

NOTICE OF PLANNING & ZONING COMMISSION REGULAR MEETING

City of Cumming
June 23, 2020 – 7:00 p.m.
Cumming City Hall*
649 N 44th Street
Cumming, Iowa 50061

- I. ROLL CALL**
- II. APPROVAL OF AGENDA** as presented and/or amended.
- III. CONSENT ITEMS**
 - A. May 26, 2020 Meeting Minutes
- IV. PUBLIC COMMENT**
- V. ACTION/DISCUSSION ITEMS**
 - A. Peddlers/Mobile Food Units/Special Event Permits
 - B. Farmers Markets
 - C. Board Member Applicant Discussion
- VI. UPCOMING PLANNING & ZONING MEETING:**
 - A. Regular meeting – July 28, 2020 at 7:00 p.m. at City Hall
- VII. ADJOURN**

*This meeting may also be held electronically through the Zoom App. If you would like to participate or view this meeting please download the app and choose "Join Meeting" up to 10 minutes prior. The meeting ID is: 885 5446 8486. Password: 891575. If you would like to join by telephone please call: 312-626-6799 and enter the Meeting ID and Password when prompted.

Please keep your microphone muted unless you are called upon to speak during public comment. The standard rules of order apply during this meeting.

If have any questions about the operation of this app or how to join please contact City Hall at 515-981-9214 by 3:30 p.m., Tuesday, June 23rd.

City of Cumming
Planning & Zoning Commission Regular Meeting
May 26, 2020

The City of Cumming Planning and Zoning Commission held scheduled meeting on May 26, 2020 at 7:00PM. The meeting was held virtually with Zoom Meeting.

The Meeting was called to order by Chair, Brad Hopkey, at 7:07PM.

I. ROLL CALL

Present: Brad Hopkey, Karen McKinney, Matt Daniels, Jill Stanford, Donald Paulin, Holly De Hamer

Absent: Ethan Roos

II. APPROVAL OF AGENDA

McKinney moved – Daniels second – unanimously approved

III. CONSENT ITEMS

2/25/20 meeting minutes

McKinney moved – Daniels second – unanimously approved

IV. ACTION/DISCUSSION ITEMS

A. Chapter 40 Public Peace - Noise

The Commission reviewed examples from multiple cities and recommended updating the City Ordinance to include additional requirements for streets included and noise.

Stanford moved – Daniels second – unanimously approved

B. Chapter 55 Animal Protection and Control

The Commission reviewed examples from surrounding communities. Discussion to consider updating City Ordinance 55.08 and adding control to the number of animals and sanitation. Motion to update similar to verbiage in Norwalk's 55.17.

McKinney moved – Daniels second – unanimously approved

C. Peddlers/Mobile Food Units/Special Event Permits

Discussion only. Mobile food units are not specifically defined in the current City Ordinance, so the current code 122.06 requires a transient merchant fee at \$25 per day. Commission reviewed examples from Clive Chapter 3 and consider narrowing down to mobile food units. Karen, Jill and Don will review Mobile Food Unit examples and regroup in city hall to make progress.

D. Farmers Market

Discussion only. Holly, Matt and Brad will review examples and regroup in city hall to continue to make progress.

V. UPCOMING PLANNING & ZONING MEETING

Regular meeting – June 23, 2020 at 7PM at Virtual

VI. ADJOURN

McKinney moved – Stanford second – unanimously approved

Adjourned 8:45 PM

City of Cumming
Planning & Zoning Commission Regular Meeting
October 22, 2019

The City of Cumming Planning and Zoning Commission held scheduled meeting on October 22, 2019 at 7:00PM. The meeting was held at the City Hall located at 649 N. 44th St. Cumming, IA.

The Meeting was called to order by Chair, Brad Hopkey, at 7:04PM.

