

NOTICE OF PLANNING & ZONING COMMISSION REGULAR MEETING

City of Cumming
July 28, 2020 – 7:00 p.m.
Cumming City Park Pavilion
649 N 44th Street
Cumming, Iowa 50061

- I. ROLL CALL**
- II. APPROVAL OF AGENDA** as presented and/or amended.
- III. CONSENT ITEMS**
 - A. June 23, 2020 Meeting Minutes
- IV. PUBLIC COMMENT**
- V. ACTION/DISCUSSION ITEMS**
 - A. **Presentation** – Diligent Development Park Proposal
 - B. Selection of Officers
 - C. Peddlers/Mobile Food Units/Special Event Permits
 - D. Farmers Markets
 - E. Board Member Applicant Discussion
- VI. UPCOMING PLANNING & ZONING MEETING:**
 - A. Regular meeting – August 25, 2020 at 7:00 p.m. at City Hall
- VII. ADJOURN**

**City of Cumming
Planning and Zoning Commission Meeting
June 23, 2020 Minutes**

The Cumming Planning and Zoning Commission held scheduled meeting on June 23, 2020 at 7:00 p.m. The meeting was held virtually.

The meeting was called to order by Chair, Brad Hopkey, at 7:02 p.m.

I. ROLL CALL

Present: Brad Hopkey, Karen McKinney, Holly DeHamer, Ethan Roos, Matt Daniels, Don Paulin

Absent: Jill Stanford

II. APPROVAL OF AGENDA

Roos moved – McKinney second - unanimously approved

All unanimously approved

IV. CONSENT ITEMS

A. May 26, 2020 Meeting Minutes

McKinney moved – Paulin second – unanimously approved

V. ACTION/DISCUSSION ITEMS

- A. Peddlers/Mobile Food Units/Special Event Permits**
Review notes from sub-committee for recommendation to council at next meeting
- B. Farmers Markets: Use Des Moines as the template for our code**
Transient merchants: Discussion: make a distinction between local and out of state vendors. Make modifications to the code to clarify this.
- C. Board Member Applicant Discussion: reviewed applicants for recommendation to council.**

VI. Upcoming Planning A Zoning Meeting

- A. Regular meeting July 28, 2020 at 7:00 P.M. at City Hall**

VII. ADJOURN:

McKinney moved – Daniels second – unanimously approved –Adjourned 7:59 PM

A Garden for Community & Play

The Park at Great Western Crossing

Prepared July 28, 2020 by:

Thomas Henderson
Attorney at Law - Whitfield & Eddy
henderson@whitfieldlaw.com

Adam Mekies, PLA
Harvard GSD, Urban Design
amekies@gsd.harvard.edu

Todd Lehman
Design Guy, Cre8 Play
todd@cre8play.com

A Garden for Community & Play

The Park at Great Western Crossing

TONIGHT'S MEETING AGENDA (7.28.2020)

Tom Henderson

- Quick intro and (3) key items
 - Review of comprehensive park plans + updates based on Input and Feedback from Parks Board
 - We look forward to working towards an approval date of for this park, hopefully by Oct. 1st.
 - What additional information will be needed for approvals?
 - What information or time frame will the city need for its costs due diligence?

Adam Mekies

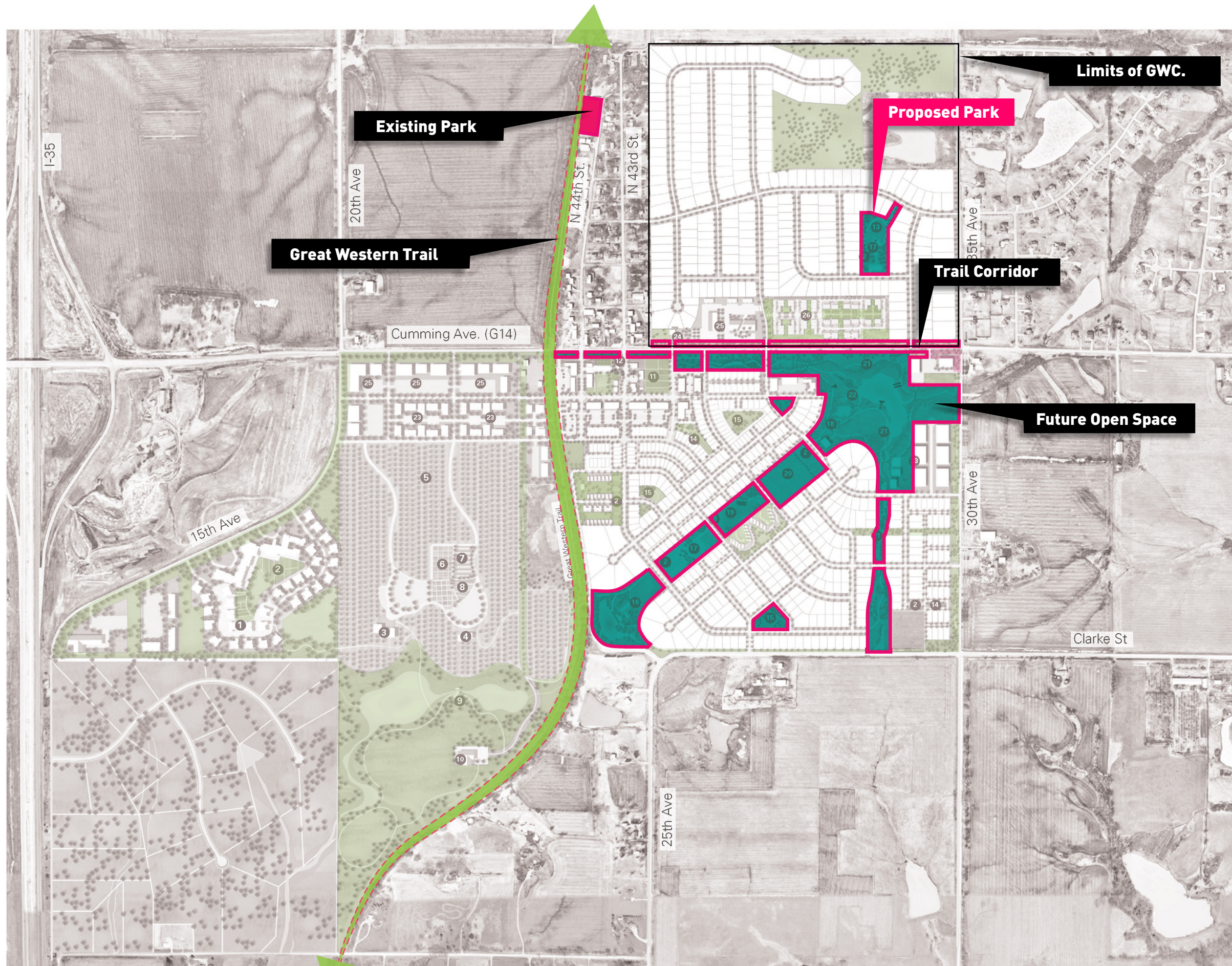
- The first step in an open-space system to come.
 - Future Programing
 - Access Network
- Context and programing of the 'Park' – beyond playground addressing key city concerns of the last meeting
 - Access and the Community
 - Age + Program Diversity
 - Fields
 - Trails
 - Shade, Trees, Vegetation
 - Other Future / Optional Programing

Todd Lehman

- Playground Updates
 - Equipment Ages
 - Addressing Barn Visibility Concerns
 - Addressing furnishing, shade, and seating
 - Connections to trails and the greater future system

Tom Henderson

- Closing remarks + Questions for the Diligent Development Team

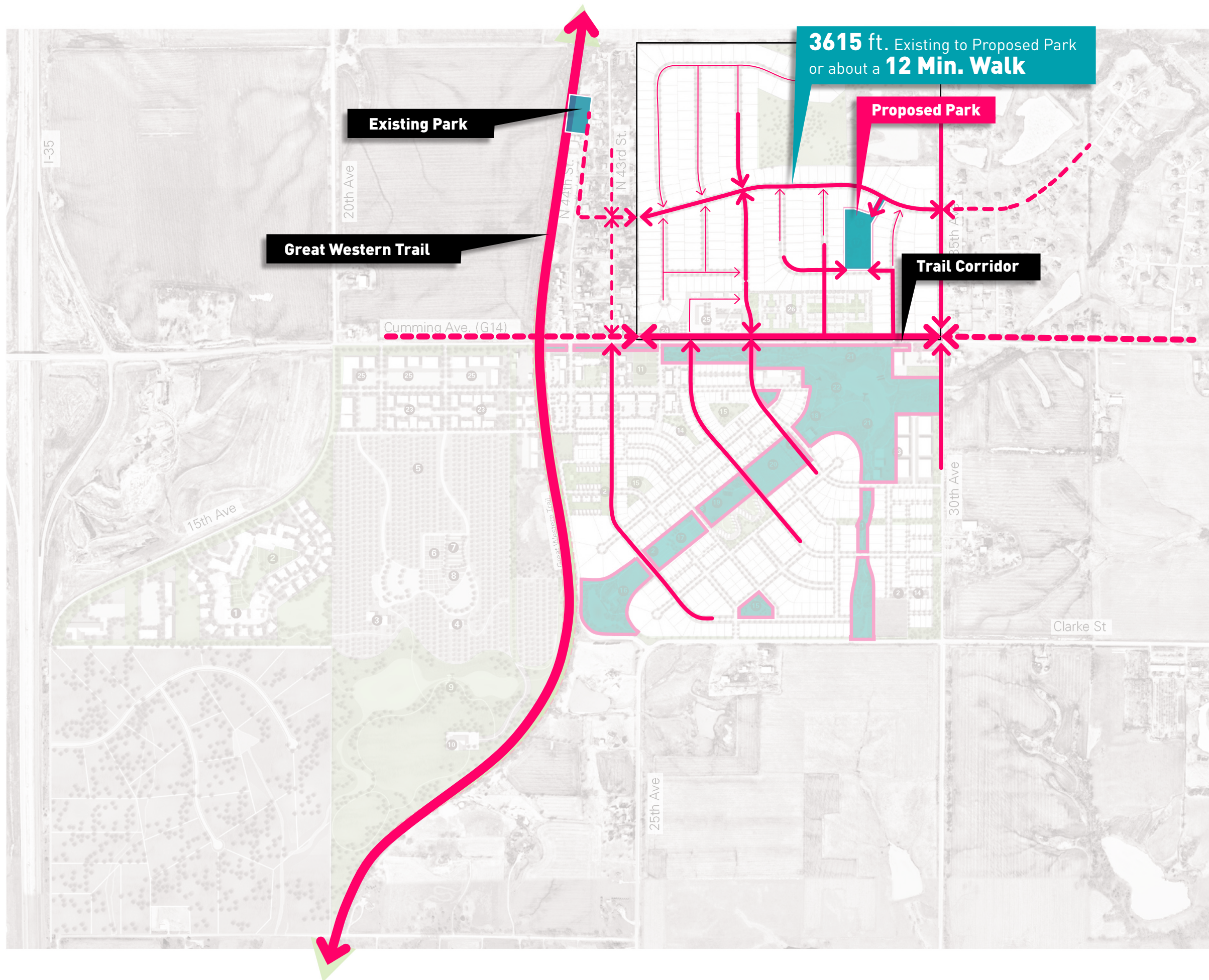


Starting A Parks Network

Middlebrook is a very large, complex, and long term project. These diagrams are a conceptual draft, and are not a final representation of any intent beyond the limits of Great Western Crossing (GWC.)

The intent of this document is to demonstrate the future potential of program, ecology, recreation, and connectivity in the long term parks and open-space system at large.

The Park at GWC. is the first of many more parks, open-spaces, and programmatic opportunities to come. The park will endeavor to serve as broad an audience for the town of Cumming at large, while recognizing that larger ecological, recreational and more active programmatic opportunities will come.

