

ORDINANCE NO. 051109-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF STANTON, IOWA, 2008, BY ADDING NEW SECTIONS ESTABLISHING REGULATIONS AND A PERMIT STRUCTURE FOR VENDORS DURING THE DES MOINES REGISTER'S ANNUAL GREAT BICYCLE RIDE ACROSS IOWA (RAGBRAI) IN THE CITY OF STANTON

BE IT ENACTED by the City Council of the City of Stanton, Iowa:

SECTION 1. NEW SECTIONS. The Code of Ordinances of the City of Stanton, Iowa, 2009, is amended by adding new sections in Title 3, Chapter 10, numbered 3-10-12 through 3-10-27, inclusive, entitled as shown in Section below, to assist the City in managing public health and safety problems anticipated by the large number of people to visit the City of Stanton when the Des Moines Register's Annual Great Bicycle Ride Across Iowa (RAGBRAI) visits in Stanton on July 20 2009.

SECTION 2: That Title 3 (Peddlers, Solicitors and Transient Merchants) of the Code of Ordinances of the City of Stanton, Iowa, is amended by adding new sections entitled as shown below which sections are adopted to read as follows:

3-10-12 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 Montgomery County, Iowa, on the date the vendor's application for a permit under this Ordinance is submitted.

3-10-13 FOOD AND BEVERAGE 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 City of Stanton on July 20, 2009, unless the person or entity shall have first obtained a food and beverage vendor permit from the Stanton 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 city.

3-10-14 LOCAL FOOD AND BEVERAGE VENDOR FEES. The fees for a local food and beverage vendor permit for a vendor booth shall be \$100.00 if the permit is obtained before June 12, 2009 and \$150.00 if the permit is obtained after June 12, 2009 and before July 1, 2009. No food or beverage vendor permits shall be issued after July 1, 2009.

3-10-15 OUT-OF-COUNTY FOOD AND BEVERAGE VENDOR FEES. The fees for an out-of-county food and beverage vendor booth shall be \$500.00 if the permit is obtained before June 12, 2009 and \$550.00 if the permit is obtained after June 12, 2009 and before July 1, 2009. No food or beverage vendor permits shall be issued after July 1, 2009.

3-10-16 FOOD AND BEVERAGE VENDOR LOCATIONS. A vendor who has been granted a Stanton food and beverage vendor permit shall locate its sale facility at such location within the City of Stanton as authorized by the Stanton RAGBRAI 2009 Committee in its sole discretion.

3-10-17 HEALTH REGULATIONS. A person or entity issued a food and beverage vendor permit pursuant to this Chapter 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 the same.

3-10-18 NON-FOOD VENDOR-PERMIT REQUIRED. No person, club, group, organization, corporation or entity of any kind shall sell or otherwise provide merchandise to the public on July 20, 2009 at a location other than the vendor's regularly-established place of business in the City of Stanton unless the person or entity first obtains a non-food vendor permit from the Stanton 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 merchandise, may sell merchandise upon their licensed premises without obtaining a non-food vendor permit. HOWEVER, this provision does not allow such existing business to sell merchandise off-site of the licensed premises, or on the public street or sidewalk abutting the licensed premises, without first obtaining a non-food vendor permit from the City.

3-10-19 LOCAL NON-FOOD VENDOR FEES. The fee for a local non-food vendor permit for a vendor booth shall be \$100.00 if the permit is obtained before June 12, 2009, and \$150.00 if the permit is obtained after June 12, 2009 and before July 1, 2009. No non-food vendor permits shall be issued after July 1, 2009.

3-10-20 OUT-OF-COUNTY NON-FOOD VENDOR FEES. The fees for an out-of-county non-food vendor booth shall be \$500.00 if the permit is obtained before

June 12, 2009 and \$550.00 if the permit is obtained after June 12, 2009 and before July 1, 2009. No non-food vendor permits shall be issued after July 1, 2009.

3-10-21 NON-FOOD VENDOR BOOTH LOCATIONS. A vendor who has been granted a Stanton non-food vendor permit shall locate its sale facility at such location within the City of Stanton as authorized by the Stanton RAGBRAI 2009 Committee in its sole discretion.

3-10-22 VENDOR FEE REFUNDS AND PERMIT TRANSFERS. Vendor fees shall not be refundable in whole or in part and are not transferable.

3-10-23 GLASS CONTAINERS. To promote safety during RAGBRAI, all beverages sold in Stanton, Iowa, by food and beverage vendors on 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 off-site or in an outdoor setting open to the public.

3-10-24 GOLF CART OPERATIONS. Official members of the Stanton RAGBRAI 2009 Committee may operate golf carts or other similar vehicles not designed for street use on the city streets and other public property on July 20, 2009, provided they shall otherwise remain subject to all traffic laws and the direction of local law enforcement officers or their designees and that the operator shall at all times have an official authorization tag issued by the Stanton RAGBRAI 2009 Committee while operating such vehicle.

3-10-25 STREET CLOSINGS. On July 20, 2009 and without prior approval of the City Council regarding the blocking of any city streets, any law enforcement officer or person under the immediate supervision and direction of a law enforcement officer may place barricades or road blocks upon any city street, alley, roadway or right-of-way to re-direct vehicular traffic in order to enhance the proper and safe flow of bicycle and vehicular traffic within the city during the named date.

3-10-26 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 Stanton food and beverage vendor permit or non-food vendor permit on July 20, 2009, in violation of the provisions of this Chapter is a nuisance as defined by Title 3, Chapter 2, Sections 3-2-1, 3-2-2 of the Stanton Municipal Code. If law enforcement officers determine a nuisance to exist in violation of this Chapter, an emergency abatement procedure pursuant to Title 3, Chapter 2, Section 3-2-8 of the Stanton Municipal Code 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 and shall make demand upon the offender to immediately remedy 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.

3-10-27 VIOLATIONS-PENALTIES. Selling or providing food or beverage or merchandise to any person without the applicable permit on 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, or in the discretion of the city attorney may be prosecuted as a municipal infraction in Title 1, Chapter 3 of the Stanton Municipal Code. 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 3. EFFECTIVE DATE. This Ordinance shall be in effect on July 20, 2009. The Ordinance shall be of no effect after July 20, 2009.

SECTION 4. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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 6. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the _____ day of _____, 2009, and approved this _____ day of _____, 2009.

Mayor

ATTEST:

Marilyn Rubel, City Clerk

I certify that the foregoing was published as Ordinance No. 051109-01 on the _____ day of _____, 2009.

CITY CLERK