

RAGBRAI ORDINANCE NO. 93416-0416

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF MUSCATINE, IOWA, ENACTED TO ASSIST CITY OFFICIALS AND THE RAGBRAI COMMITTEE TO DEAL WITH THE PUBLIC HEALTH AND SAFETY ISSUES CREATED BY THE INFUSION OF A LARGE NUMBER OF PEOPLE INTO THE CITY OF MUSCATINE WHEN THE DES MOINES REGISTER'S ANNUAL GREAT BICYCLE RIDE ACROSS IOWA (RAGBRAI) ARRIVES IN MUSCATINE ON JULY 22, 2016, AND DEPARTS ON JULY 23, 2016, WITH A LARGER GROUP ARRIVING JULY 30, 2016 AND DEPARTING ON JULY 31, 2016.

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

Section I. That the Municipal Code of the City of Muscatine, Iowa, be amended by this 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:

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 (Committee) for purposes herein shall be defined as the Advisory Board and the Executive Committee as designated by the Greater Muscatine Chamber of Commerce & Industry.

Section 2. Commercial Vendor Booth – Permit Required.

No for-profit person, shall provide or sell food or goods to the public in Muscatine, Iowa, on July 22 and 23, 2016, or July 30, 2016, at a location other than their regularly established place of business unless said person shall first obtain a Commercial Vendor Booth Permit from the Muscatine RAGBRAI Committee through the Greater Muscatine Chamber of Commerce & Industry office located at 102 Walnut Street, Muscatine, Iowa. The Committee shall approve all permits.

For purposes of this Section, a Peddler Permit previously issued by the City of Muscatine shall not exempt the person or entity from the requirement to obtain a vendor permit pursuant to this Ordinance.

Section 3. Commercial Vendor Booth Fees

The fee for a Commercial Food Booth Permit shall be \$300.00.

Section 4. Commercial Vendor Booth Location

A Vendor who has been granted a Muscatine Commercial Vendor Booth Permit shall locate its temporary sale facility within city limits at a location, and only at that location, to be determined by the official Muscatine 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 Muscatine on July 22 and 23, 2016 or July 30, 2016, 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 Muscatine RAGBRAI Committee through Greater Muscatine Chamber of Commerce & Industry office located at 102 Walnut Street, Iowa. The Committee shall approve all permits.

Section 6. Non-Profit Vendor Booth Fees

The fee for a local Non-Profit Vendor Booth Permit shall be \$100.00.

Section 7. Non-Profit Vendor Booth Location

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

Section 8. Non-Glass Containers.

To promote public safety during RAGBRAI, all beverages, both alcoholic and nonalcoholic, sold in Muscatine, Iowa, by any vendor, business or liquor licensee to be consumed outside shall be sold in non-glass containers on July 22 and 23, 2016 or July 30, 2016. Sales of any beverage by a beer permit holder, business or liquor license holder which is to be consumed outside the building if permitted by the beer permit or liquor license, shall not be served in glass containers.

Section 9. 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 rules and regulations, including obtaining appropriate permits, pertaining to the sale and dispensing of food for consumption on its premises.

Section 10. 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 11. Declining Permit

The Muscatine RAGBRAI committee 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 12. Application Deadline

All applications for permits must be received by June 1, 2016. Applications received after this date are not ensured of approval and are subject to a \$250 late fee.

Section 13. Electrical Service

The fee for providing electrical service (subject to availability) to each booth shall be \$25.00 per pole. Additional charges may apply if more than basic electrical needs are requested.

Section 14. Outdoor Alcoholic Beverage Garden.

The presence of 1,000 to 2,500 extra people in Muscatine on July 22 and 23, 2016 or 10,000 to 20,000 extra people in Muscatine on July 30, 2016, 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.

The primary entertainment venue and the location of the beverage garden shall be at Riverside Park as part of the Great River Days Celebration. The beverage garden shall be constructed so as to meet the requirements of the vendor's liquor liability insurance and the liquor license or beer permit.

Businesses that have an existing outdoor beverage garden with appropriate liquor license as of the date of approval of this Ordinance shall be permitted to operate such within the space defined in their license.

Section 15. 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 Muscatine RAGBRAI Committee, unless specifically authorized by the Committee or Police Chief.

Section 16. 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 22 and 23, 2016 or July 30, 2016, is in violation of this Ordinance and shall be considered a nuisance as defined by Section 9-3-1 of the City of Muscatine's Municipal Code. If this type of nuisance is determined to exist by the City of Muscatine, an emergency abatement procedure pursuant to 9-3-14 of the City of Muscatine's Municipal Code is hereby authorized and may be executed by any peace officer, authorized city employee or those acting at their direction by dismantling and removing the nuisance without notice.

Section 17. Violations - Penalties

Selling or supplying food or goods to the public without a Muscatine Commercial/Non-Profit Vendor Booth Permit on July 22 and 23, 2016 or July 30, 2016, when such a permit is required, is in violation of this Ordinance. The City of Muscatine at its sole discretion could issue a permit, subject to receipt of booth fee, regular late fee, and an additional late fee of \$500.00. Furthermore, any violation of this Chapter shall constitute a municipal infraction, as set forth in Appendix A of the City Code of Ordinances, and therefore, any civil penalties may likewise be assessed and enforced as set forth therein.

Section 18. Street Closings

During the effective dates of this Ordinance and without prior Council approval regarding the blocking of any city streets, any Muscatine 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 Muscatine.

Section 19. Effective

The provisions of this Ordinance shall be in effect upon passage by the Muscatine City Council and remain in effect until 5:00 p.m. on July 31, 2016.

Section 20. Authority.

