

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE REGISTER'S ANNUAL GREAT BICYCLE RIDE ACROSS IOWA (RAGBRAI®) IN THE CITY OF EMERSON, MILLS COUNTY, IOWA – MISCELLANEOUS PERMITS**

**BE IT ENACTED** by the City of Emerson, Iowa:

**SECTION 1:** This ordinance is enacted to help city officials and citizens deal with the public health and safety challenges created by the infusion of a large number of people into the City of Emerson when the Des Moines Register's Annual Great Bicycle Ride Across Iowa™ (RAGBRAI®) arrives in Emerson on July 21, 2024, and departs on same day of July 21, 2024.

**SECTION 2:** That Chapter 126 RAGBRAI – Miscellaneous Permits of the Code of Ordinances of the City of Emerson, Iowa and is enacted to read as follows:

CHAPTER 126

**RAGBRAI® ORDINANCE – MISCELLANEOUS PERMITS & REGULATIONS**

Subsections:

- 2:01 Definitions
- 2:02 Commerical Booth – Permit Required
- 2:03 Commercial Booth Fees
- 2:04 Commercial Booth Location
- 2:05 Health Regulations
- 2:06 Commercial Booth Non-Food – Permit Required
- 2:07 Commerical Booth Non-Food Fees
- 2:08 Commercial Booth Non-Food Location
- 2:09 Glass Containers
- 2:10 Nuisance
- 2:11 Outdoor Sales of Alcholic Beverages – Permit Required
- 2:12 Golf Cart/ATV usage
- 2:13 Violations – Penalties
- 2:14 Effective Period|
- 2:15 Street Closings
- 2:16 Vendor Booth Fees and Permit Transfer

**2.01: DEFINITIONS**

The following definitions will be applicable within this Chapter:

1. As used herein “Commerical Food Booth” shall include any temporary structure or motor vehicle that displays, stores, and/or transports food items from which those food items are provided or offered for sale.

**2:02: COMMERCIAL BOOTH – PERMIT REQUIRED**

1. No person, club, group, organization, corporation or entity of any kind shall provide or sell food to the public in Emerson, Iowa on July 21, 2024 unless said person or entity shall first obtain a *Vendor Permit* from the Emerson RAGBRAI Committee. However, any person or entity which is a resident of Mills County, Iowa and in possession of a valid permit issued by the State of Iow for the sale of food to be consumed on its Permises as of July 1, 2024; and sells food items normally sold by their business; and such sale is made upon their own business premises shall be exempt from the requirements of this subsection.
2. Booth space size shall be approximately 20’x10’. A separate fee for each space shall apply.
3. No *Vendor Permits* shall be issued after July 1, 2024 unless specifically approved by the Emerson RAGBRAI Committee.

**2:03: COMMERCIAL BOOTH FEES** – The fee for all Emerson *Vendor Permits* shall be established by the Emerson RAGBRAI Committee.

1. The fees for vendor booth are as follows:
  - (a) East Mills School District resident: \$150.00
  - (b) Non-East Mills School District resident: \$300.00
  - (c) City of Emerson resident \$100.00

In addition to the above fees, applications received after June 1, 2024 are surcharged;

- (d) Any late application will be surcharged an additional \$200.00
2. Vendors may be placed where electricity is available, if space is available. Vendors requesting electricity will be required to pay an additional \$75.00
  3. Payment of Vendor Permits, and electricity, if applicable, must be paid at the time of application. Payments are non-refundable.

**2:04: COMMERCIAL BOOTH LOCATION** A vendor who has been granted an Emerson Vendor Permit shall locate its temporary sale facility at a location to be determined by the Emerson RAGBRAI Committee, or their designee. The *Vendor Permit* is site specific, and the person or entity shall not be allowed to re-locate to a different location within the City of Emerson during the effective period of this ordinance.

**2:05: HEALTH REGULATIONS** A person or entity issued a *Vendor Permit* or an *Outdoor Entertainment Permit* pursuant to this Chapter, shall comply with the Iowa Department of Health and Mills County Public Health rules and regulations, including obtaining appropriate permit pertaining to the sale and dispensing of food for consumption on its premise.

#### **ALL VENDOR PERMITS MUST SUPPLY PROOF OF LIABILITY INSURANCE**

**2:06: COMMERCIAL BOOTH NON-FOOD – PERMIT REQUIRED** No person, club, group, organization, corporation or entity of any kind shall sell merchandise to the public on July 21, 2024 at a location other than their regularly established place of business, unless said person or entity shall first obtain a *Vendor Permit* from the Emerson RAGBRAI Committee. Those Emerson businesses that operate only from their premises; and sell those items that they normally sell to the public are exempt from the requirements of this Section.

**2:07: COMMERCIAL BOOTH NON-FOOD LOCATION** The fees for all *Vendor Permits* shall be established by the Emerson RAGBRAI Committee.

