single Limit (CSL) Bodily Injury and Property Damage.
  - vii) THE CITY OF AMES, AT ITS SOLE DISCRETION, MAY REQUIRE HIGHER LIMITS AND/OR ADDITIONAL COVERAGE FOR SUCH ACTIVITIES OR PRODUCTS AS IT MAY DEEM NECESSARY.
- 3) The applicant is responsible for keeping the information provided in the Application for Vending Permit current with the City of Ames.
- 4) The applicant is responsible for keeping the information provided in the Application for Vending Permit current with the City of Ames.
- 5) The application contains no material falsehood or misrepresentation.

- 6) The applicant and or employee(s) must comply with lawful requests made by City staff, including the Ames Police Department
- 7) 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 and unpaid debts to the City.
- 8) The use or activity intended by the applicant is not prohibited by law.
- 9) All applicable fees have been paid to the City of Ames.
- 10) The application is fully completed and executed.

### **III. FEES AND CHARGES**

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

Any vendor who operates his/her vending business before all required fees and 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/her permit revoked for the remainder of the current vending season and will not be considered for a permit for the following year's vending season.

### **IV. OPERATING POLICIES ON PUBLIC RIGHTS OF WAY FOR VENDING**

- 1) Mobile Vending Vehicle-Ice Cream Sales
  - a. Cannot park in one location and never move.
  - b. Mobile curbside vending is permitted in residential neighborhoods during daylight hours with the following stipulations:
    - i. sales shall be made from the side of the vehicle closest to the curb;
    - ii. all City parking regulations shall apply to the vehicle;
    - iii. the vehicle must park at least fifty feet (50') back from the facing edge line of any cross street
  - c. Sales to patrons may not be made from metered parking stalls, in parking lots or city parks,. Sales to patrons may not be made from public right-of-way metered parking stalls, in City parking lots or parks, CyRide bus stops, or other areas that obstruct the flow of traffic, endanger pedestrian or bicycle safety.
  - d. Sales to patrons on streets defined by the federal government as arterials and major collectors is prohibited.
- 2) Operators must privately dispose of all wastepaper and other waste materials in a lawful manner. All vendors must supply a waste receptacle for patrons, in addition to their own waste.
- 3) The mobile vending permit is required to be displayed at all times in visible and plain sight.
- 4) The applicant shall obtain and display all necessary permits required by the Iowa Department of Inspections and Appeals. (A copy must be supplied to the office of the City Manager prior to operation).

### **V. VENDING PERMIT TERM:**

- 1) Mobile vending vehicle - ice cream permits may be used for up to one year.
- 2) A permit for vending during a special event or celebration shall be limited to no longer than the stated duration of such event or celebration.
- 3) Permits may be temporally suspended for a special event or celebration that compasses the permit location.
- 4) The sale, transfer, or assignment of a permit is prohibited.

**VI. RENEWAL.** All permits are valid for the entire period as stated in the application, as approved, unless revoked or suspended prior to expiration

### **VII. REVOCATION OR DENIAL OF A PERMIT**

The City Manager or designee may revoke or deny a Vending Permit if:

- 1) It is determined by the Chief of Police or Fire Chief that public safety requires such revocation or denial.
- 2) The application is incomplete;
- 3) The application is determined to be fraudulent, to include a misrepresentation, or to contain a false statement;
- 4) The applicant has had a permit revoked by the City for any reason within the preceding two (2) years;
- 5) The applicant or permittee has been convicted, under the laws of the State of Iowa or of any other jurisdiction, of a felony or of a crime involving dishonesty within the preceding five (5) years; or

- 6) The applicant or permittee has an outstanding arrest warrant in this or any other jurisdiction, or is a fugitive from this or from any other jurisdiction.
- 7) The permittee is operating a vending operation in violation of the terms of the Permit.
- 8) The permittee's insurance has been canceled.
- 9) The permittee violates any Requirements or Operating Policies of the Vendor Permit Administrative Policies.
- 10) A Vending Permit may be revoked by the City Manager, or designee, at any time, without advanced notice, for any violation of this ordinance, other City of Ames ordinances, or State or federal laws or to evaluate or ensure the safety of the community.

#### **VIII. TEMPORARY SUSPENSION**

- 1) A permit may be temporarily suspended, if 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 suspension. A temporary suspension may also be issued due to any of the items noted in Division III, 9.
- 2) As stated elsewhere, a temporary suspension may be issued due to a special event or celebration on public right-of-way.

