

City Ordinance

FAIRFIELD, IOWA - ORDINANCE NO. 1097

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF FAIRFIELD, IOWA ENACTED TO ASSIST CITY OFFICIALS AND THE RAGBRAI COMMITTEE DEAL WITH THE PUBLIC HEALTH AND SAFETY ISSUES CREATED BY THE INFUSION OF A LARGE NUMBER OF PEOPLE INTO THE CITY OF FAIRFIELD WHEN THE DES MOINES REGISTER'S ANNUAL GREAT BICYCLE RIDE ACROSS IOWA (RAGBRAI) ARRIVES IN FAIRFIELD ON JULY 26, 2013, AND DEPARTS ON JULY 27, 2013

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRFIELD, IOWA:

Section I. That the Municipal Code of the City of Fairfield, Iowa be amended by the following Ordinance designated "RAGBRAI ORDINANCE", which because of its temporary nature shall not be printed as part of the permanent Code of Ordinances. The RAGBRAI Ordinance is as follows:
"RAGBRAI ORDINANCE"

Section 1. Definitions.

- A. As used herein, "food" shall include food products of all kind 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.
- B. As used herein, "person" shall include any individual person, club, group, organization, partnership, corporation or entity of any kind.
- C. The RAGBRAI Committee for purposes herein shall be defined as the Advisory Board and the Executive Committee as designated by the City and the Fairfield Iowa Convention & Visitors Bureau.

Section 2. Commercial Vendor Booth – Permit Required.

No for-profit person, shall provide or sell food or goods to the public in Fairfield, Iowa on July 26, 2013 or July 27, 2013 at a location other than their regularly-established place of business unless said person shall first obtain a Commercial Vendor Booth Permit from the Fairfield RAGBRAI Committee through the Fairfield Iowa Convention & Visitors Bureau office located at 200 N. Main St, Fairfield, Iowa. The City of Fairfield shall approve all permits.

Section 3. Commercial Vendor Booth Fees

The fee for a Commercial Food Booth Permit shall be \$600.00.

Section 4. Commercial Vendor Booth Location

A Vendor who has been granted a Fairfield Commercial Vendor Booth Permit shall locate its temporary sale facility at a location, and only at that location, to be determined by the official Fairfield RAGBRAI Committee.

Section 5. Non-Profit Vendor Booth – Permit Required

No non-profit person of any kind shall provide or sell food or goods to the public in Fairfield on July 26, 2013 or July 27, 2013, at a location other than their regularly-established place of business unless said person or entity shall first obtain a Non-Profit Vendor Booth permit from the Fairfield RAGBRAI Committee through Fairfield Iowa Convention & Visitors Bureau located at 200 N. Main Street, Fairfield, Iowa. The City of Fairfield shall approve all permits.

Section 6. Non-Profit Vendor Booth Fees

The fee for a local Non-Profit Vendor Booth Permit shall be \$350.00.

Section 7. Non-Profit Vendor Booth Location

A vendor who has been granted a Fairfield Non-Profit Vendor Booth Permit shall locate its temporary facility at a location, and only at that location, to be determined by the official Fairfield RAGBRAI Committee.

Section 8. Health Regulations

A person issued a commercial or non-profit food booth permit pursuant to this Ordinance shall comply with the Iowa Department of Health and Jefferson County Department of Health rules and regulations, including obtaining appropriate permits, pertaining to the sale and dispensing of food for consumption on its premises.

Section 9. Refundable Cleanup Deposit

Permitted vendors shall pay, at the time of application, a \$100.00 refundable deposit. If cleanup of the site is approved by the Sanitation Committee, the deposit will be refunded.

Section 10. Declining Permit

The Fairfield RAGBRAI committee shall make recommendations to the City of Fairfield. The City of Fairfield shall approve all permits and have sole discretion to decline to issue a permit for any reason, provided, however, that no applicant for a permit shall be denied based upon the race, creed, color, sex, age, or country of origin of the applicant.

Section 11. Application Deadline

All applications for permits must be received by June 1, 2013. Applications received after this date are not ensured of approval and are subject to a \$250 late fee.

Section 12. Electrical Service

The fee for providing electrical service to each booth shall be \$75.00 per booth. Additional charges may apply if more than basic electrical needs are requested.

Section 13. Outdoor Alcoholic Beverage Garden.

