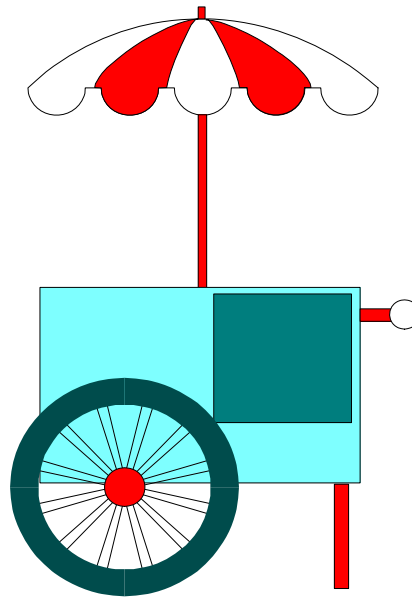


MUST BE RECEIVED, IN COMPLETE FORM, BY THE CITY MANAGER'S OFFICE NO LATER THAN 5:00 PM, SUNDAY, JANUARY 31, 2010.

**APPLICATION FOR A
2010 MOBILE VENDING CART PERMIT**

(Title 10, Chapter 5 - Code of Iowa City)



CART NAME

APPLICATION RECD _____

PROOF OF INSURANCE RECD _____

Questions should be directed to Kathi Johansen, City Manager's Office, at 319 356-5010.

APPLICATION FOR MOBILE VENDING CART PERMIT

Fees, vending locations, and other modifications are currently under review. Revisions will be made available to all applicants by January 31, 2010

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

1. **APPLICANT'S NAME:** _____

FIRST
LAST
2. **ADDRESS:** _____

STREET
APT #
CITY
ZIP CODE
3. **PHONE NUMBER:** _____
4. **HAVE YOU HELD A MOBILE VENDING PERMIT BEFORE?** YES _____ NO _____
5. **IF YES, NAME OF CART** _____ **NUMBER OF YEARS** _____
WAS CART OPERATED IN 2009 FOR THE FULL SEASON (MAY 1 – OCTOBER 1)? YES _____ NO _____
IF NO, REASON WHY NOT: _____
6. **PRODUCT(S) TO BE SOLD (LIST ALL OR ATTACH MENU):** _____

If I am selling food or drinks, I acknowledge that I have contacted the Johnson County Department of Health and have reviewed and will comply with the applicable health code requirements.

7. **ELECTRICAL APPLIANCE(S) TO BE USED:** (including portable radio and lights, if applicable). 110 volts available – 20 amp circuits. _____
8. **WILL YOU BE UTILIZING FUEL TO POWER EQUIPMENT?** YES _____ NO _____
9. **WILL YOU BE USING A CHARCOAL GRILL?** YES _____ NO _____

10. **HOURS OF OPERATION:**
Your vending cart must be in operation a *minimum of thirty-six hours per week*. Twenty-seven of the required thirty-six hours of operation are specified in the table below. In addition to the hours specified, you must also vend an additional three hours per day on Monday, Tuesday and Wednesday. In the table below please fill in the additional three hours your cart will be in operation on each of those days.

MON	TUES	WED	THURS	FRI	SAT
11a - 2p	11a - 2p	11a - 2p	11a - 2p	11a - 2p	11a - 2p
			5p - 8p	5p - 8p	5p - 8p

This will be the mandatory schedule you agree to operate during the entire vending season which is May 1 to October 1. (You are allowed to operate as many additional hours as you choose—this merely indicates the **minimum**.)

11. **IF ANY, MONTHS OF OPERATION IN ADDITION TO THE MINIMUM:** (Minimum is May 1 to October 1) _____
12. **LOCATION OF OVERNIGHT CART STORAGE:** _____
13. **DESCRIPTION OF CART:** Attach photographs or color drawing of proposed cart. Also, please provide dimensions of cart (length, width, height of counter, height of entire cart including any awnings or umbrellas) in addition to materials to be used. Details of proposed signage must also be submitted. All carts must be equipped with a 5# multi-purpose fire extinguisher.

14. INDEMNIFICATION AGREEMENT

The applicant agrees to:

Pay on behalf of the City all sums which the City shall be obligated to pay by reason of any liability imposed upon the City for damages of any kind resulting from use of public property and the public right of way, whether sustained by any person or persons, caused by accident or otherwise and shall defend at its own expense and on behalf of the City any claim against the City arising out of the use of public property and the public right of way.

Applicant agrees to provide the certificate of insurance to the City by the last working day prior to the first day of vending operation.

