

ORDINANCE NO. 497

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BRITT, IOWA, 2014, BY ADDING NEW SECTIONS ESTABLISHING REGULATIONS AND A PERMIT STRUCTURE FOR VENDORS DURING THE DES MOINES REGISTER’S ANNUAL GREAT BICYCLE RIDE ACROSS IOWA (RAGBRAI) IN THE CITY OF BRITT

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

SECTION 1. NEW SECTIONS. The Code of Ordinances of the City of Britt, Iowa, is amended by adding new sections in Title 3, Chapter 10, numbered 3-1-7(1) through 3-16-7(1), inclusive, entitled as shown in Section below, to assist the City in managing public health and safety problems anticipated by the large number of people to visit the City of Britt when the Des Moines Register’s Annual Great Bicycle Ride Across Iowa (RAGBRAI) visits in Britt on July 25, 2017.

SECTION 2. That Title 3 (Community Protection) of the Code of Ordinances of the City of Britt, Iowa, is amended by adding new sections entitled as shown below which sections are adopted to read as follows:

3-1-7 DEFINITIONS. For purposes of this Ordinance:

- (1) “Local vendor” shall mean a vendor with a permanent address within the community of the West Hancock School District on the date the vendor’s application for a permit under this Ordinance is submitted
- (2) “Out-of-Britt Community vendor” shall mean a vendor with a permanent address located outside the community of West Hancock School District, on the date the vendor’s application for a permit under this Ordinance is submitted.

3-2-7 FOOD AND BEVERAGE VENDOR – PERMIT REQUIRED

No person, club, group, organization, corporation or entity of any kind shall provide food or beverages to the public by sale or otherwise anywhere in the City of Britt on July 25, 2017, unless the person or entity shall have first obtained a food and beverage vendor permit from the Britt RAGBRAI 2017 Committee and a temporary food establishment permit. PROVIDED, HOWEVER, businesses in existence on July 1, 2017 in possession of a current applicable state, county or city permit for sale of food or beverages may sell food or beverages upon their licensed premises without obtaining a food or beverage vendor permit. HOWEVER, this provision does not allow such existing business to sell food or beverages off-site of the licensed premises, or on the public street or sidewalk abutting the licensed premises, without first obtaining a food and beverage vendor permit from the City.

3-3-7 LOCAL FOOD AND BEVERAGE VENDOR FEES. There are no fees for a local food and beverage vendor except for the fee of \$33.50 for a

temporary food establishment permit No food or beverage vendor permits shall be issued after July 7, 2017.

3-4-7 OUT-OF-COMMUNITY OF BRITT FOOD AND BEVERAGE VENDOR FEES. The fees for an out-of-community of Britt food and beverage vendor booth shall be \$350.00 if the permit is obtained before July 7, 2017. A temporary food establishment permit for a fee of \$33.50 must also be applied for.

3-5-7 FOOD AND BEVERAGE VENDOR LOCATIONS. A vendor who has been granted a Britt food and beverage vendor permit shall locate its sale facility at such location within the City of Britt as authorized by the Britt RAGBRAI 2017 Committee in its sole discretion.

3-6-7 HEALTH REGULATIONS. A person or entity issued a food and beverage vendor permit pursuant to this Chapter shall comply with the Iowa Department of Health regulations pertaining to the sale and dispensing of food or beverages for consumption and any local Board of Health rules and regulations pertaining to the same.

3-7-7 NON-FOOD VENDOR PERMIT REQUIRED. No person, club, group, organization, corporation or entity of any kind shall sell or otherwise provide merchandise to the public on July 25, 2017 at a location other than the vendor's regularly established place of business in the City of Britt unless the person or entity first obtains a non-food vendor permit from the Britt RAGBRAI 2017 Committee. PROVIDED HOWEVER, businesses in existence on July 1, 2017, in possession of a current applicable state, county or city permit for the sale of merchandise, may sell merchandise upon their licenses premises without obtaining a non-food vendor permit. HOWEVER, this provision does not allow such existing business to sell merchandise off-site of the licensed premises, or on the public street or sidewalk abutting the licenses premises, without first obtaining a non-food vendor permit from the City.

