

COUNCIL ACTION FORM

SUBJECT: TEMPORARY ORDINANCE FOR RAGBRAI 2018

BACKGROUND:

On March 27th, the City Council received a report from City staff and the Ames Convention and Visitors Bureau (ACVB) regarding RAGBRAI. Ames will be an overnight stop for RAGBRAI from Tuesday, July 24th through Wednesday, July 25th. At the March 27th meeting, the City Council directed staff to prepare an ordinance making temporary modifications to Municipal Code to facilitate the event. Staff has prepared this ordinance and now presents it for consideration. The key points addressed in this temporary ordinance are as follows:

Suspension of Section 19.11 (Park Hours) to Provide Camping – The Municipal Code prohibits the use of City Parks between the hours of 10:30 p.m. and 6:00 a.m. The ordinance would temporarily suspend this section to allow camping in Brookside and Stuart Smith parks from Monday, July 23rd through Wednesday, July 25th. Although the registered riders will not enter the community until July 24th (Tuesday), registered support teams often send advance teams who camp the day prior to the arrival of riders to prepare their designated spots.

Suspension of Section 19.9 (Unlawful to Operate a Motor Vehicle in City Parks) – To facilitate the movement of people and equipment through the parks, it is requested that this blanket prohibition on operating motor vehicles in the parks be amended to temporarily allow the Parks and Recreation Director to designate certain people to be able to drive vehicles such as utility carts and golf carts in the parks.

Suspension of Division III, Chapter 22 (Vending) – It is anticipated that a variety of vendors will be recruited by the local RAGBRAI organizing committee to serve the campgrounds and entertainment areas. The existing provisions of *Municipal Code* provide for vending to occur on City streets, but do not lend themselves well to a short term event that is as spread out across the community the way RAGBRAI is. Additionally, the local RAGBRAI organizing committee anticipates incurring significant costs to provide services for the riders (utilities, advertising, toilets, entertainment, etc.) These costs must be recouped by the local organizing committee.

To facilitate this, RAGBRAI organizers recommend that overnight communities establish a special structure and fees for vendors. City staff has reviewed how RAGBRAI's model temporary ordinance would apply to specifically to Ames. Staff has identified below how those concepts could apply in Ames:

- a. For those who wish to vend during RAGBRAI, suspend the City's typical vending regulations and allow the local RAGBRAI organizing committee to issue permits, adopt fees, establish policies, and regulate locations and hours of sales. It is anticipated that fees to obtain a RAGBRAI Vending Permit would be several hundred dollars (compared to the City's Vending License fee of \$50). The fee for non-profit vendors (churches, civic organizations, etc.) would be less than the fee for for-profit vendors.

It should be noted that this would also supersede Parks and Recreation policies related to Vending in the parks. Vending that occurs in parks is not subject to the City's regulations related to vending on City's streets. Vendors in parks are subject to policies the Parks and Recreation Commission has adopted. Of note, vendors in parks are normally required to pay the City 10% of their revenues in exchange for the right to vend. This provision and any other park-specific vending policies would be superseded by the proposed temporary ordinance.

- b. Allow the existing licensed vendors that have established vending spaces to retain those spots without requiring a RAGBRAI vending permit. There are two caveats to this: First, existing Vending licenses are site-specific, so if an existing vendor in the City wishes to move locations to take advantage of the RAGBRAI crowds, that vendor would need to follow the special RAGBRAI vending permit process.

Second, the City's existing Vending ordinance states that vendors who are in locations where a special event is occurring may be prevented from using that space to facilitate the event. It should be noted that some RAGBRAI entertainment is proposed to be downtown, where existing Vending licensees have regular vending locations. These vendors may be required to move to accommodate the event, although the local RAGBRAI Committee may choose to contract with those vendors to be in the entertainment areas, subject to paying the RAGBRAI vendor fee. The ordinance also provides for the suspension of sidewalk cafes that are in conflict with the downtown entertainment areas.

- c. Require the local RAGBRAI organizing committee to use fees collected to finance only the expenses of hosting RAGBRAI. Additionally require that regulation of permits be done in a manner free from illegal discrimination. Require City Manager's Office review and approval for policies and fees, and review of any action to revoke, deny, or suspend a RAGBRAI Vending Permit.

