

ORDINANCE NO. 2017-003
AN ORDINANCE ADDING SECTION 122.20 TO
CHAPTER 122 PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS
IN THE SUTHERLAND 2016 MUNICIPAL CODE OF ORDINANCES OF THE CITY OF
SUTHERLAND, IOWA AND ENTITLED "RAGBRAI - MISCELLANEOUS PERMITS"

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

SECTION 1: This ordinance as outlined 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 Sutherland when the Des Moines Register's Annual Great Bicycle Ride Across Iowa™ (RAGBRAI®) arrives in Sutherland on July 23, 2017, and departs on July 23, 2017.

SECTION 2: That Section 122.20 RAGBRAI - Miscellaneous Permits of the Code of Ordinances of the City of Sutherland, Iowa, be and the same is hereby added to read as follows:

Chapter 122.20 RAGBRAI Ordinance - Miscellaneous Permits

Sections:

- 122.20.01 Commercial Booth-Permit Required
- 122.20.02 Commercial Booth Fees
- 122.20.03 Commercial Booth Location
- 122.20.04 Health Regulations
- 122.20.05 Commercial Booth Non-Food - Permit Required
- 122.20.06 Commercial Booth Non-Food Fees
- 122.20.07 Commercial Booth Non-Food Location
- 122.20.08 Glass Containers
- 122.20.09 Nuisance
- 122.20.10 Violations-Penalties
- 122.20.11 Effective Period
- 122.20.12 Street Closings

122.20.01 Commercial Booth - Permit Required. No person, club, group, organization, corporation or entity of any kind shall provide or sell food to the public in Sutherland, Iowa on July 23, 2017, unless said person or entity shall first obtain a Commercial Booth Permit from the City of Sutherland through the City Clerk located at 110 Ash Street in Sutherland, Iowa. However, any person or entity which is a resident of O'Brien 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 1, 2017, or in possession of a current Iowa retail sales tax permit, shall be exempt from the requirements of this Section.

122.20.02 Commercial Booth Fees. The fee for a Sutherland Commercial Booth Permit shall be \$300.00. Booth space is 10' x 20'. An additional \$100 will be charged for an extra space of 10' x 10'. Electrical service is an additional \$50.00 fee.

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

122.20.04 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 O'Brien County Department of Health rules and regulations pertaining to the sale and dispensing of food for consumption on its premises.

122.20.05 Commercial Booth Non-Food – Permit Required. No person, club, group, organization, corporation or entity of any kind shall provide services or sell items to the public in Sutherland, Iowa on July 23, 2017, unless said person or entity shall first obtain a Commercial Booth Non-Food Permit from the City of Sutherland through the City Clerk located at 110 Ash Street in Sutherland, Iowa. However, any person or entity which is a resident of O'Brien County and in possession of a current Iowa retail sales tax permit, shall be exempt from the requirements of this Section.

122.20.06 Commercial Booth Non-Food Fees. The fee for a Sutherland Commercial Booth Non-Food Permit shall be \$100.00. Booth space is 10' x 20'. An additional \$100 will be charged for an extra space of 10' x 10'. Electrical service is an additional \$50.00 fee.

122.20.07 Commercial Non-Food Location. A vendor who has been granted a Sutherland Commercial Booth Non-Food permit shall locate its temporary sale facility at a location to be determined by the official Sutherland RAGBRAI Committee.

122.20.08 Glass Containers. To promote safety during RAGBRAI, all beverages sold in Sutherland, Iowa, by Commercial Booth permittees, on July 23, 2017 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.

122.20.09 Nuisance. The sale of food or the erection of a temporary facility for the sale of food or other merchandise without a Sutherland Commercial Booth or Sutherland Commercial Booth Non-Food permit on July 23, 2017, in violation of the provisions of this Chapter shall be considered a nuisance, as defined by Section 50.31 of the City Code of Ordinances. If this type of nuisance is determined to exist, an emergency abatement procedure pursuant to Subsection 50.09 of the City Code is hereby authorized and may be executed by any City Official 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 a Sutherland Commercial Booth or Sutherland Commercial Booth Non-Food permit on July 23, 2017, 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 3 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. (local time) on July 22, 2017 until 5:00 p.m. (local time) on July 24, 2017.

5.08.120 Street Closings. During the effective dates of this ordinance and without prior Council approval regarding the blocking of any city streets, any Sutherland City police officer, 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 Sutherland.

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 1st day of May, 2017.

Elizabeth Peters, Mayor

ATTEST:

I certify that the foregoing was published as Ordinance No. _____
on the _____ day of _____, 2017.

Natosha Petitt, City Clerk
