

**ORDINANCE NO. 19-09**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF NORWALK, IOWA ENACTED TO ASSIST CITY OFFICIALS AND THE RAGBRAI COMMITTEE TO ADEQUATELY ADDRESS THE PUBLIC HEALTH AND SAFETY ISSUES CREATED BY THE INFUSION OF A LARGE NUMBER OF PEOPLE INTO THE CITY OF NORWALK WHEN THE DES MOINES REGISTER'S ANNUAL GREAT BICYCLE RIDE ACROSS IOWA (RAGBRAI) ARRIVES IN NORWALK ON JULY 23, 2019**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORWALK, IOWA:**

**ARTICLE I.**

That the Municipal Code of the City of Norwalk, Iowa be amended by the following Ordinance designated "RAGBRAI ORDINANCE", which, because of its temporary nature, shall not be printed as part of the permanent Code of Ordinances. The RAGBRAI Ordinance is as follows:

**Section 1. Definitions**

- A. As used herein, "food" shall include 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 ice and beverages of every kind, including both alcoholic and nonalcoholic, except for water provided without cost to the consumer.
- B. As used herein, "person" shall include any individual person, club, group, organization, partnership, corporation or entity of any kind.
- C. The RAGBRAI Committee for purposes herein shall be defined as consisting of Jaki Livingston, Committee Co-Chair; Jim Lane, Committee Co-Chair; Greg Staples, Lucinda Sperry; Donna Grant; Luke Nelson; Travis Stanley; Ryan Coburn; Wayne Schwartz.
- D. As used herein, "Commercial Vendor" shall include all for-profit persons and sales.
- E. As used herein, "liquor/beer licensee" shall include any person licensed to sell alcoholic beverages by the State of Iowa pursuant to Chapter 123 of the Iowa Code.

**Section 2. Commercial Vendor Booth - Permit Required**

No for-profit person, shall provide or sell food or goods to the public in Norwalk, Iowa on July 23, 2019 at a location other than their regularly-established place of business unless said person shall first obtain a Commercial Vendor Booth Permit from the Norwalk RAGBRAI Committee available through the Norwalk City Chamber website [www.norwalkchamber.net/](http://www.norwalkchamber.net/) or office located at 1043 Sunset Dr. #3, Norwalk, Iowa. The RAGBRAI Committee shall have authority to approve all permits.

### **Section 3. Commercial Vendor Booth Fees**

The fee for a commercial vendor booth permit for any person who is not a member of the Norwalk Chamber of Commerce shall be \$400.00. The fee for a commercial vendor booth permit for any person who is a member of the Norwalk Chamber of Commerce shall be \$350.00.

### **Section 4. Commercial Vendor Booth Location**

A Vendor who has been granted a Norwalk Commercial Vendor Booth Permit shall locate its temporary sale facility at a location, and only at that location, to be determined by the Norwalk RAGBRAI Committee.

### **Section 5. Non-Profit Vendor Booth - Permit Required**

No non-profit person of any kind shall provide or sell food or goods to the public in Norwalk, Iowa on July 23, 2019, at a location other than their regularly-established place of business unless said person or entity shall first obtain a Non-Profit Vendor Booth Permit from the Norwalk RAGBRAI Committee through the Norwalk City Chamber website [www.norwalkchamber.net/](http://www.norwalkchamber.net/) or office located at 1043 Sunset Dr. #3, Norwalk, Iowa. The RAGBRAI Committee shall have authority to approve all permits.

### **Section 6. Non-Profit Vendor Booth Fees**

The fee for a non-profit group based outside the city limits of Norwalk, Iowa shall be \$200.00. The fee for a local (in city limits) Non-Profit Vendor Booth Permit shall be \$150.00.

### **Section 7. Non-Profit Vendor Booth Location**

A vendor who has been granted a Norwalk Non-Profit Vendor Booth Permit shall locate its temporary facility at a location, and only at that location, to be determined by the Norwalk RAGBRAI Committee.

### **Section 8. Other Vendor Booth-Permit Required**

The RAGBRAI Committee shall have discretion to approve permits for small independent youth groups, of not more than 13 persons, seeking to sell food or goods. If a permit is approved under this section, the fee may be waived.

### **Section 9. Health Regulations**

A person issued a permit pursuant to this Ordinance shall comply with the Iowa Department of Health and Warren County Department of Health rules and regulations, including obtaining appropriate permits, pertaining to the sale and dispensing of food for consumption on its premises.