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

Applicant: Return completed application to:

City Manager's Office
City of Iowa City
410 E. Washington Street
Iowa City, Iowa 52240

Any questions can be directed to the City Manager's office at 319-356-5010.

Signature of Applicant

Date

APPEAL RIGHTS

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

FOR CITY USE ONLY:

NOTICE OF DECISION GRANTING OR DENYING THE APPLICATION

The application is approved. _____

The application is denied because _____

City Manager or Designee

Date

ADDENDUM TO APPLICATION FOR MOBILE VENDING CART PERMIT

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

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

Name of Partner

% share in partnership distribution

Name of Partner

% share in partnership distribution

Name of Partner

% share in partnership distribution

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

Name of Shareholder

% of stock owned

Name of Shareholder

% of stock owned

Name of Shareholder

% of stock owned

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

Name of Member

Membership interest

Name of Member

Membership interest

Name of Member

Membership interest

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

ADMINISTRATIVE RULES GOVERNING MOBILE VENDORS (REV. 11-09)

Section 10-5-9 of the Code of Ordinances of the City of Iowa City provides that the City Manager may establish administrative rules for mobile vending. Reference to the "City" in the following administrative rules and procedures shall mean the City Manager or his/her appointed designee.

I. APPLICATION

Applications for Mobile Vending Permits must be submitted on the form provided by the City that can be obtained from the Office of the City Manager. Application for mobile vending permits must be submitted to the office of the City Manager no later than January 31 of the calendar year for which said permit is desired. The City will notify each applicant as soon as possible whether the application has been approved. The City will limit the number of mobile vendor permits to eight (8) or fewer with vending locations on City Plaza (6) and Iowa Avenue (2). Applications received after January 31 of any year will be kept on file and may be considered in the event a current permittee elects not to operate or has his/her permit revoked. However, the City may elect to permit fewer than eight (8) vendors to operate and therefore not assign a replacement.

Applicants must contact the Johnson County Health Department prior to submission of the City application to review health code compliance requirements. The Health Department is located at 1105 Gilbert Court, Iowa City. Phone is 356-6040 ext 117.

II. REQUIREMENTS

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

- a. A mobile vending location is available which will not interfere the free movement within the emergency/service lane.
- b. The applicant's proposed mode of operation will not impede the free flow of pedestrian traffic along the public right of way or in or out of adjacent properties.
- c. The applicant agrees to operate the applicant's business only at assigned mobile vending locations.
- d. The dimensions of the applicant's vending cart shall not exceed a size of four feet (4') wide by nine feet (9') long by eight feet (8') high.
- e. The applicant has adequate storage for the mobile vending cart off the City Plaza or public right of way.
- f. The applicant has obtained all necessary permits required by the county department of health.
- g. All applicable fees have been paid.
- h. The application is fully completed and executed.
- i. The indemnification agreement has been signed.
- j. A certificate of insurance showing compliance with this section has been provided.
- k. The application contains no material falsehood or misrepresentation.
- l. The applicant has not damaged city property, and if the applicant has, the damage has been paid in full, and the applicant has paid all other outstanding and unpaid debts to the City.
- m. The applicant has complied with applicable laws concerning the sale or offering for sale of any goods or services.
- n. The use or activity intended by the applicant is not prohibited by law.
- o. No other mobile vendor permit has been issued for substantially the same food or beverage product.

Note that because there are only eight permits available, permits are granted based on seniority. If the applicant is not a natural person (for example, a partnership, an LLC, or a corporation) and if the applicant has had a mobile vendor permit previously, the applicant will not retain its seniority if there has been a substantial change, as determined by the City, in the stock ownership, membership interest, or partnership distribution.

III. FEES AND CHARGES

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

Mobile vending permit annual fee is \$750—payable in three equal installments of \$250. The first payment is due May 1, and the remaining installments are due June 1 and August 1.

The use of an electrical hook-up must be requested on the application and be approved by the City. The City will charge \$15 per month to the vendor for electricity. Payment to cover the cost of electricity during the mandatory season (May 1 to October 1) shall be made to the City either in full (\$75) with the first vending permit fee payment or may be paid in three equal installments of \$25 along with the vending permit fee. If a vendor chooses to operate additional months, the electrical fee in the amount of \$15 per extra month is due the first day of every month.

“Late” payment notices will be issued to vendors in the form of a “Notification of Vending Cart Non-Compliance.” All fees must be paid within ten (10) days following due date or the permit will be revoked. The first notice will be issued the day after the due date. The second will be issued five (5) days after due date at which time notice of revocation of the vending permit will be sent to the permittee effective on the 10th day of violation. (Please see Section VI for further details regarding revocation of a permit).

