

ORDINANCE NO. 284

AN ORDINANCE AMENDING CHAPTER 7, BY ADDING A SECTION TO THE CODE OF ORDINANCES OF THE CITY OF HAWKEYE AND ENTITLED "RAGBRAI -MISCELLANEOUS PERMITS" SECTION 3-7-13

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

SECTION 1: This ordinance as amended is enacted to help city officials and citizens deal with the public health and safety problems created by the infusion of a large number of people into the City of Hawkeye when the Des Moines Register's Annual Great Bicycle Ride Across Iowa™ (RAGBRAI®) arrives in Hawkeye on July 29th, 2022, and departs on July 29th 2022.

SECTION 2: That Section 3-7-13 Ragbrai- Miscellaneous Permits of the Code of Ordinances of the Hawkeye, Iowa, be and the same is hereby amended to read as follows:

Chapter 3-7-13

RAGBRAI Ordinance -Miscellaneous Permits

Sections:

7.13.010 Commercial Vendor-Permit Required

7.13-020 Commercial Vendor Fees

7.13-030 Commercial Vendor Location

7.13-040 Health Regulations

7.13-050 Commercial Vendor Non-Food -Permit Required

7.13-060 Commercial Vendor Non-Food Fees

7.13.070 Commercial Vendor Non-Food Location

7.13-080 Glass Containers

7-13-090 Nuisance

7.13-100 Violations-Penalties

7.13-110 Effective Period

7.13.120 Street Closings

7.13.010 Commercial Vendor - Permit Required. No person, club, group, organization, corporation, or entity of any kind shall provide or sell food to the public in Hawkeye on July 29th, 2022, unless said person or entity shall first obtain a Commercial Booth Permit from the City of Hawkeye through the City Clerk located at 104 S. Second St. in Hawkeye, Iowa. However, any person or entity which is a resident of Fayette County and in possession of a valid permit issued by the State of Iowa for the sale of food to be consumed on its premises as of July 29th, 2022, or in possession of a current Iowa retail sales tax permit, shall be exempt from the requirements of this Section.

7.13.020 Commercial Vendor Fees. The fee for a Hawkeye Commercial (for profit) Vendor Permit shall be \$250.00. (non Profit will be \$150. Booth space is 20'x 10'.

7.13.030 Commercial Vendor Location. A vendor who has been granted a Hawkeye Commercial Vendor permit shall locate its temporary sale facility at a location to be determined by the official Hawkeye RAGBRAI Committee.

7.13.040 Health Regulations. A person or entity issued a commercial vendor permit pursuant to this Chapter (a RAGBRAI COMMERCIAL BOOTH PERMITTEE herein) shall comply with the Iowa Department of Health and Any County Department of Health rules and regulations pertaining to the sale and dispensing of food for consumption on its premises.

7.13.080 Glass Containers. To promote safety during RAGBRAI, all beverages sold in Hawkeye, Iowa, by Commercial Booth permittees, on July 29th, 2022, and until 4:30 p.m. on July 29th 2022, shall be sold in non-glass containers only. This requirement shall also apply to any existing business, restaurant, service station, grocery store or other establishment selling beverages on its premises in an outdoor setting open to the public.

7.13.090 Nuisance. The sale of food or the erection of a temporary facility for the sale of food or other merchandise without a Hawkeye Commercial Vendor or Hawkeye Commercial Vendor Non-Food permit on July 29th, 2022, in violation of the provisions of this Chapter shall be considered a nuisance, as defined by Section 3-2-2 of the City Code of Ordinances. If this type of nuisance is determined to exist, an emergency abatement procedure pursuant to Subsection 8.08.080 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

RAGBRAI Committee, in lieu of immediate abatement, may allow the person or organization to immediately purchase (cash only) a necessary permit as provided by this Ordinance.

7.13.100 Violations - Penalties. Selling or supplying food or merchandise to any person without a Hawkeye Commercial Vendor or Hawkeye Commercial Vendor Non-Food permit on July 29th 2022, or any violation of this chapter shall be a simple misdemeanor punishable by a maximum fine of \$500.00 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 3 of the City Code of Ordinances, and, therefore, any civil penalties may likewise be assessed and enforced as set forth.

7.13.110 Effective Period. The provisions of this ordinance shall be effective from 5:00 a.m. (local time) on July 29th, 2022, until 4:30p.m. (local time) on July 29th, 2022.

7.13.120 Street Closings. During the effective dates of this ordinance and without prior Council approval regarding the blocking of any city streets, any Hawkeye official officer, or those at their direction, may place barricades or roadblocks 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 Hawkeye.

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.

I certify that the foregoing was published as Ordinance No. 284 on the ___ day of _____, 2022.