Limitation on Temporary Outdoor Service Privileges – The model ordinance provided by RAGBRAI recommends that only the main alcoholic beverage garden organized by the local RAGBRAI organizing committee be permitted, and that local authorities do not approve other temporary outdoor service privilege requests during RAGBRAI.

The rationale provided by RAGBRAI for this restriction is two-fold: 1) A single large temporary beverage garden is less challenging to monitor and control than temporary beverage gardens spread throughout the community, and 2) RAGBRAI indicates that local establishments can expect increased business during RAGBRAI even without their own outdoor beverage gardens. Since the local organizing committee is incurring significant expenses to support the RAGBRAI event, it should be allowed to recoup its costs by directing RAGBRAI participants to the main beverage garden.

The City Council has also provided direction to staff to modify the Municipal Code on a permanent basis to remove the prohibition of bicycle riding on the Brookside walking paths (Section 19.12 - Bike Riding Prohibited in Certain Parks). That modification is not part of this ordinance, but will be brought to the City Council at its next meeting.

ALTERNATIVES:

1. Approve first reading of the attached ordinance, providing for temporary modifications to Municipal Code to facilitate RAGBRAI's visit through Ames on July 24-25, 2018.
2. Direct staff to modify the attached ordinance.
3. Do not approve the ordinance.

MANAGER'S RECOMMENDED ACTION:

Temporary modifications to the Municipal Code will help facilitate the activities and services associated with RAGBRAI's visit to Ames on July 24-25. The proposed ordinance has been prepared in accordance with the City Council's direction, and it is similar in nature to the model ordinance recommended by RAGBRAI organizers for overnight communities.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving first reading of the attached ordinance, providing for temporary modifications to Municipal Code to facilitate RAGBRAI's visit through Ames on July 24-25, 2018.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW CHAPTER 34 FOR THE PURPOSE OF ASSISTING CITY OFFICIALS AND THE RAGBRAI COMMITTEE IN MANAGING THE PROVISION OF SERVICES TO THE PUBLIC DURING THE OVERNIGHT STOP OF THE DES MOINES REGISTER'S ANNUAL GREAT BICYCLE RIDE ACROSS IOWA (RAGBRAI) ON JULY 24, AND 25, 2018, REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Chapter 34 as follows:

“Sec. 34.1. DEFINITIONS.

As used herein, the following definitions shall apply:

(1) “Food” shall include food products of all kind including food packaged for consumption off premises as well as meals prepared for consumption either on or off premises. Food shall also include beverages of every kind, including both alcoholic and nonalcoholic, except for water provided without cost to the consumer.

(2) “Person” shall include any individual person, club, group, organization, partnership, corporation, or entity of any kind.

(3) “RAGBRAI Committee” shall be defined as the Advisory Board and the Executive Committee as designated by the City of Ames and the Ames Convention and Visitors Bureau.

(4) “Vending Booth” shall mean any stand, cart, vehicle, trailer, or other structure at which a person exchanges goods or services for money. An individual person who moves from place to place while exchanging goods or services for money shall also be construed as a vending booth.

Sec. 34.2. RAGBRAI COMMITTEE POWERS.

The RAGBRAI Committee is hereby empowered to:

(1) Issue permits to any person engaged in the sale of food or goods to the public, whether for-profit or non-profit in nature, at any time on July 24, 2018, or July 25, 2018; and,

(2) Regulate the location, days and times of operation, and goods to be offered for sale at vending booths, and limit the number of permits issued; and,

(3) Establish appropriate fees, deposit requirements, insurance requirements, enhanced services such as electricity or water access, deadlines, and procedures for the issuance of permits, provided the fee for a person who operates a vending booth on behalf of a non-profit organization for non-profit purposes shall be less than the fee for a person who operates a vending booth on behalf of or as a for-profit entity; and,

(4) Revoke, deny, or suspend permits for vending, for any of the following reasons:
a. Failure to pay required fees; or,
b. Failure to comply with the procedures established by the RAGBRAI Committee for the issuance and maintenance of permits; or,
c. Failure to comply with applicable state or local public health regulations; or,

d. If, in the judgment of a person designated by the RAGBRAI Committee, the operation or continuing operation of a vending booth would constitute a public nuisance or threaten the safety of the public.

Sec. 34.3. RAGBRAI COMMITTEE POWERS RESTRICTED.