#### **IX. CONSTRUCTION RELATED TO THE PUBLIC RIGHT-OF-WAY**

- 1) Permittees may be required to accommodate construction on or adjacent to the public right-of-way, including construction on private property that requires use of the public right-of-way. Construction on public right-of-way might also require suspension or revocation of the permit.

**X. APPEAL PROCESS:** Any party aggrieved by the City Manager's or designee's decision to deny, revoke, or issue a permit may appeal the determination to the City Council if, within ten (10) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than its next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code. Upon such hearing, the City Council may, based upon the standards enumerated herein, reverse, affirm or modify in any regard the City Manager's or designee's decision. The City Council's decision is the final decision.

**XI. DISPLAY OF PERMIT.** All permits shall be displayed at all times during the operation of the vending business.

# APPLICATION FOR A VENDING PERMIT Vendor Person

*(Chapter 22, Division - Code of Ames)*



**Business Name**

APPLICATION RECD \_\_\_\_\_

PROOF OF INSURANCE RECD \_\_\_\_\_

Questions should be directed to the City Manager's Office, at 515 239-5101.

## APPLICATION FOR VENDING PERSON PERMIT

If the applicant is not a natural person (for example, a partnership, an LLC, or a corporation, or represents another), please complete the addendum.

1. **APPLICANT'S NAME:** \_\_\_\_\_  
FIRST LAST

2. **DATE OF BIRTH:** \_\_\_\_/\_\_\_\_/\_\_\_\_  
MONTH DAY YEAR

3. **ADDRESSES (Permanent Address, provide local address if permanent address is outside of the State of Iowa. Business mailing address):**

PERMANENT STREET APT# CITY State ZIP CODE

BUSINESS STREET APT# CITY State ZIP CODE

4. **EMAIL ADDRESS:** \_\_\_\_\_

5. **PHONE NUMBER(S):** \_\_\_\_\_

6. Attach a brief description of the activity to be permitted, including the nature of the applicant's business and the goods or services to be offered.

7. Attach copy of applicant's government issued photo identification and or driver license. If driving is required for operating under this permit, then a valid driver's license will be required.

8. Attach a typed description of any and all vehicles, including license plate numbers to be used.

9. I acknowledge that I will be subject to a background check.

10. **IOWA SALES TAX NO.** (Required if approved, prior to issuance of permit): \_\_\_\_\_

11. **HAVE YOU HELD A VENDING PERSON PERMIT BEFORE?** YES \_\_\_\_\_ NO \_\_\_\_\_

12. **REQUESTED LOCATION(S) OF OPERATION AND HOURS:** \_\_\_\_\_

13. If I am selling food or drinks, I acknowledge that I have contacted the Iowa Department of Inspections and Appeals and met all other applicable State of Iowa requirements.

### 14. INDEMNIFICATION AGREEMENT

The applicant agrees to:

Each Vendor assumes full responsibility for any injury to persons or property resulting from the display, sale, exchange or use of Vendor's food, drink, merchandise, vehicles, equipment, or other property; or of the assigned ground space occupied by Vendor and/or Vendor's employees or agents. Vendor further agrees to indemnify the City of Ames from all liabilities, claims, and damages, and to hold them free and harmless and to defend them at Vendor's sole expense, against all such liabilities, claims and damages.

15. Provide along with this application a certificate of insurance as required by the Administrative Policy Governing Vendors.

16. Applicant acknowledges that it must comply with all applicable Federal and State laws and City ordinances, including reporting of sales taxes.

17. If the applicant is not an individual, the person signing this application acknowledges that he or she has the authority to act on behalf of the group that is requesting the permit.

Applicant: Return completed application to:  
City Manager's Office  
City of Ames  
515 Clark Street  
Ames, Iowa 50010

Any questions can be directed to the City Manager's office at 515-239-5101.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

## APPEAL RIGHTS

Any party aggrieved by the City Manager's or designee's decision to grant or deny a permit under this Chapter may appeal the determination to the City Council if, within five (5) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than the next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code.

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### FOR CITY USE ONLY:

#### NOTICE OF DECISION GRANTING OR DENYING THE APPLICATION

The application is approved. \_\_\_\_\_

The application is denied because \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Manager or Designee

\_\_\_\_\_  
Date



## ADDENDUM TO APPLICATION FOR VENDING PERMIT NOT NATURAL PERSON

To be completed only if applicant is not a natural person (for example, a partnership, an LLC, or a corporation).

