

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ANKENY, IOWA, BY CREATING CHAPTER 144 PERTAINING TO RAGBRAI 2023

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

SECTION 1. CHAPTER CREATED: That Chapter 144 RAGBRAI of the Code of Ordinances of the City of Ankeny, Iowa, is created:

144.01 PURPOSE. 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 Ankeny when the Des Moines Register's Annual Great Bicycle Ride Across Iowa™ (RAGBRAI) arrives in Ankeny on July 26, 2023 by providing temporary regulations to govern activities associated with RAGBRAI.

144.02 DEFINITIONS.

1. "Food" means food products of all kinds 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.
2. "Person" means any individual person, club, group, organization, partnership, corporation, or entity of any kind.
3. "Ankeny RAGBRAI Committee" means the Advisory Board and the Executive Committee as designated by the City of Ankeny, Ankeny Chamber of Commerce, Uptown Ankeny Association, and The District Association.
4. "Vending booth" means any stand, cart, vehicle, trailer, or other structure at which a person exchanges goods or services for money. An individual person who moves from place to place while exchanging goods or services for money shall be construed as a vending booth.

144.03 VENDORS.

1. Permit required. No person, club, group, organization, corporation or entity of any kind shall provide or sell food, services, or merchandise to the public on any property within the incorporated city limits of Ankeny on July 26, 2023, between the hours of 6:00 AM – 6:00 PM, unless said person or entity shall first obtain an Ankeny Vendor Permit from the City of Ankeny through the City Clerk's Office located at City Hall at 410 West 1st Street in Ankeny, Iowa. A copy of the permit shall be maintained in a conspicuous and public location at all times. However, any Person which is a resident of Polk County and in possession of a valid permit issued by the State of Iowa for the sale of food to be consumed on its permanent premises as of July 1, 2023, or in possession of a current Iowa retail sales tax permit, shall be exempt from the requirements of this Chapter.
2. Fees. The fee for an Ankeny Vendor Permit shall be \$400 per vending booth unless Person is recognized by the IRS as being tax-exempt by virtue of its charitable programs with a 501 (c)(3) designation in which case the fee shall be \$150 per vending booth. Vending booth size will be determined by the Ankeny RAGBRAI Committee.
3. Proof of Insurance. All vendor permit applicants must supply proof of liability insurance.

4. Location. A Person granted an Ankeny Vendor Permit shall locate its temporary sale facility at a location determined by the Ankeny RAGBRAI Committee.
5. Limits. The Ankeny RAGBRAI Committee shall have authority to place limits on the number of accepted vendor applications and may disallow Persons according to a local preference or to ensure an appropriate mix of offerings is made available.
6. Health Regulations. A Person issued an Ankeny Vendor Permit pursuant to this Chapter shall comply with the Iowa Department of Health and Polk County Department of Health rules and regulations pertaining to the sale and dispensing of food for consumption.
7. Glass Containers. To promote safety during RAGBRAI, all beverages sold by a Person who has been granted an Ankeny Vendor Permit 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.
8. Nuisance. The sale of food or the erection of a temporary facility for the sale of food or other merchandise without an Ankeny Vendor Permit on July 26, 2023, in violation of the provisions of this Chapter shall be considered a nuisance, as defined by section 50.01 of the City Code of Ordinances. If this type of nuisance is determined to exist, an emergency abatement procedure pursuant to Subsection 50.06 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.
9. Violations - Penalties. Selling or supplying food or merchandise to any person without an Ankeny Vendor Permit on July 26, 2023, or any violation of this chapter shall be considered a simple misdemeanor punishable by a maximum fine of \$750.00. Furthermore, any violation of this Chapter shall constitute a municipal infraction, as set forth in Chapter 4 of the City Code of Ordinances, and, therefore, any civil penalties may likewise be assessed and enforced as set forth.

144.04 SIDEWALK, STREET, ALLEY, AND ROADWAY CLOSINGS. During the effective date of this ordinance and without prior City Council approval regarding the blocking of City streets, the Public Works Director, Police Chief or their designees , may place barricades, roadblocks, or similarly approved traffic control devices on any City sidewalk, street, alley, or roadway to redirect vehicular, pedestrian, or bicycle traffic for the purpose of safely maintaining or enhancing the flow of said traffic within the City Limits of the City of Ankeny, Iowa. Official emergency vehicles, and other authorized vehicles or equipment may be used for such purposes.

144.05 ALCOHOL CONSUMPTION. Consumption of alcohol shall only be allowed in public spaces as designated.

144.06 EFFECTIVE PERIOD. The provisions of this Ordinance shall be effective on July 26, 2023.

SECTION 2. 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 3. 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 _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the ____ day of _____,
20____.

City Clerk