I. ROLL CALL

Present: Brad Hopkey, Brent Highfill, Holly De Hamer, Ethan Roos, Karen McKinney, Matt Daniels

Absent: Jill Stanford (Arrived at 8:05PM)

II. APPROVAL OF AGENDA

McKinney moved – Highfill second – unanimously approved

III. CONSENT ITEMS

9/24/19 meeting minutes

Highfill moved – Roos second – unanimously approved

IV. ACTION/DISCUSSION ITEMS

A. Chapter 155 Building Regulations – updating to reference the building code used by our inspector.

Roos Moved – McKinney second – unanimously approved

B. Peddlers/Mobile Food Units/Special Event Permits – Rachele to talk to the building inspector about how to regulate inspecting and come back with costs.

We agreed to use Clive as a base with edits. Rachele to bring back a working copy at the next meeting.

Farmer's Markets/special events will be a separate ordinance.

UPCOMING PLANNING & ZONING MEETING

Regular meeting – November 19, 2019 at 7PM at City Hall

V. ADJOURN

McKinney moved – Highfill second – unanimously approved

Adjourned 8:30PM

Clive

CHAPTER 3**SOLICITORS AND MOBILE FOOD UNITS**

SECTION:

4-3-1: Purpose**4-3-2: Definitions****4-3-3: Solicitor Regulations And Requirements****4-3-4: Mobile Food Units****4-3-5: Unlawful Acts****4-3-6: Suspension Or Revocation Of License****4-3-7: Penalty****4-3-1: PURPOSE:**

The purpose of this chapter is to protect residents against fraud, protect them from intrusion into the privacy of their homes, and to ensure the safety of the residents by licensing and regulating solicitors and mobile food units. (Ord. 1030, 3-23-2017)

4-3-2: DEFINITIONS:

APPROVED EVENT: A larger event, such as a farmers' market, music festival, or similar activity that has been approved by the city through a public property special event permit, a temporary use permit (on private property) or a block party permit. An approved event would also include events within a city park with the approval of the director of leisure services or their designee.

CATERED EVENT: For the purposes of this title, any event where a business or entity has requested the mobile food unit to provide food for a targeted audience and where the food is served to the customers within a building, structure, or facility and not directly from the mobile food unit, or where the business or entity requesting the service is paying for the food in a single lump sum payment rather than individual patrons paying for their food themselves.

CATERING BUSINESS: A business, social or home catering service providing food and incidental services for a social affair, event, or for a private dwelling, which does not engage in the sale of food or beverage to individually paying patrons.

MOBILE FOOD UNIT: Any type of annually licensed food establishment that is a readily movable vehicle (on wheels), that is self-propelled (driven), or can be pulled or pushed to a location and used for the vending of food or beverage items to the public.

MOBILE FOOD UNIT CLASSIFICATION: The type of mobile food unit based upon the type of menu items being served and preparation and storage requirements for the defined menu items based upon the Iowa department of inspections and appeals mobile food unit guide.

MOBILE FOOD VENDOR: A person engaged in the business of selling food or beverages from a mobile food unit.

PERSON: Natural persons, corporations, firms, and organizations of any description, whether acting in person or through agents, employees, or other persons.

PUSHCART: A nonself-propelled mobile food unit that is pushed or pulled by the mobile food vendor to a location and serves a limited offering of food or beverage items.

SOLICITOR: Any person who initiates or attempts to initiate personal contact with other persons at or near residences or businesses, including upon private driveways, parking lots, or public sidewalks in an apparent effort to solicit or attempt to solicit monies or orders for goods, services, subscriptions, or merchandise to be delivered immediately or at a future date.

STATE LICENSING LEVEL CLASSIFICATION: The Iowa department of inspections and appeals has established four (4) classification levels for mobile food vendors that will be referenced as a part of this chapter. There are more requirements for each of the levels but in general the levels are as follows:

A. Class I: Nonrefrigerated vending units that serve only intact, nonpotentially hazardous commercially prepackaged food and beverages. Examples include chips, crackers, cookies, soda, and sweets in manufacturer's packaging.