### **Section 10. Refundable Cleanup Deposit**

Permitted vendors, whose site is located on public property, shall pay, at the time of application, a \$100.00 refundable deposit. If cleanup of the site is approved by the Norwalk RAGBRAI Committee, the deposit will be refunded.

### **Section 11. Declining Permit**

The Norwalk RAGBRAI Committee shall have authority to approve all permits and shall have sole discretion to decline to issue a permit for any reason, provided, however, that no applicant for a permit shall be denied based upon the race, creed, color, sex, age, or country of origin of the applicant.

### **Section 12. Application Deadline**

All applications for permits must be received by May 22, 2019. Applications received after this date are not ensured of approval and are subject to a \$250.00 late fee.

### **Section 13. Electrical Service**

The fee for providing electrical service to each booth shall be \$75.00 per booth. Additional charges may apply if more than basic electrical needs are requested.

### **Section 14. Outdoor Alcoholic Beverage Garden**

The presence of 20,000 to 30,000 extra people in Norwalk on July 23, 2019, many of whom may be consuming alcoholic beverages, has the potential to overwhelm local law enforcement personnel. Therefore, in order to ensure public safety and to facilitate police protection, the Council determines that no more than five liquor/beer licenses shall be granted a permit to sell alcoholic beverages from a temporary location. To help support local businesses and organizations, the Norwalk RAGBRAI Committee shall give preference to local businesses and organizations who make timely application for a permit. Businesses that have an existing beer/liquor license for an outdoor beverage garden as of the date of approval of this Ordinance shall be permitted to operate such within the space defined in their license.

### **Section 15. Glass Containers**

To promote safety during RAGBRAI, all beverages sold in Norwalk, Iowa, by any permitted vendor on July 23, 2019 between 6:00 a.m. and 5:00 p.m. shall be sold in non-glass containers only. This requirement shall also apply to any existing business or establishment selling beverages on its own premises in an outdoor setting open to the public.

### **Section 16. Motorized Vehicles**

The use of motorized vehicles such as scooters, golf carts, ATV's, etc. are prohibited in event venue areas, as designated by the Norwalk RAGBRAI Committee, unless specifically authorized by the Committee in conjunction with Norwalk Public Safety.

### **Section 17. Nuisance**

The sale of food or the erection of a temporary facility for the sale of food or other merchandise without a vendor permit on July 23, 2019 is in violation of this Chapter and shall be considered a nuisance as defined by the City of Norwalk Municipal Code. If this type of nuisance is determined to exist by the City Manager or his designee, an emergency abatement procedure of the City of Norwalk Municipal Code is hereby authorized and may be executed by any peace officer or those acting at their discretion by dismantling and removing the nuisance without notice.

**Section 18. Violations - Penalties**

Selling or supplying food or goods to the public without a Norwalk Vendor Permit on July 23, 2019 when such a permit is required, is in violation of this Ordinance. The City of Norwalk at its sole discretion could issue a permit, subject to receipt of booth fee, regular late fee, and an additional late fee of \$250.00.

**Section 19. Street Closings**

During the effective dates of this ordinance and without prior Council approval regarding the blocking of any city streets, any Norwalk police officer, or those at their direction, may place barricades or roadblocks 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 Norwalk.

**Section 20. Effective**

The provisions of this Ordinance shall be effective from 6:00 a.m. to 9:00 p.m. on July 23, 2019. All vendors must cease and desist all sales or giveaways by 5:00 p.m., with last call issued at 4:30 p.m., on July 23, 2019. Any existing local business with a permit granted on its own premises for outdoor sales must move all sales indoors by 5:00 p.m. on July 23, 2019.

**Section 21. Certain Ordinances Suspended**

Effective July 23, 2019 6:00 a.m. to July 23, 2019 9:00 p.m., any ordinances in direct conflict with this ordinance will be temporarily suspended.

**Section 22. Authority**

Any and all issues and appeals regarding this ordinance will be brought to the City of Norwalk and the Norwalk RAGBRAI Committee for resolution.

**ARTICLE II.**

All previous ordinances or parts of such ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**ARTICLE III.**

If any section, provision or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole, or any section thereof, or part thereof, not adjudged invalid or unconstitutional.

**ARTICLE IV.**

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of Norwalk, Iowa on the 2nd day of May, 2019.

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Tom Phillips, Mayor

Attest:

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Lindsey Offenburger, City Clerk

First Reading: May 2, 2019

Second Reading: May 2, 2019

Third Reading: May 2, 2019

Clerk's Certificate

I certify that the foregoing was published as Ordinance No. 19-09 on the 16th day of May, 2019.

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City Clerk