

ORDINANCE NO. 2

AN ORDINANCE AMENDING SECTION 5.34 IN THE CODE OF ORDINANCES OF THE CITY OF PAULLINA, AND ENTITLED "RAGBRAI-MISCELLANEOUS PERMITS"

Be it enacted by the City Council of Paullina, 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 Paullina when the Des Moines Register's Great Annual Bike Ride Across Iowa tm (RAGBRAI) arrives in Paullina on July 23<sup>rd</sup> 2017 and departs on July 23<sup>rd</sup> 2017.

Section 2: That Section 5.34 RAGBRAI-Miscellaneous Permits of the Code of Ordinances of the City of Paullina, Iowa, be and the same is hereby amended to read as follows:

Title V - Business and Occupation Regulations - Chapter 4- RAGBRAI - Article 6 - Miscellaneous Permits

RAGBRAI Ordinance - Miscellaneous Permits

Sections:	6.07	Commercial Booth Non-Food Location
6.01 Commercial Booth-Permit Required	6.08	Glass Containers
6.02 Commercial Booth Fees	6.09	Nuisance
6.0- Commercial Booth Location	6.10	Violations-Penalties
6.o... Health regulations	6.11	Effective Period
6.05 Commercial Booth Non -Food-Permit Required	6.12	Street Closings
6.06 Commercial Booth-Non-Food Fees		

6.01 Commercial Booth-Permit Required. No person, club, group, organization, corporation or entity of any kind shall provide or sell food to the public in Paullina on July 23<sup>rd</sup> 2017 unless said person or entity shall first obtain a Commercial Booth Permit from the City of Paullina through the City Clerk located at 127 S. Main St. Paullina, Iowa. However, any person or entity which is in a resident of O'Brien Co. 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 July 23<sup>rd</sup> 2017, or in possession of a currant Iowa retail sales tax permit, shall be exempt from the requirements of this Section.

6.02 Commercial Booth Fees. The fee for a Paullina Commercial Booth Permit shall be \$200.00. Non- Profit \$100.00.

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

6.04 Health Regulations. A person or entity issued a commercial booth permit pursuant to this Chapter (RAGBRAI) COMMERCIAL BOOTH PERMITTEE herein) shall comply with the Iowa Department of Health and O'Brien Co. Dept. of Health Rules and regulations pertaining to the sale and dispensing of food for consumption of its premises.

6.08 Glass Containers. To promote safety during RAGBRAI, all beverages sold in Paullina, Iowa by commercial Booth permittees, on June 2<sup>nd</sup>, 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.

6.09 Nuisance. The sale of food or erection of a temporary facility for the sale of a food or other merchandise without a Paullina Commercial Booth or Paullina Commercial Non-Food permit on July 23<sup>rd</sup> 2017, in violation of the provisions of this Chapter shall be considered a nuisance, as defined by Section 8.08 of the City Code of Ordinances. If this type of nuisance of this Chapter shall be considered a nuisance, as defined by Section 8.08 of the City Code of Ordinances. If this type of nuisance is determined to exist, an emergency abatement procedure pursuant to Subsection 8.08.080 of the City Code is hereby authorized and hence 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 reorganization to immediately purchase (cash only) a necessary permit as provided by this Ordinance.

6.10 Violations-Penalties. Selling or supplying food or merchandise to any person without a Paullina Commercial Booth or Paullina Commercial Booth Non-Profit permit on July 23<sup>rd</sup> 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 (30) days in jail. Furthermore, any violation of this Chapter shall constitute a municipal infraction, as set forth in Chapter 8 of the City Code of Ordinances, and, therefore, any civil penalties may likewise be assessed and enforced as set forth.

6.11 Affective Period. The provisions of this ordinance shall be effective from 5:00 a.m. (local time) on July 23<sup>rd</sup> 2017 until 5:00 p.m. (local time) on July 23<sup>rd</sup> 2017.

6.12 Street Closings. During the effective dates of this ordinance and without prior Council approval regarding the blocking of any City streets, any Paullina Police Officer, or those at their direction, may place barricades or road blocks in any City Street, ally 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 Paullina.

Section 3: REPEALER. All ordinances or parts thereof in conflict with the provisions 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 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 provided by law.

Passed and approved by this Council on the 1<sup>st</sup> day of May, 2017

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Justin Stamer, Mayor

ATTEST:

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Sandy Fritz, City Clerk

I certify that the foregoing was published as Ordinance No. 2 on the 11<sup>th</sup> day of May, 2017