

**ORDINANCE NO. 5-15-2023 #03 (632)**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALTOONA, IOWA, 2004, BY ADDING A NEW CHAPTER, CHAPTER 1220, ENTITLED “RAGBRAI 2023” ESTABLISHING TEMPORARY REGULATIONS AND A PERMIT STRUCTURE TO BE IN EFFECT DURING RAGBRAI’S VISIT TO ALTOONA – JULY 27, 2023.**

**BE IT ORDAINED** by the City Council of the City of Altoona, Iowa  
The Code of Ordinances of the City of Altoona, Iowa, 2004, is hereby amended by:

**SECTION 1.** This ordinance as amended is enacted to help city officials and citizens deal with the public health and safety concerns created by the infusion of a large number of people into the City of Altoona when the “Des Moines Register’s Annual Great Bicycle Ride Across Iowa” known as “RAGBRAI” arrives in Altoona on July 27, 2023. Due to the temporary nature of this Ordinance, it shall not be printed as part of the permanent Code of Ordinances.

**SECTION 2. 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 beverages of every kind, including both alcoholic and nonalcoholic, except for water provided without cost to the consumer.
- B. The Altoona RAGBRAI Committee for purposes herein shall be defined as the Advisory Board and the Executive Committee as designated by the City.

**SECTION 3. RAGBRAI SITES.** That, subject to the approval of the Altoona Public Works Director, *Scott Atzen*, Altoona RAGBRAI Committee, is hereby granted the right and authority to plan, supervise, administer and control the use of public-owned real estate on July 26 and July 27, 2023.

**SECTION 4. That Chapter 122 (Peddlers, Solicitors and Transient Merchants) of the code of Ordinance of the City of Altoona, Iowa, is hereby amended to add the following:**

- 122.20 Commercial Food and Non-Food Booth-Permit Required**
- 122.21 Commercial Food and Non-Food Booth Fees**
- 122.22 Commercial Food and Non-Food Booth Additional Fees**
- 122.23 Commercial Food and Non-Food Booth Locations**
- 122.24 Health Regulations**
- 122.25 Proof of Liability Insurance**
- 122.26 Glass Containers**
- 122.27 Nuisance**

- 122.28 Violations – Penalties**
- 122.29 Street Closings**
- 122.30 Golf Cart Operations**
- 122.31 Signs**
- 122.32 Outdoor Entertainment**
- 122.33 Certain Ordinances Suspended**
- 122.34 Authority**
- 122.35 Effective Period**

**122.20 COMMERCIAL FOOD AND NON-FOOD BOOTH – PERMIT REQUIRED.** No person, club, group, organization, corporation, or entity of any kind shall provide or sell food or beverages to the public anywhere in the City of Altoona on July 27, 2023, unless said person or entity shall first obtain a Commercial Food and Non-food Booth Permit from the City of Altoona through the Altoona RAGBRAI Committee, located at 900 Venbury Drive, Altoona, Iowa; PROVIDED existing businesses that have a state license for the sale of food may sell food or beverages or non-food products at their existing Altoona business premises without a Commercial Food or Non-food Booth Permit. Permit shall be prominently displayed at booth along with Official RAGBRAI Vendor Poster.

**122.21 COMMERCIAL FOOD AND NON-FOOD BOOTH FEES.** The fees for a municipal Commercial Food and non-food Booth Permit shall be as follows: Non-profit Organizations (IRS Letter of Exemption or equivalent proof of non-profit status is required) – are charged \$250.00 (\$150.00 if located in Southeast Polk School District). All other vendors are charged \$499.00 (\$399.00 if located in Southeast Polk School District).

As an exception to the foregoing, the Altoona RAGBRAI Committee shall be authorized to waive the permit fee if the applicant or applicants are children or youth under the age of 18 not associated with any group or organization, if in the sole discretion of the Altoona RAGBRAI Committee the imposition of the permit fee would be unduly burdensome.

**122.22 COMMERCIAL FOOD AND NON-FOOD BOOTH ADDITIONAL FEES.** All Commercial Food and non-food Booth Permittees will be required to submit a \$150.00 Refundable Clean-Up Deposit when the permit is issued; electricity will be supplied, if available, for an additional fee of \$50.00 for a 110-volt 20-amp circuits or \$100.00 for a 220-volt 30/50-amp circuit.

**122.23 COMMERCIAL FOOD AND NON-FOOD BOOTH LOCATION.** A vendor who has been granted a Commercial Vendor Booth permit shall locate its sale facility at such location as authorized by the Altoona RAGBRAI 2023 Committee in its sole discretion.

**122.24 HEALTH REGULATIONS.** A person or entity who has been granted an Altoona Commercial Food Booth Permit pursuant to this Chapter shall comply with the Iowa Department of Health and Polk County Department of Health rules and regulations pertaining to the sale and dispensing of food or beverages for consumption.

**122.25 PROOF OF LIABILITY INSURANCE.** Any person or entity making application for a Commercial Food Booth permit or a Commercial Non-food Booth permit shall provide a Certificate of Insurance issued by an insurance company licensed to do business in the State of Iowa, providing comprehensive or commercial liability insurance with a minimum \$1,000,000 combined single limit coverage for the injury or death of any person, for the damage of property of others and for acts of negligence by the permit-holder, permit-holder's agent(s), and employees. Said certificate shall require notice to the City, in conformity with general city standards for Certificates of Insurance, in the event the underlying policy of insurance is canceled for any reason. Termination of insurance coverage, as required by this section, shall immediately revoke the permit holder's, permit holder's agents', and employees' right to operate under this ordinance.

