

ORDINANCE NO. 1159

AN ORDINANCE REGULATING THE SALES OF FOOD, ALCOHOLIC BEVERAGES, MERCHANDISE, SERVICES AND THE PROVISION OF ENTERTAINMENT IN CHARLES CITY, IOWA, ON JULY 28 and 29, 2022

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLES CITY, IOWA:

Section 1: Purpose

The purpose of this ordinance is to provide rules, regulations and restrictions concerning the sale of food, merchandise, services and alcoholic beverages, and the provision of outdoor entertainment within the City of Charles City on July 28 and 29, 2022, on which dates the City anticipates receiving 16,000 to 20,000 visitors participating in the RAGBRAI event. This ordinance and the rules, regulations and restrictions contained therein, are enacted for the protection of the health, safety and welfare of both the participants in the RAGBRAI event as well as the citizens of Charles City, Iowa.

Section 2: Food, Merchandise and Service Sales

A. Except as provided in Section 10 of this ordinance, no person or organization shall provide or sell food, beverages, merchandise or services to the public in the City of Charles City on July 28 and 29, 2022, without first obtaining a permit from the City of Charles City by application on a form provided by the City and delivered to the office of the City Clerk in City Hall. All such applications for permits shall be received by the Clerk's office on or before July 1, 2022, in order to receive consideration.

B. Each applicant must pay a fee at the time of application in the following amounts:

1. Vendor without electricity: \$300 for non-profit or local business vendors, \$600 for for-profit vendors and \$100 for existing business expansion. Local business will be any business located within the Charles City Community School district area.

2. Vendor with electricity: \$450 for non-profit and local business vendors, \$750 for for-profit vendors and \$250 for existing business expansion

3. A \$100 application/clean up deposit is required of all vendors.

If an application is rejected, the fee will be refunded to the applicant.

C. The permit for sale of food, services and merchandise shall be given for a particular location and sales authorized by this permit are restricted to the designated location. All permit holders shall obtain appropriate permits pertaining to the sale and dispensing of food for consumption and shall comply with all rules, regulations and laws of the City of Charles City, State of Iowa, and the Iowa Department of Health.

D. All RAGBRAI permit holders are responsible to leave their assigned areas in good order, with all trash, garbage, and associated items to be picked up and removed at the time of departure, but no later than the 29th day of July, 2022. If after inspection the City determines that the assigned area is properly cleaned, the deposit of \$100 will be refunded. If not properly cleaned, the \$100 deposit will be forfeited to the City to help defray the cost of clean-up by the City.

E. Vendors cancelling before July 1, 2022 will be refunded all funds except the \$100 application/clean up fee. All cancellations after July 1, 2022 are non-refundable.

Section 3: Outdoor Sale of Alcohol Beverages

No outdoor sale of alcoholic beverages shall be allowed without first obtaining a permit from the Department of Alcoholic Beverages by application on a form provided by the City and presented to the City Clerk on or before July 1,

2022. All sales of single-serving beverages shall be in non-glass containers. Permit holders are required to comply with all state laws and regulations and all local ordinances. Each permit holder is required to provide security personnel with training as defined by Subsection 4 of Section 123.32 of the Code of Iowa and in numbers sufficient to ensure that peaceful conduct is maintained on the permitted premises.

Section 4: Outdoor Entertainment

All outdoor entertainment shall comply with all rules, regulations and ordinances of the City of Charles City. The following rules shall also apply to outdoor entertainment

1. All entertainment shall cease on or before 11:59 p.m. on July 28, 2022.
2. Decibel level created by the entertainment shall not cause unreasonable distress to surrounding residents.
3. The entertainment shall not interfere with entertainment being conducted in another approved location.

