

ORDINANCE NO. 20230418-04
AN ORDINANCE AMENDING TITLE 3
IN THE CODE OF ORDINANCES OF THE CITY OF WEST LIBERTY

ENTITLED "RAGBRAI - MISCELLANEOUS PERMITS"

Be it enacted by the City Council of West Liberty, 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 West Liberty when the Des Moines Register's Annual Great Bicycle Ride Across Iowa™ (RAGBRAI®) arrives in West Liberty on July 29th, 2023 and departs on July 29th, 2023.

SECTION 2: That Title 3, Chapter 5 RAGBRAI - Miscellaneous Permits of the Code of Ordinances of the City of West Liberty Iowa, be and the same is hereby amended to read as follows:

Chapter 5

RAGBRAI Ordinance - Miscellaneous Permits

Sections:

- 3-5-1 Commercial Booth-Permit Required
- 3-5-2 Commercial Booth Fees
- 3-5-3 Commercial Booth Location
- 3-5-4 Health Regulations
- 3-5-5 Glass Containers
- 3-5-6 Nuisance
- 3-5-7 Violations-Penalties
- 3-5-8 Effective Period
- 3-5-9 Street Closings

3-5-1: Commercial Booth - Permit Required. No person, club, group, organization, corporation or entity of any kind shall provide or sell food to the public in West Liberty on July 29th, 2023, unless said person or entity shall first obtain a Commercial Booth Permit from the City of West Liberty through the City Clerk located at 409 N Calhoun Street in West Liberty, Iowa. However, any person or entity which is a resident of Muscatine 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 25, 2015, or in possession of a current Iowa retail sales tax permit, shall be exempt from the requirements of this Section.

3-5-2: Commercial Booth Fees. The minimum fee for a West Liberty Commercial Booth Permit shall be \$400.00. Members of the West Liberty Chamber of Commerce will receive a discount of \$100.00 per booth. Booth space is 10' x 20. Additional booth space 10' x 10 shall be additional \$100.00 and designated at the time of application. Non-profit organizations and organizations strictly for fundraising will be charged \$100.00 for their booth space 10'x20.

3-5-3: Commercial Booth Location. A vendor who has been granted a West Liberty Commercial Booth permit shall locate its temporary sale facility at a location to be determined by the official West Liberty RAGBRAI Committee.

3-5-4: 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 Muscatine County Department of Health rules and regulations pertaining to the sale and dispensing of food for consumption on its premises.

3-5-5: Glass Containers. To promote safety during RAGBRAI, all beverages sold in West Liberty, Iowa, by Commercial Booth permittees, on July 29th, 2023 until 12:00 p.m. 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.

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3-5-6: Nuisance. The sale of food or the erection of a temporary facility for the sale of food or other merchandise without a West Liberty Commercial Booth or West Liberty Commercial Booth Non-Food permit on July 29th, 2023, in violation of the provisions of this Chapter shall be considered a nuisance, as defined by Section 1-3-2 and Section 3-1-9 of the City Code of Ordinances. If this type of nuisance is determined to exist, a civil disorder pursuant to Section 5-10-1 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.

3-5-7: Violations - Penalties. Selling or supplying food or merchandise to any person without a West Liberty Commercial Booth permit on July 29th, 2023, or any violation of this chapter shall be a simple misdemeanor punishable by a fine, a minimum of \$500.00 up to a maximum of \$625.00. Furthermore, any violation of this Chapter shall constitute a municipal infraction, as set forth in Section 1-4-1 of the City Code of Ordinances, and, therefore, any civil penalties may likewise be assessed and enforced as set forth.

3-5-8: Effective Period. The provisions of this ordinance shall be effective from 5:00 a.m. (local time) on July 29th, 2023 until 12:00 p.m. (local time) on July 29, 2023.

3-5-9: Street Closings. During the effective dates of this ordinance and without prior Council approval regarding the blocking of any city streets, any City of West Liberty police officer, or those designated 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 West Liberty.

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 18 day of April, 2023.

ATTEST:


Interim City Clerk, Shari Hoffert


Mayor, Ethan Anderson

I certify that the foregoing was published as Ordinance No. 20230418-04 on the 18th day of April, 2023.

1st Reading: Smith/Shiltz (Martinez-Y, Shiltz-Y, Smith-Y, McFerren-Y) 4-0

2nd Reading: Smith/Shiltz (McFerren-Y, Smith-Y, Shiltz-Y, Martinez-Y) 4-0

3rd Reading: Waived McFerren/Smith (Martinez-Y, Shiltz-Y, Smith-Y, McFerren-Y) 4-0