

Montgomery County, Iowa
ORDINANCE NO. 2009-_____

AN ORDINANCE ESTABLISHING REGULATIONS AND A PERMIT STRUCTURE FOR VENDORS DURING THE DES MOINES REGISTER'S ANNUAL GREAT BICYCLE RIDE ACROSS IOWA (RAGBRAI) IN THE UNINCORPORATED AREAS OF MONTGOMERY COUNTY

BE IT ENACTED by the Montgomery County Board of Supervisors:

SECTION 1. DEFINITIONS. For purposes of this Ordinance:

- (1) "Local Vendor" shall mean a vendor with a permanent address within Montgomery County, Iowa, on the date the vendor's application for a permit under this Ordinance is submitted.
- (2) "Out-of-county vendor" shall mean a vendor with a permanent address located outside of Montgomery County, Iowa, on the date the vendor's application for a permit under this Ordinance is submitted.
- (3) "Mobile vendor" shall mean either a local vendor or an out-of-county vendor who operates its sale facilities in whole or in part from wheeled or other moveable vehicles, including bicycles, wagons or push cart, and who may move its sale facilities from place-to-place.

1.1 FOOD AND BEVERAGE VENDOR AND NON-FOOD VENDOR-PERMIT REQUIRED. No person, club, group, organization, corporation or entity of any kind shall provide food or beverages to the public by sale or otherwise anywhere in the unincorporated areas of Montgomery County on July 19, 2009 or July 20, 2009, unless the person or entity shall have first obtained a food and beverage vendor permit from the entity closest to the proposed vendor site, i.e. Red Oak RAGBRAI 2009 Committee, Stanton RAGBRAI 2009 Committee, or Villisca RAGBRAI 2009 Committee. PROVIDED, HOWEVER, businesses in existence on July 1, 2009 in possession of a current applicable state, county or city permit for sale of food or beverages may sell food or beverages upon their licensed premises without obtaining a food or beverage vendor permit. HOWEVER, this provision does not allow such existing business to sell food or beverages off-site of the licensed premises, or on the public street or sidewalk abutting the licensed premises, without first obtaining a food and beverage vendor permit from the county.

1.2 LOCAL FOOD AND BEVERAGE VENDOR AND NON-FOOD VENDOR FEES. The fees for a local food and beverage vendor or a non-food vendor permit for a vendor booth shall be set by the nearest RAGBRAI committee.

1.3 OUT-OF-COUNTY FOOD AND BEVERAGE VENDOR AND NON-FOOD VENDOR FEES. The fees for an out-of-county food and beverage vendor booth without electrical service shall be set by the nearest RAGBRAI committee.

1.4 MOBILE VENDOR AND NON-FOOD VENDOR. A “sale facility” for purposes of this section is any device from which the vendor offers food, beverages or merchandise for sale or sells or delivers food, beverages or merchandise.

1.5 FOOD AND BEVERAGE LOCATIONS. A vendor who has been granted a Montgomery County food and beverage vendor permit shall locate its facility as such location within the unincorporated areas of Montgomery County as authorized by the Red Oak, Stanton and Villisca RAGBRAI 2009 Committees in their sole discretion and not on county Right of Way.

1.6 HEALTH REGULATIONS. A person or entity issued a food and beverage vendor permit pursuant to this ordinance shall comply with the Iowa Department of Health regulations pertaining to the sale and dispensing of food or beverages for consumption and any local Board of Health rules and regulations pertaining to same.

1.7 VENDOR FEE REFUNDS AND PERMIT TRANSFERS. Vendor fees shall not be refundable in whole or in part and are not transferrable.

1.8 GLASS CONTAINERS. To promote safety during RAGBRAI, all beverages sold in the unincorporated areas of Montgomery County, Iowa, by food and beverage vendors on July 19, 2009 and July 20, 2009, shall be provided in non-glass containers only. This requirement shall also apply to any existing business, restaurant, service station, grocery or other establishment selling or providing beverages on its premises for consumption offsite or in an outdoor setting open to the public.

1.9 NUISANCE. The sale or provision of food, beverages or merchandise or the erection of a temporary facility for the sale of such items without a RAGBRAI committee food and beverage vendor permit or non-food and beverage vendor permit on July 19, 2009 or July 20, 2009, in violation of the provisions of this ordinance is a nuisance as defined by state law. If law enforcement officers determine a nuisance to exist in violation of this ordinance, an emergency abatement procedure may be executed by any peace officer or those acting at the peace officer’s direction by causing the vendor’s permit to be confiscated and the illegal facility to be dismantled and removed. In this event, the peace officer or those acting at the peace officer’s direction shall provide an immediate notice to the offender of the violation or, alternatively, to relinquish the vendor’s permit. Failure or inability of the offender to immediately remedy the violation shall result in the emergency abatement procedure above.

1.10 VIOLATIONS-PENALTIES. Selling or providing food or beverage or merchandise to any person without the applicable permit on July 19, 2009 or July 20, 2009, or any other violation of this Chapter shall be a simple misdemeanor punishable by a maximum fine of \$500.00 and/or a maximum of 30 days in jail. Any fine or jail term

shall be levied upon or pronounced against either all persons signing the application for vendor's permit or the adult(s) apparently in charge of the vendor on-site at the time the violation is alleged to have occurred.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in effect on July 19, 2009 and July 20, 2009. The Ordinance shall be of no effect after July 20, 2009.

SECTION 3. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Montgomery County Board of Supervisors the ____ day of _____, 2009.

Chairman

ATTEST:

Joni Ernst, Montgomery County Auditor

I certify that the foregoing was published as Ordinance No. 200—9-_____ on the _____ day of _____, 2009.

Joni Ernst, Montgomery County Auditor