Section 5: Designation of Charles City RAGBRAI Committee as Agent to review and approve permits

The City of Charles City delegates to the Charles City RAGBRAI Committee responsibility for the review and approval or rejection of permit applications, and the determination of vendor location. The Charles City RAGBRAI committee shall have sole discretion to decline to issue a permit for any reason, provided, however, that no applicant for a permit shall be denied based upon the race, creed, color, sex, age, or country of origin of the applicant, and provided that a permit applicant may appeal a decision of the Committee to the City Administrator, whose decision to issue or decline a permit shall be final. All permit fees required by this ordinance shall be payable directly to the Charles City RAGBRAI Committee and shall be retained by that Committee as compensation for its services. Each permit shall be issued by the City Clerk upon approval of an application by the Committee.

Section 6: Nuisance

The sale of food, services or merchandise, or the sale of beverages or the provision of live entertainment outdoors without a permit or in violation of any of the provisions of this ordinance is hereby declared to be a nuisance. Any member of the Police Department or any peace officer from another jurisdiction under the supervision of the Charles City Chief of Police is empowered to cause any offending food stand or outdoor entertainment or place where beverages are being dispensed in violation of this ordinance to be immediately dismantled and removed without further notice.

Section 7: Streets, Alleys and Parking

During the period beginning at 12:00 p.m. (noon) on July 27, 2022, and concluding at 5:00 p.m. on July 29, 2022, the Charles City Police Chief is authorized to suspend existing parking and traffic regulations and to temporarily close public streets and alleys. The Chief of Police is authorized to and shall post all appropriate temporary signs to advise of temporary parking and traffic regulations or limitations and street or road closures that shall apply during the effective period of this ordinance.

Section 8: Use of Golf Carts and ATVs

On July 28, 2022, and July 29, 2022, members of the RAGBRAI committee or their designated agents may operate golf carts and ATVs on city streets and upon closed streets, alleys and upon public parking areas for 24 hours each day subject to the following requirements: Each driver must be over 18 years of age with a valid Iowa driver's license. Each driver shall abstain from consumption of alcohol during the period that he or she operates the golf cart and abstain from consumption of alcohol for at least 24 hours prior to the operation of a golf cart

on the public streets. Golf carts utilized by the RAGBRAI committee pursuant to this ordinance shall be inspected by the police department prior to the first day of use and each cart shall bear a clearly visible sign or emblem designating it as driven by the RAGBRAI committee. The RAGBRAI committee shall carry liability insurance that covers damages to persons or property arising from the operation of these carts with limits approved by the City Administrator. Each golf cart and ATV shall be equipped with a slow moving vehicle sign and a bicycle safety flag. No driver may operate a golf cart after sunset. No driver may operate an ATV after sunset unless such vehicle has operating headlights.

Section 9: Misdemeanor

It shall be a misdemeanor for any person to sell or supply food, services, beverages or merchandise within the City of Charles City on July 28 and 29, 2022, without first having obtained a permit in compliance with this ordinance.

Section 10: Exceptions to Permit Requirements

It shall not be a violation of this ordinance and no permit shall be required for a person to sell or supply food or beverages in Charles City on July 28 and 29, 2022 within the person's previously licensed premises, provided that the person was appropriately licensed by the State of Iowa for such activity as of June 1, 2022. Further, no permit shall be required to sell other merchandise or services within established retail businesses. But, a permit shall be required for all sales outside of a business location and for all sales made from temporary stands.

Section 11: Authority.

Any and all issues and appeals regarding this Ordinance shall be brought to the Charles City RAGBRAI Committee and the City of Charles City for resolution.

Section 12: Effect and Termination of Ordinance

This ordinance shall be in effect from and after its final passage, approval and publication as provided by law and shall terminate on July 30, 2022, at 5:00 p.m.

Passed and approved this 2nd day of May, 2022.

Dean Andrews, Mayor

ATTEST:

Trudy O'Donnell, City Clerk

CERTIFICATE

I, Trudy O'Donnell, City Clerk of the City of Charles City, Iowa do hereby certify that the above and foregoing Ordinance No. **1159** was duly published in the Charles City Press, a newspaper published daily in the City of Charles City, Iowa on the _____ day of May, 2022.

Trudy O'Donnell, City Clerk