

**March 4, 2015**

**To: Mayor Bemrich and City Council**  
**From: David Fierke, City Manager**  
**Subject: Special RAGBRAI Ordinance**



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**ACTION: for 1<sup>st</sup> Reading March 9.**

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### **Brief History**

As you are all well aware, Fort Dodge is a host City for RAGBRAI on Monday, July 20, 2015. The RAGBRAI organization encourages host cities to pass an ordinance that is effective only the day they are the host city. The draft ordinance presented is a model provided by RAGBRAI.

### **Analysis of Issue**

The goal of the ordinance is to create special regulations or suspend ordinary regulations to allow the community to effectively handle the onslaught of 10,000 to 15,000 riders as well as other visitors that night. It is essential that crowds are managed in appropriate areas that have adequate facilities so that every visitor has a fun and safe stay in Fort Dodge. Additionally, the ordinance creates a permit structure so the host committee can raise funds to cover the expenses associated with being a host community.

The main purpose of the ordinance is to establish fees for the transient food vendors that follow RAGBRAI. Usually the fees are about \$800 for the commercial vendors and \$300 for the non-profits vendors. I have been told by the RAGBRAI director that the commercial vendors will pay the fee without complaint. In some cities the not-for-profits raise concern over the fee, but the Fort Dodge committee's intent is to reimburse the not-for-profit fees if the event has a revenue surplus.

The other key function is that the City will only allow one special event permit with a temporary liquor license. That permit is assigned to the RAGBRAI host committee for the main beverage and entertainment tent.

Please note that existing permit holders with established outdoor service areas will be allowed to use it on July 20, but the City will not allow any special event permits or temporary modifications to an outdoor service areas.

This ordinance also temporarily suspends a few other City laws.

First it suspends the requirement that every bicycle ridden in Fort Dodge have a current registration. It suspends the prohibition of vendors selling products on City right-of-way as long as the vendor is approved by the Fort Dodge RAGBRAI committee. Lastly, it suspends our temporary sign regulations, because we want business to use signage to welcome riders. For this period, they will not need to get a permit from the city to do that.

The ordinance attached is taken from the model ordinance provided by RAGBRAI and customized to the City of Fort Dodge code.

### **Budget Impact**

The Fort Dodge RAGBRAI Committee has a draft budget that includes all of the host community events including direct City overtime. In addition we have set aside \$40,000 out of the City budget if overtime costs are not covered by the revenues from the event.

### **Implementation and Accountability**

Once approved by the City Council, all implementation component are handled by the Fort Dodge Host Committee.

Signed,



David Fierke  
City Manager

FORT DODGE, IOWA - ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF FORT DODGE, IOWA 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 FORT DODGE WHEN THE DES MOINES REGISTER'S ANNUAL GREAT BICYCLE RIDE ACROSS IOWA (RAGBRAI) ARRIVES IN FORT DODGE ON JULY 20, 2015, AND DEPARTS ON JULY 21, 2015**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT DODGE, IOWA:

**ARTICLE I.**

That the Municipal Code of the City of Fort Dodge, Iowa be amended by the following Ordinance designated "RAGBRAI ORDINANCE", which because of its temporary nature shall not be printed as part of the permanent Code of Ordinances. The RAGBRAI Ordinance is as follows:

"RAGBRAI ORDINANCE"

**Section 1. Definitions.**

A. As used herein, "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. As used herein, "person" shall include any individual person, club, group, organization, partnership, corporation or entity of any kind.

C. The RAGBRAI Committee for purposes herein shall be defined as the Advisory Board and the Executive Committee as herewith attached.

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

No for-profit person, shall provide or sell food or goods to the public in Fort Dodge, Iowa on July 20, 2015 or July 21, 2015 at a location other than their regularly-established place of business unless said person shall first obtain a Commercial Vendor Booth Permit from the Fort Dodge RAGBRAI Committee through the Greater Fort Dodge Growth Alliance office located at 24 N 9<sup>th</sup> Street, Fort Dodge, Iowa. The City of Fort Dodge shall approve all permits.

**Section 3. Commercial Vendor Booth Fees**

The fee for a Commercial Food Booth Permit shall be \$800.00.

**Section 4. Commercial Vendor Booth Location**

A Vendor who has been granted a Fort Dodge Commercial Vendor Booth Permit shall locate its temporary sale facility at a location, and only at that location, to be determined by the official Fort Dodge RAGBRAI Committee.

**Section 5. Non-Profit Vendor Booth – Permit Required**

No non-profit person of any kind shall provide or sell food or goods to the public in Fort Dodge on July 20, 2015 or July 21, 2015, at a location other than their regularly-established place of business unless said person or entity shall first obtain a Non-Profit Vendor Booth permit from the Fort Dodge RAGBRAI Committee through the Greater Fort Dodge Growth Alliance office located at 24 N 9<sup>th</sup> Street, Fort Dodge, Iowa. The City of Fort Dodge shall approve all permits.