1. If the applicant is a partnership, list all partners and the share of partnership distribution.

\_\_\_\_\_  
Name of Partner

\_\_\_\_\_  
% share in partnership distribution

\_\_\_\_\_  
Name of Partner

\_\_\_\_\_  
% share in partnership distribution

\_\_\_\_\_  
Name of Partner

\_\_\_\_\_  
% share in partnership distribution

2. If the applicant is a corporation, list all shareholders and their percentage ownership.

\_\_\_\_\_  
Name of Shareholder

\_\_\_\_\_  
% of stock owned

\_\_\_\_\_  
Name of Shareholder

\_\_\_\_\_  
% of stock owned

\_\_\_\_\_  
Name of Shareholder

\_\_\_\_\_  
% of stock owned

3. If applicant is a limited liability company, list all members and their membership interest.

\_\_\_\_\_  
Name of Member

\_\_\_\_\_  
Membership interest

\_\_\_\_\_  
Name of Member

\_\_\_\_\_  
Membership interest

\_\_\_\_\_  
Name of Member

\_\_\_\_\_  
Membership interest

4. If the applicant has had a permit previously, has the information on the Addendum changed, and if so, how (e.g., new partner, change in how much stock a shareholder owns)?

\_\_\_\_\_  
\_\_\_\_\_

5. In what State was this entity established: \_\_\_\_\_

# ADMINISTRATIVE POLICY GOVERNING VENDOR PERSONS

(09-2014)

Section 22 of the Code of Ordinances of the City of Ames provides that the City Manager may establish an administrative policy for vending. Reference to the "City" in the following administrative policy shall mean the City Manager or his/her appointed designee.

## I. APPLICATION

Applications for Vending Permits must be submitted on the form provided by the City that can be obtained from the Office of the City Manager or on the City website at [www.cityofames.org](http://www.cityofames.org). Applications for vending permits must be submitted to the office of the City Manager. The City will notify each applicant as soon as possible whether the application has been approved. The City will limit the number of vendor permits for carts in the Downtown Service Center and Campustown Service Center and Village Zoning Districts based on ability to meet the requirements for pedestrian and vehicular traffic flow as well as any other factors deemed necessary as delineated in these Administrative Policy Governing Vendors. Additionally, the City has the right to deny permits for all types of vending permits that do not meet the requirements for pedestrian and vehicular traffic flow.

Applicants must contact the Iowa Department of Inspections and Appeals prior to submission of the City application to review health code compliance requirements, related to sale of food and beverages. Visit <http://dia.iowa.gov/> for information and contact numbers for the department.

## II. REQUIREMENTS

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

- 1) Application for a vendor person permit shall include at a minimum:
  - a) The applicant's name, business information, date of birth, address, email address, home and business address, and phone numbers
  - b) A description vending activity and description goods or merchandise to be sold.
  - c) A copy of the applicant's government issued photo identification and or drivers license, if driving is required for the operation.
  - d) A list of any and all vehicles to be used, including permit plate numbers.
  - e) A copy of the Iowa Sales Tax Permit to be used for this business.
  - f) A description of the location and hours of operations.
  - g) A statement acknowledging that the vending business will meet all requirements by the Iowa Department of Inspections and Appeals and will compile with all applicable Federal and State laws and City Ordinances.
  - h) A signed indemnification agreement and certificate of insurance as required.
- 2) Administrative Policies shall be established by the City Manager to effectively carry out this section of the City Code, including:
  - a) A vendor person will not interfere with free movement within the emergency/service lane.
  - b) The vendor person will not interfere with an existing outdoor service area.
  - c) The vendor person shall not to obstruct visibility at street intersections or to obstruct driveway entrances or to unreasonably obstruct the view of merchandising displays of other businesses abutting the sidewalk.
  - d) 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. It must meet a minimum four foot clearance (4') to the sides and front of the vendor area and provide safe flow of movement for pedestrians.
  - e) The applicant agrees to operate the applicant's business only at the assigned vending area(s) as stated in the application. The applicant also agrees to only operate during assigned hours.
  - f) Vending items should only be those stated in the application.
  - g) No tobacco or alcoholic beverages shall be offered for sale.
  - h) All vending shall be conducted in such a way as not to restrict or interfere with the ingress or egress of the abutting property, create a public nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life, property, or be an obstruction to adequate access to fire, police or sanitation vehicles.
  - i) Noise making devises and non-task specific illumination are prohibited. Signage can only be affixed to the vendor person. No other signage is allowed to be place on the public right-of-way.
  - j) Authorization to complete a background check will be required of the applicants for vendor person permit. The City of Ames conducts background investigations to determine if applicants and their proposed business meet permit requirements. Although time-consuming, these background investigations play an

important role in the issuance of permits. Background investigations protect both the permittee and the public. To be eligible to hold a vendor permit, the permit applicant is required to meet the standards of 'good moral character'. Applicants are considered to be of 'good moral character' if the permittee fulfills the following criteria:

- i) The corporation must be registered and in good standing with the Iowa Secretary of State's office.
- ii) Has not been convicted of a felony during the past five years. If an applicant has a felony conviction, the applicant is not eligible to hold permit unless the felony conviction is more than five years old and the applicant's rights of citizenship have been restored.
- iii) Has not had any financial interest in vending or consumer service business permit, that was revoked during the past two years. Has 'financial standing' and 'good reputation' to indicate that the applicant will comply with all laws and rules governing the permit. **Note:** *In evaluating the applicant's 'financial standing,' the City of Ames may consider verified sources of financial support and adequate operating capital for the permittee's business, record of prompt payment of state and local taxes, fees and charges for municipal utilities and municipal services, etc. In evaluating the applicant's 'good reputation,' the City of Ames may consider pattern and practice of disregard for the law including convictions for prohibited sales practices, zoning violations, or other similar disregard for municipal or state regulations. All permittees and their employees are expected to fully comply with sales tax collection and reporting requirements.*
- iv) All requirements apply to all officers, directors and shareholders of a corporation, all general partners in a partnership, or the individual owner if the business is operated as a sole proprietorship.
- v) The applicant has signed the Vending Permit Application and agreed to the Indemnification Agreement.
- k) Each Vendor shall provide The City of Ames with an original certificate of insurance, lawfully transacted, which sets forth the following information:
  - i) That the City of Ames is named an additional insured.
  - ii) The dates of inception and expiration of the insurance. Applicant agrees to provide the certificate of insurance to the City by the last working day prior to the first day of vending operation.
  - iii) The named insured must be either the Vendor to whom the space is issued, or if the named insured is a company, the Vendor must also be listed as an additional insured.
  - iv) The amounts of liability coverage of not less than \$500,000 per occurrence/\$1,000,000 general aggregate annually (where an aggregate limit is applicable to the policy), for all hazards (including contractual liability and completed operations), for all damages caused by personal injury, bodily injury, and property damage.
  - v) A statement by the insurance company that it will not cancel said policy or policies without giving thirty (30) days prior notice to the insured and to the City of Ames.
  - vi) THE CITY OF AMES, AT ITS SOLE DISCRETION, MAY REQUIRE HIGHER LIMITS AND/OR ADDITIONAL COVERAGE FOR SUCH ACTIVITIES OR PRODUCTS AS IT MAY DEEM NECESSARY.
- l) The applicant is responsible for keeping the information provided in the Application for Vending Permit current with the City of Ames.

### III. SELECTION CRITERIA

Criteria for the selection of vendors shall include, but not be limited to, the following:

There are limited sites available for vendor carts in the Downtown Service Center, Campustown Service Center, and Village Zoning Districts and therefore there will be a limited number of available spaces for this type of permits. All Permits are granted on a first come first serve basis. If the applicant is not a natural person (for example, a partnership, an LLC, or a corporation) and if the applicant has had a vendor permit previously, the applicant will not retain its seniority if there has been a substantial change, as determined by the City, in the stock ownership, membership interest, or partnership distribution.

### IV. FEES AND CHARGES

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

Any vendor who operates his/her vending business before all required fees and 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/her permit revoked for the remainder of the current vending season and will not be considered for a permit for the following year's vending season.

## **V. OPERATING POLICIES ON PUBLIC RIGHTS OF WAY FOR VENDING**

### **1) Vendor Persons**

- a) Permittees 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.
- b) Operators must privately dispose of all wastepaper and other waste materials in a legal manner. All vendors must supply a waste receptacle for patrons, in addition to their own waste.
- c) Specific locations have been designated for the vending permit. It is required to be displayed at all times in visible and plain sight.
- d) Cannot stand in one location and never move. Must be able to carry all items at one time that are for sale or distribution.
- e) The applicant shall obtain and display all necessary permits required by the Iowa Department of Inspections and Appeals. (A copy must be supplied to the office of the City Manager prior to operation).
- f) The sale, transfer, or assignment of a vending permit is expressly prohibited.