Any and all issues and appeals regarding this Ordinance will be brought to the local Muscatine RAGBRAI Committee and the City of Muscatine 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.

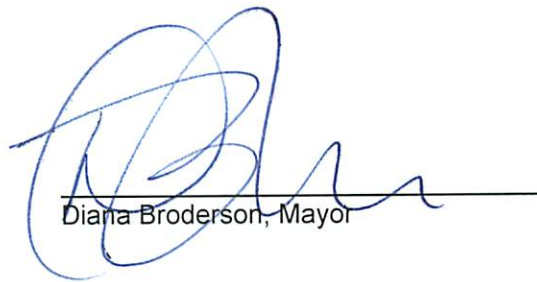
PASSED AND APPROVED this 21st day of April, 2016.



ATTEST:



Gregg Mandsager, City Clerk



Diana Broderson, Mayor

First Reading: April 7, 2016

Second Reading: April 21, 2016

Final Reading: April 21, 2016

Publication: _____

PROOF OF PUBLICATION

I, Jeff Lee, being duly sworn, on my oath, say that I am an advertising clerk at the *Muscatine Journal*, a newspaper of general circulation, published in the City of Muscatine, Muscatine County, Iowa; and that the following Notice:

Muscatine City Clerk

RAGBRAI Ordinance No. 93416-0416

Of which the annexed printed slip is a true, correct and complete copy, was published in said *Muscatine Journal* one time having been made there in on:

April 29, 2016

Jeff Lee

STATE OF IOWA
MUSCATINE COUNTY

29th day of April, 2016

Stefanie D. Trinh, Notary Public



Stefanie D. Trinh
Iowa Notarial Seal
Commission number 778997
My Commission Expires 06/20/2016

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WILSON, MARY J. 13,676.69
FELDERMAN, SUZANNE E. 14,560.73
FERGUSON, CHERYL A. 73,149.49
TESSIER, ANN NNN 50,814.25
MITCHELL, RHONDA K. 66,666.66
ARAVANTIS, MARY ANN 66,666.66
MELISSA, 15,668.01
DANIELA R. 20,103.40
HARRIS, DAWN 15,668.01
BARBARA J. 58,799.51
JOHNSON, BEVERLY J. 14,478.49
HAWLEY, HEATHER M. 55,716.00
NORBERG, BEVERLY J. 14,478.49
MEYER, CURTIS, LESA M. 12,542.57
KAYE, ADY, DEBBIE 12,661.40
BETH, 26,665.90
PITTS, CHRISTIE 101,726.95
RENE, JO 4,025.00
VANDECAR, JO 4,025.00
SHOEMAKER, PATRICK G. 57,256.77
BLUMKINSOP, GARY A. 12,665.00
LEWIS, KENNETH J. 37,217.25
CHRISTIAN, ELIZABETH M. 68,796.29
GRAP, RYAN S. 68,003.27
MCCOBB, KYLE MARSHALL 2,326.50
DENNEY, CHARLES O. 59,699.27
GAIL, ELIZABETH 3,763.66
ALVARADO, DEBRA 3,763.66
WEINSTEIN, JANETTE E. 57,463.75
EBELING, KELLY RENEE 51,748.26
CHEWETH, DEBRA LEE 13,370.50
HOWLEY, DEBRA J. 13,413.02
HALFS, LORE ANN 60,922.76
REINER, BARBARA JO 1,134.00
SHRIDAN, BRIDGET L. 1,134.00
KNOTH, KIM 68,362.27
PUL, R. 680.00
STEPHENS, ATKINS, PAUL R. 20,892.65
MULLENBORG, BONNIE JO 18,251.19
REESER, PATRICIA 59,195.24
TAPIA, FELICIA 15,545.45
ZELLUNA, K. 16,824.69
FERNANDEZ, KANDICE K. 19,666.01
HAMPTON, KEARN, ROY 13,167.76
DOWELL, 75,999.50
ASKAM, ANITA 13,107.75
WHITHEAD, DIANE I. 65,946.00
SMIDER, MARLA RAE 36,048.59
LORENZO, MARIE 49,761.47
CATALANO, KIM 75,999.50
KELLEY L. 75,999.50
SUSAN, 56,663.93
FOERHKOLO, ANNE 64,280.73
ANDERSON, RACHAL E. 14,946.00
RACHAL, KATHARINE DIANE 3,150.00
GUTH, LORE LYNN 12,603.83
WINTERS, WOLFFEL, VANESSA MARIE 39,637.95
WHITE, BRIAN JOSEPH 39,637.95
LOPEZ, MARTIN VINCENT 22,478.65
SHAWNA J. 55,098.25
HARGRAVE, KATHY J. 56,336.26
HAWTHORNE, JEANNE MARIE 1,445.00
JUDITH L. 63,318.99
PAGE, ANNE 30,961.37
BISHOP, JESSICA LYNN 100,948.88
KAMIE, BARBARA J. 1,170.43
GOOSSEN, JACOB 65,862.02
ANDREA, KLEIN, ANGELA R. 13,966.65
CONNER, 39,441.56
JANNA, 51,793.48
SCHMIDT, JAMES D. 38,175.71
SCHLEIGER, KENNETH D. 38,175.71
THOMAS, W. 12,999.38
NOBLE, DANIELE G. 64,597.77
CONNIE, J. 12,999.38
BUSH, KATHARINE 49,426.65
MEYER, LAW, JENNIFER S. 41,476.51
BURCHARD, HEIDI EILEEN 52,632.27
DECOOK, LORA SHANNON 64,895.24
WALLHAERT, JENNI 38,370.53
HELKENN, JAMIE 36,243.20