

ORDINANCE NO. 330-1

AN ORDINANCE AMENDING SECTION 5.34 IN THE CODE OF ORDINANCES OF THE CITY OF ^{Early} ~~ANY TOWN~~ AND ENTITLED "RAGBRAI - MISCELLANEOUS PERMITS"

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

SECTION 1: 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 Early when the Des Moines Register's Annual Great Bicycle Ride Across Iowa™ (RAGBRAI®) arrives in Any Early on July 24, 2023, and departs on July 24, 2023.

SECTION 2: That Section 5.34 RAGBRAI - Miscellaneous Permits of the Code of Ordinances of the City of Early, Iowa, be and the same is hereby amended to read as follows:

Chapter 5.34
RAGBRAI Ordinance - Miscellaneous Permits

Sections:

5.08.010	Commercial Booth-Permit Required
5.08.020	Commercial Booth Fees
5.08.030	Commercial Booth Location
5.08.040	Health Regulations
5.08.050	Commercial Booth Non-Food - Permit Required
5.08.060	Commercial Booth Non-Food Fees
5.08.070	Commercial Booth Non-Food Location
5.08.080	Glass Containers
5.08.090	Nuisance
5.08.100	Violations-Penalties
5.08.110	Effective Period
5.08.120	Street Closings

5.08.010 Commercial Booth - Permit Required. No person, club, group, organization, corporation or entity of any kind shall provide or sell food to the public in Early on July 24, 2023, unless said person or entity shall first obtain a Commercial Booth Permit from the City of Early through the City Clerk located at 107 North Main Street in Early, Iowa. However, any person or entity which is a resident of Sac 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, 2024, or in possession of a current Iowa retail sales tax permit, shall be exempt from the requirements of this Section.

5.08.020 Commercial Booth Fees. The fee for an Early Commercial Booth Permit shall be \$400.00. Booth space is 20' x 10'.

5.08.030 Commercial Booth Location. A vendor who has been granted an Early Commercial Booth permit shall locate its temporary sale facility at a location to be determined by the official Early RAGBRAI Committee.

5.08.040 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.

5.08.080 Glass Containers. To promote safety during RAGBRAI, all beverages sold in Early, Iowa, by Commercial Booth permittees, on July 24, 2023 and until 10:00 a.m. on July 25, 2023, 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.

5.08.090 Nuisance. The sale of food or the erection of a temporary facility for the sale of food or other merchandise without an Early Commercial Booth or Early Commercial Booth Non-Food permit on July 24, 2023, in violation of the provisions of this Chapter shall be considered a nuisance, as defined by Section 8.08 of the City Code of Ordinances. If this type of nuisance

is determined to exist, an emergency abatement procedure pursuant to Subsection 8.08.080 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. 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 allow the person or organization to immediately purchase (cash only) a necessary permit as provided by this Ordinance.

5.08.100 Violations - Penalties. Selling or supplying food or merchandise to any person without an Early Commercial Booth or Early Commercial Booth Non-Food permit on July 24, 2023 or any violation of this chapter shall be a simple misdemeanor punishable by a maximum fine of \$500.00 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 Chapter 8 of the City Code of Ordinances, and, therefore, any civil penalties may likewise be assessed and enforced as set forth.

5.08.110 Effective Period. The provisions of this ordinance shall be effective from 5:00 a.m. CT on July 24, 2023 until 5:00 p.m. CT on July 24, 2023.

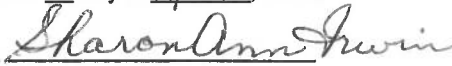
5.08.120 Street Closings. During the effective dates of this ordinance and without prior Council approval regarding the blocking of any city streets, Sac County Sheriff, or those at their direction, may place barricades or road blocks in any City street, alley or roadway to redirect vehicular traffic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

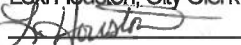
SECTION 3: REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

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 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 4 day of April, 2023.


Sharon Irwin, Mayor

ATTEST:
Lexi Houston, City Clerk


I certify that the foregoing was published as Ordinance No. 330-1
on the 4 day of April, 2023.