## **VI. CONSIDERATION OF APPLICATIONS FOR VENDING:**

- a. All permits are granted on a first come, first served basis.
- b. In the event that two or more applications are received for the same location, the earliest application, if approved, shall be awarded the location if otherwise qualified and acceptable.

## **VII. VENDING PERMIT TERM:**

- 1) A vendor person permit no more than seven business days.
- 2) A permit for vending during a special event or celebration shall be limited to no longer than the stated duration of such event or celebration.
- 3) Permits may be temporally suspended for a special event or celebration that compasses the permit location.
- 4) The sale, transfer, or assignment of a permit is prohibited.

**VIII. RENEWAL.** All permits are valid for the entire period as stated in the application, as approved, unless revoked or suspended prior to expiration.

## **IX. REVOCATION OR DENIAL OF A PERMIT**

- 1) The City Manager or designee may revoke or deny a Vending Permit if:
  - a) It is determined by the Chief of Police or Fire Chief that public safety requires such revocation or denial.
  - b) The application is incomplete;
  - c) The application is determined to be fraudulent, to include a misrepresentation, or to contain a false statement;
  - d) The applicant has had a permit revoked by the City for any reason within the preceding two (2) years;
  - e) The applicant or permittee has been convicted, under the laws of the State of Iowa or of any other jurisdiction, of a felony or of a crime involving dishonesty within the preceding five (5) years; or
  - f) The applicant or permittee has an outstanding arrest warrant in this or any other jurisdiction, or is a fugitive from this or from any other jurisdiction.
  - g) The permittee is operating a vending operation in violation of the terms of the Permit.
  - h) The permittee's insurance has been canceled.
  - i) The permittee violates any Requirements or Operating Policies of the Vendor Permit Administrative Policies.
- 2) A Vending Permit may be revoked by the City Manager, or designee, at any time, without advanced notice, for any violation of this ordinance, other City of Ames ordinances, or State or federal laws or to evaluate or ensure the safety of the community.

## **TEMPORARY SUSPENSION**

- 1) A permit may be temporarily suspended, if 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 suspension. A temporary suspension may also be issued due to any of the items noted in Division III, 9.
- 2) As stated elsewhere, a temporary suspension may be issued due to a special event or celebration on public right-of-way.

#### **CONSTRUCTION RELATED TO THE PUBLIC RIGHT-OF-WAY**

- 1) Permittees may be required to accommodate construction on or adjacent to the public right-of-way, including construction on private property that requires use of the public right-of-way. Construction on public right-of-way might also require suspension or revocation of the permit.

**APPEAL PROCESS:** Any party aggrieved by the City Manager's or designee's decision to deny, revoke, or issue a permit may appeal the determination to the City Council if, within ten (10) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than its next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code. Upon such hearing, the City Council may, based upon the standards enumerated herein, reverse, affirm or modify in any regard the City Manager's or designee's decision. The City Council's decision is the final decision.

**DISPLAY OF PERMIT.** All permits shall be displayed at all times during the operation of the vending business.

# APPLICATION FOR A VENDING PERMIT Sidewalk Sales

*(Chapter 22, Division - Code of Ames)*



**Business Name**

APPLICATION RECD \_\_\_\_\_

PROOF OF INSURANCE RECD \_\_\_\_\_

Questions should be directed to the City Manager's Office, at 515 239-5101.

## APPLICATION FOR SIDEWALK SALES PERMIT

If the applicant is not a natural person (for example, a partnership, an LLC, or a corporation, or represents another), please complete the addendum.

1. **APPLICANT'S NAME:** \_\_\_\_\_  
FIRST LAST

2. **DATE OF BIRTH:** \_\_\_\_/\_\_\_\_/\_\_\_\_  
MONTH DAY YEAR

3. **ADDRESSES (Permanent Address, provide local address if permanent address is outside of the State of Iowa. Business mailing address):**

PERMANENT STREET APT# CITY State ZIP CODE

BUSINESS STREET APT# CITY State ZIP CODE

OR

4. **BUSINESS DISTRICT ORGANIZATION:** \_\_\_\_\_

5. **BUSINESS DISTRICT CONTACT NAME:** \_\_\_\_\_  
FIRST LAST

6. **EMAIL ADDRESS:** \_\_\_\_\_

7. **PHONE NUMBER(S):** \_\_\_\_\_

8. **DESCRIPTION OF THE SALE EVENT, please note if it is for a business district:**