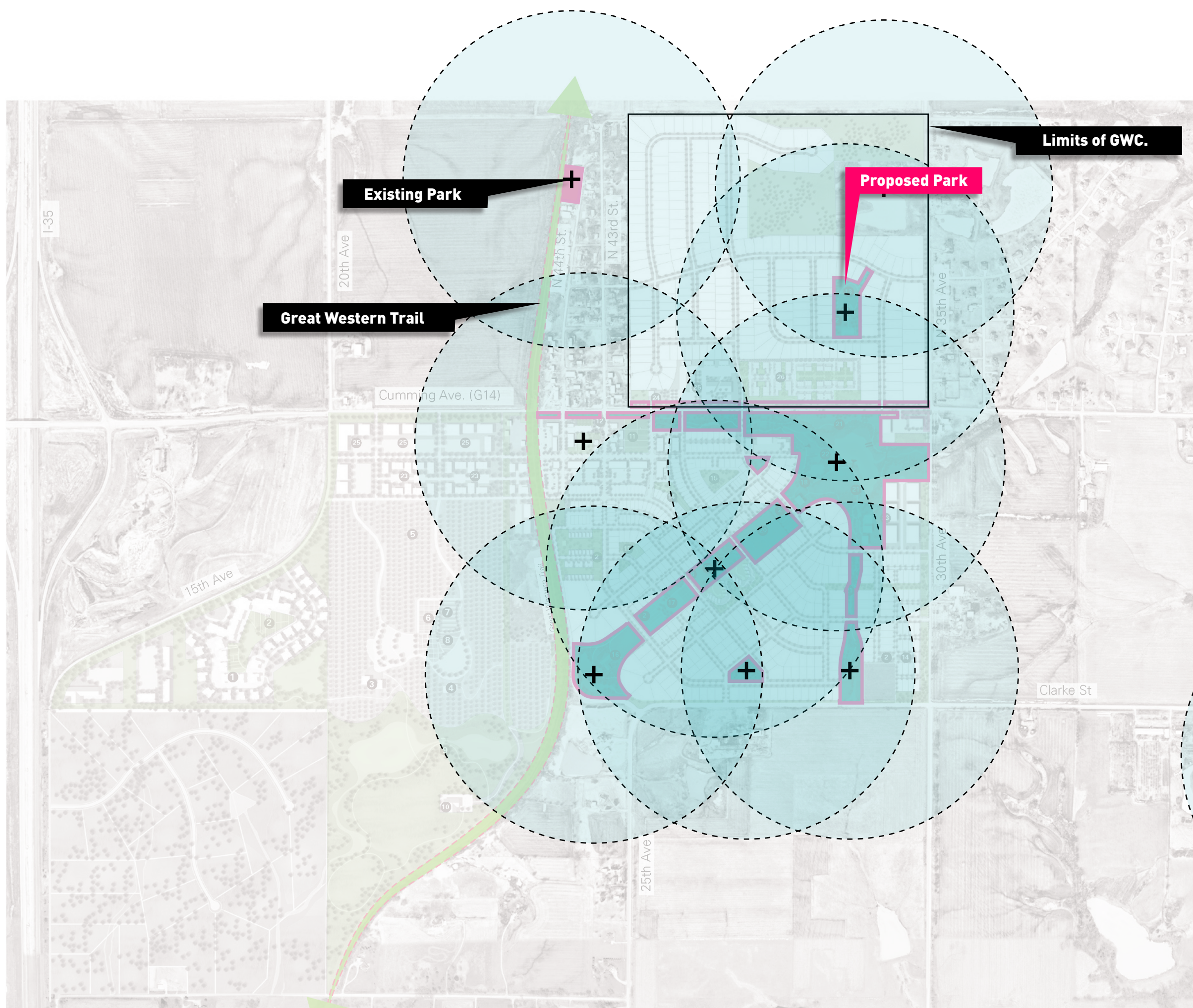


Starting An Access Network

Middlebrook is a very large, complex, and long term project. These diagrams are a conceptual draft, and are not a final representation of any intent beyond the limits of Great Western Crossing (GWC.)

All public right-of-ways / streets in GWC. have been designed with proper sidewalk connections and on-street bike-way connectivity due to the residential nature and low traffic volume expectations, exceeding the requirements of all approved PUD stipulations.

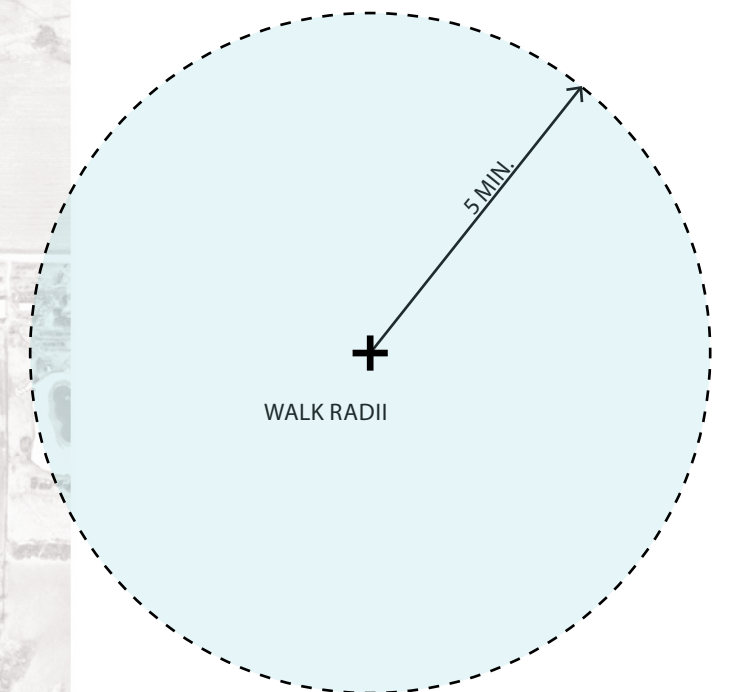
This diagram depicts the primary routes of connectivity within the proposed contexts of development. This is not a completed set of circulation routes in the Middlebrook Context south of G-14, but simply demonstrating a few of the initial key connections in the plan.

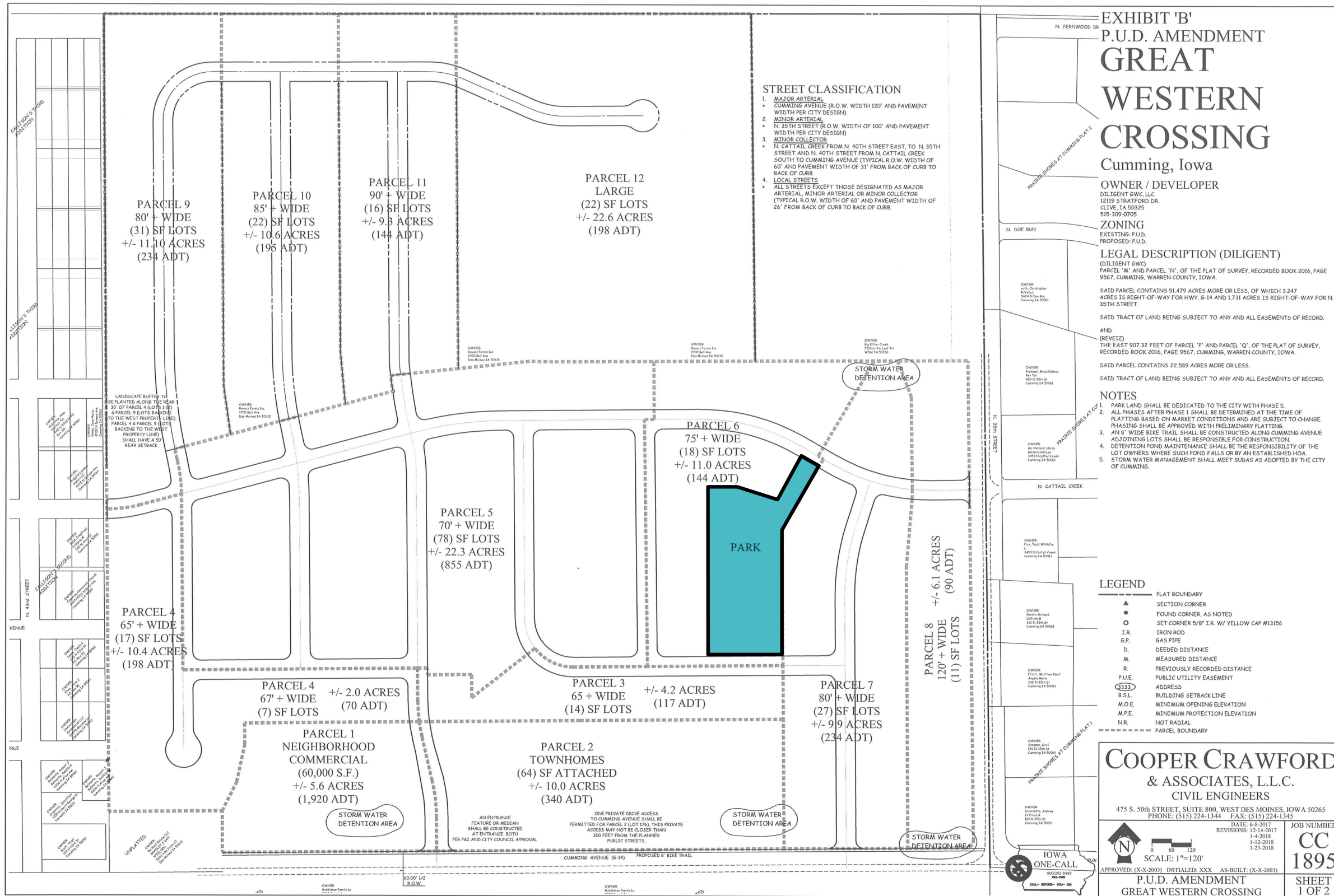


Taking A 5 Minute Walk

Middlebrook is a very large, complex, and long term project. These diagrams are a conceptual draft, and are not a final representation of any intent beyond the limits of Great Western Crossing (GWC.)

GOAL:
100% OF ALL RESIDENTS WILL BE WITHIN A 5 MINUTE WALK OF A PARK OR OPEN SPACE AREA.





