

ORDINANCE NO. 21-19

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CALAMUS, IOWA, BY ADDING A NEW CHAPTER TO TITLE III REGULATING RAGBRAI PERMITS

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

SECTION 1. The Code of Ordinances of the City of Calamus, Iowa, is amended by adding a new Chapter 12 to Title III, entitled RAGBRAI PERMITS, which is hereby adopted to read as follows:

SECTION 2: This ordinance as amended is enacted 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 CALAMUS when the Des Moines Register's Annual Great Bicycle Ride Across Iowa TM (RAGBRAI®) arrives in Calamus on July 29, 2021 and departs on July 31, 2021.

SECTION 3: That Section 12 RAGBRAI - Miscellaneous Permits of the Code of Ordinances of the City of Calamus, Iowa, be and the same is hereby amended to read as follows:

TITLE III CHAPTER 12 RAGBRAI ORDINANCE MISCELLANEOUS VENDOR PERMITS

12.01 Commercial Booth	12.06 Nuisance
12.02 Commercial Booth Fees	12.07 Violations
12.03 Commercial Booth Location	12.08 Effective Period
12.04 Health Regulations	12.09 Street Closings
12.05 Glass Containers	

12.01 Commercial Booth. Permit Required. No person, club, group, organization, corporation or entity of any kind shall provide or sell food to the public in CALAMUS on July 30, 2021 or July 31, 2021, unless said person or entity shall first obtain a Commercial Booth Permit from the City of Calamus through the City Clerk located at 198 2nd Street Calamus, Iowa. However, any person or entity which is a resident of Clinton County and in possession of a valid permit issued by the State of Iowa for the sale of food to be consumed on its premises as of June 30, 2021, or in possession of a current Iowa retail sales tax permit for on-premise sales, shall be exempt from the requirements of this Section.

12.02 Commercial Booth Permit. The fee for a Calamus Commercial Booth Permit shall be \$500, and \$100 for local non-profits including clubs and/or organizations. Booth space is 20' x 10'. For additional 20' x 10' space, another Commercial Booth Permit will need to be purchased at regular price.

12.03 Commercial Booth Location. A vendor who has been granted a Calamus Commercial Booth Permit shall locate its temporary sale facility at a location to be determined by the official Calamus RAGBRAI Committee.

12.04 Health Regulations. A person or entity issued a commercial booth permit pursuant to this Chapter (a RAGBRAI COMMERCIAL BOOTH PERMITTEE herein) shall comply with the Iowa Department of Health and Any County Department of Health rules and regulations pertaining to the sale and dispensing of food for consumption on its premises.

12.05 Glass Containers. To promote safety during RAGBRAI, all beverages sold in Calamus, Iowa, by Commercial Booth permittees, on July 30, 2021 and until 10:00 a.m. on July 31, 2021, 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.

12.06 Nuisance. The sale of food or the erection of a temporary facility for the sale of food or other merchandise without a Calamus Commercial Booth or Calamus Commercial Booth Non-Food permit on July 30, 2021, in violation of the provisions of this Chapter shall be considered a nuisance, as defined by Title III Chapter 2 of the City Code of Ordinances. If this type of nuisance is determined to exist, an emergency abatement procedure pursuant to Subsection 3-2-4 of the City Code is hereby authorized and maybe executed by any peace officer or those acting at their direction by dismantling and removing 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 RAGBRAI Committee, in lieu of immediate abatement, may, if decided by the Mayor, allow the person or organization to immediately purchase (cash only) a necessary permit as provided by this Ordinance.

12.07 Violations. Penalties. Selling or supplying food or merchandise to any person without a Calamus Commercial Booth or a Calamus Commercial Booth Non-Food permit on July 30, 2021 or July 31, 2021, or any violation of this chapter shall be a simple misdemeanor punishable by a maximum fine of \$500.00 per designated space and/or a maximum of thirty (30) days in Jail. Furthermore, any violation of this Chapter shall constitute a municipal infraction, as set forth in Title III CHAPTER 2 of the City Code of Ordinances, and, therefore, any civil penalties may likewise be assessed and enforced as set forth.

12.08 Effective Period. The provisions of this ordinance shall be effective from 5:00 a.m. (local time) on July 29, 2021 until 5:00 p.m. (local time) on July 31, 2021.

12.09 Street Closings. During the effective dates of this ordinance and without prior Council approval regarding the blocking of any city streets, any Clinton County Sheriff's Deputy, or those at their direction, may place barricades or road blocks in any City street, alley or roadway to redirect vehicular traffic to remake the proper and safe flow of bicycle and vehicular traffic within the City limits of the City of Calamus.

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 this ordinance as a whole or any section, provision, or party thereof not adjudged invalid or unconstitutional.

SECTION 5: WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and approved by this Council on the 1st day of March, 2021.

ATTEST:

Laurie Ganzer, City Clerk

Tyler Leibold, Mayor

I certify that the foregoing was published as Ordinance No. 21-19 on the 10th day of March, 2021.

RESTRICTED