

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:

**CHAPTER 34
RAGBRAI**

“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 after the effective date of this Ordinance 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 after 4:00 p.m. 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