9. **HAVE YOU HELD A SIDEWALK SALES PERMIT BEFORE? YES**\_\_\_\_ **NO**\_\_\_\_

10. **REQUESTED LOCATION(S) OF OPERATION AND HOURS, IF FOR A DISTRICT PLEASE ATTACH LIST OF PARTICIPATING MERCHANTS:** \_\_\_\_\_

11. **WHICH OF THE FOLLOWING ARE YOU APPLYING FOR:**

Seven Day \_\_\_\_\_, From \_\_\_\_\_ to \_\_\_\_\_ **for individual businesses**

Seasonal (4 mos.) \_\_\_\_\_, From \_\_\_\_\_ to \_\_\_\_\_ *for business districts*

Annual \_\_\_\_\_, From \_\_\_\_\_ to \_\_\_\_\_ *for business districts*

Other -- Please explain this request in detail and note that a permit will not be issued for more than one year to a *business district*.

12. If I am selling food or drinks, I acknowledge that I have contacted the Iowa Department of Inspections and Appeals and met all other applicable State of Iowa requirements.

13. **ELECTRICAL TO BE USED (Please note where you will get power from for these device and which kind):**

14. **INDEMNIFICATION AGREEMENT**

The applicant agrees to:

Each Vendor assumes full responsibility for any injury to persons or property resulting from the display, sale, exchange or use of Vendor's food, drink, merchandise, vehicles, equipment, or other property; or of the assigned ground space occupied by Vendor and/or Vendor's employees or agents. Vendor further agrees to indemnify the City of Ames from all liabilities, claims, and damages, and to hold them free and harmless and to defend them at Vendor's sole expense, against all such liabilities, claims and damages.

15. Provide along with this application a certificate of insurance as required by the Administrative Policy Governing Vendors.
16. Applicant acknowledges that it must compile with all applicable Federal and State laws and City ordinances, including reporting of sales taxes.
17. If the applicant is not an individual, the person signing this application acknowledges that he or she has the authority to act on behalf of the group that is requesting the permit.

Applicant: Return completed application to:  
City Manager's Office  
City of Ames  
515 Clark Street  
Ames, Iowa 50010

Any questions can be directed to the City Manager's office at 515-239-5101.

---

Signature of Applicant

---

Date



## APPEAL RIGHTS

Any party aggrieved by the City Manager's or designee's decision to grant or deny a permit under this Chapter may appeal the determination to the City Council if, within five (5) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than the next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code.

---

### FOR CITY USE ONLY:

#### NOTICE OF DECISION GRANTING OR DENYING THE APPLICATION

The application is approved. \_\_\_\_\_

The application is denied because \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Manager or Designee

\_\_\_\_\_  
Date

## ADDENDUM TO APPLICATION FOR VENDING PERMIT NOT NATURAL PERSON

To be completed only if applicant is not a natural person (for example, a partnership, an LLC, or a corporation).

1. If the applicant is a partnership, list all partners and the share of partnership distribution.

\_\_\_\_\_  
Name of Partner

\_\_\_\_\_  
% share in partnership distribution

\_\_\_\_\_  
Name of Partner

\_\_\_\_\_  
% share in partnership distribution

\_\_\_\_\_  
Name of Partner

\_\_\_\_\_  
% share in partnership distribution

2. If the applicant is a corporation, list all shareholders and their percentage ownership.

\_\_\_\_\_  
Name of Shareholder

\_\_\_\_\_  
% of stock owned

\_\_\_\_\_  
Name of Shareholder

\_\_\_\_\_  
% of stock owned

\_\_\_\_\_  
Name of Shareholder

\_\_\_\_\_  
% of stock owned

3. If applicant is a limited liability company, list all members and their membership interest.

\_\_\_\_\_  
Name of Member

\_\_\_\_\_  
Membership interest

\_\_\_\_\_  
Name of Member

\_\_\_\_\_  
Membership interest

\_\_\_\_\_  
Name of Member

\_\_\_\_\_  
Membership interest

4. If the applicant has had a permit previously, has the information on the Addendum changed, and if so, how (e.g., new partner, change in how much stock a shareholder owns)?

\_\_\_\_\_  
\_\_\_\_\_

5. In what State was this entity established: \_\_\_\_\_

# ADMINISTRATIVE POLICY GOVERNING SIDEWALK SALES (09-2014)

Section 22 of the Code of Ordinances of the City of Ames provides that the City Manager may establish an administrative policy for vending. Reference to the "City" in the following administrative policy shall mean the City Manager or his/her appointed designee.

