

## TEMPORARY ORDINANCE No. 2018-03

### AN ORDINANCE ADDING CHAPTER 122 REGULATING THE 2018 RAGBRAI EVENT TO THE HILLS CODE OF ORDINANCES

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

**SECTION 1** - This ordinance is enacted to help city officials and citizens deal with the public health and safety issues presented by the infusion of a large number of people into the City of Hills when the Des Moines Register's Annual Great Bicycle Ride Across Iowa (RAGBRAI) passes through Hills on July 27, 2018.

**SECTION 2** - That the following Chapter 122 - RAGBRAI - Miscellaneous Permits is hereby added to the Code of Ordinances of the City of Hills Iowa:

#### Chapter 122

#### RAGBRAI - Miscellaneous Permits

Sections:

- 122.1 Commercial Booth - Permit Required
- 122.2 Commercial Booth Fees
- 122.3 Commercial Booth Location
- 122.4 Electricity Connection Fee
- 122.5 Health Regulations
- 122.6 Glass Containers
- 122.7 Nuisance
- 122.8 Violations - Penalties
- 122.9 Street Closings
- 122.10 Effective period

**122.1 Commercial Booth - Permit Require.** No person, club, group, corporation, organization or entity of any kind shall provide, or sell food, beverages, services or merchandise to the public within the City of Hills on July 27, 2018, unless said person or entity shall first obtain a Commercial Booth Permit from the City of Hills through City Clerk located at 201 N 1st Street, in Hills, Iowa. Those businesses with regular locations within the City of Hills which operate only from those regular locations are exempt from the requirements of this section.

**122.2 Commercial Booth Fees.** The Fees collected will be used to help cover the extra expenses incurred for hosting the RAGBRAI riders in the city on July 27, 2018.

The fee for a Hills Commercial Booth Permit shall be as follows:

- A. Food -- Commercial Booth Permit fee is \$350.
- B. Food/Non-Food -- Non Profit Commercial Booth Permit fee is \$150.
- C. Food/ Non-Food -- Local Entity Commercial Booth Permit fee is \$150.
- D. Non-Food --Commercial Booth Permit fee is \$350.

The Hills RAGBRAI Steering Committee (the Committee) shall have the authority to negotiate a fee with individual vendors that is lower than the applicable fee provided herein when deemed by the Committee to be in the best interest of the City.

**122.3 Commercial Booth Location.** A vendor who has been granted a Hills Commercial Booth permit shall locate its temporary facility at a location to be determined by the Committee. The Committee shall notify each permit holder of their designated location no later than July 17, 2018

**122.4 Electricity Connection Fee.** The City of Hills will make every effort to provide as many electrical connections as possible for the purpose of powering booths. Applicant must request an electrical connection at the time of application. The City cannot guarantee all electricity connection requests can be satisfied and such connections will be provided on a first come, first served basis. The fee for an electricity connection shall be \$50 in addition to other fees provided by this Chapter.

**122.5 Health Regulations.** A person or entity issued a Hills Commercial Booth Permit pursuant to this Chapter shall comply with the Iowa Department of Health and Johnson County Department of Health rules and regulations pertaining to the sale and dispensing of food for consumption or non-food sales on its premises or within the City of Hills.

**122.6 Glass Containers.** To promote safety during RAGBRAI, all beverages sold in Hills, Iowa, by Commercial Booth permit holders, on July 27, 2018 until 5:30 p.m. shall be sold in non-glass containers only. This requirement shall also apply to any existing business selling beverages on its premises in an outdoor setting open to the public.

**122.7 Nuisance.** The sale of food or the erection of a temporary facility for the sale of food or other merchandise without a Hills Commercial Booth Permit on July 27, 2018, in violation of the provisions of this Chapter shall be considered a nuisance for the purposes of Chapter 50 of the Hills Code of Ordinances. If this type of nuisance is determined to exist, a municipal infraction pursuant to Chapter 3 of the City Code is hereby authorized and any peace officer or any person acting at the direction of a peace officer, may dismantle and remove 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 Committee, in lieu of immediate abatement, may allow the person or entity to immediately purchase (cash only) a necessary permit as provided by this Chapter.

**122.8 Violations - Penalties.** Selling or supplying food or merchandise to any person without a Hills Commercial Booth Permit as required by this Chapter on July 27, 2018, or any violation of this Chapter shall be a simple misdemeanor punishable by a fine, a minimum of \$100.00 up to a maximum of \$500.00. This offense shall not be punishable by any jail time. In addition, any violation of this Chapter shall constitute a municipal infraction, as set forth in Chapter 3 of the Hills Code of Ordinances.

**122.9 Street Closings.** During the RAGBRAI event and without prior Council approval regarding the blocking of any city streets, any peace officer, or the Mayor 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 Hills.

**122.10 Effective Period.** The provisions of this Ordinance shall be in effect from 5:00 a.m. on July 27, 2018 and shall terminate on July 27, 2018 at 5:30 p.m. All vendors must shut down on or before 5:30 p.m. on July 27, 2018

**SECTION 3 - REPEALER:** All Ordinances or parts of 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 the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 10 – WHEN EFFECTIVE:** This Ordinance shall be in effect after its passage, approval and publication as provided by law and remain in effect until 5:30 p.m. on July 27, 2018.

**PASSED, APPROVED AND ADOPTED** this 9th day of April, 2018.

  
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Tim Kemp, Mayor

ATTEST:

  
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Cathy Fitzmaurice-Hill  
City Administrator/City Clerk

First Reading: 4-9-18

Second Reading: Waived

Third & Final Reading: 3rd waived final passage 4-9-18