**Approved
PUD. Plan**

263 SF LOTS

64 TOWN HOMES

**60,000 SF
Neighborhood
Commercial**

**1 Park
Three Acres**

GWC. in a typ. Market

Fantastic Context

Fantastic Homes



263 SF LOTS
\$300K Each

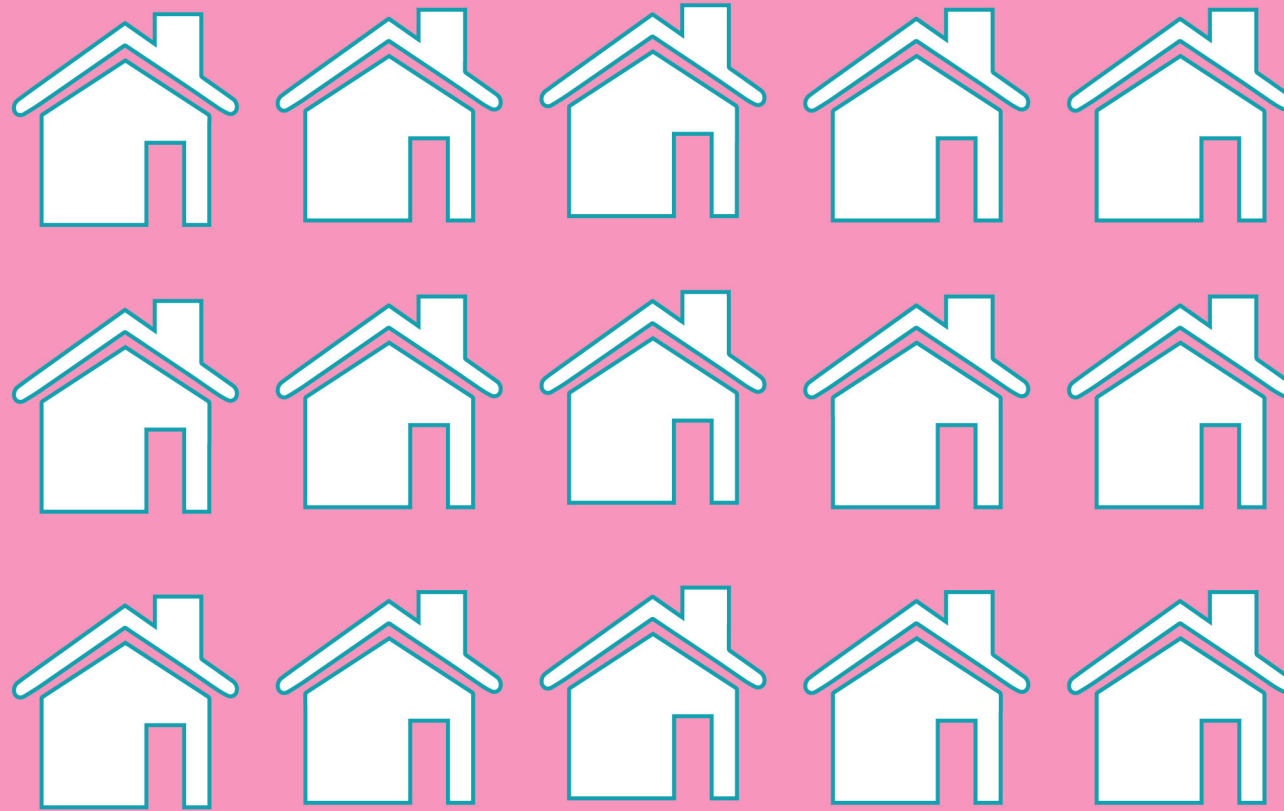
64 TOWN HOMES
\$220K Each

60,000 SF
Neighborhood
Commercial

\$92,980,000
Taxable Value

GWC. in Middlebrook

Investment
Within Builds Value for
Public Realm



263 SF LOTS
\$400K Each

64 TOWN HOMES
\$300K Each

60,000 SF
Neighborhood
Commercial

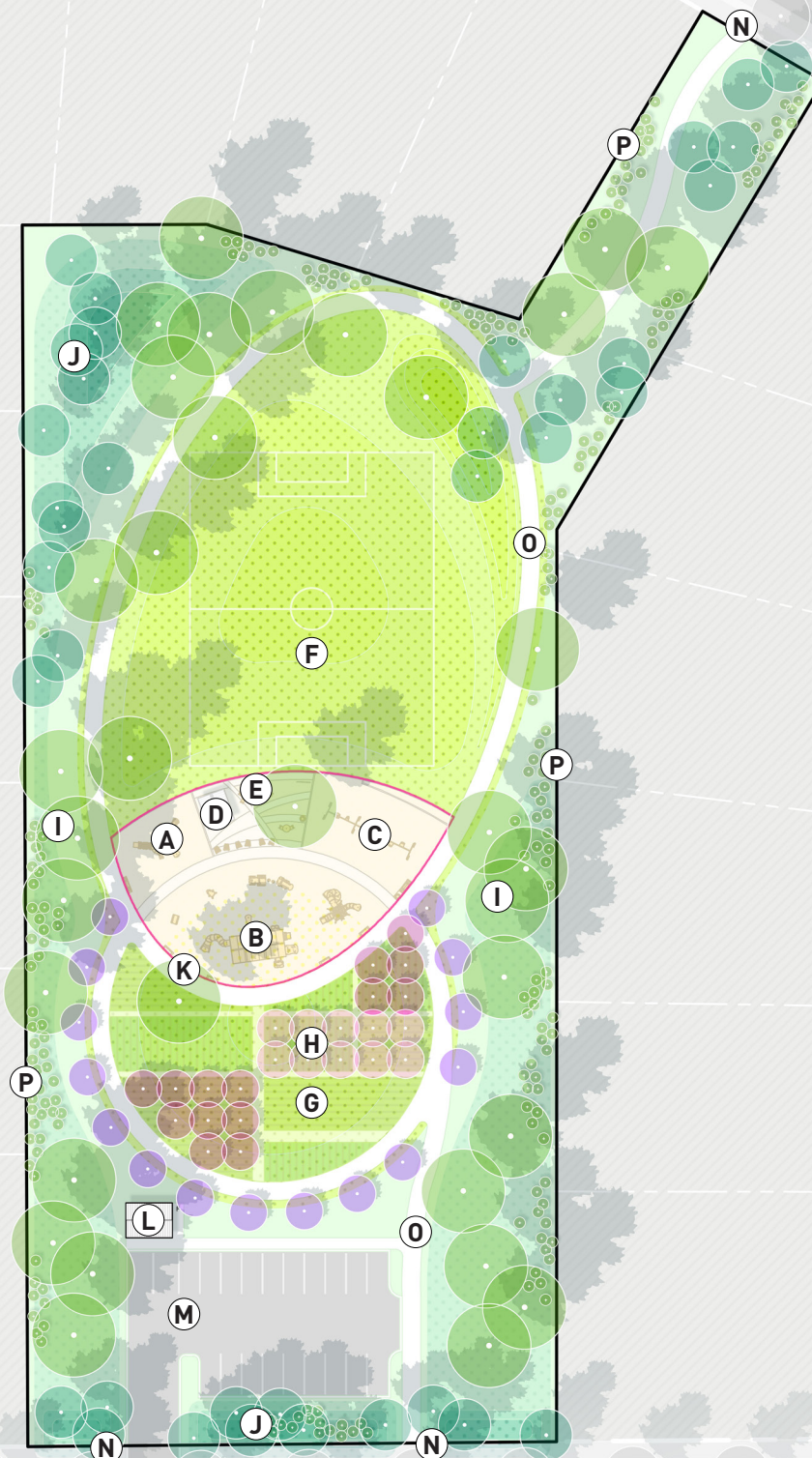
\$124,400,000
Taxable Value

Updated Site Plan

PROGRAM SUMMARY

- A)** 2-5 Playground
- B)** 5-12 Playground
- C)** Multi-Age Swings
- D)** Shade Shelter + Seating Patio
- E)** Performance Patio / Stage Area
- F)** Multi-Purpose Field
- G)** Community Garden Plots
- H)** Fruit Tree Orchards
- I)** Shade Groves
- J)** River Birch Groves
- K)** Seating Along Path
- L)** Restroom Facility + Fountain
- M)** Parking Lot
- N)** Public Access Connection
- O)** Perimeter Park Trails
- P)** Shrub Groves

*Playground Zone
See Playground
Specific Drawings*



Updated Site Plan

ILLUSTRATIVE:
Labels Turned Off - See Prior Sheet for Key Plan

PROGRAM SUMMARY

- A) 2-5 Playground
- B) 5-12 Playground
- C) Multi-Age Swings
- D) Shade Shelter + Seating Patio
- E) Performance Patio / Stage Area
- F) Multi-Purpose Field
- G) Community Garden Plots
- H) Fruit Tree Orchards
- I) Shade Groves
- J) River Birch Groves
- K) Seating Along Path
- L) Restroom Facility + Fountain
- M) Parking Lot
- N) Basketball Flex Court
- O) Perimeter Park Trails
- P) Shrub Groves

*Playground Zone
See Playground
Specific Drawings*



Trails & Parking

LEGEND

Paved Walks 8' Wide
1510 feet long

Paved Walks 5' Wide
275 feet long

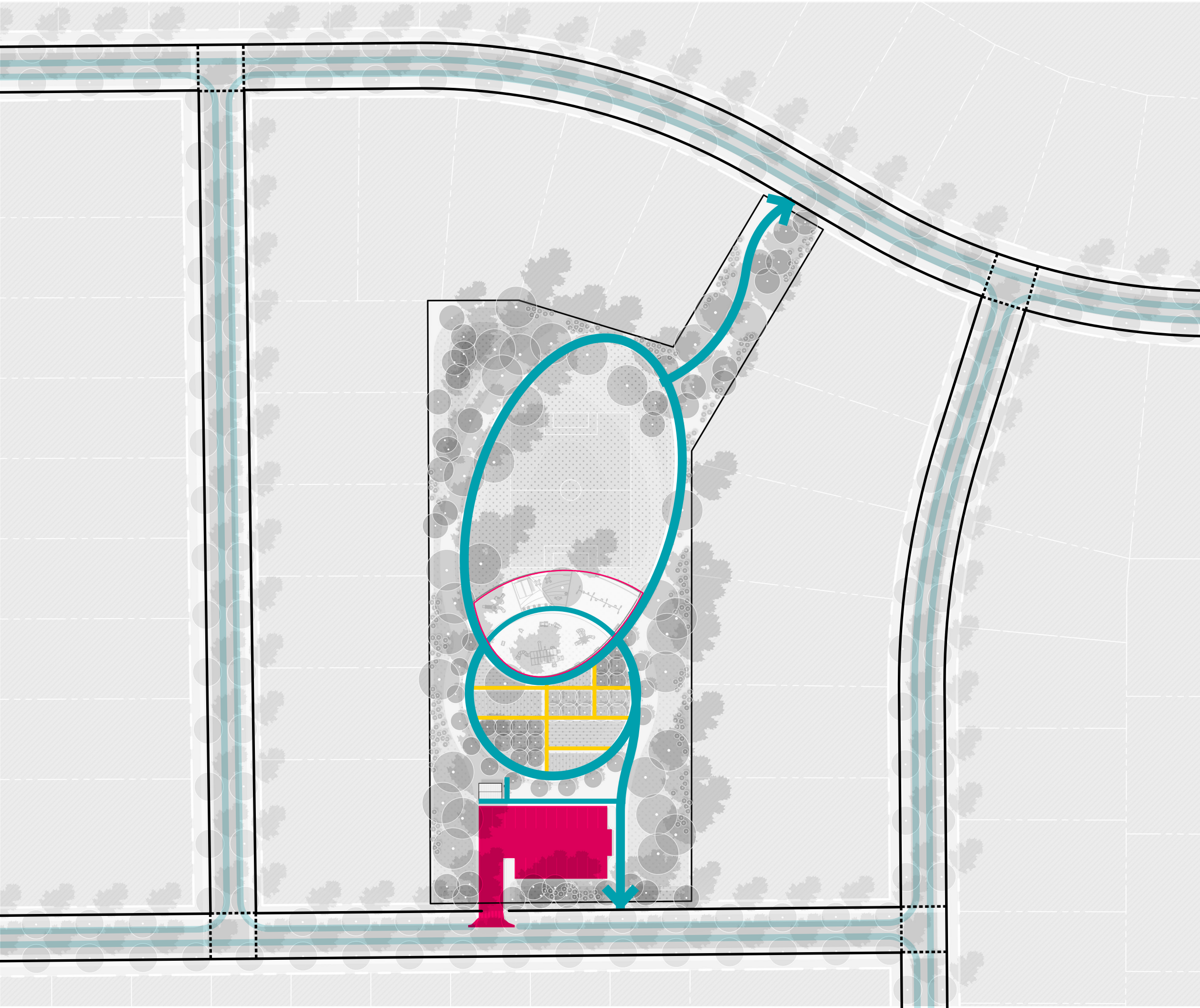
Gravel Garden Path
475 feet long

Parking Lot
(20 Spaces + 1 ADA.)

Adjacent Sidewalks

Sharow
(Bike-able Streets)

Playground Zone
See Playground
Specific Drawings






Trees + Shade

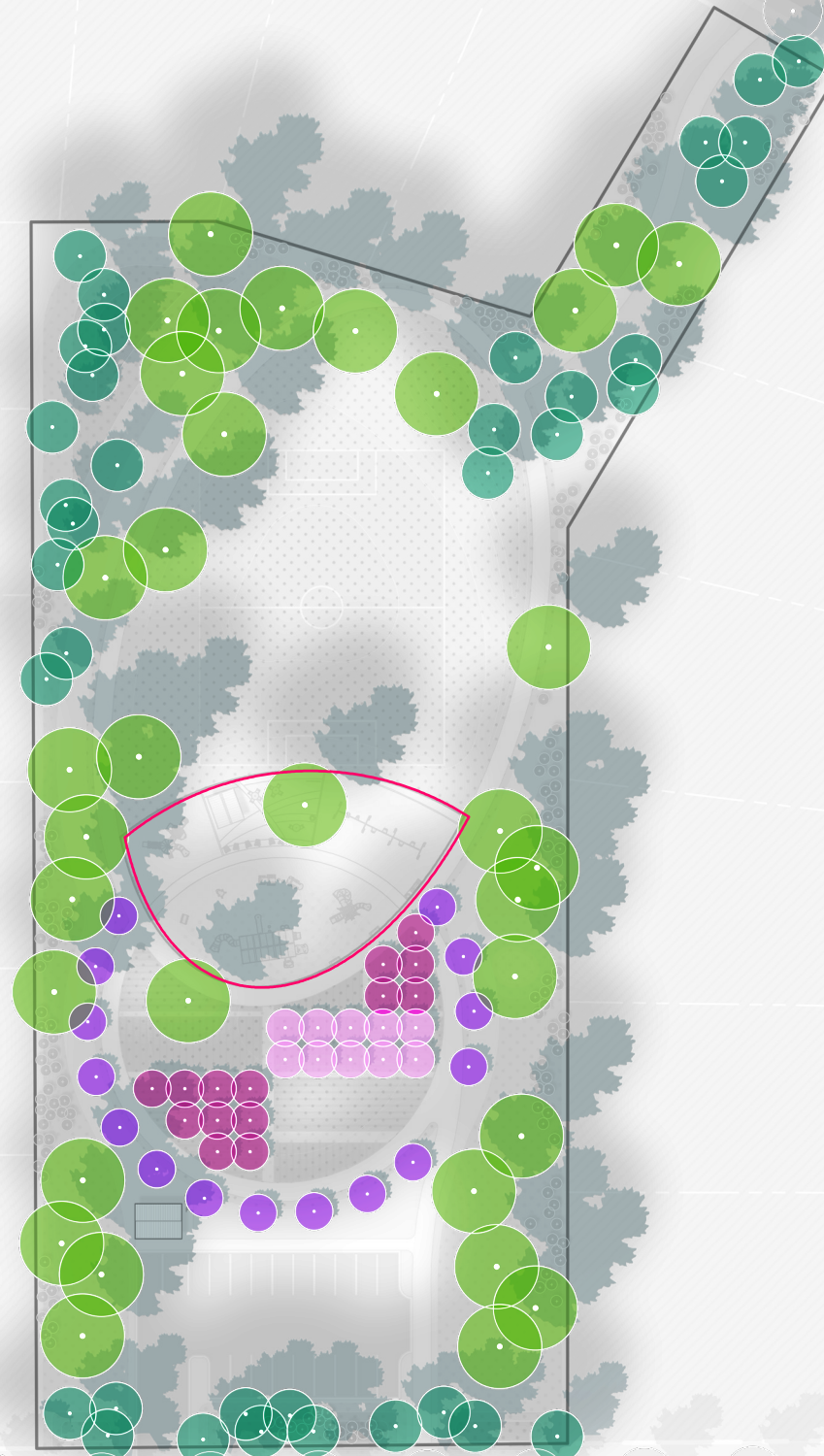
LEGEND

 Overstory Trees
Swamp White Oak
Northern Red Oak
Kentucky Coffee Tree

 Birch Groves
River Birch (Single-Stem)
River Birch (Multi-Stem)