B. Class II: Refrigerated or hot vending units that serve potentially and nonpotentially hazardous commercially prepackaged foods from an approved source. Examples include packaged sandwiches, ice cream bars, individually wrapped and cooked hot dogs. No cooking is allowed as part of a class II unit.

C. Class III: Units that serve potentially and nonpotentially hazardous packaged food and unpackaged foods with limited assembly. These units are limited to precooked foods from an approved source that may be reheated on the unit. Examples include pushcart operations, packaged salads, hot dogs, shaved ice.

D. Class IV: Units that serve potentially and nonpotentially hazardous foods that are prepared, cooked, cooled or reheated and assembled on the unit. Examples include self-contained mobile food units, food trucks and any units that are capable of preparing and producing food items from precooked and/or raw products (meat, fish, poultry, plant foods and dairy products) to finished product for consumption.

TRANSIENT MERCHANT: Any person who engages in a temporary or itinerant merchandising business selling direct to the public from a temporary location or structure through a temporary association with a local property owner or business owner. The term "transient merchant", does not include mobile food vendors. Transient merchants shall be regulated by the provisions of the temporary use permit regulations within title 11, "Zoning Regulations", of this code unless defined and regulated elsewhere within this code. (Ord. 1030, 3-23-2017)

4-3-3: SOLICITOR REGULATIONS AND REQUIREMENTS:

Any person defined in section 4-3-2 of this chapter as a "solicitor", shall comply with the following requirements:

A. License Required: Any solicitor must procure a license as provided for herein. The term "person" as used herein includes natural persons, corporations, firms and organizations of any description, whether acting in person or through agents, employers, or other persons.

B. Application For License; Fee: An application in writing shall be filed with the clerk for a solicitor license under this chapter. Such application shall set forth the applicant's name, permanent address, local address and business address, if any. The application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three (3) places where such business was conducted and the length of time sought to be covered by the license. A nonrefundable application fee of twenty dollars (\$20.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein. The applicant and each individual who is to be working for or on behalf of the applicant shall submit a copy of his or her state issued photo ID or photo driver's license, to be retained by the clerk, and a report of criminal history data obtained from the Iowa department of public safety. Solicitors whose business is limited to hanging information on residence doors (referred to herein as "door hangers") shall not be required to submit a report of criminal history data.

C. License Fee: Each individual who is to be working for or on behalf of the applicant is required to pay the license fee. A license fee in the following amount shall be paid to the clerk, by the applicant, prior to the issuance of any license to cover the cost of issuance and policing during the licensing period:

All solicitors except door hangers:		
	1 day permit	\$ 20.00
	1 week permit (7 contiguous days)	100.00
Door hangers:		
	1 week permit (7 contiguous days)	30.00

D. Bond Required: Each applicant for a license required by this chapter shall, before the license is issued to the applicant, file with the clerk a personal surety bond in the amount of one thousand dollars (\$1,000.00), conditioned that the applicant shall comply with and observe the terms and conditions of all provisions of this code relating to solicitors, and will pay all costs, fines and penalties incurred on account of the applicant's failure to observe such provisions and will pay all damages resulting to any person by reason of such applicant's actions in violation of such terms and conditions. Notwithstanding the foregoing, solicitors whose business is limited to hanging information on residence doorknobs shall not be required to file a personal surety bond. (Ord. 1030, 3-23-2017)

E. License Issued: If the clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct, the application and license fee paid, and the Clive police chief or designee has reviewed and approved said application, a license may be issued. The license shall authorize the applicant to engage in the activities of a "solicitor" as defined in section 4-3-2 of this chapter (specified limitations may be applied) for the period

stated in the license, provided that nothing herein shall authorize any act or practice which is contrary to any law or ordinance. Upon expiration of the license, a new application shall be made and a new license may be issued in the same manner as the original license. (Ord. 1041, 6-8-2017)

F. Display Of License: Each person licensed under this chapter shall keep such license in possession at all times while doing business in the city and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter.