## I. APPLICATION

Applications for Vending Permits must be submitted on the form provided by the City that can be obtained from the Office of the City Manager or on the City website at [www.cityofames.org](http://www.cityofames.org). Applications for vending permits must be submitted to the office of the City Manager. The City will notify each applicant as soon as possible whether the application has been approved. The City will limit the number of vendor permits for carts in the Downtown Service Center and Campustown Service Center and Village Zoning Districts based on ability to meet the requirements for pedestrian and vehicular traffic flow as well as any other factors deemed necessary as delineated in these Administrative Policy Governing Vendors. Additionally, the City has the right to deny permits for all types of vending permits that do not meet the requirements for pedestrian and vehicular traffic flow.

Applicants must contact the Iowa Department of Inspections and Appeals prior to submission of the City application to review health code compliance requirements, related to sale of food and beverages. Visit <http://dia.iowa.gov/> for information and contact numbers for the department.

## II. REQUIREMENTS

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

- 1) Application for a sidewalk sales permit shall include at a minimum:
  - a) The applicant's name, business information, date of birth, address, email address, home and business address, and phone numbers
  - b) A description of the type of food, non-alcoholic beverage or merchandise to be sold.
  - c) The Iowa Sales Tax Permit to be used for this business.
  - d) A description of the location and hours of operations.
  - e) A signed indemnification agreement and certificate of insurance as requirement
  - f) A drawing of the area to be used.
- 2) Administrative Policies shall be established by the City Manager to effectively carry out this section of the City Code, including:
  - a) A sidewalk sale location is available which will not interfere with free movement within the emergency/service lane.
  - b) The sidewalk sale location will not interfere with an existing outdoor service area.
  - c) The sidewalk sale shall be placed so as not to obstruct visibility at street intersections or to obstruct driveway entrances or to unreasonably obstruct the view of merchandising displays of other businesses abutting the sidewalk.
  - d) The applicant's sidewalk sale will not impede the free flow of pedestrian traffic along the public right of way or in or out of adjacent properties. It must meet a minimum four foot clearance (4') to the sides and front of the vendor area and provide safe flow of movement for pedestrians.
  - e) The applicant agrees to operate the applicant's business only at the assigned sidewalk sale location as stated in the application. The applicant also agrees to only operate during assigned hours.
  - f) Sidewalk sales items should only be those stated in the application.
  - g) No tobacco or alcoholic beverages shall be offered for sale.
  - h) All vending shall be conducted in such a way as not to restrict or interfere with the ingress or egress of the abutting property, create a public nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life, property, or be an obstruction to adequate access to fire, police or sanitation vehicles.
  - i) Noise making devices are prohibited. Signage is not allowed. No additional illumination is allowed.
  - j) Each Vendor shall provide The City of Ames with an original certificate of insurance, lawfully transacted, which sets forth the following information:
    - i) That the City of Ames is named an additional insured.
    - ii) The dates of inception and expiration of the insurance. Applicant agrees to provide the certificate of insurance to the City by the last working day prior to the first day of vending operation.

- iii) The named insured must be either the Vendor to whom the space is issued, or if the named insured is a company, the Vendor must also be listed as an additional insured.
  - iv) The amounts of liability coverage of not less than \$500,000 per occurrence/\$1,000,000 general aggregate annually (where an aggregate limit is applicable to the policy), for all hazards (including contractual liability and completed operations), for all damages caused by personal injury, bodily injury, and property damage.
  - v) A statement by the insurance company that it will not cancel said policy or policies without giving thirty (30) days prior notice to the insured and to the City of Ames.
  - vi) THE CITY OF AMES, AT ITS SOLE DISCRETION, MAY REQUIRE HIGHER LIMITS AND/OR ADDITIONAL COVERAGE FOR SUCH ACTIVITIES OR PRODUCTS AS IT MAY DEEM NECESSARY.
- 3) The applicant is responsible for keeping the information provided in the Application for Vending Permit current with the City of Ames.
  - 4) The application contains no material falsehood or misrepresentation.
  - 5) The applicant and or employee(s) must comply with lawful requests made by City staff, including the Ames Police Department
  - 6) 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 and unpaid debts to the City.
  - 7) The use or activity intended by the applicant is not prohibited by law.
  - 8) All applicable fees have been paid to the City of Ames.
  - 9) The application is fully completed and executed.