Certificates or copies of said policies, naming the City of Altoona and the Altoona RAGBRAI Committee as additional insureds, and providing for fifteen (15) days' notice to the City of Altoona and the Altoona RAGBRAI Committee before cancellation shall be delivered to the City of Altoona and the Altoona RAGBRAI Committee and if replacement insurance is not found prior to the event date, the permit is null and void.

**122.26 GLASS CONTAINERS.** To promote safety during RAGBRAI, all beverages sold in Altoona, Iowa, by permit holders shall be sold in non-glass containers only. The requirement shall also apply to any existing business, restaurant, service station, grocery store or other establishment selling beverages on its premises which is to be consumed outside the building.

**122.27 NUISANCE.** The sale of food or the erection of a temporary facility for the sale of food or other merchandise without an Altoona Commercial Food Booth or Altoona Commercial Non-Food Booth Permit on July 27, 2023 in violation of the provisions of this Chapter shall be considered a nuisance, as defined by Chapter 50, Section 50.01 of the City Code of Ordinances. If this type of nuisance is determined to exist, an emergency abatement procedure pursuant to Chapter 50, Section 50.08 of the City Code of Ordinances is hereby authorized and may be executed by any Altoona Police Officer or any person acting under the direction of a police officer, 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 a necessary permit, the Altoona RAGBRAI Committee, in lieu of immediate abatement, may allow the person or entity to immediately purchase the necessary permit as provided by this Ordinance at the sole discretion of the Altoona RAGBRAI Committee.

**122.28 VIOLATIONS – PENALTIES.** Selling or supplying food or merchandise to

any persons without an Altoona Commercial Food Booth permit or Altoona Commercial Non-Food Booth Permit on July 27, 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 4 of the City of Code of Ordinances, and, therefore, any civil penalties may likewise be assessed and enforced as set forth.

**122.29 STREET CLOSINGS.** During the effective dates of this ordinance and without prior Council approval regarding the blocking of any city streets, any Altoona Police Officer, or any person under the direction of a police officer, 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 Altoona.

**122.30 GOLF CART OPERATIONS.** Official members of the Altoona RAGBRAI 2023 Committee may operate golf carts (or other similar vehicles not designated for street use) on the City streets and other public property on July 26 and July 27, 2023, provided they shall otherwise remain subject to all traffic laws and the direction of local law enforcement personnel, and FURTHER PROVIDED that the operator shall at all times have an official authorization tag issued by the Altoona RAGBRAI 2023 Committee in their possession and readily visible while operating a golf cart (or other similar vehicle). All operators of such vehicles must be at least 21 years of age and possess a valid driver's license.

**122.31 SIGNS.** During the effective period of this ordinance, the Altoona Chief of Police, Altoona Zoning Official, Altoona Public Works Director, and the Altoona RAGBRAI 2023 Committee may place or authorize the placement of temporary signs on public rights of way and public property as necessary without a permit.

**122.32 OUTDOOR ENTERTAINMENT.** No outdoor entertainment shall be held on July 27, 2023 in Altoona, Iowa, without first obtaining an Outdoor Entertainment Permit from the Clerk of the City of Altoona upon recommendation of the Altoona RAGBRAI Committee or its authorized subcommittee. Any Outdoor Entertainment Permit shall be subject to the following rules:

- A. Decibel level of outdoor entertainment shall be reasonable for circumstances, location and shall be subject to the control of the Chief of Police of Altoona.
- B. Outdoor sales of alcoholic beverages shall be permitted only in full compliance with the Code of Iowa and appropriate license by the State of Iowa.
- C. The Outdoor Entertainment Permit is not transferable.

- D. All outdoor entertainment shall end at a time designated by the Altoona RAGBRAI Committee or Altoona Public Works Director.
- E. All outdoor entertainment permit holders shall be subject to fees at the same rate applied to Vendor Fees in Sections 122.20, 122.21, 122.23.

**122.33 CERTAIN ORDINANCES SUSPENDED.** Effective July 26, 2023 8:00 a.m. to July 27, 2023 8:00 p.m., Chapter 76, Sections 76.02, 76.03, 76.04, 76.05, 76.08, 76.13, 76.14, 76.15 of the Altoona Code of Ordinances shall be suspended and shall not be enforced.

**122.34 AUTHORITY.** Any and all issues and appeals regarding this ordinance shall be brought to the Altoona RAGBRAI 2023 Committee for resolution. All appeals shall be in writing, shall include the name and address of the appellant, shall describe the decision or requirement being appealed, and shall state the relief requested. Such appeal shall be submitted to the office of the Altoona City Clerk.


**122.35 EFFECTIVE PERIOD.** This Ordinance shall be of no force or effect after July 29, 2023.

**SECTION 5: REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 6: 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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 7. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

**PASSED AND APPROVED** this 15<sup>th</sup> day of May, 2023.

  
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Dean O'Connor, Mayor

ATTEST:

  
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Randy Pierce, City Clerk

May 15, 2023.