

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



Business Name

APPLICATION RECD _____

PROOF OF INSURANCE RECD _____

Questions should be directed to the City Clerk's Office, at 515-239-5105.

APPLICATION FOR MOBILE VENDING VEHICLE PERMIT-ICE CREAM

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

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

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

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

PERMANENT STREET APT# CITY State ZIP CODE

BUSINESS STREET APT# CITY State ZIP CODE

4. **EMAIL ADDRESS:** _____

5. **PHONE NUMBER(S):** _____

6. Attach a brief description of the activity to be permitted, including the nature of the applicant's business and the goods or services to be offered.
7. Attach copy of applicant's government issued photo identification and or driver license. If driving is required for operating under this permit, then a valid driver's license will be required.
8. Attach a typed description of any and all vehicles, including license plate numbers to be used.
9. **DESCRIPTION OF MOBILE VENDING VEHICLE:** Attach a photo of your mobile vending vehicle as it appears today, or a picture of the proposed vehicle. Details of proposed signage must also be submitted.

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

11. **HAVE YOU HELD A VENDING PERMIT BEFORE?** YES _____ NO _____

12. **LOCATION AND HOURS, IF HELD PRIOR:** _____

13. **IF YES, NAME OF VEHICLE** _____ **NUMBER OF YEARS** _____

WAS IT OPERATED IN THE PREVIOUS YEAR FOR THE FULL SEASON? YES _____ NO _____

14. **REQUESTED LOCATION(S) OF OPERATION AND HOURS:** _____

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

16. INDEMNIFICATION AGREEMENT

The applicant agrees to:

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

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

- 18.** Applicant acknowledges that it must compile with all applicable Federal and State laws and City ordinances, including reporting of sales taxes.
- 19.** 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 Clerk's Office
City of Ames
515 Clark Street
Ames, Iowa 50010

Any questions can be directed to the City Clerk's office at 515-239-5105.

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 twenty (20) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than the next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code.

FOR CITY USE ONLY:

NOTICE OF DECISION GRANTING OR DENYING THE APPLICATION

The application is approved. _____

The application is denied because _____

City Manager or Designee

Date

ADDENDUM TO APPLICATION FOR VENDING PERMIT NOT NATURAL PERSON

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

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

_____	_____
Name of Partner	% share in partnership distribution
_____	_____
Name of Partner	% share in partnership distribution
_____	_____
Name of Partner	% share in partnership distribution

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

_____	_____
Name of Shareholder	% of stock owned
_____	_____
Name of Shareholder	% of stock owned
_____	_____
Name of Shareholder	% of stock owned

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

_____	_____
Name of Member	Membership interest
_____	_____
Name of Member	Membership interest
_____	_____
Name of Member	Membership interest

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

5. In what State was this entity established: _____

ADMINISTRATIVE POLICY GOVERNING MOBILE VENDING VEHICLE (2-2015)

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

I. APPLICATION

Applications for Vending Permits must be submitted on the form provided by the City that can be obtained from the Office of the City Clerk or on the City website at www.cityofames.org. Applications for vending permits must be submitted to the office of the City Manager. The City will notify each applicant as soon as possible whether the application has been approved. The City has the right to deny permits for all types of vending permits that do not meet the requirements for pedestrian and vehicular traffic flow.

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

II. REQUIREMENTS

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

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

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

III. FEES AND CHARGES

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

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

IV. OPERATING POLICIES ON PUBLIC RIGHTS OF WAY FOR VENDING

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

V. VENDING PERMIT TERM:

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

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

VII. REVOCATION OR DENIAL OF A PERMIT

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

- 1) It is determined by the Chief of Police or Fire Chief that public safety requires such revocation or denial.
- 2) The application is incomplete;
- 3) The application is determined to be fraudulent, to include a misrepresentation, or to contain a false statement;
- 4) The applicant has had a permit revoked by the City for any reason within the preceding two (2) years;
- 5) The permittee is operating a vending operation in violation of the terms of the Permit.
- 6) The permittee's insurance has been canceled.
- 7) The permittee violates any Requirements or Operating Policies of the Vendor Permit Administrative Policies.
- 8) A Vending Permit may be revoked by the City Manager, or designee, at any time, without advanced notice, for any violation of this ordinance, other City of Ames ordinances, or State or federal laws or to evaluate or ensure the safety of the community.

VIII. TEMPORARY SUSPENSION

- 1) A permit may be temporarily suspended, if it is determined by the Chief of Police or Fire Chief that, by reason of disaster, public calamity, riot, or other emergency, the public safety requires such suspension. A temporary suspension may also be issued due to any of the items noted in Division III, 9.

- 2) As stated elsewhere, a temporary suspension may be issued due to a special event or celebration on public right-of-way.

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

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

X. APPEAL PROCESS: Any party aggrieved by the City Manager's or designee's decision to deny, revoke, or issue a permit may appeal the determination to the City Council if, within twenty (20) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than its next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code. Upon such hearing, the City Council may, based upon the standards enumerated herein, reverse, affirm or modify in any regard the City Manager's or designee's decision. The City Council's decision is the final decision.

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