### **III. FEES AND CHARGES**

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

Any vendor who operates his/her vending business before all required fees and 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/her permit revoked for the remainder of the current vending season and will not be considered for a permit for the following year's vending season.

### **IV. OPERATING POLICIES ON PUBLIC RIGHTS OF WAY FOR VENDING**

- 1) Sidewalk Sales:
  - a. Power cords must be in good condition, be kept dry and not create a tripping hazard.
  - b. Any cords/wiring must be securely fastened to the ground and covered by a cord protector.
  - c. Permittees 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.
  - d. Operators must privately dispose of all wastepaper and other waste materials in a legal manner. All vendors must supply a waste receptacle for patrons, in addition to their own waste.
  - e. All sidewalk sales must be attended at all times and removed during hours of non-operation.
  - f. Specific locations have been designated for the vending permit. It is required to be displayed at all times in visible and plain sight.
- 2) The applicant shall obtain and display all necessary permits required by the Iowa Department of Inspections and Appeals. (A copy must be supplied to the office of the City Manager prior to operation).
- 3) The sale, transfer, or assignment of a vending permit is expressly prohibited.

### **V. CONSIDERATION OF APPLICATIONS FOR VENDING:**

- 1) All permits are granted on a first come, first served basis.
- 2) In the event that two or more applications are received for the same location, the earliest application, if approved, shall be awarded the location if otherwise qualified and acceptable.

### **VI. VENDING PERMIT TERM:**

- 1) Sidewalk sales permits no more than seven business days in a row, unless being requested an organized business districts.
- 2) Organized business districts are allowed to apply for a sidewalk sales permit for the entire district. Blanket Vending Permits for sidewalk sales can only be issued in the Downtown Service Center, Campustown Service Center, Village Town Center Zoning Districts, and any farmers market located in these three organized business districts. (Use blanket vending permit for this need.)

- 3) A permit for vending during a special event or celebration shall be limited to no longer than the stated duration of such event or celebration.
- 4) Permits may be temporally suspended for a special event or celebration that compasses the permit location.
- 5) The sale, transfer, or assignment of a permit is prohibited.

**VII. RENEWAL.** All permits are valid for the entire period as stated in the application, as approved, unless revoked or suspended prior to expiration.

#### **VIII. REVOCATION OR DENIAL OF A PERMIT**

- 1) The City Manager or designee may revoke or deny a Vending Permit if:
  - a) It is determined by the Chief of Police or Fire Chief that public safety requires such revocation or denial.
  - b) The application is incomplete;
  - c) The application is determined to be fraudulent, to include a misrepresentation, or to contain a false statement;
  - d) The applicant has had a permit revoked by the City for any reason within the preceding two (2) years;
  - e) The applicant or permittee has been convicted, under the laws of the State of Iowa or of any other jurisdiction, of a felony or of a crime involving dishonesty within the preceding five (5) years; or
  - f) The applicant or permittee has an outstanding arrest warrant in this or any other jurisdiction, or is a fugitive from this or from any other jurisdiction.
  - g) The permittee is operating a vending operation in violation of the terms of the Permit.
  - h) The permittee's insurance has been canceled.
  - i) The permittee violates any Requirements or Operating Policies of the Vendor Permit Administrative Policies.
- 2) A Vending Permit may be revoked by the City Manager, or designee, at any time, without advanced notice, for any violation of this ordinance, other City of Ames ordinances, or State or federal laws or to evaluate or ensure the safety of the community.

#### **IX. TEMPORARY SUSPENSION**

- 1) A permit may be temporarily suspended, if 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 suspension. A temporary suspension may also be issued due to any of the items noted in Division III, 9.
- 2) As stated elsewhere, a temporary suspension may be issued due to a special event or celebration on public right-of-way.

#### **X. CONSTRUCTION RELATED TO THE PUBLIC RIGHT-OF-WAY**

- 1) Permittees may be required to accommodate construction on or adjacent to the public right-of-way, including construction on private property that requires use of the public right-of-way. Construction on public right-of-way might also require suspension or revocation of the permit.

**XI. APPEAL PROCESS:** Any party aggrieved by the City Manager's or designee's decision to deny, revoke, or issue a permit may appeal the determination to the City Council if, within ten (10) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than its next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code. Upon such hearing, the City Council may, based upon the standards enumerated herein, reverse, affirm or modify in any regard the City Manager's or designee's decision. The City Council's decision is the final decision.

**XII. DISPLAY OF PERMIT.** All permits shall be displayed at all times during the operation of the vending business.