 Flowering Fruit Trees
Crab Apple 'Adirondak'
 *Cherry 'Northstar'*
 *Cherry 'Meteor'*

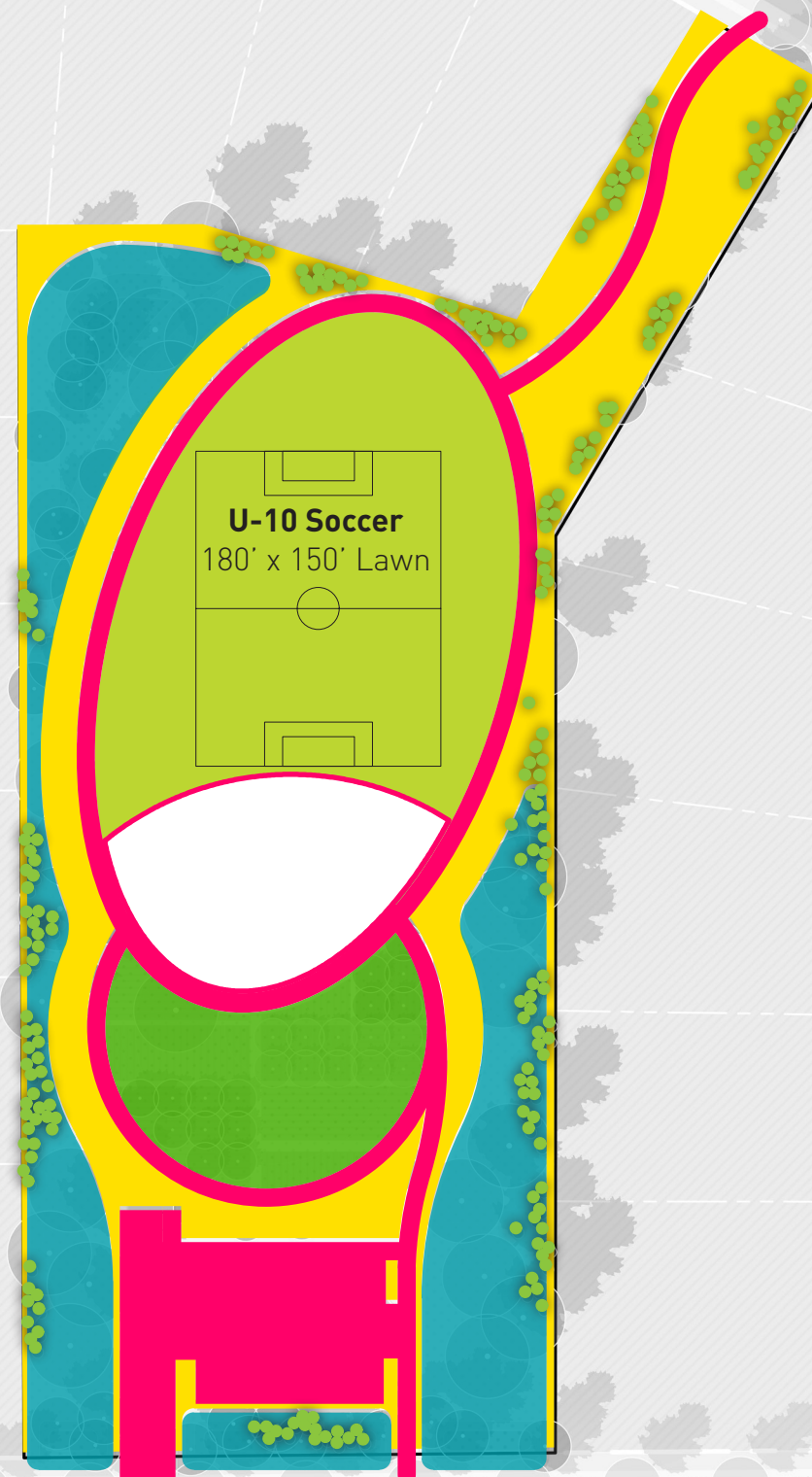
Playground Zone
See Playground
Specific Drawings



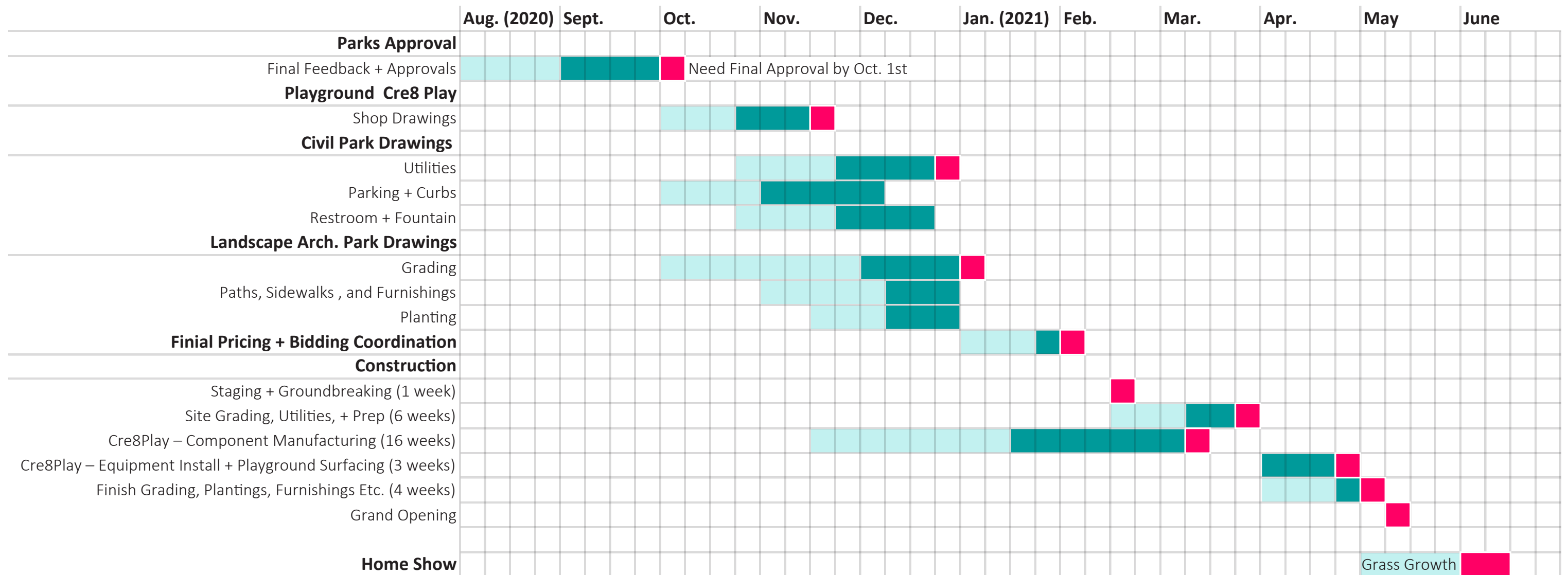
Planting + Ground Plane

LEGEND

- Turf lawn (Mown)
.75 Acres 
- Shortgrass Meadow
Mown Twice Per / Year 
- Riparian Meadow
Mown Twice Per / Year 
- Community Gardens
1/2 Permanent Orchard
1/2 Community Plots 
- Paved Areas 
- Shrub Plantings
Red Twig Dogwood
Blackhaw Viburnum
Half-High Blueberry 'Polaris' + 'North Blue' 
- Playground Zone
See Playground Specific Drawings 



Projected Schedule & Key Milestones



Value in Depth, Complexity & Collaboration

City of Cumming, Iowa



..... KOETHE PROPERTY MIDDLETON FAMILY



Middlebrook



Brewery at
Middlebrook

Homestead at
Middlebrook



COOPER CRAWFORD
& ASSOCIATES, L.L.C.
CIVIL ENGINEERS &
LAND SURVEYORS



WE WHITFIELD
& EDDY LAW

DESIGNWORKSHOP

Hogan Law Office

FARMER D
CONSULTING

SITE INNOVATIONS [lab]

trost
DEVELOPMENT
SERVICES

2-5 Playground

Playground for toddlers or preschoolers encourage skill development through interactive play, sensory experiences, challenging activities, imagination and independence.



5-12 Playground

Kids ages 5 to 12 need physical and mental challenges while they play. Fun farm themed playground equipment for 5- to 12-year-olds help them develop balance, coordination, muscle endurance, problem-solving skills, social skills and much more.



5-12 Playground



Unique Play Barn brings fun to new heights with multiple climbing opportunities and exhilarating sliding. Innovative climbers invite kids to scale the outside up to the various height decks up to 8'.

It also gives kids plenty of unique ways to look out, while mesh panels and wide slotted composite wood siding provide visibility from the outside.



Shade Shelter + Seating Patio



Accessible Swing Seat



Enclosed Tot Seat

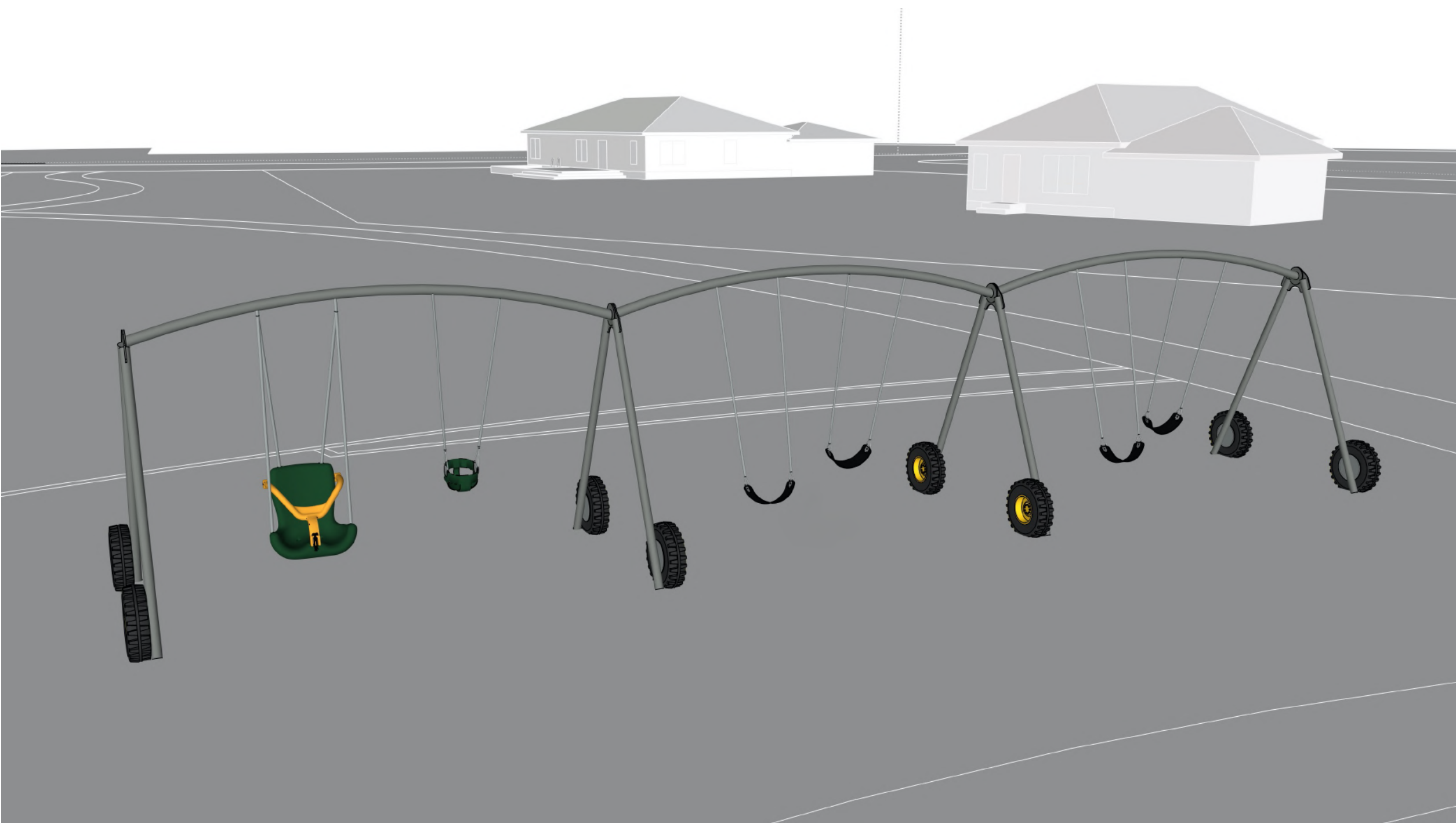


Belt Swing Seat

Multi-Age Swings

Swings have long been a playground staple and they continue to offer hours of fun and physical activity for children of all ages.

We providing a wide variety of models sized right for kids ages 2 to 12.





Half Log Bench



Hay Bale Bench

Seating Along Path



CHAPTER 122
PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose	122.06 Transient Merchant Bond
122.02 Definitions	122.07 Time Restriction
122.03 Registration Required	122.08 Exemptions
122.04 Registration Requirements	122.09 Charitable and Nonprofit Organizations
122.05 Registration Fee	122.10 Mobile Food and Beverage Vendors

122.01 PURPOSE.

The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

122.02 DEFINITIONS.

For use in this chapter the following terms are defined:

1. "Peddler" means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. "Transient merchant" means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 REGISTRATION REQUIRED.

Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first registering with the City as herein provided is in violation of this chapter.

122.04 REGISTRATION REQUIREMENTS.

The registration shall be in writing, filed with the Clerk, and shall set forth the following information:

1. The person's name, permanent and local address and business address if any, driver's license number and vehicle description.
2. The person's employer, if any, and the employer's address, the nature of the business and the length of time such business will be carried on in the City.
3. The names of all people who are to be working within the City and their vehicle descriptions and license numbers.

122.05 REGISTRATION FEE.

A registration fee of \$25.00 per application shall be paid at the time of registration to cover the cost of investigating the facts stated therein.

122.06 TRANSIENT MERCHANT BOND.

1. Except as provided in paragraph (3) below, no transient merchant license shall be issued until the applicant has delivered to the city clerk a cash bond for no less than \$200.00. The bond shall be held to indemnify and pay the city any penalties or costs incurred in the enforcement of any of the sections of this article and indemnify or reimburse any purchaser of goods, wares, merchandise or stock for any judgment which may be obtained by a purchaser for damages in any action commenced within three months from the date of purchase, due to misrepresentations as to the kind, quality or value of such goods, wares, merchandise or stock, whether the misrepresentations were made by the owner or by his or her servants, agents or employees, either at the time of

making the sale or through any advertisement of any character, printed or circulated, with reference to such stock of goods, wares or merchandise or any part thereof.

2. A single bond may be used for all licenses obtained by the same transient merchant.

3. The balance of the bond shall be released by the city clerk and returned to the applicant upon request by the applicant at any time more than four months after expiration of all transient merchant licenses for which the cash bond was provided, unless the city clerk has received notice of a pending action in the state or federal courts seeking a judgment upon a claim eligible for payment from the bond. Except as otherwise provided by court order, the city clerk shall not release any bond during the pendency of any such action.

122.07 TIME RESTRICTION.

Peddlers and solicitors shall conduct business in the City only during daylight hours.

122.08 EXEMPTIONS.

The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.

2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.

3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.

4. Students. Students representing the Norwalk Community School District conducting projects sponsored by organizations recognized by the school.

5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.

6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.09 CHARITABLE AND NONPROFIT ORGANIZATIONS.

Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa*, or political candidates for State, local or Federal office desiring to solicit money or to distribute literature are exempt from the requirements of Sections 122.04 and 122.05. All such organizations or individuals are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, and the period during which such activities are to be carried on.

122.10 MOBILE FOOD AND BEVERAGE VENDORS

1. Mobile Food Unit Licensing: It shall be unlawful for any person to engage in the sale of food or beverages to the public from a temporary or mobile facility located on public property within the corporate limits of the City of Cumming without first obtaining a mobile food unit license from the city, in addition to any other state, federal, or county permits, certifications and licenses.

Mobile food units located on private property are allowed with a transient merchant permit.

A. A mobile food unit license is an annual license that expires on April 15 each year and must be renewed at least 5 days prior to the first event after that date.

B. Each mobile food unit shall be licensed separately. No license transfer is allowed.

C. Although certain activities may be exempt from the licensing requirements of this chapter, any food service to the public in the City of Cumming shall comply with all other local, county and state requirements for health inspections, licensing, safety and fire code requirements.

D. The following shall be exempt from this requirement:

(1) Catering businesses.

(2) Grilling and food preparation activities, including mobile food units, of brick and mortar establishments on the establishments' premises for immediate consumption by patrons or employees.

(3) Concession stands associated with sports or recreational venues that have been approved as part of a site plan.

2. License Fee: At the time of the submittal of a license application, the applicant shall pay to the city clerk's office the applicable license and permit fees in addition to any application fees.

A. The city council shall establish the amount of the license fee by resolution.

B. Any licensee who surrenders their license prior to the date of expiration shall not be entitled to a refund of any portion of the fee.

3. Fire Department Inspection:

A. All mobile food units that have cooking facilities with grease laden vapors (class III and class IV state licenses) shall be inspected by the Norwalk fire department prior to initiation of business operations within the city. However, at the discretion of the city clerk's office the city may accept the inspection of the mobile food unit by another Iowa Fire Department.

B. Inspections are required annually and prior to submittal of a license application to the city. It shall be the obligation of the mobile food vendor to schedule the inspection with the fire department.

C. Upon completion of the annual fire inspection, if the fire department determines that the mobile food unit passes the inspection, the Fire Chief or his/her designee shall sign the mobile food unit vendor license application and identify any conditions for operation as deemed appropriate as a result of said inspection.

4. Mobile Food Unit Vendor Annual Licensing Application:

A. License Required: All mobile food vendors operating on public property within the City of Cumming must obtain a mobile food vendor license from the city.

Exception: Community events sponsored by or approved by City Council. Application requests shall be filed with the city clerk's office on the form provided by the city. No application request shall be accepted for filing and processing unless it conforms to the requirements of this title. This would include a complete and true application and all of the required materials and information prescribed, accompanied by the appropriate fees.

B. Submission Time Frame: Applications must be submitted not less than five (5) business days prior to the proposed start date of the mobile food unit activities. The city reserves the right to reject any applications that have not been timely submitted to the city. The city clerk shall have the discretionary right to accept an application made less than five (5) business days prior to desired start date.

C. Additional Approvals: Receiving approval of a mobile food unit license from the city shall not preclude, supersede, circumvent, or waive the applicant's responsibility to obtain any additional permits, licenses, and approvals for other applicable local, state, and federal regulations.

D. Application Contents: Application shall be made on a form provided by the city and shall include:

(1) Full name of the applicant.

(2) Applicant's contact information including mailing address, phone numbers and e-mail address.

(3) State health inspection certificate with the classification level of the state license identified.

(4) Description of the kitchen facilities, cooking facilities, preparation area, safety features (suppression system, etc.) of the mobile food unit.

(5) Photographs of the mobile food unit.

(6) Make, model and year of vehicle to be used.

(7) County, state and license plate number.

(8) The length and width of the vehicle.

(9) Fire department signature on application confirming a passing fire department inspection.

(10) Application and license fee(s)

E. Applications Deemed Withdrawn: Any application received shall be deemed withdrawn if it has been held in abeyance, awaiting the submittal of additional requested information from the applicant, and if the applicant has not communicated in writing with the city and made reasonable progress within thirty (30) days from the last written notification from the city to the applicant. The application fee is nonrefundable. Any application deemed withdrawn shall require submission of a new application and fees to begin a new review and approval process.

F. Issuance of License: Upon completion of the review process and a determination of compliance with the applicable regulations, the city clerk will issue a mobile food unit license. The license shall be placed in the upper left (passenger side) of the front windshield or the left front side of a trailer or cart to aid in the visual verification of the licensing for that year.

G. Modification of License After Issuance: Should the mobile food vendor change the food or beverage being offered during the term of an issued license that would change the designation of the mobile food unit to a higher state licensing level classification, a new application and fire inspection shall be required.

5. Mobile Food Units On Public Property: No mobile food unit may be operated on public property except as approved by the city clerk's office.

6. Unattended Mobile Food Unit: No mobile food unit shall be left unattended on any site overnight, unless that property is under the ownership of the operator of the unit and in compliance with all other city code requirements. No mobile food unit shall be allowed to be stored on a site that is not zoned appropriately for storage and warehousing and/or having received prior city council approval through an entitlement process. Any mobile food unit found unattended shall be considered in violation of these regulations and subject to license revocation, municipal infraction, towing, or any other action legally allowed.

7. Music And Sound Making Devices: The use of music or sound making devices as a part of a mobile food unit shall be prohibited, unless expressly allowed as part of an approved event.

8. Mobile Food Unit Performance Standards: Persons conducting business from a mobile food unit must do so in compliance with the following standards:

A. The mobile food vendor must obtain expressed written consent of the property owner to use the business property on which they propose to operate. The written consent must be kept in the unit at all times that the unit is on the property.

B. The operator of the mobile food unit shall display their city license in full view of the public in the unit.

C. Mobile food units within three hundred feet (300') of a residential use or residentially zoned property, shall be limited to hours of operation between seven o'clock (7:00) A.M. and ten thirty o'clock (10:30) P.M.

D. Mobile food units shall be limited to a maximum duration of 12 hours hours per day on any site, unless part of an approved event permit. A mobile food unit shall be at one location a maximum of five (5) consecutive days per week.

E. Only one mobile food unit shall be allowed on a property, unless part of an approved event or the property has received a multiple vendor permit. Mobile food units not under a multiple vendor permit and on adjacent properties must maintain a minimum separation between units of twenty (20) feet.

F. Mobile food units shall serve patrons who are on foot only; no drive-up service to the mobile food unit itself shall be provided or allowed.

G. The mobile food unit must be located on a paved surface, unless approved by the city clerk's office.

H. No mobile food unit may be located on a vacant property or lot with a vacant building.

I. No mobile food unit may operate within two hundred feet (200') of a permanent restaurant or business that primarily engages in food services without the written permission of that business.

J. No alcoholic beverages may be sold as a part of a mobile food unit.

K. Except in zone C-2 any mobile food unit shall maintain a minimum fifteen foot (15') separation from a building as measured to the closest building element including awnings or canopies, tents or membrane structures. Location of the mobile food unit shall not impede pedestrian entering or exiting of a building. In zone C-2 the distance shall be seven (7) feet.

L. Mobile food vendors shall be placed no closer than 15' from a front property line.

M. Signs are limited to those that are attached to the exterior of the mobile unit and must be mounted flat against the unit and not project more than six inches (6") from the exterior of the unit. Only one off premise sign directing patrons to the mobile food unit is allowed.

N. During business hours, the mobile food vendor shall provide a trash receptacle for use by customers.

O. The mobile food vendor shall keep the area around the mobile food unit clear of litter and debris at all times.

P. All mobile food units shall be located in such a manner as to not create a safety hazard, such as blocking emergency access to buildings and the site, obstructing access to fire hydrants and fire department connections, impeding entering and exiting from a building, creating a visual impediment for the motoring public at drive entrances, intersections, pedestrian crossings, etc.

Q. No mobile food unit shall be parked in or otherwise impact access to/from ADA parking stalls.

9. Other Licenses And Permits To Be Maintained: Failure of any applicant to maintain the appropriate county, state and federal licenses and permits, during the term of the local license or permits shall be considered an unlawful act and subject to revocation or any other penalties available to the city.

10. Suspension or Revocation of License: Any license issued under the provisions of this chapter may be suspended or revoked by the city as follows:

A. Grounds: The city clerk may suspend any license issued under this chapter, pending the outcome of an administrative hearing, for any of the following reasons:

(1) The licensee has made fraudulent statements in his/her application for the license or in the conduct of his/her business.

(2) The licensee has violated this chapter or any other chapter of this code or has otherwise conducted his/her business in an unlawful manner.

(3) The licensee has conducted his/her business in such manner as to endanger the public welfare, safety, order, or morals.

(4) The city clerk has received and investigated three (3) or more found complaints during the licensed period related to the manner in which the licensee is conducting business.

B. Notice: The city clerk shall have the licensee served with notice either in person or by regular mail to the licensee's address shown on the license application notifying them of the license suspension, the specific reason(s) for such action, and date and time of hearing with the city clerk to review the particulars of the suspension. The licensee shall be prohibited from any further activities covered by the license until such time that the hearing has been held and a determination of suspension and revocation resolved.

C. Hearing: A hearing shall be conducted by the city clerk not more than five (5) business days after he/she has suspended a license. The licensee and any complainants may be present to determine the truth of the alleged violation of this chapter. Should the

licensee or his/her authorized representative fail to appear without good cause, the city clerk may proceed with the hearing and make his/her findings.

D. Revocation: After the city clerk has reviewed the facts, he/she shall revoke a license if he/she finds by the preponderance of the evidence that a violation has occurred. The revocation shall be effective immediately.

E. Appeal: If the city clerk revokes or refuses to issue a license, the licensee or the applicant shall have a right to a hearing before the municipal code hearing officer as provided in Section 122.15 of this code. The municipal code hearing officer may reverse, modify, or affirm the decision of the city clerk.

F. Effect of Revocation: Revocation or denial of any license shall bar the licensee or applicant from being eligible for any license under this chapter for a period of one year from the date of the revocation or denial. There shall be no refund of any fees for any revocation.

11. Penalty: Unless another penalty is expressly provided by this chapter for any particular provision or section, violations of this chapter are simple misdemeanors subject to a fine of not more than five hundred dollars (\$500.00) and may also be punishable as municipal infractions subject to a civil penalty as set forth in this code. Each day a municipal infraction occurs and/or is permitted to exist constitutes a separate offense. Police officers, code enforcement officers and the police chief's designees shall have the authority to issue citations for violations of this chapter, and shall have the discretion to enforce this chapter as either a simple misdemeanor or municipal infraction.