G. Character Of Applicant:

1. Evidence Of Good Character And Business Responsibility: In order to be considered for a license, the applicant shall provide in addition to the application required under this section:

a. The names, addresses and phone numbers of at least two (2) residents of the city of Clive who are not the applicant's employer, coworker, agent or relative (within 2 separations) and will certify as to the applicant's good character and business responsibility; or

b. In the alternative, the applicant shall provide other available evidence which attests to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such reputation and business responsibility.

2. Investigation: Upon receipt of the complete application as required by this section and either the information required under subsection G1a or G1b of this section the police chief or a designee shall investigate the applicant as deemed necessary for the protection of the public health, safety, welfare and good.

3. Unsatisfactory Character And Business Responsibility: If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory such that would harm the public good, the police chief may endorse on such application disapproval and state reasons for disapproval and return the application to the city clerk who shall notify the applicant in writing that the application has been disapproved, state the reasons for the denial, and the applicant's right to appeal under subsection G5 of this section.

4. Satisfactory Character And Business Responsibility: If, as a result of such investigation, the applicant's character and business responsibility are found to be satisfactory, the police chief may endorse approval on the application and shall return the application to the city clerk and the license may be issued under subsection E of this section.

5. Right To Appeal: Any applicant whose application for license was disapproved as under subsection G3 of this section may appeal to the city council at its next regularly scheduled meeting by filing with the city clerk a written request for an appeal to the city council at least seven (7) days prior to the meeting. As a result of this appeal, the city council may affirm, modify or reverse the decision of the clerk not to issue the license. If the application for license is denied, the applicant is not eligible for the issuance of a license under this chapter for a period of one year from the date of notification that the license application was disapproved, was served in person or deposited in U.S. mail.

H. License Not Transferable: Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application, for the period stated and approved in the license.

I. Hours To Do Business: All solicitor licenses shall provide that said licenses are in force and effect only between the following hours: Monday through Saturday, nine o'clock (9:00) A.M. to seven o'clock (7:00) P.M., and Sunday, one o'clock (1:00) P.M. to five o'clock (5:00) P.M. No soliciting shall occur on nationally recognized holidays. Any person found to be acting as a solicitor without a license, shall also be limited to these hours.

J. Solicitor License Exemptions:

1. Government Officers: Officers and employees of the United States, the state of Iowa, or any subdivision or agency thereof, while in the performance of their official duties.

2. Public Utilities: Representatives of any public utility lawfully doing business in the city, while acting in such capacity.

3. Route Salespersons: Route salespersons who call routinely on customers on a regular basis or on an established route.

4. Charitable Organizations: Any organization which is acting under the authority of chapter 504 of the code of Iowa, which has obtained tax exempt status under section 501(c)(3) of the internal revenue code, and if requested by the city to do so, provide documentation of 501(c)(3) status to the city.

5. Resale Or Institutional Use: Persons customarily calling on businesses or institutions for the purpose of selling products for resale or institutional use.

6. Nationally Recognized Nonprofit Organizations: Members of any Des Moines metro area Boy Scout, Girl Scout, Camp Fire, 4-H Club, FFA and similar nationally recognized nonprofit organizations, if the sales are to benefit the organization in its recognized operation and/or programs.

7. Community Improvement Or Benefit: Persons making door to door sales for the purpose of a community improvement or benefit, approved by the city council, on behalf of nonprofit, tax exempt organizations.

8. School Students: Students representing Des Moines metro area schools conducting projects sponsored by organizations and recognized by such schools.

9. Youth Sports Organizations: Des Moines metro area youth sports organizations.

10. Exercising Constitutional Rights: Persons going from house to house, door to door, business to business, street to street, or place to place where the activity is for the purpose of exercising that person's state or federal constitutional rights such as the freedom of speech, press, and religion. This exemption may be lost if the person's exercise of these constitutional rights are merely incidental to a commercial activity. (Ord. 1030, 3-23-2017)

4-3-4: MOBILE FOOD UNITS:

A. 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 within the corporate limits of the city of Clive without first obtaining a mobile food unit license from the city, in addition to any other state, federal, or county permits, certifications and licenses.