3-8-7 LOCAL NON-FOOD VENDOR FEES. There will be no fee for a local non-food vendor permit. No non-food vendor permits shall be issued after July 7, 2017.

3-9-7 OUT-OF-BRITT COMMUNITY NON-FOOD VENDOR FEES. The fees for an out-of-Britt Community non-food vendor booth shall be \$100.00 if the permit is obtained before July 7, 2017.

3-10-7 NON-FOOD VENDOR BOOTH LOCATIONS. A vendor who has been granted a Britt non-food vendor permit shall locate its sale facility at such a location within the City of Britt as authorized by the Britt RAGBRAI 2017 Committee in its sole discretion.

3-11-7 VENDOR FEE REFUNDS AND PERMIT TRANSFERS. Vendor fees shall not be refundable in whole or in part and are not transferable.

3-12-7 GLASS CONTAINERS. To promote safety during RAGBRAI, all beverages sold in Britt, Iowa, by food and beverage vendors on July 25, 2017, shall be provided in non-glass containers only. This requirement shall also apply to any existing business, restaurant, service station, grocery or other establishment selling or providing beverages on its premises for consumption off-site or in an outdoor setting open to the public that is located in the area of the established RAGBRAI vendor area.

3-13-7 GOLF CART OPERATIONS. Official members of the Britt RAGBRAI 2017 Committee may operate golf carts or other similar vehicles not designed for street use on the city streets and other public property on July 25, 2017, provided they shall otherwise remain subject to all traffic laws and the direction of local law enforcement officers or their designees and that the operator shall at all times have an official authorization tag issued by the Britt RAGBRAI 2017 Committee while operating such vehicle.

3-14-7 STREET CLOSINGS. On July 24, 2017, and without prior approval of the City Council regarding the blocking of any city streets, any law enforcement officer or person under the immediate supervision and direction of a law enforcement officer may place barricades or road blocks upon any city street, alley, roadway or right-of-way to re-direct vehicular traffic in order to enhance the proper and safe flow of bicycle and vehicular traffic within the city during the named date.

3-15-7 NUISANCE. The sale or provision of food, beverages or merchandise or the erection of a temporary facility for the sale of such items without a Britt food and beverage vendor permit for non-food vendor permit on July 25, 2017, in violation of the provisions of this Chapter is a nuisance as defined by Title 3, Chapter 2, Sections 3-2-1, 3-2-2 of the Britt Municipal Code. If law enforcement officers determine a nuisance to exist in violation of this Chapter, an emergency abatement procedure pursuant to Title 3, Chapter 2, Section 3-2-8 of the Britt Municipal Code may be executed by any peace officer or those acting at the peace officer's direction by causing the vendor's permit to be confiscated and the illegal facility to be dismantled and removed. In this event, the peace officer or those acting at the peace officer's direction shall provide an immediate notice to the offender of the violation and shall make demand upon the offender to immediately remedy the violation or, alternately, to relinquish the vendor's permit. Failure or inability of the offender to immediately remedy the violation shall result in the emergency abatement procedure above.

3-16-7 VIOLATIONS-PENALTIES. Selling or providing food or beverage or merchandise to any person without the applicable permit on July 25, 2017, or any other violation of this Chapter shall be a simple misdemeanor punishable by a maximum fine of \$500.00 and/or a maximum of 30 days in jail, or in the discretion of the city attorney may be prosecuted as a municipal infraction as defined in Title 1, Chapter 3 of the Britt Municipal Code. Any fine or jail term shall be levied upon or pronounced against either all persons signing the application for vendor's permit or the adult(s) apparently in charge of the vendor on-site at the time the violation is alleged to have occurred.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in effect on July 25, 2017. The Ordinance shall be of no effect after July 25, 2017.

SECTION 4. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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 6. 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 5th day of July, 2017, and approved this 5th day of July, 2017.

____\s\Ryan Arndorfer_____
Ryan Arndorfer, Mayor

ATTEST:
____\s\Michelle Anderson_____
Michelle Anderson, City Clerk

I certify that the foregoing was published as Ordinance No. 497 on the 5th day of July, 2017.

____\s\Michelle Anderson_____
Michelle Anderson, City Clerk