Des Moines

VISION 4. - FARMERS' OR PUBLIC MARKET

102-556. - 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:

Farmers' or public market means a sale of products, the majority of which have been produced in the state, including but not limited to raw fresh vegetables, fruit, honey, herbs, flowers, plants, nuts, baked goods or handcrafted items which conform to all applicable city, county or state health and safety provisions, particularly state department of agriculture and land stewardship regulations, and which are offered for sale by any person, business, or organization on a portion of or entirely on a public street, sidewalk, alley, park or public place during set hours, no more than two days per week within a one-year period.

Market manager means a person who or organization which holds a farmers' or public market permit and who organizes the participants of the market, promulgates regulations for the conduct of the market consistent with section 102-564 of this division, and generally is responsible for the operation of the market.

(91, § 23-20.08; O.13,023)

Cross reference— Definitions generally, § 1-2.

102-557. - Required.

No person shall conduct a farmers' or public market, as defined in section 102-556 of this division, without first having obtained a permit as provided in sections 102-558 and 102-559 of this division. This shall not apply to activities sponsored by and held at the state fairgrounds.

(91, § 23-20.09; O.13,023)

102-558. - Application.

Any person applying for a permit to conduct a farmers' or public market shall make written application to the city manager's office at least 30 days prior to the first proposed date for the market. No permit shall be issued unless an application containing the following information is first completed:

- (1) The name, address and phone number of the applicant and/or market manager he or she represents.
- (2) The proposed location of the market and the names of any businesses which the market will front.
- (3) If such businesses are not participating in the market, a copy of the notice sent to such

businesses of the market, its location and duration.

- (4) The proposed dates of the market and its hours of operation.
- (5) The number of vendors involved in the market, their names, and permanent addresses.
- (6) The type of merchandise to be sold.
- (7) A certificate of insurance demonstrating compliance with all insurance requirements. The amount and type of liability insurance to be required shall be determined by the city's finance director or designee and are hereby, by reference, made a part of the permit application form.

(C91, § 23-20.10; O.13,023, 13,737, 15,104)

Sec. 102-559. - Issuance.

Upon the city clerk determining that a person or organization applying for farmers' or public market permit has complied with the terms of section 102-558 of this division; the chief of police, the city engineer, and, if a market is held in a park, the director of park and recreation and the park and recreation board agree that the proposed sale will not reasonably disrupt pedestrian and vehicular traffic in the area of the market; that no other application has been submitted which proposes a similar geographic location for the market; that the city ordinances will be obeyed in the conduct of the market; and upon payment of the appropriate fees, the city clerk shall issue a permit to conduct a farmers' or public market. If the permit is denied, the city clerk shall state the reason therefor on the face of the application and shall so inform the applicant. No farmers' or public market permit shall be issued for a market within any residential zone of the city.

(C91, § 23-20.11; O.13,023)

Sec. 102-560. - Appeal of denial.

Any farmers' or public market permit denial may be appealed to the city council within ten days of the denial by submitting a written request for appeal to the city clerk. The city council shall consider the denial at its next regular meeting and shall either affirm the denial or direct the city clerk to issue the permit upon receipt of the appropriate fees. The city council shall base its decision upon a review of the application, the reasons for denial, and any statements from interested parties. If more than one application has been submitted which proposes a farmers' or public market in similar geographic locations, the council shall consider the following criteria to determine which application to grant:

- (1) Experience in managing a farmers' or public market.
- (2) For what purpose the proceeds of the farmers' or public market will be used.

(C91, § 23-20.12; O.13,023)

c. 102-561. - Duration.

The farmers' or public market permit shall be issued in the name of the market manager and contain the terms of the sale and shall be valid through December 31 of the year in which the market is held.

C91, § 23-20.13; O.13,023)

c. 102-562. - Fee.

- (a) The applicant for a farmers' or public market permit shall pay a permit fee to the city clerk at the time of filing the application in the amount set in the schedule of fees adopted by the city council by resolution.
- (b) In the event the application is withdrawn by the applicant or denied either initially or on appeal, either all or a portion of such fee in an amount set in the schedule of fees adopted by the city council by resolution shall be retained by the city to defray the administrative costs incurred.

C91, § 23-20.14; O.13,023, 13,737; 14,174)

c. 102-563. - Market manager's responsibilities.

- (a) Under this division, the market manager's responsibilities shall be to:
 - (1) Contact the city engineer to arrange for the appropriate signs and/or barriers to control traffic and/or parking in the area of the market, including but not limited to obtaining street closing permits and any other permit required by this Code.
 - (2) Provide, maintain, and remove portable toilets, the requisite number to be designated by the environmental health officer.
 - (3) Ensure that trash containers are provided in the market and that the market area is reasonably free of trash during and at the close of the market.
- (b) Failure to comply with any of the subsections in subsection (a) of this section shall be punishable as a simple misdemeanor and may result in the revocation of the farmers' or public market permit.

C91, § 23-20.15; O.13,023)

c. 102-564. - Conduct of permittee.

A farmers' or public market permittee as well as all agents, employees or representatives shall comply with the following in conducting a farmers' or public market:

- (1) No person shall conduct a farmers' or public market from 10:00 p.m. until 7:00 a.m. the

following day.

- (2) No person shall erect booths, tables, or display merchandise in such a manner so as to block pedestrian or vehicular traffic.
- (3) No person shall erect booths, tables, or display merchandise or in any other manner participate in a farmers' or public market without the express consent of the market manager.

(C91, § 23-20.16; O.13,023)

Secs. 102-565—102-574. - Reserved.

CHAPTER 125

SPECIAL EVENTS

125.01 Purpose	125.09 Insurance Requirement
125.02 Definitions	125.10 Permit Expiration
125.03 Permit Required; Food and Health Regulations	125.11 Obstruction of Traffic Prohibited
125.04 Application for a Special Event Permit	125.12 Exhibiting Permit
125.05 Decision by City Council	125.13 Contractual Arrangements
125.06 Coordination of Application	125.14 Revocation or Suspension of Permit
125.07 Permit Fee	125.15 Appeals
125.08 Seasonal Permits	125.16 Peddler, Solicitor and Transient Merchant Permits

125.01 PURPOSE.

The purpose of this chapter is to ensure that special events are promoted and staged in a manner which preserves the safety of both our citizens and visitors to our City; to ensure that all promoters of these events are treated fairly and in accordance with their particular needs in the promotion of the event; to promote the economic well-being of our community through the orderly attraction of people to these events; and to ensure City personnel adequate opportunity to prepare for and provide services for the events so as to provide them the maximum opportunity for success.

125.02 DEFINITIONS.

For the purpose of this chapter certain terms and words are hereby defined.

1. "Special event" means an event sponsored by an individual, organization, club, group, partnership or corporation in which the public is invited to attend and which requires the use of public streets, public property as a staging area for promotion of the event, or requires the use of public resources to maintain the health, safety and welfare of the public.

2. "Special event area" means a place designated by the special event promoter as provided in this chapter where the general public is invited to gather for an event and where the area of interest of the promoter will be promoted and/or celebrated and where, in connection with the special event, there may be displays, speeches, the performance of music or the arts, games, and other similar celebrations, and the sale and/or distribution of literature, antiques, crafts, curios, art or artifacts, food, and other similar items, all under the sponsorship of a "special event promoter" as defined in this section. The area designated as a special event area may include property which is privately owned, provided that the inclusion of private property within the special event area shall not be construed as requiring the owner of the private property to participate in or otherwise allow the property to be used in the special event without his, her or its consent, or as prohibiting the owner of the private property from using the private property in a manner otherwise allowed by law.

3. "Special event merchant" means an individual, organization, club, group, partnership or corporation which engages in the sale of items within a "special event area" as defined in this section through the permission of the special event promoter.

4. "Special event promoter" means an individual, organization, club, group, partnership or corporation which organizes, sponsors, promotes or makes space available for a special event or is otherwise considered the organizer of the special event.

125.03 PERMIT REQUIRED; FOOD AND HEALTH REGULATIONS.

1. No individual, organization, club, group, partnership or corporation shall act as a special event promoter within the City without first obtaining a permit therefor as provided in this chapter.

2. Special event promoters granted a permit hereunder and special event merchants selling pursuant to that permit shall comply with all applicable State food and health rules and regulations.

125.04 APPLICATION FOR A SPECIAL EVENT PERMIT.

1. A special event promoter shall file with the City Clerk an application for a special event permit at least thirty (30) days prior to the event. The City Council may grant authority to a special event promoter to hold a special event in a designated special event area. The application shall be on a form furnished by the City Clerk and shall contain information concerning the requested dates and hours of the event, other information required by this chapter, and such other information as may be reasonable in relation to the event for which the permit is requested.

(Ord. 19-21 – Jan. 20 Supp.)

2. The special event promoter shall provide, at the time of application, a preliminary map or drawing showing the area to be designated as the special event area. Upon approval of the application for a special event permit, the special event promoter shall provide the City Clerk a detailed map of the designated special event area, showing any booths, trailers, stages, or other facilities which will be temporarily erected, constructed or parked as a part of the event. The detailed map shall be furnished according to the following schedule:

- A. One week in advance of a one-day event
- B. Two (2) weeks in advance of a two-day event
- C. Three (3) weeks in advance of a three-day event
- D. Four (4) weeks in advance of a four-day event

3. At the time of application for the special event permit, the special event promoter shall make a request for any necessary street or right-of-way closings. Public right-of-way barricades must be attended in order to allow authorized personnel to enter and exit the special event area. It shall be the responsibility of the special event promoter to arrange for the personnel who will attend the barricades. If off-duty police officers are requested for this purpose, then the special event promoter shall be responsible for the cost of their services.

125.05 DECISION BY CITY COUNCIL.

The City Council shall approve or deny the permit application in its sole discretion based upon the facts and comments presented to it and the overall effect the special event would have on the City and/or its citizens.

125.06 COORDINATION OF APPLICATION.

1. Upon receipt of an application for a special event permit, the City Clerk shall refer the application to the Police Chief, the Public Works Director, the Fire Chief, the Parks and Recreation Director and such other City personnel as may be appropriate for the coordination of street closings, barricades, and City personnel and service requirements. If the Police Chief deems it necessary for the protection of the public good, the Police Chief shall conduct an investigation of the special event promoter and the proposed special event. The Chief shall submit findings and any other comments to the City Clerk. The City Clerk shall submit the Chief's comments to the City Council for its consideration in making a final decision on the application.

2. Upon review of a special event promoter's application, all affected Department Directors shall attach their comments to the application and return the application to the City Clerk. The City Clerk shall submit the Directors' comments to the City Council for its consideration in making a final decision on the application.

3. Any permit approved by the Council will also include all comments from City Departments and will be provided to the applicant for compliance.

125.07 PERMIT FEE.

The special event promoter shall pay a fee in the amount set out in the schedule of rates and fees contained in Chapter 177 of this Code of Ordinances. The fee shall be paid upon issuance of the permit and shall be

nonrefundable. The special event promoter may charge a special event merchant a fee for participation in the special event. This fee shall be separate from the permitting requirements of the City. The permit fee may be waived by the City Council if the special event is sponsored by the City of Norwalk.

125.08 SEASONAL PERMITS.

A special event promoter who coordinates and sponsors an event which occurs on a regular basis throughout a specific time period, at least one day a week for a minimum for four (4) consecutive weeks; not to exceed a maximum of twenty-four (24) weeks in any twelve (12) month period, shall pay a fee in the amount shown in the fee schedule in Chapter 177 for a seasonal permit.

125.09 INSURANCE REQUIREMENT.

1. The approval by the City Council of an application for a special event permit shall be contingent upon the special event promoter providing the City a certificate of liability insurance coverage naming the City as an "also insured" in a minimum amount of one million dollars (\$1,000,000.00). Upon receipt of the certificate of insurance the City Clerk shall issue the permit to the special event promoter.

2. Any employee, either on or off duty, utilizing City resources to maintain the safety and well being of the special event (as approved at the time the special event is approved) shall be construed as operating in the official capacity of the City and will follow all work rules and regulations adopted by the City, State and Federal government.

125.10 PERMIT EXPIRATION.

A special event permit as issued shall set forth the time period for which the permit is issued. The time period for which the permit is effective shall include a reasonable period for cleanup. The permit shall expire at the end of the time period specified in the permit.

125.11 OBSTRUCTION OF TRAFFIC PROHIBITED.

The special event for which a permit is issued shall be conducted within the designated special event area. The special event shall not be conducted in such a manner as to hinder or obstruct the free passage of pedestrian or vehicular traffic outside of the designated special event area.

125.12 EXHIBITING PERMIT A special event promoter shall be required to provide a copy of its permit to each special event merchant for exhibit by the special event merchant during the term of the permit period.

125.13 CONTRACTUAL ARRANGEMENTS.

The special event promoter shall be solely responsible for any contractual arrangements between itself and any special event merchants and/or private property owners operating or located within the designated special event area.