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

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

3. Although certain activities may be exempt from the licensing requirements of this chapter, any food service to the public in the city of Clive is expected to comply with all other local, county and state requirements for health inspections, licensing, safety and fire code requirements.

4. The following shall be exempt from this requirement:

a. Catering businesses.

b. Grilling and food preparation activities of brick and mortar establishments on the establishment's premises for immediate consumption by patrons or employees.

c. Concession stands associated with sports or recreational venues that have been approved as part of a site plan or permitted conditional use permit for the venue.

B. License/Inspection Fee(s): At the time of the submittal of a license application, the applicant shall pay to the city clerk the applicable license fee in addition to any applicable inspection fee(s).

1. The amount of the license and applicable inspections fee(s) shall be determined in accordance with an established fee schedule, which fee schedule may be modified from time to time with approval of the council.

2. 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.

C. Fire Department Inspection:

1. All mobile food units that have cooking facilities or use products with grease laden vapors (class III and class IV state licenses) shall be inspected by the fire department prior to initiation of business operations within the city.

2. Inspections are required annually and prior to issuance of a mobile food vending license. It shall be the obligation of the mobile food vendor to schedule the inspection with the fire department. Class I and II state license classifications are not required to meet this inspection requirement.

3. All class III and IV mobile food units shall have an acceptable fire suppression system, as determined by the Clive fire department.

4. Upon completion of the annual fire inspection, a certificate shall be issued to the applicant to verify completion of the fire inspection. Said certificate shall be kept in the vehicle during operation.

5. At the discretion of the Clive fire department, they may accept the inspection of the mobile food unit by another city's fire inspector to satisfy the annual inspection requirement. Applicant is obligated to contact the fire department to verify whether or not another community's inspection is adequate to fulfill obligation of city of Clive inspection requirements.

D. Mobile Food Unit Licensing Application:

1. **Filing:** Application requests shall be filed with the city clerk. 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, all of the required materials and information prescribed, and is accompanied by the appropriate fees.
2. **Timely Submittal:** Unless otherwise provided herein, applications must be submitted not less than ten (10) calendar 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.
3. **Applicant's Responsibility:** 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.
4. **Application Contents:** Application shall be made on a form provided by the city and shall include:
 - a. Full name of the applicant.
 - b. Applicant's contact information including mailing address, phone numbers and e-mail address.
 - c. State health inspection certificate with the classification level of the state license.
 - d. Description of the kitchen facilities, cooking facilities, preparation area, safety features (such as, but not limited to, suppression system) of the mobile food unit.
 - e. Photographs of the mobile food unit from the front, side and back.
 - f. Make, model and year of vehicle to be used and the license plate number.
 - g. Overall size of the vehicle; length and width.
 - h. Copy of fire department inspection certificate.
 - i. Fee.
5. **Character Of Applicant:** Upon receipt of the complete application as required by this chapter, the police chief or a designee shall investigate the applicant as deemed necessary for the protection of the public health, safety, welfare and good.
 - a. **Unsatisfactory Character And Business Responsibility:** If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory such that would harm the public good, the police chief may endorse on such application disapproval and state reasons for disapproval and return the application to the city clerk who shall notify the applicant in writing that the application has been disapproved, state the reasons for the denial, and the applicant's right to appeal under subsection D5c of this section.
 - b. **Satisfactory Character And Business Responsibility:** If, as a result of such investigation, the applicant's character and business responsibility are found to be satisfactory, the police chief may endorse approval on the application and shall return the application to the city clerk and the license may be issued.
 - c. **Right To Appeal:** Any applicant whose application for license was disapproved as under subsection D5a of this section may appeal to the city council at its next regularly scheduled meeting by filing with the city clerk a written request for an appeal to the city council at least seven (7) days prior to the meeting. As a result of this appeal, the city council may affirm, modify or reverse the decision of the clerk not to issue the license. If the application for license is denied, the applicant is not eligible for the issuance of a license under this chapter for a period of one year from the date of notification that the license application was disapproved, was served in person or deposited in U.S. mail.
6. **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.
7. **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.
8. **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.

