

COUNCIL ACTION FORM

SUBJECT: **TEMPORARY ORDINANCE FOR RAGBRAI 2023**

BACKGROUND:

On January 28, it was announced that Ames would be an overnight stop for the 2023 Register’s Annual Great Bicycle Ride Across Iowa (RAGBRAI), as part of the effort to recreate the original RAGBRAI route for the 50th year of the ride this summer. Riders will arrive on Tuesday, July 25 and depart on Wednesday, July 26.

Ames was an overnight stop for RAGBRAI XLVI in 2018. Prior to the 2018 ride, Discover Ames (previously the Ames Convention and Visitors Bureau) requested and the City Council approved a temporary RAGBRAI ordinance. The ordinance was developed based on a model ordinance provided by RAGBRAI organizers. It made modifications to Municipal Code to facilitate the event during the week of the ride, and it has remained in Chapter 34 of Municipal Code as an expired ordinance.

In the opinion of City staff, the 2018 ordinance worked well to accomplish its intent. With the announcement of Ames as an overnight town for RAGBRAI 50, staff consulted with Discover Ames and is presenting an ordinance to revise and reactivate the City’s RAGBRAI ordinance. 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, Gateway, Stuart Smith, and River Valley parks from Monday, July 24 through Wednesday, July 26. Although the registered riders will not enter the community until July 25 (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 allow the Parks and Recreation Director to temporarily 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, the temporary RAGBRAI ordinance provides the following regarding vending:

1. The City's typical vending regulations are suspended during RAGBRAI. Instead of the City issuing Vending Licenses during that period, the local RAGBRAI organizing committee is empowered to issue permits, adopt fees, establish policies, and regulate locations and hours of sales.

It should be noted that these changes also supersede Parks and Recreation policies related to vending in the parks, which are separate from the City's non-parks vending regulations. 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.

2. Existing licensed vendors that have established vending spaces are permitted to retain those spots without requiring a RAGBRAI vending permit. However, 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.

3. The local RAGBRAI organizing committee is obligated to use its collected revenues to finance only the expenses of hosting RAGBRAI.

Limitation on Temporary Outdoor Service Privileges – The temporary RAGBRAI ordinance provides that the main alcoholic beverage garden organized by the local RAGBRAI organizing committee is the only outdoor service area permitted during that time; other temporary outdoor service privilege requests during RAGBRAI would not be entertained.

The rationale provided in 2018 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.

ALTERNATIVES:

1. Approve first reading of the attached ordinance revising Chapter 34 of Municipal Code to facilitate RAGBRAI's visit through Ames on July 25-26, 2023.
2. Direct staff to modify the attached ordinance.
3. Do not approve the ordinance.

CITY MANAGER'S RECOMMENDED ACTION:

The temporary modifications to Municipal Code for RAGBRAI in 2018 were effective in facilitating the activities and services intended by organizers. That ordinance was based on the model ordinance provided by RAGBRAI organizers for use in other cities across Iowa. The ordinance remains in Municipal Code, although it is no longer in effect based on the dates specified in the ordinance.

City staff has consulted with Discover Ames, which is organizing the overnight stop in Ames for RAGBRAI. An ordinance has been prepared to revise and reactivate the RAGBRAI chapter of Municipal Code for the 50th RAGBRAI ride this summer. Staff believes adopting these changes shortly after the route announcement has occurred will allow for other steps in the planning process to take place in an efficient manner. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.

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 25, AND 26, 2023, 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 repealing Chapter 34 and enacting a new Chapter 34 as follows:

“Sec. 34.1. DEFINITIONS.

As used herein, the following definitions shall apply:

- (1) “Food” means food products of all kinds 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” means any individual person, club, group, organization, partnership, corporation, or entity of any kind.
- (3) “RAGBRAI Committee” means the Advisory Board and the Executive Committee as designated by the City of Ames and Discover Ames.
- (4) “Vending Booth” means 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 25, 2023, or July 26, 2023; 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 federal, 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 Chapter 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 be paid to the City of Ames at the conclusion of RAGBRAI.
- (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.

No person shall sell food or goods to the public in the City of Ames, Iowa on July 25, 2023, or July 26, 2023, 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 March 6, 2023, and who continually maintain said license through July 26, 2023.

Sec. 34.5. OUTDOOR ALCOHOLIC BEVERAGE SERVICE AREAS.

The presence of approximately 25,000 additional people in Ames on July 25, 2023, 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 has determined that no more than one application for a temporary outdoor alcoholic beverage service area within the City of Ames may be accepted and approved by the City for July 25 or July 26, 2023. 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 approval by June 30, 2023, the City Council may consider applications from other applicants for an outdoor alcoholic beverage service area for July 25 or July 26, 2023. 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 25 or July 26, 2023, 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 any provision of this Chapter shall be a municipal infraction, punishable by a civil penalty of \$250.00 for each violation.

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 25, 2023, or July 26, 2023, except for those individuals who have obtained a Vending License pursuant to that Division on or before March 1, 2023, and who continually maintain said license through July 26, 2023.
- (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 25, 2023.
- (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 24, July 25, or July 26, 2023, for Brookside Park, Stuart Smith Park, Gateway Park, and River Valley 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 on July 25, 2023, or July 26, 2023, with respect only to persons designated by the Parks and Recreation Director.

Sec. 34.8. EFFECTIVE DATES.

This Ordinance shall be in effect upon adoption by the Ames City Council and remain in effect until 12:01 a.m. on July 27, 2023.

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, and remain in effect until 12:01 a.m. on July 27, 2023.

Passed this _____ day of _____, 2023

Renee Hall, City Clerk

John A. Haila, Mayor