

ORDINANCE NO. 6590

AN ORDINANCE TO AMEND CHAPTER 3.58 MOBILE FOOD VENDORS OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 3.58.060 "LICENSE FEE" AND SECTION 3.58.070 "RENEWAL".

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

SECTION 1. That Chapter 3.58 Mobile Food Vendors of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 3.58.060 "License Fee" and Section 3.58.070 "Renewal" to read as follows:

3.58.60 License Fee

An application for a license under this article shall be accompanied by a nonrefundable processing fee as listed in the Schedule Of Fees in CBMC 2.08 for each motor vehicle, trailer, cart or other piece of mobile equipment to be utilized in the business. An additional nonrefundable processing fee as listed in the Schedule Of Fees in CBMC 2.08 shall be paid by a mobile food vendor who will be primarily doing business within the boundaries of any business improvement district located in whole or in part within the area zoned C4 under the CBMC 2.08. If such additional fee is paid, such fact shall be noted on the mobile food vendor's license. A mobile food vendor may primarily do business within such area only upon exhibiting a license showing payment of the additional fee. The additional fees paid under this section shall be forwarded by the city over to the said business improvement district, to offset expenses incurred by the district for cleaning, security, sanitation, and other mobile food vendor-associated maintenance expenses within the boundaries of the said district.

HISTORY

Repealed & Reenacted by Ord. 6402 on 10/21/2019

3.58.070 Renewal

A license issued under this article shall expire on December 31 of each year, unless renewed for the following year by the permittee. The permittee shall renew the license for the following year by filing with the Director, by December 31, a registration updating or confirming the information provided in the immediately preceding license application or registration. The registration shall be on a form provided by the Director. At the time of registration, the permittee shall pay a renewal fee as listed in the Schedule Of Fees in CBMC 2.08 per year for each motor vehicle, trailer, cart, or other piece of mobile equipment to be utilized in the business. An additional renewal fee as listed in the Schedule Of Fees in CBMC 2.08 shall be paid by a Mobile Food Vendor who will be primarily doing business within the boundaries of any business improvement district located in whole or in part within the area zoned C-4/Commercial District under the Council Bluffs Municipal Code. If such additional fee is paid, such fact shall be noted on the receipt or other documentation of renewal issued to the Mobile Food Vendor. A Mobile Food Vendor may primarily do business within such area only upon exhibiting a receipt or other documentation showing payment of the additional fee for that year. The

additional fees paid under this section shall be forwarded by the City over to the said business improvement district, to offset expenses incurred by the district for cleaning, security, sanitation, and other Mobile Food Vendor -associated maintenance expenses within the boundaries of the said district.

HISTORY

Repealed & Reenacted by Ord. 6402 on 10/21/2019

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

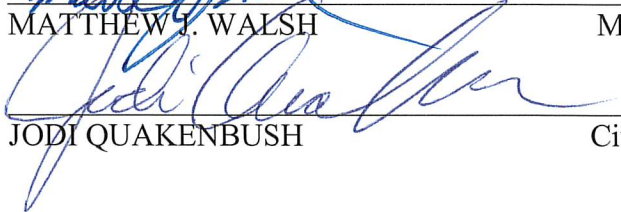
SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its publication, as by law provided.

PASSED
AND
APPROVED

November 13, 2023.



MATTHEW J. WALSH Mayor



JODI QUAKENBUSH City Clerk

Attest:

First Consideration: 10-23-23
Second Consideration: 11-13-23
Public Hearing: N/A
Third Consideration: waived

Proof Of Publication

State of Iowa

Pottawattamie County

I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

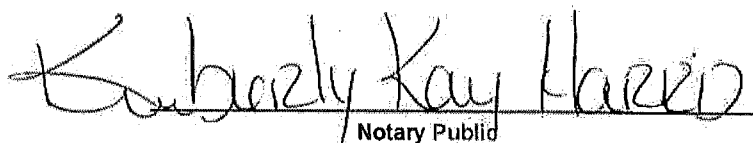
The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 25th day of November, 2023.



Billing Representative

Sworn to and subscribed before me this 25th day
of November, A.D. 2023.



Notary Public

State of Virginia
County of Hanover
My Commission expires _____

Kimberly Kay Harris
NOTARY PUBLIC
Commonwealth of Virginia
Reg. No. 356753
Commission Exp. Jan. 31, 2025

CITY OF COUNCIL BLUFFS
209 PEARL ST.
COUNCIL BLUFFS, IA 51503

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jquakenbush@councilbluffs-ia.gov

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SECTION 1. That Chapter 3.58 Mobile Food Vendors of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 3.58.060 "License Fee" and Section 3.58.070 "Renewal" to read as follows:
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HISTORY
Repealed & Reenacted by Ord. 6402 on 10/21/2019
3.58.070 Renewal

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HISTORY
Repealed & Reenacted by Ord. 6402 on 10/21/2019

For complete copy of Ordinance, see City Clerk's Office.
ADOPTED AND APPROVED November 13, 2023.
MATTHEW J. WALSH, Mayor

Attest: JODI QUAKENBUSH, City Clerk
2023 (11) 25-1 Saturday

Council Communication

Department: City Clerk
Case/Project No.:
Submitted by:

Ordinances 6583, 6584, 6585, 6586, 6587 as
amended, 6588, 6589, 6590 and 6591
ITEM 5.A.

Council Action: 11/13/2023

Description

Ordinances 6583 through 6591 amending Title 3, Business Regulation and Licenses as shown in Council packet.

Background/Discussion

The City Clerk and the City Legal Department recently reviewed the current code of Chapter 3 of the Council Bluffs Municipal Code ("Business Regulations and Licenses"). Many of the proposed changes are simply deleted code sections that we have not had any further inquiry for licensing within at least the last 15 years. Some code sections are better placed in other section of the Code and under direction of other City departments. Additionally, we are removing all fees from being specifically named within separate ordinances and chapters of the Code, with the intent to have them all placed into our Schedule of Fees (2.08) in order to allow for periodic review and updating along with other fees. This will allow for simple changing of the Schedule Of Fees rather than each separate ordinance.

Also please note, changes to Chapter 3.31 and Chapter 3.32 are addressed in separate items before this Council by Community Development.

City Clerk Comments

A lot of these sections were implemented in 1882-1928 and have never been updated, so they are outdated and not enforced today.

Summary of the changes:

Deleting sections, Bail Bonds, Handbills, Public entertainment, Endurance Contests, games and amusement, Miniature Golf, Motion picture theaters, pool and billiard halls, public building and halls and vehicles for hire.

We haven't issued a taxi cab permit in several years and not something we have enforced. It is my understanding we can not regulate the rideshare type of transportation (Uber, Lyft, etc.)

We have combined the Handbills, Solicitor and Transient Merchant into one permit, Solicitors permit.

Recommendation

Approval is recommended.

ATTACHMENTS:

Description	Type	Upload Date
Title 3 Redline	Other	10/16/2023
Ordinance 6583	Ordinance	10/17/2023
Ordinance 6584	Ordinance	10/17/2023
Ordinance 6585	Ordinance	10/17/2023
Ordinance 6586	Ordinance	10/17/2023
Ordinance 6587 as amended 10-23-23	Ordinance	10/24/2023
Ordinance 6588	Ordinance	10/17/2023
Ordinance 6589	Ordinance	10/17/2023
Ordinance 6590	Ordinance	10/17/2023
Ordinance 6591	Ordinance	10/17/2023