125.14 REVOCATION OR SUSPENSION OF PERMIT.

A permit issued under the provisions of this chapter may be revoked or suspended by the Police Chief, without notice, for any of the following causes:

1. Fraud, misrepresentation, or an incorrect statement contained in the application for permit, or made in the course of promoting the special event.
2. Failure to comply with any provision of this chapter.
3. Promoting the special event in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

125.15 APPEALS.

Any person aggrieved by the action of the Police Chief in revoking or suspending a permit or by the action of the City Council in the denial of a permit may appeal to the City Council. Such appeal shall be taken by filing with the City Clerk, within fourteen (14) days after the notice of the action complained of, a written statement setting forth fully the grounds for such appeal. The City Clerk shall set a time and place for hearing on such appeal and notice of such hearing shall be mailed, postage prepaid, to the appellant at its last known address at

least five (5) days prior to the date set for hearing. The decision of the City Council regarding an appeal shall be final.

125.16 PEDDLER, SOLICITOR, AND TRANSIENT MERCHANT PERMITS.

A special event promoter may, in its application for a special event permit, request the City Council to temporarily limit the areas within the City for which a peddler, solicitor or transient merchant permit provided under Chapter 122 of this Code of Ordinances may be issued to an applicant thereunder during the time period for which a permit is issued under this chapter. In making its request, the special event promoter shall suggest particular areas within the City limits which the special event promoter believes would be appropriate for the issuance of peddler, solicitor or transient merchant permits during the time period in question. If the City Council agrees with the suggested limitation of areas for which a peddler, solicitor or transient merchant permit may be issued during the time period for which a permit is issued under this chapter, the City Council shall adopt a resolution providing for the modification of the issuance of peddler, solicitor and transient merchant permits as requested in the application hereunder. In adopting its resolution, the City Council shall be required to find that the permitted special event is of City-wide interest, promotes the well-being and reputation of the City, and that the issuance of a peddler, solicitor or transient merchant permit on a City-wide basis concurrent with the permitted special event would detract from the benefits provided by the permitted special event. If the City Council adopts the resolution as previously required, the exclusion for yard sales contained in the second to the last sentence of the definition of "transient merchant" set forth in Section 122.02(3) of this Code of Ordinances shall not be available during the time period for which the issuance of a peddler, solicitor or transient merchant permit is so restricted.

(Ch. 125 – Ord. 10-10 – May 11 Supp.)

15. Chapter 106 – Solid Waste Collection.

Standard Fees.

Normal

Container Size	Monthly Fee
48-gallon toter-cart	\$11.50
96-gallon toter-cart	\$12.50

Additional Toter-Carts. A customer may obtain an additional toter-cart and pay an additional fee in accordance with the following:

Container Size	Monthly Fee
All extra toter-carts	\$7.00 each

The fee for the additional toter-cart shall not be waived unless the cart is returned to the City.

Solid Waste Collection Increase July 1, 2015

Standard Fees.

Container Size	Monthly Fee
48-gallon toter-cart	\$12.00
96-gallon toter-cart	\$13.00

(Ord. 14-19 – Jan. 17 Supp.)

16. Chapter 119 – Massage Establishments and Therapists.

New Business Permit Fee \$75.00

Massage Therapists Fee \$25.00

(Ord. 19-05 – May 19 Supp.)

17. Chapter 121 – Cigarette and Tobacco Permits.

FOR PERMITS GRANTED DURING	FEE
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

18. Chapter 122 – Peddlers, Solicitors and Transient Merchants.

License application fee \$25.00

Refundable bond \$20.00

License fees

Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of ten dollars (\$10.00) per year.

Peddlers or Transient Merchants.

For up to 7 days \$ 10.00

For up to 30 days \$ 50.00

For up to 180 days \$100.00

(Ord. 19-04 – May 19 Supp.)

19. Chapter 123 – House Movers.

Permit fee \$100.00

20. Chapter 125- Special Events.

The special event promoter shall pay a fee of \$50.00 upon issuance of the permit and shall be nonrefundable. The special event promoter may charge a special event merchant a fee for participation in the special event. This fee shall be separate from the permitting requirements of the City. The permit fee may be waived by the City Council if the special event is sponsored by the City of Norwalk.

21. Chapter 135 – Street Use and Maintenance.

Excavation permit fee \$25.00

22. Chapter 141 – Closing Public Thoroughfares.

Street closure permit fee \$50.00

23. Chapter 145 – Site Grading Regulations.

Site grading permit fee \$25.00 per acre

Not to exceed a maximum fee of \$125.00

24. Chapter 155 – Building Code.

Building permits shall be charged a fee based on a Permit Fee Multiplier formula. The building permit fee to be charged equals Gross Floor Area times Square Foot Construction Cost times Permit Fee Multiplier. The permit fee multiplier for the City shall be .0052.

The square foot construction cost shall be in accordance with the International Code Council's February 2012 Square Foot Construction Costs table.

(Ord. 13-09 – Jan. 14 Supp.)

25. Chapter 156 – Plumbing Code.

Applications for building permits shall be charged on a flat-fee system for all building permit applications. The City reserves the right to charge additional fees when deemed necessary by the Development Services Director or Building Official. The flat-fee schedule is as follows:

New housing residential plumbing permit applicants shall be charged a flat-fee of eighty dollars (\$80.00). Residential remodel plumbing permit applications shall be charged a flat fee of thirty-five dollars (\$35.00).

All commercial plumbing permit applicants shall be charged a flat-fee of sixty dollars (\$60.00). The applicant shall then be charged in addition, per fixture as shown in the Plumbing Permit Fixture Fee Schedule.

Plumbing Permit Fixture Fee Schedule

DIVISION 4. - FARMERS' OR PUBLIC MARKET

Des Moines

102-556. - 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:

Farmers' or public market means a sale of products, the majority of which have been produced in the state, including but not limited to raw fresh vegetables, fruit, honey, herbs, flowers, plants, nuts, baked goods or handcrafted items which conform to all applicable city, county or state health and safety provisions, particularly state department of agriculture and land stewardship regulations, and which are offered for sale by any person, business, or organization on a portion of or entirely on a public street, sidewalk, alley, park or public place during set hours, no more than two days per week within a one-year period.

Market manager means a person who or organization which holds a farmers' or public market permit and who organizes the participants of the market, promulgates regulations for the conduct of the market consistent with section 102-564 of this division, and generally is responsible for the operation of the market.

(C91, § 23-20.08; O.13,023)

Cross reference— Definitions generally, § 1-2.

Sec. 102-557. - Required.

No person shall conduct a farmers' or public market, as defined in section 102-556 of this division, without first having obtained a permit as provided in sections 102-558 and 102-559 of this division. This shall not apply to activities sponsored by and held at the state fairgrounds.

(C91, § 23-20.09; O.13,023)

Sec. 102-558. - Application.

Any person applying for a permit to conduct a farmers' or public market shall make written application to the city manager's office at least 30 days prior to the first proposed date for the market. No permit shall be issued unless an application containing the following information is first completed:

- (1) The name, address and phone number of the applicant and/or market manager he or she represents.
- (2) The proposed location of the market and the names of any businesses which the market will front.
- (3) If such businesses are not participating in the market, a copy of the notice sent to such businesses of the market, its location and duration.
- (4) The proposed dates of the market and its hours of operation.
- (5) The number of vendors involved in the market, their names, and permanent addresses.
- (6) The type of merchandise to be sold.
- (7) A certificate of insurance demonstrating compliance with all insurance requirements. The amount and type of liability insurance to be required shall be determined by the city's finance director or designee and are hereby, by reference, made a part of the permit application form.

(C91, § 23-20.10; O.13,023, 13,737, 15,104)

Sec. 102-559. - Issuance.

Upon the city clerk determining that a person or organization applying for farmers' or public market permit has complied with the terms of section 102-558 of this division; the chief of police, the city engineer, and, if a market is held in a park, the director of park and recreation and the park and recreation board agree that the proposed sale will not reasonably disrupt pedestrian and vehicular traffic in the area of the market; that no other application has been submitted which proposes a similar geographic location for the market; that the city ordinances will be obeyed in the conduct of the market; and upon payment of the appropriate fees, the city clerk shall issue a permit to conduct a farmers' or public market. If the permit is denied, the city clerk shall state the reason therefor on the face of the application and shall so inform the applicant. No farmers' or public market permit shall be issued for a market within any residential zone of the city.

(C91, § 23-20.11; O.13,023)

Sec. 102-560. - Appeal of denial.

Any farmers' or public market permit denial may be appealed to the city council within ten days of the denial by submitting a written request for appeal to the city clerk. The city council shall consider the denial at its next regular meeting and shall either affirm the denial or direct the city clerk to issue the permit upon receipt of the appropriate fees. The city council shall base its decision upon a review of the application, the reasons for denial, and any statements from interested parties. If more than one application has been submitted which proposes a farmers' or public market in similar geographic locations, the council shall consider the following criteria to determine which application to grant:

- (1) Experience in managing a farmers' or public market.
- (2) For what purpose the proceeds of the farmers' or public market will be used.

(C91, § 23-20.12; O.13,023)

Sec. 102-561. - Duration.

The farmers' or public market permit shall be issued in the name of the market manager and contain the dates of the sale and shall be valid through December 31 of the year in which the market is held.

(C91, § 23-20.13; O.13,023)

Sec. 102-562. - Fee.

- (a) The applicant for a farmers' or public market permit shall pay a permit fee to the city clerk at the time of filing the application in the amount set in the schedule of fees adopted by the city council by resolution.
- (b) In the event the application is withdrawn by the applicant or denied either initially or on appeal, either all or a portion of such fee in an amount set in the schedule of fees adopted by the city council by resolution shall be retained by the city to defray the administrative costs incurred.

(C91, § 23-20.14; O.13,023, 13,737; 14,174)

Sec. 102-563. - Market manager's responsibilities.

- (a) Under this division, the market manager's responsibilities shall be to:
 - (1) Contact the city engineer to arrange for the appropriate signs and/or barriers to control traffic and/or parking in the area of the market, including but not limited to obtaining street closing permits and any

CHAPTER 7

PUBLIC PROPERTY SPECIAL EVENT PERMITS

SECTION:

7-7-1: Applicability

7-7-2: Purpose And Intent

7-7-3: Definitions

7-7-4: Application And Permit Required

7-7-5: Application Requirements

7-7-6: Permit Review Process

7-7-7: Fees Required

7-7-8: Insurance Required

7-7-9: Appeal Procedure

7-7-10: Permit Revocation

7-7-11: Violations

7-7-12: Penalties

7-7-13: Exemptions

*Clive
Farmer's Markets
are considered
Special Events*

7-7-1: APPLICABILITY:

The following regulations shall apply to special event permit applications submitted to the city. (Ord. 996, 1-22-2015)

7-7-2: PURPOSE AND INTENT:

The public right of way in possession of the city is primarily for the use of the public. These regulations prescribe the condition through which special events of limited duration may be permitted to occur within the city that involve a request from an individual or organization to use city property or right of way in the conduct or promotion of the event, thereby creating an anticipated significant impact to the city property or right of way, such as increased vehicle or pedestrian traffic or the closure of a public street, and it is advisable or necessary to include city staff in the preparation, planning, coordination, and approval of the requested special event to promote the health, safety, and welfare of the general public and of the event participants or attendees. (Ord. 996, 1-22-2015)

7-7-3: DEFINITIONS:

The following words, terms, and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CITY: The city of Clive in the county of Polk and the county of Dallas, in the state of Iowa.

CITY PROPERTY: The land owned and maintained by the city.

PERSON: Any natural person, his or her heirs, executors, administrators or assigns, firm, partnership, association, corporation, company or organization, its or their successors or assigns, or the agent of any of them.

SPECIAL EVENT: Any organized and advertised gathering for the purpose of entertainment, recreation, competition, public rally, parade or public march, or festival purposes that will impact city services or public right of way.

STREET: That portion of the public right of way normally used for vehicular traffic and including the abutting sidewalk. (Ord. 996, 1-22-2015)

7-7-4: APPLICATION AND PERMIT REQUIRED:

A special event permit shall be required for all events that relate to the stated purpose and intent of this chapter. A special event permit must be timely applied for and issued by the city prior to the commencement of the event. It shall be unlawful for any person or organization to engage, sponsor, or participate in any event described herein without having first applied for and obtained a permit in accordance with this chapter. Receiving approval of a special event permit from the city shall not preclude, supersede, circumvent, or waive the applicant's responsibility to obtain any additional permits, licenses, and approvals for other applicable local, state and federal regulations. The city reserves the right to impose special guidelines and restrictions for any special event based upon the nature of the proposed event, the proposed location of the event, and the anticipated attendance of the event. The city also reserves the right to temporarily suspend other city code requirements for any special event based upon the particular event details. (Ord. 996, 1-22-2015)

7-7-5: APPLICATION REQUIREMENTS:

For any special event defined or described within this chapter, the following information, at a minimum, shall be submitted with the application to the city:

A. A written application for a special event permit shall be submitted to the city on a form provided by the city. The application must set forth the following information regarding the proposed special event:

1. The name, address, phone number, and e-mail address of the applicant(s) and sponsor(s) of the event and contact person(s).
2. If the proposed special event would be conducted for, on behalf of, or by an organization, the name, address and phone number of the headquarters of the organization and the authorized responsible heads of such organization.
3. The date(s) and duration of time for the proposed special event, specifically identifying the date(s) and duration of time for which the requested use of the city property or right of way would occur.
4. An accurate description of that portion of the city property or right of way proposed to be used, including a detailed map. The map should depict the requested location of any activities, structures, tents, barricades, parking, traffic control devices and personnel, signage, trash collection, and portable restroom facilities necessary for the proposed event.
5. The estimated number of participants or attendees.
6. The proposed type of special event, described in detail, including a description of the planned activities and the proposed location.
7. Whether the applicant has obtained or will obtain required permits for any of the following: the sale of alcoholic beverages, tents or inflatables, amplified sound, fireworks, temporary signs, and any applicable building permits.