The presence of 20,000 to 25,000 extra people in Fairfield on July 26, 2013, many of whom may be consuming alcoholic beverages, has the potential to overwhelm local law enforcement personnel. Therefore, in order to ensure public safety and to facilitate police protection, the Council determines that there may be no more than one applicant permitted to operate an outdoor alcoholic beverage garden from a temporary location with a five day or fourteen day beer permit and/or five day or fourteen day liquor license. To help support the cost incurred by the Fairfield RAGBRAI Committee to host RAGBRAI as an overnight stop, the Fairfield RAGBRAI Committee, or its designee, shall have the first option to apply for the necessary permits or licenses to operate such alcoholic beverage garden at such location, but if the Committee does not secure such a permit and/or license before July 1, 2013, the Council shall have the option to consider applications from other vendors. All sales of alcoholic beverages on premises covered by this ordinance shall cease at 12:00 AM on July 27, 2013. Businesses that have an existing liquor license for an outdoor beverage garden as of the date of approval of this Ordinance shall be permitted to operate such within the space defined in their license.

Section 14. Motorized Vehicles

The use of motorized vehicles such as scooters, golf carts, ATV's, etc. are prohibited in event venue areas, as designated by the Fairfield RAGBRAI Committee, unless specifically authorized by the Committee or Fairfield Public Safety.

Section 15. Nuisance.

The sale of food or the erection of a temporary facility for the sale of food or other merchandise without a commercial or non-profit vendor permit on July 26, 2013 and July 27, 2013 is in violation of this Chapter shall be considered a nuisance as defined by 9.32140 of this Municipal Code. If this type of nuisance is determined to exist by the Director of Public Safety, an emergency abatement procedure pursuant to 9.32.140 of the Municipal Code is hereby authorized and may be executed by any peace officer or those acting at their discretion by dismantling and removing the nuisance without notice.

Section 16. Violations - Penalties

Selling or supplying food or goods to the public without a Fairfield Commercial/Non-Profit Vendor Booth Permit on July 26, 2013 or July 27, 2013 when such a permit is required, is in violation of this Ordinance. The City of Fairfield at its sole discretion could issue a permit, subject to receipt of booth fee, regular late fee, and an additional late fee of \$250.00.

Section 17. Street Closings

During the Effective dates of this ordinance and without prior Council approval regarding the blocking of any city streets, any Fairfield police officer, or those 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 Fairfield.

Section 18. Effective

The provisions of this Ordinance shall be in effect upon passage by the Fairfield City Council and remain in effect until 5:00 p.m. on July 27, 2013.

Section 19. Certain Ordinances Suspended

Effective July 26, 2013 6:00am to July 27, 2013 5:00pm, City Ordinance 10.58.050-.100 as related to bicycles, City Ordinance 9.92.030 (a) (allowing consumption of beer in city parks), City Ordinance 9.72.010 (noise from outdoor entertainment) and City Ordinance 9.92.040 (allowing people in the parks after 10 pm and to camp) shall be suspended and shall not be enforced.

Section 20. Authority.

Any and all issues and appeals regarding this ordinance will be brought to the local Fairfield RAGBRAI Committee and the City of Fairfield for resolution.

Section II. All previous ordinances or parts of such ordinances in conflict with provisions of this Ordinance are hereby repealed.

Section III. 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 IV. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

The foregoing ordinance was adopted by the City Council of the City of Fairfield, Iowa at its regular meeting held on the 11th day of March, AD, 2013 upon a motion by Councilperson Hamilton and seconded by Councilperson Boyer.

The vote on the foregoing ordinance was as follows:

| | AYES | NAYS | ABSTAIN | ABSENT |
|--------------|--------------|-------|---------|--------|
| Boyer | <u> X </u> | _____ | _____ | _____ |
| Hamilton | <u> X </u> | _____ | _____ | _____ |
| Rasmussen | <u> X </u> | _____ | _____ | _____ |
| Halley | <u> X </u> | _____ | _____ | _____ |
| Revolinski | <u> X </u> | _____ | _____ | _____ |
| Hammes | <u> X </u> | _____ | _____ | _____ |
| Ledger-Kalen | <u> X </u> | _____ | _____ | _____ |

Ed Malloy, Mayor

ATTEST:

Kevin Flanagan, City Administrator