**Section 6. Non-Profit Vendor Booth Fees**

The fee for a local Non-Profit Vendor Booth Permit shall be \$300.00.

**Section 7. Non-Profit Vendor Booth Location**

A vendor who has been granted a Fort Dodge Non-Profit Vendor Booth Permit shall locate its temporary facility at a location, and only at that location, to be determined by the official Fort Dodge RAGBRAI Committee.

**Section 8. Health Regulations**

A person issued a commercial or non-profit food booth permit pursuant to this Ordinance shall comply with the Iowa Department of Health and Webster County Department of Health rules and regulations, including obtaining appropriate permits, pertaining to the sale and dispensing of food for consumption on its premises.

**Section 9. Refundable Cleanup Deposit**

Permitted vendors shall pay, at the time of application, a \$100.00 refundable deposit. If cleanup of the site is approved by the Fort Dodge RAGBRAI Committee, the deposit will be refunded.

**Section 10. Declining Permit**

The Fort Dodge RAGBRAI committee shall make recommendations to the City of Fort Dodge. The City of Fort Dodge shall approve all permits and 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 11. Application Deadline**

All applications for permits must be received by June 1, 2015. Applications received after this date are not ensured of approval and are subject to a \$250 late fee.

**Section 12. Electrical Service**

The fee for providing electrical service to each booth shall be \$75.00 per booth. Additional charges may apply if more than basic electrical needs are requested.

**Section 13. Outdoor Alcoholic Beverage Garden – special event permit.**

The presence of 20,000 to 25,000 extra people in Fort Dodge on July 20, 2015, 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 special event permit 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 Fort Dodge RAGBRAI Committee to host RAGBRAI as an overnight stop, the Fort Dodge 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, 2015, the Council shall have the option to consider applications from other vendors. Businesses that have an existing liquor license for an outdoor service area as of the date of approval of this Ordinance shall be permitted to operate such within the space defined in their license.

No temporary premise updates regarding outdoor service areas of existing license holders will be allowed for a date that includes July 20, 2015.

**Section 14. 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 Fort Dodge RAGBRAI Committee, unless specifically authorized by the Committee or Fort Dodge Public Safety.

**Section 15. Nuisance.**

The sale of food or the erection of a temporary facility for the sale of food or other merchandise without a commercial or non-profit vendor permit on July 20, 2015 and July 21, 2015 is in violation of this Chapter shall be considered a nuisance as defined by Section 9.32 of this Municipal Code. If this type of nuisance is determined to exist by the Director of Public Safety, an immediate abatement shall occur and is hereby authorized and may be executed by any peace officer or those acting at their discretion by dismantling and removing the nuisance without notice.

**Section 16. Violations - Penalties**

Selling or supplying food or goods to the public without a Fort Dodge Commercial/Non-Profit Vendor Booth Permit on July 20, 2015 or July 21, 2015 when such a permit is required, is in violation of this Ordinance. The City of Fort Dodge at its sole discretion could issue a permit, subject to receipt of booth fee, regular late fee, and an additional late fee of \$250.00.

**Section 17. Street Closings**

During the Effective dates of this ordinance and without prior Council approval regarding the blocking of any city streets, any Fort Dodge 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 Fort Dodge.

**Section 18. Effective**

The provisions of this Ordinance shall be in effect upon passage by the Fort Dodge City Council and remain in effect until 5:00 p.m. on July 21, 2015.

**Section 19. Certain Ordinances Suspended**

Effective July 20, 2015 6:00am to July 21, 2015 5:00pm the following sections of the City Municipal Code shall be suspended and shall not be enforced:

- a. Section 10.40.010 through Section 10.40.030, as related to bicycles,
- b. Section 9.04.050 concerning goods offered for sale to the extent that the activity is permitted in accordance with this ordinance, and
- c. Section 17.08.04, I, 5 of the City of Fort Dodge Zoning Ordinance regarding temporary signs.

**Section 20. Authority.**

Any and all issues and appeals regarding this ordinance will be brought to the local Fort Dodge RAGBRAI Committee and the City of Fort Dodge for resolution.

**Article II.**

All previous ordinances or parts of such ordinances in conflict with provisions of this Ordinance are hereby repealed.

**Article III.**

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.

**Article IV.**

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 \_\_\_\_\_, 2015.

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Matt Bemrich, Mayor

ATTEST:

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Jeff Nemmers, City Clerk

Attachment A. RAGBRAI Committee

<b>Advisory Board</b>	
David	Fierke
Dennis	Plautz
Ed	Shimkat
John	Taets
Matt	Bemrich
Merrill	Leffler
Sue	Thompson
<b>Executive Committee</b>	
Matt	Cosgrove
Susan	Ahlers-Leman
Mike	Johnson
Kelly	Hindman