B. After the initial filing of the application, city staff may request additional information from the applicant to determine whether a special event permit should be issued, including, but not limited to, a crowd control plan.

C. All other applications must be submitted not less than thirty (30) calendar days prior to the proposed start date of the special event, unless the city decides to waive the deadline. The city reserves the right to reject any applications that have not been timely submitted to the city.

D. Before the city decides to approve the special event permit, the city may require the applicant to provide notice of the proposed event to all affected neighboring property owners and known tenants. The city may also require the applicant to petition or canvass affected neighboring property owners and known tenants to ascertain whether there is sufficient support for the proposed event. Alternatively, the city may elect to provide the notification to the affected neighboring property owners and known tenants itself and the applicant shall then be responsible for reimbursing the city for the incurred costs. (Ord. 996, 1-22-2015)

7-7-6: PERMIT REVIEW PROCESS:

A. A team of city staff that consists of representatives from the following departments: fire/EMS, public works, city clerk, community development, leisure services, and police shall review special event applications, identify potential issues and concerns, and work with the applicant to propose possible solutions to resolve those identified issues and concerns. Additional city staff from other departments may assist with the review depending upon the details of the proposed event.

B. The leisure services department shall review special event permit applications for events held exclusively within a city park or greenway in accordance with city park policies, rules and regulations that do not require city staff from multiple departments as part of the planning or execution of the event and do not cause anticipated significant impact to nearby public streets or other city property.

C. City staff shall consider, at a minimum, the following criteria in reviewing the special event permit application. City staff reserves the right to consider additional criteria in its review as deemed necessary.

1. Whether the applicant provided all the necessary information.

2. Whether the applicant obtained necessary permits or provided information necessary to apply for required permits involving the sale of alcoholic beverages, tents or inflatables, amplified sound, fireworks, temporary signs, and any applicable building permits.

3. Whether the applicant previously held events of similar size and scope within the city, and if they have held previous events were they conducted in a manner that the city would be willing to allow the event to be held again. Have all fees associated with the previous event been paid in full and in a timely manner.

4. Whether the date, time, size, or location of the event would substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic in the vicinity of the event's location.

5. Whether the event would unduly interfere with proper access for fire and police protection and other emergency services.

6. Whether the estimated number of participants, attendees or the size or type of event or equipment is sufficiently large enough to require the closing of a public street, or if there is an alternative available to closing a public street.

7. Whether another special event permit has already been granted for substantially the same date, time, or location within the city.

8. Whether the size or time of the event would require so great a diversion of the city police department as to prevent normal police protection throughout the city or at another previously scheduled event in the city.

9. Whether city personnel necessary to regulate and monitor the event can reasonably be made available.

10. Whether the event is reasonably likely to cause injury to persons or property and if there is adequate planning for crowd control of participants or attendees.

11. Whether adequate sanitation or other health facilities will be available at the event.

12. Whether there is a sufficient number of parking places within a reasonable distance to accommodate the number of vehicles expected.

13. Whether the time, size or nature of the event is compatible with the normal activity at that location.

14. Whether the proposed use or event will likely have a significant adverse environmental impact.

15. Whether negative police reports or other reports of past activities held or sponsored by the applicant or in the same location merit a recommendation of denial.

16. If required, whether the applicant has obtained the necessary approval of neighboring residents or businesses.

17. Whether sufficient negative impact from the event on neighboring properties or individuals warrant denial of the application.

18. Whether the applicant, including its employees, agents and volunteers have violated city code provisions or city policies at past events.

19. Whether the applicant has timely paid the city all fees due and owed under any city code provision or city policy.

D. The approval or denial of a completed application by the city review team shall be made to the applicant as soon as reasonably practicable.

E. Where the applicant seeks or where the city staff recommends lane closure(s) of arterial or collector streets within the city, as those streets have been classified by the DOT, such permit may be issued only by the city council. City staff shall be responsible for the issuance of all other special event permits unless otherwise provided in this chapter. (Ord. 996, 1-22-2015)

7-7-7: FEES REQUIRED:

A. The applicant for a special event permit shall pay the applicable nonrefundable application fee in the amount set in the schedule of fees the city council has adopted by resolution. The application fee must be paid at the time of submittal of the application.

B. If the permitted event will require the use of any city equipment, facilities, or services, the applicant shall pay the estimated costs for the use of the city equipment, facilities, or services in advance of the event if the city requests advanced payment be made, or the city may direct the applicant to pay the actual costs for the use of the city equipment, facilities, or services following the event within thirty (30) calendar days of billing by the city.

C. Where the applicant requests or city staff recommends city sponsorship/cosponsorship of an event which would include full or partial waiver of application and related fees, the proposed fee waiver must receive city council approval. All other applications may be approved through city staff review, unless otherwise provided in this code. (Ord. 996, 1-22-2015)

7-7-8: INSURANCE REQUIRED:

A. The applicant shall be responsible for obtaining insurance coverage for the special event, in types and amounts as determined by the city. The applicant shall also provide the city with a certificate of insurance, naming the city as an additional insured, sufficiently in advance of the scheduled event.

B. The applicant must also sign a hold harmless and indemnification agreement with the city in which the applicant holds the city harmless and indemnifies the city of any negligent, reckless, or intentional act attributable to the applicant or the applicant's officials, employees, agents, or volunteers. (Ord. 996, 1-22-2015)

7-7-9: APPEAL PROCEDURE:

A. City staff's decision to approve or deny a special event permit or deny city sponsorship of an event may be appealed to the city council by making a written request to the city clerk. The appeal will be placed on the agenda for the next available council meeting.

B. After receiving the appeal and considering any submitted comments, the city council shall affirm, reverse, or modify the decision of city staff. The decision of the city council shall be the final determination as to whether or not the city approves the special event permit. (Ord. 996, 1-22-2015)

7-7-10: PERMIT REVOCATION:

A special event permit for any event in progress may be revoked and the event terminated by the chief of police, fire chief, city manager, or their respective designees, if the safety of the public is imminently endangered by activities generated during the event or weather conditions at the time of the event, the participants or attendees engage in violent or destructive behavior causing injury to person or damage to property, or if there is a major violation of the conditions of the permit such that the standards of issuance have not been satisfied. (Ord. 996, 1-22-2015)

7-7-11: VIOLATIONS:

No person shall violate any of the provisions of this chapter, and specifically shall not commit any of the following unlawful acts:

A. No person shall hold, sponsor, or be in charge of any activity for which a special event permit is required without possessing a valid special event permit.

B. No person shall violate any condition placed upon a special event permit.

C. No person shall provide false or inaccurate information on a written application for a special event permit. (Ord. 996, 1-22-2015)

7-7-12: PENALTIES:

Any person who violates or resists the enforcement of any of the provisions of this chapter shall be guilty of a simple misdemeanor or a municipal infraction punishable by a civil penalty of five hundred dollars (\$500.00) for the initial offense and seven hundred fifty dollars (\$750.00) for each repeat offense. Any person who violates a provision of this chapter after having previously been found guilty of violating the same provision of this chapter at the same location, shall be guilty of a repeat offense. Seeking a civil penalty as authorized in this section does not preclude the city from seeking alternative relief, including, but not limited to, any order for abatement or injunctive relief from the court in the same action or as a separate action. (Ord. 996, 1-22-2015)

7-7-13: EXEMPTIONS:

A. Nothing in this chapter shall be construed as requiring a special event permit for the following:

1. Funeral processions.

2. Events conducted entirely on the property of a church, educational institution, college or university campus. However, this type of event may require a temporary site plan that would need to be approved through the community development department with the city.

3. Events conducted on city owned property subject to a contract, lease, or agreement. However, this type of event may require a temporary site plan that would need to be approved through the community development department with the city.

4. Events conducted entirely on property containing an occupied private residence. (Ord. 996, 1-22-2015)

CITY OF CUMMING

APPLICATION TO SERVE ON A CITY BOARD OR COMMISSION

Name: Jordyn Hill Occupation: Recorders Clerk - Polk County Recorder

Address: 8988 42nd Ln Cumming, IA 50061

Best Phone Number to Reach You: 515-473-5835

Email: jordynmhill@live.com

How long have you been a resident? Cumming resident since October 2015

- I am interested in serving on the following Board/Commission:

Planning and Zoning Board Member

List Board/Commission you currently serve on: Parish Council - St. John's the ^(7 years) Apostle Catholic Church

List Board/Commission you have served on in the past: Norwalk Library Board (5 years)

Describe why you are interested and what knowledge and/or experience you have that would be beneficial to the community.

- I have been a Cumming Resident for over 4 years and before that was a Norwalk Resident for 26 years, born & raised. I saw information about the opening on the Planning & Zoning Board on the Cumming Facebook page. I would like to be considered for the Board Member position.

- I have previously worked in the Insurance industry at Nationwide Insurance for 5 years. I also held a position at Principal in finance, before accepting a position for Polk County in the Real Estate Division within the Recorders Office. I have been with Polk County for 5 1/2 years.

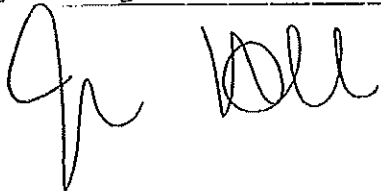
- My position within the Recorders Office is a Recorders Clerk - I am responsible for making sure that the real estate documents meet formatting standards. I am the platting specialist - I look through all platting materials for new subdivisions and condominiums. That work includes working on city easements, restrictions, ordinances, resolutions, any and all documents that are recorded in the county for a new subdivision plats. I work on and record 100-150 new plats a year.

- I have previously sat on the Library Board in Norwalk. I was on the Norwalk Library Board for 5 years until I moved out of city limits to Cumming.

- I am also on the Parish Council at St. John's the Apostle Catholic Church. I have been on the board for almost 7 years and have organized several fundraiser events both big and small. I have been the head of several sub-committees - specifically with the current plan for expansion.

I am passionate about my community and would love the opportunity to contribute by way of the Planning & Zoning board member.

Signature



Date

2/27/2020

Please return to:

Cumming City Hall
PO Box 100, 649 N 44th St, Cumming, IA 50061
cityclerk@cumming-iowa.com

CITY OF CUMMING

APPLICATION TO SERVE ON A CITY BOARD OR COMMISSION

Name: John Botts Occupation: IT Systems Administrator

Address: 3013 Cumming Ave., Cumming, IA 50061

Best Phone Number to Reach You: 515-577-1915

Email:
johnwbotts@hotmail.com

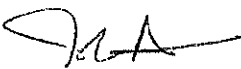
How long have you been a resident? 4.5 years, since June 2015

- I am interested in serving on the following Board/Commission: Planning & Zoning

List Board/Commission you currently serve on: Madison County Sportsmen's Club / Secretary

List Board/Commission you have served on in the past: _____

Describe why you are interested and what knowledge and/or experience you have that would be beneficial to the community: I moved to Cumming, as I was looking for someplace that reminded me of where I grew up. Cumming is in a perfect place for commuting, yet getting away from the big city. I want to be a part of Cumming's growth and planning. I am a very detail-oriented person, and I have a great interest in building and development. I want to represent the Cumming residents, as well as my family, and myself with integrity. Other than myself and my immediate family living here, I have no other ties to Cumming that would influence me to act other than in the community's best interests.


Signature

02/28/2020
Date

Please return to:

Cumming City Hall
PO Box 100, 649 N 44th St, Cumming, IA 50061
cityclerk@cumming-iowa.com

City of Cumming

APPLICATION TO SERVE ON A CITY BOARD OR COMMISSION

Name: Andrea Murphy Occupation: retired
Address: 2825 N. Birch Ave. Cumming, IA 50061
Best Phone Number to Reach You: (515) 491-2152
Email: AFM9171@aol.com
How long have you been a resident? 1 1/2 years

- I am interested in serving on the following Board/Commission:

Planning and zoning commission

List Board/Commission you currently serve on: n/a

List Board/Commission you have served on in the past: n/a

Describe why you are interested and what knowledge and/or experience you have that would be beneficial to the community: We are fairly new to the Cumming area, but fell in love with country life immediately. We plan on staying here for the foreseeable future, and want to make a difference in our area. I have a bachelors of science in education, am very approachable and care for my neighbors. We raised 3 very strong and independent children, and my husband is an executive at Wells Fargo. I have free time and am willing to help Cumming grow positively.

Thank you -

Andrea Murphy

Signature

Date

2-27-20

Please return to:

Cumming City Hall
PO Box 100, 649 N 44th St, Cumming, IA 50061
cityclerk@cumming-iowa.com