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

IV. OPERATIONAL POLICIES

1. Mobile vending carts may operate seasonally or year-round but must be in operation at least from May 1 to October 1. Each vending cart must be operational during normal business hours. Mandatory minimum operational hours for food carts are 11:00 a.m. - 2:00 p.m. Monday through Saturday and 5:00 p.m. - 8:00 p.m. Thursday, Friday, and Saturday. Monday, Tuesday, and Wednesday, vending carts must operate an additional three hours each day (to be decided by the permit holder). The City Manager’s office is to be informed of that schedule prior to initiation of operation for the vending season. In summary, carts will operate a minimum of six hours per day, excluding Sunday.
2. Mobile vending carts must be **entirely** self-contained with no storage of items on the ground or on benches, planters, or other fixtures. This includes no external ice storage containers.
3. Permittees must take proper care to ensure that no grease or other substances are spilled or allowed to drip on the ground; and, if this accidentally occurs, ensure prompt and complete clean-up. All carts must be equipped with a 5# multi-purpose fire extinguisher.
4. Operators must privately dispose of all wastepaper and other waste materials. The City-owned trash receptacles are for the general public and your patrons. Waste from carts must be disposed of by private means and not in any publicly-provided waste receptacles.

V. ADDITIONAL REQUIREMENTS

1. Failure to comply with all appropriate laws may result in revocation of the vendor’s permit. Selected items from the City Code are listed below:
 - a. Specific locations have been designated within the boundaries of City Plaza and Iowa Avenue for the operation of mobile vending carts. Each mobile vending permit shall carry with it the authorization to operate at one or two (2) designated locations. Any deviation during special events must be requested by the vendor and approved in advance by the City. The vendor may sell in transit if a customer request is made, provided the primary trade shall be conducted at one of the designated locations.

- b. The dimensions of the applicant's vending cart shall not exceed a size of four feet wide by nine feet long by eight feet high (4' x 9' x 8').
 - c. The applicant shall store the vending cart off City Plaza and Iowa Avenue and shall describe the provisions for storage in the permit application. All carts must be removed from their vending locations at the end of the each vending day.
 - d. The applicant shall obtain and display all necessary permits required by the Johnson County Department of Health. (A copy must be supplied to the office of the City Manager prior to operation).
 - e. The sale, transfer, or assignment of a mobile vending permit is expressly prohibited.
2. Vendors who do not comply with applicable State statutes, City ordinances, or administrative rules promulgated by the City will be informed of their violation in the form of a "Notification of Vending Cart Non-Compliance" and may result in revocation. Each violation will be specifically taken into account during the next season's permit review process.

Certain minor violations, as determined by the City, may be cited informally to a vendor and not regarded as a violation of record if said violation is a first-time occurrence and is corrected immediately by the vendor.

VI. REVOCATION OF A PERMIT

1. The City Manager or designee, or City Council if issued following an appeal may revoke a mobile vending permit if:
 - a. It is determined by the Chief of Police or Fire Chief that, by reason of disaster, public calamity, riot or other emergency, the public safety requires such revocation.
 - b. The permittee has misstated any material fact in the application.
 - c. There is a substantial and material variance between the information in the application and the actual facts or those facts which appear reasonably to have occurred.
 - d. The permittee is operating a mobile vending cart in violation of the terms of the permit.
 - e. The permittee's insurance has been canceled.
 - f. The permittee violates any administrative rules.
2. A permittee may appeal the revocation in the same manner as appealing the issuance or denial of a permit.

Upon revocation of any vending permit, a pro-rated portion of the permit fee, based on the time of revocation during the normal vending season (May 1 to October 1), less 20% of the annual fee will be returned to the vendor. Any amount owed to the City at the time of revocation shall be withheld in addition to the above-referenced 20% of the annual fee.

VII. MINIMUM INSURANCE REQUIREMENTS

The applicant shall agree to indemnify, defend, and save harmless the City of Iowa City as provided in Section 10-3-5A. The applicant shall, at all times, maintain a policy of liability insurance in the **minimum amount** of **\$300,000** for **personal injuries** and **\$50,000** for **property damage** arising out of the permitted operation. The applicant shall submit to the City Manager, prior to vending, a copy of the liability insurance policy naming the City of Iowa City as certificate holder and must be executed by a company authorized to do insurance business in the State of Iowa on a form approved by the City Clerk. The policy shall further provide thirty (30) day notice of cancellation or material change to the City Clerk. Such cancellation or change without written approval shall be a basis to revoke the permit.