

COUNCIL ACTION FORM

SUBJECT: APPROVAL OF VENDING ORDINANCE FOR RAGBRAI XXXVI

BACKGROUND:

On the evening of July 22, 2008, RAGBRAI® (Register's Annual Great Bicycle Ride Across Iowa™) will have an overnight stop in Ames. It is anticipated that as many as 25,000 riders and others will be involved in the activities planned for that day and evening. In order to facilitate the vending of both food and non-food items, the Ames RAGBRAI Event Organizing Committee is asking approval of the attached ordinance.

The RAGBRAI Event Organizing Committee is asking the City to approve this ordinance to require special vending permits for all those persons or entities wishing to set up a vending location **on public property** on the 22nd or the morning of the 23rd of July. A person or entity would need to apply for a permit through the Ames Convention and Visitors Bureau if any of the following conditions apply:

1. A vendor with an existing City of Ames vending permit wishes to move or establish a new location.
2. An existing licensed establishment serving food on its premises wishes to vend food from another location.
3. An existing exempt non-profit organization wishes to vend food or other items from a location other than its premises.
4. An existing vendor of non-food items wishes to vend on a premises other than its current location.
5. An entity wishes to vend just during the time period that RAGBRAI participants are in town.

The ordinance allows the Ames RAGBRAI Event Organizing Committee to control the locations for "official" vendors of both food and non-food items, and to establish fees to help defer the costs of hosting the overnight stop, estimated to approximately \$150,000. The Organizing Committee is working with ISU to set up a vending area to which those with permits will be assigned. The ordinance will also control the use of glass containers at RAGBRAI venues, and allow for the Ames Police Department to temporarily close portions of streets as safety concerns may dictate. The Ordinance would be in effect only for July 22 and a portion of July 23, 2008.

ALTERNATIVES:

1. The City Council may approve the attached ordinance as requested by the Ames RAGBRAI Event Organizing Committee. This action will allow the Ames Organizing Committee to pay for such things as entertainment and shuttle services without seeking further funding support from the City.
2. The City Council may deny this request. Failure to approve this request will not keep Ames from being an over night stop for RAGBRAI, but may lead to an additional request for funding from the Ames Organizing Committee.

MANAGER'S RECOMMENDED ACTION:

City staff has been advised that traditionally all cities that have hosted RAGBRAI as an over night stop have adopted an ordinance to allow for special vending permits during the stops. This allows local organizing committees to raise funds to defray the costs of hosting, and to control the locations of vendors for traffic flow and safety reasons.

The ordinance will allow for control of vending specially established to cater to the large numbers of visitors to our community due to RAGBRAI's over night stop. It will also allow for the further control of traffic as safety dictates during the overnight visit.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, and approve the ordinance being requested by the Ames RAGBRAI Event Organizing Committee. The ordinance will be in effect only on July 22 and the morning of July 23, 2008.

ORDINANCE NO. _____

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. This ordinance as amended is enacted to help city officials and citizens deal with the public health and safety problems create by the infusion of a large number of people into the City of Ames when the Des Moines Register's Annual Great Bicycle Ride Across Iowa™ (RAGBRAI®) arrives in Ames, Iowa on July 22, 2008, and departs on July 23, 2008.

Section Two. That Section 5.34 RAGBRAI - Miscellaneous Permits of the Code of Ordinances of the City of Ames, Iowa, be and the same is hereby amended to read as follows:

RAGBRAI Ordinance - Miscellaneous Permits

Sections:

- 5.08.010 Commercial Booth-Permit Required
- 5.08.020 Commercial Booth Fees
- 5.08.030 Commercial Booth Location
- 5.08.040 Health Regulations
- 5.08.050 Commercial Booth Non-Food - Permit Required
- 5.08.060 Commercial Booth Non-Food Fees
- 5.08.070 Commercial Booth Non-Food Location
- 5.08.110 Effective Period
- 5.08.120 Street Closings

5.01.010 COMMERCIAL BOOTH - PERMIT REQUIRED.

No person, club, group, organization, corporation or entity of any kind shall provide or sell food to the public in Ames on July 22, 2008 or July 23, 2008, unless said person or entity shall first obtain a Commercial Booth Permit from the Ames Convention and Visitors Bureau located at 1601 Golden Aspen Drive, Ames, Iowa. However, any person or entity which is a resident of Story County and in possession of a valid permit issued by the State of Iowa for the sale of food to be consumed on its premises as of July 22, 2008, or in possession of a current Iowa retail sales tax permit, shall be exempt from the requirements of this Section. For purposes of this Section, the Story County Pork Producers and the Story County Cattleman's Association shall each be deemed to be a resident of Ames. Also, any entity exempt from license requirements under state law is also exempt under this ordinance.

5.08.020 COMMERCIAL BOOTH FEES.

The fee for an Ames RAGBRAI vending permit shall be \$200.00 for Story County residents, and \$500.00 for those residing outside of Story County.

5.08.030 COMMERCIAL BOOTH LOCATION.

A vendor who has been granted an Ames Commercial Vending permit shall locate its temporary sale facility at a location to be determined by the Ames RAGBRAI Event Organizing Committee.

5.08.040 HEALTH REGULATIONS.

A person or entity issued a commercial booth permit pursuant to this Chapter (a RAGBRAI COMMERCIAL VENDING PERMITTEE herein) shall comply with the Iowa Department of Inspections and Appeals rules and regulations pertaining to the sale and dispensing of food for consumption on its premises. No beverage shall be served in a glass container at a RAGBRAI sanctioned event.

5.08.050 COMMERCIAL BOOTH NON-FOOD - PERMIT REQUIRED.

No person, club, group, organization, corporation or entity of any kind which is in business in Ames shall sell merchandise to the public on July 22, 2008 at a location other than its regularly-established place of business unless said

person or entity shall first obtain a Commercial Vending Non-Food Permit from the Ames Convention and Visitors Bureau located at 1601 Golden Aspen Drive, Ames, Iowa 50010. Those Ames businesses that operate only from their regularly established locations are exempt from the requirements of this section.

5.08.060 COMMERCIAL BOOTH NON-FOOD FEES.

The fee for an Ames Commercial Vending Non-Food permit shall be the same as the fees established in Section 5.08.020.

5.08.070 COMMERCIAL BOOTH NON-FOOD LOCATION.

A Commercial Booth Non-Food permittee who has been granted an Ames Commercial Vending Non-Food permit shall locate its temporary facility at a location to be determined by the Ames RAGBRAI Event Organizing Committee.

5.08.110 EFFECTIVE PERIOD.

The provisions of this ordinance shall be effective from 5:00 a.m. (local time) on July 22, 2008 until 12:00 noon (local time) on July 23, 2008.

5.08.120 STREET CLOSINGS.

During the effective dates of this ordinance and without prior Council approval regarding the blocking of any city streets, any Ames police officer, or those at their direction, may place barricades or road blocks in any City street, alley, or roadway to redirect vehicular traffic in order to enhance the proper and safe flow of bicycle and vehicular traffic within the City limits of City of Ames.

Section Three. PENALTY. A violation of any provision of this ordinance shall be a municipal infraction punishable by a civil penalty of not more than \$750.00 for each violation.

Section Four. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or party thereof not adjudged invalid or unconstitutional.

Section Five. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed this _____ day of _____, 2008.

Diane R. Voss, City Clerk
00971

Ann H. Campbell, Mayor