

## **ORDINANCE NO. 13-02**

### **AN ORDINANCE ENACTED TO ASSIST CITY OFFICIALS AND THE RAGBRAI COMMITTEE DEAL WITH THE PUBLIC HEALTH AND SAFETY ISSUES CREATED BY THE INFUSION OF A LARGE NUMBER OF PEOPLE INTO THE CITY OF KNOXVILLE WHEN THE DES MOINES REGISTER'S ANNUAL GREAT BICYCLE RIDE ACROSS IOWA (RAGBRAI) ARRIVES IN KNOXVILLE ON JULY 24, 2013, AND DEPARTS ON JULY 25, 2013**

#### **RAGBRAI ORDINANCE**

##### **Section 1. Definitions.**

- A. Food: shall include food products of all kind 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. Entity: shall include any individual person, club, group, organization, partnership, corporation or entity of any kind.
- C. RAGBRAI Committee: shall be defined as the Advisory Board and the Executive Committee as designated by the City of Knoxville and the Knoxville Chamber Board.

##### **Section 2. Commercial Vendor – Permit Required.**

No entity shall provide or sell food or goods to the public in Knoxville, Iowa on July 24, 2013 or July 25, 2013 at a location other than their regularly-established place of business unless said entity shall first obtain a Commercial Vendor Permit from the City of Knoxville City Hall, located at 305 S. Third St., Knoxville, Iowa 50138.

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

The fee for a Commercial Vendor Permit shall be \$650.00. Current City of Knoxville vendor licenses are not valid during the 2013 Knoxville RAGBRAI event occurring July 24<sup>th</sup> and July 25<sup>th</sup>, 2013.

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

An entity that has been granted a Knoxville Commercial Vendor Permit shall locate its temporary sale facility at a location, and only at that location, to be determined by the official Knoxville RAGBRAI Committee.

##### **Section 5. Non-Commercial Vendor – Permit Required**

No non-commercial entity, including service clubs, school groups and/or other organizations, of any kind shall provide or sell food or goods to the public in Knoxville on July 24, 2013 or July 25, 2013, at a location other than their regularly-established place of business unless said person or entity shall first obtain a Non-Commercial Vendor Permit from the Knoxville RAGBRAI Committee which can be obtained at Knoxville City Hall, 305 S. Third St., Knoxville, Iowa 50138.

##### **Section 6. Non-Commercial Vendor Fees**

The fee for a local Non-Commercial Vendor Permit shall be \$350.00.

**Section 7. Non-Commercial Vendor Location**

An entity that has been granted a Knoxville Non-Commercial Vendor Permit shall locate its temporary facility at a location, and only at that location, to be determined by the official Knoxville RAGBRAI Committee.

**Section 8. Mobile Vendor – Permit Required**

No entity shall provide or sell food or goods to the public in Knoxville, Iowa on July 24, 2013 or July 25, 2013, by utilizing mobile carts, wagons, trays or other carrying devices unless said entity shall first obtain a Mobile Vendor Permit from the City of Knoxville City Hall, located at 305 S. Third St., Knoxville, Iowa 50138.

**Section 9. Mobile Vendor Fees**

The fee for a Mobile Vendor Permit shall be \$200.00 per two (2) mobile vending units, such as carts, trays, wagons, etc.

**Section 10. Mobile Vendor Location**

An entity that has been granted a Knoxville Mobile Vendor Permit shall locate its mobile sales at locations and event areas to be determined by the official Knoxville RAGBRAI Committee.

**Section 11. Health Regulations**

All entities issued a commercial, non-commercial or mobile vendor permit who will sell food items as part of the Knoxville RAGBRAI event pursuant to this Ordinance, and entities who are not required to obtain a vendor permit but sell food items, shall comply with the Iowa Department of Inspections & Appeals and the Marion County Public Health Department rules and regulations, including obtaining appropriate permits, pertaining to the sale and dispensing of food for consumption on its premises.

**Section 12. Refundable Cleanup Deposit**

All permitted entities shall pay at the time of application, a \$100.00 refundable cleanup deposit. If cleanup of the site is approved by the Sanitation Committee, the deposit will be fully refunded.

**Section 13. Declining Permit**

The Knoxville RAGBRAI Committee 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 14. Application Deadline**

All applications for permits must be received by Friday, June 14, 2013. All applications received after this date are not ensured of approval and will be subject to a \$250 late fee.

**Section 15. Electrical Service**

All vendors should provide their own electrical service, as permit issuance does not guarantee the ability to provide electrical connections/supply to vendors. Each vendor may request the Knoxville RAGBRAI Committee to provide electricity if no other alternatives are available. If electricity is available, a fee shall be charged. The fee for providing electrical service to the requesting vendor shall be \$30.00 per booth.

**Section 16. Indemnity Agreement**

All vendors must complete and return a signed Indemnity Agreement with each Knoxville RAGBRAI Vendor Application. The sponsor must indemnify and hold harmless the Knoxville RAGBRAI Committee, its agents, officers, employees, the City of Knoxville and Knoxville Chamber of Commerce from and against all claims for injury or damage to persons or property arising out of or caused by vending during the Knoxville RAGBRAI event. The sponsor must sign and return the attached Indemnity Agreement before any permits will be issued.