The RAGBRAI Committee shall:

(1) Use any funds collected through permits or fees established through this section to provide services to the participants in the RAGBRAI event, including but not limited to: drinking water, toilet facilities, solid waste disposal, security, utilities, entertainment, marketing, and promotion. Any funds collected that are not used for these purposes shall at the conclusion of RAGBRAI be paid to the City of Ames.

(2) Ensure that the issuance, revocation, denial, or suspension of permits shall be conducted in a fair and consistent manner, and in no instance shall be done on the basis of the color, creed, gender identity, national origin, race, religion, sex, or sexual orientation of the applicant or proprietor.

(3) Consult with and obtain approval from the City Manager or designee prior to establishing fees, regulations, and procedures, and prior to the revocation, denial, or suspension of any permit.

Sec. 34.4. VENDORS – PERMIT REQUIRED.

(1) No person shall provide or sell food or goods to the public in the City of Ames, Iowa on July 24, 2018, or July 25, 2018, at a location other than their regularly established place of business unless said person shall first obtain a permit from the RAGBRAI Committee, except those individuals who have obtained a Vending License pursuant to Division III of Chapter 22 of the Municipal Code (Vending) on or before April 1, 2018, and who continually maintain said license through July 25, 2018.

Sec. 34.5. OUTDOOR ALCOHOLIC BEVERAGE SERVICE AREAS.

The presence of approximately 20,000 additional people in Ames on July 24, 2018, many of whom may be consuming alcoholic beverages, has the potential to overwhelm local law enforcement personnel. Therefore, to ensure public safety, the City Council determines that there may be accepted and approved by the City no more than one application for a temporary outdoor alcoholic beverage service area within the City of Ames for July 24 through 12:00 noon July 25, 2018. The RAGBRAI Committee, or its designee, shall have the first right to apply to the City for such a license. However, if the RAGBRAI Committee fails to secure such an endorsement by June 30, 2018, the City Council shall have the option to consider applications from other applicants for an outdoor alcoholic beverage service area taking place during those dates. Any establishment that has, prior to the adoption of this Ordinance, obtained a license for an outdoor alcoholic beverage service area, where that license is valid for July 24 or July 25, 2018, shall be permitted to operate that outdoor alcoholic beverage service area pursuant to the terms of its license.

Sec. 34.6. VIOLATIONS - PENALTIES.

A violation of this Section shall be a municipal infraction, punishable by a fine of \$250.00 for each violation thereof.

Sec. 34.7. CERTAIN ORDINANCES AND POLICIES SUSPENDED.

(1) The provisions of this Ordinance shall supersede the policies of the Parks and Recreation Commission regarding vending in City parks.

(2) The provisions of Division III of Chapter 22 of the Municipal Code (Vending) shall be suspended and not enforced on July 24, 2018, or July 25, 2018, except for those individuals who have obtained a Vending License pursuant to that Division on or before April 1, 2018, and who continually maintain said license through July 25, 2018.

(3) For the purpose of facilitating entertainment activities in the public right-of-way, any Sidewalk Café Permit authorized pursuant to Division VII of Chapter 22 of the Municipal Code (Sidewalk Café Permits), which has been deemed to be in conflict with the entertainment planned by the RAGBRAI Committee, shall be suspended on July 24, 2018.

(4) For the purposes of providing camping areas and related facilities for RAGBRAI bicyclists staying overnight, Section 19.11 of Municipal Code (Park Hours) shall be suspended and not enforced on July 23, July 24, or July 25, 2018, for Brookside Park and Stuart Smith Park.

(5) For the purpose of facilitating the conveyance of supplies and equipment necessary for camping, vending, and other service functions within the parks, Section 19.9 of Municipal Code (Unlawful to Operate a Motor Vehicle in City Parks; Exceptions) shall be suspended and not enforced with respect only to persons designated by the Parks and Recreation Director on July 24, 2018, or July 25, 2018

Sec. 34.8. EFFECTIVE DATES.

(1) The provisions of this Ordinance shall be in effect upon adoption by the Ames City Council and remain in effect until 12:01 a.m. on July 26, 2018.

Section Two. All previous ordinances or parts of such ordinances in conflict with provisions of this Ordinance are hereby suspended.

Section Three. If any section, provision, or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole, or any section thereof, or part thereof, not adjudged invalid or unconstitutional.

Section Four. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

John A. Haila, Mayor