

# PUBLIC NOTICE

City of Aurelia

**RESOLUTION NO. 20-06  
A RESOLUTION AMENDING THE  
CODE OF ORDINANCES OF THE  
CITY OF AURELIA, IOWA, ADDING  
CHAPTER 126 ENTITLED "RAGBRAI -  
MISCELLANEOUS PERMITS"**

WHEREAS, there has been on file in the office of the City Clerk for public inspection an official copy of the proposed "CODE OF ORDINANCES OF THE CITY OF AURELIA, IOWA"

NOW THEREFORE BE IT RESOLVED, that a public hearing thereon will be held in the Aurelia Council Chambers on the 20<sup>th</sup> day of April, 2020, at 6:30 O'clock p.m., at which time and place the Council will consider arguments for or against the adoption of the proposed CODE OF ORDINANCES BY ADDING CHAPTER 126 ENTITLED "RAGBRAI-MISCELLANEOUS PERMITS"

**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 Aurelia when the Des Moines Register's Annual Great Bicycle Ride Across Iowa™ (RAGBRAI®) arrives in Aurelia on July 19, 2020, and departs on July 19, 2020.

**SECTION 2:** That Chapter 126 RAGBRAI-Miscellaneous Permits of the Code of Ordinances of the City of Aurelia, Iowa, be and the same is hereby added to read as follows:

**Chapter 126  
RAGBRAI Ordinance-  
Miscellaneous Permits**

**Sections:**

- 126.01 Commercial Booth-Permit Required
- 126.02 Commercial Booth Fees
- 126.03 Commercial Booth Location
- 126.04 Health Regulations
- 126.05 Commercial Booth Non-Food-Permit Required
- 126.06 Commercial Booth Non-Food Fees
- 126.07 Commercial Booth Non-Food Location
- 126.08 Glass Containers
- 126.09 Nuisance
- 126.10 Violations-Penalties
- 126.11 Effective Period
- 126.12 Street Closings

**126.01 Commercial Booth-Permit Required.** No person, club, group, organization, corporation or entity of any kind shall provide or sell food to the public

in Aurelia on July 19, 2020, unless said person or entity shall first obtain a Commercial Booth Permit from the City of Aurelia through the City Clerk located at 236 Main St. in Aurelia, Iowa. However, any person or entity which is a resident of Cherokee 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, or in possession of a current Iowa retail sales tax permit, shall be exempt from the requirements of this Section.

**126.02 Commercial Booth Fees.** The fee for an Aurelia Commercial Booth Permit shall be \$350.00. Booth space is 20' x10'.

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

**126.04 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 Cherokee County Department of Health rules and regulations pertaining to the sale and dispensing of food for consumption on its premises.

**126.05 Glass Containers.** To promote safety during RAGBRAI, all beverages sold in Aurelia, Iowa, by Commercial Booth permittees, on July 19, 2020, 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.

**126.06 Nuisance.** The sale of food or the erection of a temporary facility for the sale of food or other merchandise without an Aurelia Commercial Booth or Aurelia Commercial Booth Non-Food permit on July 19, 2020, 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 is determined to exist, an emergency abatement procedure pursuant to Chapter 50 of the City Code is hereby authorized and may be 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 organization to immediately purchase (cash only) a necessary permit as provided by this Ordinance.

**126.07 Violations - Penalties.** Selling or supplying food or merchandise to any person without an Aurelia Commercial Booth or Aurelia Commercial Booth Non-Food permit on July 19, 2020, 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.

**126.08 Effective Period.** The provisions of this ordinance shall be effective from 5:00 a.m. (local time) on July 19, 2020, until 5:00 p.m. (local time) on July 19, 2020.

**126.09 Street Closings.** During the effective dates of this ordinance and without prior Council approval regarding the blocking of any city streets, any Aurelia 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 Aurelia.

**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 16<sup>th</sup> day of March, 2020.

Gene Suhr, Mayor

ATTEST:

Barb Messerole, City Clerk

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