

KEOKUK COUNTY, IOWA
ORDINANCE NO. 47

Title: AN ORDINANCE TO ASSIST COUNTY OFFICIALS (with) CONTROL (of) PUBLIC HEALTH AND SAFETY ISSUES CREATED BY THE INFUSION OF A LARGE NUMBER OF PEOPLE IN THE COUNTY BY ESTABLISHING REGULATIONS AND A PERMIT STRUCTURE FOR VENDORS IN THE UNINCORPORATED AREAS OF KEOKUK COUNTY DURING THE DES MOINES REGISTER'S ANNUAL GREAT BICYCLE RIDE ACROSS IOWA (RAGBRAI) ON JULY 26 & 27, 2018.

BE IT ORDAINED by the Keokuk County Board of Supervisors:

SECTION 1 – PURPOSE: The purpose of this Ordinance is to control the safety and well-being of the public during the RAGBRAI event, July 26 & 27, 2018, in Keokuk County, Iowa.

SECTION 2 – DEFINITIONS: For purposes of this Ordinance, the following terms or words shall be interpreted or defined as follows:

1. "Vendor" shall mean any person, association, corporation, organization, or other entity that sells or supplies food, beverages, services, or merchandise to the public in the unincorporated areas of Keokuk County, Iowa.
2. "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.
3. "Sale Facility" shall be defined as any site from which the vendor offers food, beverages, services or merchandise for sale or sells or delivers food, beverages, services or merchandise.
4. The "designated permit processing agent" for purposes here-in shall be defined as the Sigourney City Clerk.

SECTION 3 – PERMITS: No vendor shall sell or supply food, beverage, services or merchandise to the public or erect a temporary stand, sale facility or distribution area in the unincorporated areas of Keokuk County on July 26 & 27, 2018, without first having obtained a vendor's permit from the designated permit processing agent. A vendor fee will be required. A copy of the permit shall be maintained at the vendor's sale facility at all times and produced immediately upon request by any law enforcement official, environmental health specialist or anyone acting per their direction. Vendors applying for a permit shall be required to show proof of insurance liability coverage naming Keokuk County as an additional insured in an amount of at least one million dollars. Vendors applying for a permit shall also be required to show proof of all necessary licenses and permits. The application deadline for Vendor Permits shall be June 29, 2018.

SECTION 4 – EXCEPTION: Businesses that were in existence on June 1, 2018 in possession of a current applicable permit for the sale or supply of food, beverages, services or merchandise, may sell or supply food, beverages, services or merchandise upon their licensed premises in the unincorporated areas of Keokuk County without first obtaining a vendor permit. HOWEVER, this provision does not allow such existing businesses to sell or supply food, beverages, services or other merchandise off-site of the licensed premises, or on the public street or in the right-of-way abutting the licensed premises, without first obtaining a vendor permit from the designated permit processing agent.

SECTION 5 – FEES: The fees for vendor permits shall be as follows:

1. Food and beverage vendor permits and non-food vendor permits shall be \$800.
2. Non-profit food and beverage vendor permits and non-food vendor permits shall be \$200.
3. A \$100 cleanup deposit is required for each permit. This money will be refunded if the vendor complies with this Ordinance and the site is completely cleaned up by July 28, 2018.
4. The fees charged for vendor permits will be used to cover expenses of Keokuk County for hosting the event. The designated permit processing agent shall ensure that notice and a full refund of the application fee is returned to any vendor whose application is denied.

SECTION 6 – FOOD AND BEVERAGE LOCATIONS: A vendor who has been granted a Keokuk County food and beverage vendor permit shall locate its sale facility at such location within the unincorporated areas of Keokuk County as described on the permit application, NOT on County right-of-way, at least 50 feet from the travelled portion of the road to which it is adjacent and there shall be no signage or other sale related items or material placed in the County right of way

SECTION 7 – HEALTH REGULATIONS: A person or entity issued a food and beverage vendor permit pursuant to this Ordinance shall comply with the Iowa Department of Health/Iowa Department of Inspections and Appeals regulations

pertaining to the sale and dispensing of food or beverage for consumption and any local Board of Health rules and regulations pertaining to same.

SECTION 8 - GLASS CONTAINERS: To promote safety during RAGBRAI, all beverages sold in the unincorporated areas of Keokuk County, Iowa, by food and beverage vendors on July 26 & 27, 2018, shall be provided in non-glass containers only. This requirement shall also apply to any existing business, restaurant, service station, grocery or other establishment in the unincorporated areas of Keokuk County selling or providing beverages on its premises for consumption offsite or in an outdoor setting open to the public.

SECTION 9 - NUISANCE: The sale or supply of food, beverage, services or merchandise or the erection of a temporary facility for the sale of such items without the food, beverage or non-food vendor permit described in Section 3 of this ordinance on July 26 & 27, 2018, in violation of the provision of this Ordinance is hereby declared to be a nuisance as defined by Section 657.1 of the Iowa Code. If a peace officer or environmental health officer determines a nuisance to exist in violation of this Ordinance, an emergency abatement procedure may be executed by any peace officer or those acting at the peace officer's direction by causing the illegal facility to be dismantled and removed. In this event, the peace officer or those acting at the peace officer's direction shall provide an immediate notice to the offender of the violation. Failure or inability of the offender to immediately remedy the violation shall result in the emergency abatement procedure above.

SECTION 10 - VIOLATIONS/PENALTIES: Selling or providing food, beverages, services or merchandise to any person without the applicable permit on July 26 & 27, 2018, or any other violation of this Ordinance shall be a simple misdemeanor punishable by a maximum fine of \$500, or a maximum of 30 days in jail, or both. Each separate sale or distribution shall be deemed a separate violation.

SECTION 11 - EFFECTIVE DATE: This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

SECTION 12 - REPEALER: All ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed. No zoning ordinance is established for the unincorporated areas Keokuk County.

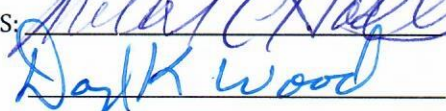
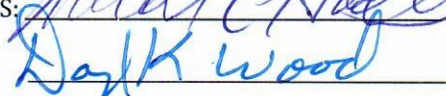
SECTION 13 - SEVERABILITY CLAUSE: If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

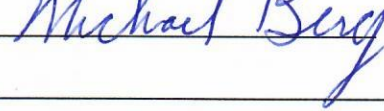
SECTION 14 - SUNSET CLAUSE: This Ordinance is repealed on July 28, 2018. Any violations of this Ordinance that have not yet been adjudicated by the date of repeal may still be litigated as if this Ordinance still remained in full force and effect.

Adopted by the Keokuk County Board of Supervisors the 29th day of May, 2018.


APPROVAL/WAIVER

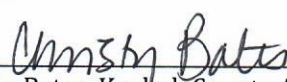
FIRST READING OF ABOVE AND FOREGOING RAGBRAI VENDOR ORDINANCE, WAIVER OF SECOND AND THIRD READINGS AND APPROVAL THEREOF

AYES: 


NAYS: 

Approved by the Keokuk County Board of Supervisors on this 29th day of May, 2018.


Michael C. Hadley, Chairperson
Keokuk County Board of Supervisors

ATTEST: 
Christy Bates, Keokuk County Auditor