1. The fees for vendor booth are as follows:
  - (a) East Mills School District resident: \$150.00
  - (b) Non-East Mills School District resident: \$300.00
  - (c) City of Emerson resident \$100.00

In addition to the above fees, applications received after June 1, 2024 are surcharged;

- (d) Any late application will be surcharged an additional \$200.00
2. Vendors may be placed where electricity is available, if space is available. Vendors requesting electricity will be required to pay an additional \$75.00
3. Payment of Vendor Permits, and electricity, if applicable, must be paid at the time of application. Payments are non-refundable.

**2:08: COMMERCIAL BOOTH NON-FOOD LOCATION** A Commercial Booth Non-Food permittee who has been granted an Emerson Vendor Permit shall locate its temporary facility at a location to be determined by the official Emerson RAGBRAI Committee, or their designee. The *Vendor Permit* is site specific, and the person or entity shall not be allowed to re-located to a different location than is listed on said Permit within the City of Emerson during the effective period of this ordinance.

**2:09: GLASS CONTAINERS** To promote safety during RAGBRAI, all beverages sold in Emerson, Iowa by all Commercial Booth permittees, on July 21, 2024 shall be sold in non-glass containers only.

**2:10: NUISANCE** The sale of food or the erection of a temporary facility for the sale of food or other merchandise without an Emerson Food Booth or Emerson Non-Food Booth Vendor Permit on July 21, 2024, in violation of the provisions of this Chapter shall be considered a nuisance, as exist, an emergency abatement procedure pursuant to Chapter 50 of the City Code is hereby authorized and may be executed by any peace officer of 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 Emerson RAGBRAI Committee, or their designee, in lieu of immediate abatement, may allow the person or organization to immediately purchase the necessary permit as provided by this Ordinance, providing that any health department regulations can be met as defined above in Section 2.05 of this Chapter.

**2:11: OUTDOOR SALES OF ALCHOLIC BEVERAGES – PERMIT REQUIRED**

The outdoor sale or provision of alcoholic beverages to the public shall be permitted under the following conditions:

1. A legal beer or liquor license shall be obtained for the premises pursuant to the normal licensing provisions for the City of Emerson. A current beer or liquor license is required, the application must be submitted to the City no later than July 1, 2024, for Council Approval.
2. A *Vendor Permit* must be obtained if the outdoor sales is not normally used as such.
3. For those locations where a *Vendor Permit* is required, there shall be no outdoor sales or provision of glass bottled beverages. All beverages shall be sold or dispensed in non-glass containers only.
4. All applications shall include a Site Plan that shall be approved by the City of Emerson.
5. The entire premises shall be visibly designated as the outdoor beer garden area; such as fencing or something that easily defines the enclosed area. No alcoholic beverages sold or dispensed shall be taken out of or consumed outside the designated area.

6. If the business operating the outdoor sale of alcoholic beverages according to this Chapter is also required to obtain an *Outdoor Entertainment Permit* according to section 2.12 of this Chapter, then no separate *Vendor Permit* will be required.

**2:12: GOLF CART USAGE.** Official members of the Emerson RAGBRAI Committee may operate golf carts or other similar vehicles not designated for street use on the city streets and other public property on July 21, 2024, 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 Emerson RAGBRAI Committee while operating such vehicle.

**2:13: VIOLATIONS – PENALTIES.** Selling or supplying food or merchandise to any person without an Emerson Commercial Booth or Emerson Commercial Booth Non-Food Vendor Permit on July 21, 2024, or any violation of this Chapter shall be a simple misdemeanor punishable by a maximum fine of \$1,000.00 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 4 of the City Code of Ordinances, and therefore, any civil penalties may likewise be assessed and enforced as set forth therein.

**2:14: EFFECTIVE PERIOD** The provisions of this ordinance shall be effective from 12:00 AM (CDT) on July 21, 2024, until 12:00 AM (CDT) on July 22, 2024.

**2:15: STREET CLOSINGS** During the effective date of this ordinance and without prior Council approval regarding the blocking of any city streets, the Emerson Paid Employees, Mills County Emergency Management, Mills County Sheriff's Office, Iowa State Patrol, or those at their direction, may place barricades or roadblocks in any Emerson 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 Emerson.

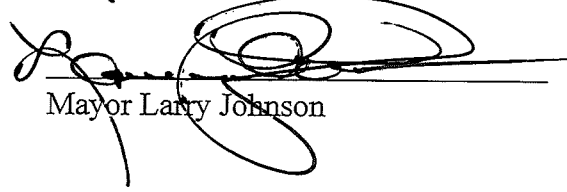
**2:16: VENDOR BOOTH FEE REFUNDS AND PERMIT TRANSFER** Vendor booth permit fees shall not be refundable in whole or in part and are not transferable.

**SECTION 3: REPEALER.** All ordinances or parts thereof in conflict with the provisions of 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 effect the validity of this ordinance as a whole or any section, provision, or part 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 required by laws.

PASSED and APPROVED this 24<sup>th</sup> day of April, 2024.

  
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Mayor Larry Johnson

ATTEST:

Mary L. Bolton  
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Mary L. Bolton, City Clerk

First Reading 4-24-2024  
Second Reading waived  
Third Reading waived

I certify that the foregoing was published as Ordinance No. 324 on the 2<sup>nd</sup> day of May, 2024.

Mary L. Bolton  
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City Clerk