**Section 17. Insurance Certificate. Liability Insurance**

Each vendor must procure and maintain in force during the event a policy of liability insurance and if required, Dram Shop Liability Insurance. **Dram Shop Liability Insurance for events on City property must be in the amount of at least \$1,000,000 regardless of the minimum amount required by the Iowa Department of Alcohol Beverage Division. The certificate of liability insurance shall name the City of Knoxville as the certificate holder.**

The insurance must be with a carrier authorized to do business in Iowa and a carrier that has received a rating of A VII or better in the current Best's Rating Guide. The first named insured shall notify the City of Knoxville of any material changes, cancellations or impairment of aggregate limits within ten (10) days of such change.

The vendor must furnish to the City of Knoxville, prior to the event, certificate of liability insurance with limits of liability not less than the following or greater if required by law.

**COMMERCIAL GENERAL LIABILITY:**

General Aggregate Limit		\$1,000,000
DRAM Shop Liability	(if needed, must comply with Iowa Law)	\$1,000,000
Each Occurrence Limit		\$1,000,000

Failure to provide minimum coverage shall not be deemed a waiver of these requirements by the City of Knoxville. Failure to obtain or maintain the insurance required herein shall be considered a material breach of the vendor permit.

Each certificate shall state that the additional insured endorsement and governmental immunities endorsement are attached to the policy and a copy of the respective endorsement shall be attached to the certificate.

**Section 18. Permit Display**

After obtaining the appropriate permit for the Knoxville RAGBRAI event on July 24, 2013, and July 25, 2013, all vendors and/or booth operators shall display the permit on premises prior to and during operation of any booth or mobile vending operation.

**Section 19. Outdoor Alcoholic Beverage Garden**

The presence of 25,000 to 30,000 extra people in Knoxville on July 24, 2013, and July 25, 2013, 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 there may be no more than one applicant permitted to

operate an outdoor alcoholic beverage garden from a temporary location with a five day or fourteen day beer permit and/or five day or fourteen day liquor license. To help support the cost incurred by the Knoxville RAGBRAI Committee to host RAGBRAI as an overnight stop, the Knoxville RAGBRAI Committee, or its designee, shall have the first option to apply for the necessary permits or licenses to operate such alcoholic beverage garden at such location, but if the Committee does not secure such a permit and/or license before July 1, 2013, the Council shall have the option to consider applications from other vendors. Businesses that have an existing 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 20. 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 Knoxville RAGBRAI Committee, unless specifically authorized by the Knoxville RAGBRAI Committee. All other municipal laws and ordinances apply to the use of motorized vehicles as outlined in Title 5, Chapter 1 Traffic Code.

#### **Section 21. Nuisance.**

The sale of food or the erection of a temporary facility for the sale of food or other merchandise without appropriate vendor permits as outlined in this Ordinance on July 24, 2013, and July 25, 2013, is in violation of Title 4, Chapter 7 of the Knoxville Municipal Code shall be considered a nuisance.

#### **Section 22. Violations – Penalties**

- A. Entities which violate this Ordinance shall be guilty of a municipal infraction and punished by the provisions set out in Title 1, Chapter 4 of this Municipal Code.
- B. Selling or supplying food or merchandise to the public without a Knoxville Commercial, Non-Commercial or Mobile Vendor Permit on July 24, 2013, or July 25, 2013, when such a permit is required, is in violation of this Ordinance. The City Manager may issue a vendor permit, subject to receipt of regular permit fee, late fee, and any application of penalties set forth in Section 22 of this Ordinance.

#### **Section 23. Street Closings**

During the effective dates of this Ordinance and without prior Council approval regarding the blocking of any city streets, any City of Knoxville police officer, or members of a RAGBRAI Committee which is assisting the Knoxville Police Department with traffic control, 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 Knoxville.

#### **Section 24. Advertising**

All commercial and non-commercial vendors granted a vendor permit will be included in official Knoxville RAGBRAI event advertising including publications, maps, notices, periodicals and other official publicities for the event. Commercial and non-commercial entities not required to obtain a vendor permit may pay a \$200.00 advertising fee and be included in all official advertising as stated herein.

#### **Section 25. Effective**

The provisions of this Ordinance shall be in effect upon passage by the Knoxville City Council and remain in effect until 5:00 p.m. on July 25, 2013.

**Section 26. Certain Ordinances Suspended**

Effective July 24, 2013, 6:00am to July 25, 2013 5:00pm, Ordinances 3-3-5, and Title 5 Chapter 3 Bicycles, of the Knoxville Municipal Code shall be suspended and shall not be enforced.

**Section 27. Authority.**

- A. Any issues and appeals regarding this ordinance may be brought to the City Manager for resolution.
- B. All previous ordinances or parts of such ordinances in conflict with provisions of this Ordinance are hereby repealed.
- C. 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.
- D. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2013.

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Don Zoutte, Sr., Mayor

ATTEST:

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Heather Ussery, City Clerk