E. Mobile Food Units On Public Property: No mobile food unit may be operated on public property except as part of an approved event under a public property special event permit issued by the city clerk's office or as authorized by the director of leisure services or their designee, within a city park or greenway. Requests for authorization to vend within a city park or greenway (not as part of a city permitted public property special event) may be submitted no less than five (5) days and no more than fifteen (15) days prior to the requested day of vending.

F. Unattended Mobile Food Unit: No mobile food unit shall be left unattended or stored on any site overnight, unless that property is under the ownership or control of (by way of a lease or other contractual agreement) the operator of the unit and is being done so in compliance with all other city code requirements or the mobile food unit is a participant in a multiple (contiguous) day, city permitted, public property special event. 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.

G. 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.

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

1. The mobile food vendor must obtain expressed written consent of the property owner or lessee to use the 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. Written consent does not excuse or permit the violation of any other imposable regulations.

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

3. Mobile food units shall only be allowed on nonresidential properties, except in the case of an approved residential block party or private catering arrangement, so long as it is in compliance with all other city code requirements related to residential property.

4. Mobile food units that are 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.

5. A mobile food unit operating on nonresidential property (excluding those operating as part of city permitted "public property special event") may only do so during the usual posted business hours of the consenting business(es) of the property the mobile food unit is utilizing or during the posted hours of the city park being utilized. Mobile food units may enter a nonresidential property in order to set up to conduct business up to one-half ($\frac{1}{2}$) hour (30 minutes) prior to the usual posted opening time of the corresponding business or city park and must depart from the property no later than one-half ($\frac{1}{2}$) hour (30 minutes) after the usual posted closing time of the corresponding business or city park. In the case of operating a mobile food unit on nonresidential property where the corresponding business(es) does not have usual posted business operating hours or operates on a twenty four (24) hour type basis, the mobile food unit may not remain on the premises for longer than eighteen (18) hours and must depart for at least six (6) hours before reentering unless operating under an approved public property special event permit.

6. A mobile food unit operating on nonresidential property as part of a city permitted public property special event may only do so during the granted time period for the event.

7. Mobile food units must maintain a minimum separation between units of fifteen feet (15').

8. Mobile food unit operation is not a generally acceptable use of a nonresidential parking lot and may only be allowed if doing so does not diminish the usable number of parking spots within the lot to below the minimum threshold needed as established by the city site plan for the property. It is the joint responsibility of the property owner or lessee and mobile food unit owner to ensure that this provision is not violated. Exceptions to this rule may be applied for by way of a city approved temporary site plan amendment.

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

10. The mobile food unit must be located on a paved surface, unless approved as part of a public property special event permit or through a temporary site plan amendment.

11. No mobile food unit may be located on a vacant property or lot with a vacant building. Exceptions to this rule may be granted by city staff after a review of the particular property and the vendor has been able to make arrangements to ensure safe and sanitary conditions. This would include, but is not limited to: employee access to restrooms, adequate access for fire and police personnel/vehicles, and that the site in general is free from hazards or dangerous conditions.

12. No mobile food unit may operate within one hundred feet (100') of a permanent restaurant or business offering food or beverage services unless they receive expressed written consent of the restaurant or business owner.

13. All mobile food units shall maintain a minimum separation from buildings, five feet (5') for state IA class I and II units and fifteen feet (15') for state IA class III and IV units, as measured to the closest building element including awnings or canopies, tents or membrane structures. Location of the food unit shall not impede pedestrians entering or exiting a building.

14. The window or area where a patron orders and receives their purchase shall be located so as to not require a patron to stand, or create a line that may cause pedestrians to be in the public right of way, vehicle travel lane, including parking lot drive aisles, or similar situation that may create a potential safety hazard. Adequate safe space for patrons waiting for their order must be available on the property where the mobile food unit is located.

