

CITY OF STUART - ORDINANCE NO. 19-01C

AN ORDINANCE AMENDING CHAPTER 122 IN THE CODE OF ORDINANCES OF THE CITY OF STUART TO ADD SECTION 122.16 ENTITLED "RAGBRAI® PERMITS"

Be it enacted by the City Council of the City of Stuart, Iowa:

SECTION 1: This ordinance is enacted to help city officials and citizens deal with the public health and safety concerns created by the infusion of a large number of people into the City of Stuart when the Des Moines Register's Annual Great Bicycle Ride Across Iowa™ (RAGBRAI®) passes through Stuart on July 22, 2019.

SECTION 2: Section 122.16 of the Code of Ordinances of the City of Stuart, Iowa, entitled "RAGBRAI® Permits", be and the same is hereby created to read as follows:

- 122.16.010 Vendor Booth Permit Required
- 122.16.020 Vendor Booth Fees
- 122.16.030 Vendor Booth Location
- 122.16.040 Health Regulations
- 122.16.050 Signage
- 122.16.060 Glass Containers
- 122.16.070 Nuisance
- 122.16.080 Violations and Penalties
- 122.16.090 Effective Period
- 122.16.100 Street Closings

122.16.010 Vendor Booth – Permit Required. No person, club, group, organization, corporation or entity of any kind shall provide or sell any food, beverage, or non-food product or service to the public within the city of Stuart on July 22, 2019, unless said person or entity shall first obtain a Vendor Booth Permit from the Stuart RAGBRAI Committee no later than July 1, 2019.

However, an entity located in Stuart and in possession of a valid permit issued by the State of Iowa for the sale of food or beverage to be consumed on its premises, or in possession of a current Iowa retail sales tax permit for non-food items, or in possession of an appropriate license for offering its customary service, as of July 1, 2019, shall be exempt from the requirements of this Section, provided all sales occur on the premises of the entity.

Also exempt from this permit requirement are small stands operated in residential areas by children under the age of 14; however, such stands shall comply with all applicable health regulations.

Application for a Vendor Booth Permit does not guarantee issuance of a Permit; the Stuart RAGBRAI Committee shall have final discretion as to issuance of Vendor Booth Permits.

122.16.020 Vendor Booth Fees. The fee for a Vendor Booth Permit for sales of food, beverage, or non-food products shall be as follows: \$350.00 for a commercial (for-profit) vendor, with a \$50 discount for members of the Stuart Chamber of Commerce; \$150.00 for a non-profit vendor, with a \$50 discount for any non-profit organization having a bona fide Stuart address. Standard Booth space is 20' x 10'. Additional Booth space of 10' x 10' may be available for \$100. Electrical service fee of \$50 and/or water service fee of \$50 are charged if applicable. Fees for a Vendor Booth Permit for sales of services will be determined on a case-by-case basis. All vendors must also pay a deposit of \$100, to be returned if the Booth is clean after use, as determined by the Stuart RAGBRAI Committee.

122.16.030 Vendor Booth Location. A vendor who has been granted a Vendor Booth Permit (i.e. a Permittee) shall locate its temporary sale facility as directed by the Stuart RAGBRAI Committee.

122.16.040 Health Regulations. A Permittee shall comply with the Iowa Department of Health and Adair County or Guthrie County (per Booth location) Department of Health rules and regulations pertaining to the sale and dispensing of food and beverage for consumption.

122.16.050 Signage. Content and location of signs promoting RAGBRAI activities and vendor offerings, when placed on public streets, parking, and right-of-way areas, are subject to discretion of the RAGBRAI committee.

122.16.060 Glass Containers. To promote safety during RAGBRAI, all beverages sold in Stuart, Iowa, by Permittees on July 22, 2019 shall be sold in non-glass containers only. This requirement shall also apply to any existing business, including a bar, restaurant, service station, grocery store or other establishment selling beverages on its premises in an outdoor setting open to the public.

122.16.070 Nuisance. The provision or sale of food, beverage, or other merchandise or service, or the erection of a temporary facility for the provision or sale of food, beverage or other merchandise or service, without a Stuart Vendor Booth Permit on July 22, 2019, in violation of the provisions of this Section, shall be considered a nuisance as defined by Chapter 50 of the City Code of Ordinances. If this type of nuisance is determined to exist, an emergency abatement procedure pursuant to Chapter 50 or Chapter 3 of the City Code is hereby authorized and may be executed by any peace officer, or those acting at their direction, by dismantling and removing the nuisance without notice. However, if the only nuisance or violation of this chapter is the offender's failure to obtain the necessary permit, the Stuart RAGBRAI Committee, in lieu of immediate abatement, may, at their discretion, allow the person or entity to immediately purchase (cash only) a necessary permit as provided by this Ordinance, except that the permit fee shall be doubled.

122.16.080 Violations - Penalties. Violation of this chapter shall be a simple misdemeanor punishable by a maximum fine of \$1000.00 and/or a maximum of thirty (30) days in Jail. Furthermore, any violation of this Chapter shall constitute a municipal infraction, as set forth in Chapter 8 of the City Code of Ordinances, and, therefore, any civil penalties may likewise be assessed and enforced as therein set forth.

122.16.090 Effective Period. The provisions of this ordinance shall be effective from 5:00 a.m. (local time) on July 22, 2019 until 5:00 p.m. (local time) on July 22, 2019.

122.16.100 Street Closings. During the effective period of this ordinance and without prior Council approval regarding the blocking of any city streets, any Stuart police officer, or those acting at their direction, may place barricades or road blocks in any City street, alley or roadway to redirect vehicular traffic in order to enhance the proper and safe flow of bicycle and vehicular traffic within the City limits of the City of Stuart.

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 this ordinance as a whole or any section, provision, or party 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 and approved by this Council on the 14th day of May, 2019.

Dick Cook, Mayor

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ATTEST:

Ashraf Ashour, City Clerk

I certify that the foregoing was published as Ordinance No. 19-01C on the 23rd day of May, 2019.