15. With the exception of pushcarts as allowed herein, no mobile food unit shall be placed on a public or private sidewalk. Pushcarts may locate on or adjacent to a private sidewalk or public sidewalk, including the Clive Greenbelt Trails, only as part of an approved public property special event permit. However, a minimum forty eight inch (48") open walkway must be maintained for passing pedestrians. The placement of the pushcart shall be in such a manner so as to minimize encroachment into the forty eight inch (48") walkway by patrons waiting in line for service from the pushcart.

16. 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. No freestanding signs, banners, flags, or similar items are allowed. Off premises signs directing patrons to the mobile food unit are prohibited.

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

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

19. 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, impeding entering and exiting from a building, creating a visual impediment for the motoring public at drive entrances, intersections, pedestrian crossings, or similar movement and access.

I. Property Owner/Lessee Responsibility: By allowing the mobile food unit on their property, the property owner or lessee jointly and severally with the vendor are responsible for compliance with this chapter and to ensure the safety of pedestrians and access of emergency vehicles to and around the site. Failure to do so could result in the property owner or lessee being party to any enforcement actions or penalties allowed by law. (Ord. 1030, 3-23-2017)

4-3-5: UNLAWFUL ACTS:

A. Fraudulent Representation/Harassment: No licensee shall falsely or fraudulently misrepresent the quality, character, or quantity of any article, item, or commodity offered for sale, or sell any unwholesome or tainted food or foodstuffs. No licensee shall harass, intimidate, coerce, or threaten any individual to induce a sale.

B. Failure To Maintain Licenses And Permits: 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. (Ord. 1030, 3-23-2017)

4-3-6: SUSPENSION OR REVOCATION OF LICENSE:

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

1. Grounds: The city clerk or clerk's designee may suspend or revoke any license issued under this chapter, for any of, but not limited to, the following reasons:

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

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

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

d. 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.

2. Notice Of Suspension Or Revocation; Right To Appeal: The clerk or clerk's designee shall cause notice of the license revocation to be served in person by a city official or by mail to the licensee's local address, which notice shall specify the reason(s) for such action, at which time operations of the licensee must cease within the corporate limits of the city of Clive. The licensee may appeal the revocation of the license to the city council at its next regularly scheduled meeting by filing with the clerk a written request for an appeal to the city council at least seven (7) days prior to the meeting. The city council may affirm, modify or reverse the decision of the clerk to revoke such license. If a license is revoked, no refund of any license fee paid shall be made. Upon the revocation of a license, the licensee is not eligible for

the issuance of a new license under this chapter for a period of one year from the date the license revocation is served in person or deposited in the U.S. mail. (Ord. 1030, 3-23-2017)

4-3-7: 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) or imprisonment not to exceed thirty (30) days and may also be punishable as municipal infractions subject to a civil penalty as set forth in the schedule of civil penalties in title 1, chapter 4, article A of 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. (Ord. 1030, 3-23-2017)

DIVISION 4. - FARMERS' OR PUBLIC MARKET

Sec. 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)

ec. 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)

ec. 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)

ec. 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)

ec. 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

Sec. 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 50001

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 Apostle Catholic Church (7 years)

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.

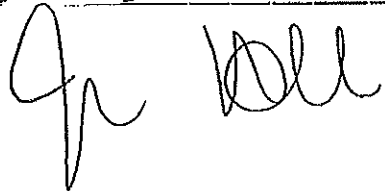
- I have previously worked in the Insurance Industry at Nationwide Insurance for 5 years. I also held a position at Principal in finance, before accepting a position for Polk County in the Real Estate Division within the Recorders Office. I have been with Polk County for 5 1/2 years.

- 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

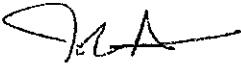
How long have you been a resident? 4.5 years, since June 2015

- 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.

 02/28/2020
Signature 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 I 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

2-27-20
Date

Please return to:

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