

CITY OF ELDORA, HARDIN COUNTY, IOWA

ORDINANCE NO. 862

**AN ORDINANCE AMENDING THE 1999 RECODIFICATION OF THE MUNICIPAL CODE OF THE CITY OF ELDORA, IOWA ENACTED TO ASSIST CITY OFFICIALS AND THE IOWA'S RIDE COMMITTEE DEAL WITH THE PUBLIC HEALTH AND SAFETY ISSUES CREATED BY THE INFUSION OF A LARGE NUMBER OF PEOPLE INTO THE CITY OF ELDORA WHEN IOWA'S RIDE ARRIVES IN ELDORA ON JULY 14, 2020, AND DEPARTS ON JULY 15, 2020**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELDORA, IOWA:

Section I. That the 1999 Recodification of the Municipal Code of the City of Eldora, Iowa be amended by the following Ordinance designated "IOWA'S RIDE ORDINANCE", which because of its temporary nature shall not be printed as part of the permanent Code of Ordinances. The IOWA'S RIDE Ordinance is as follows:

"IOWA'S RIDE 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 IOWA'S RIDE Committee for purposes herein shall be defined as the Advisory Board and the Executive Committee of Iowa's Ride Eldora.

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

No for-profit person, shall provide or sell food or goods to the public in Eldora, Iowa on July 14, 2020 or July 15, 2020 at a location other than their regularly-established place of business unless said person shall first obtain a Commercial Vendor Booth Permit from the Eldora IOWA'S RIDE Committee through the Eldora City Hall office located at 1442 Washington Street, Eldora, Iowa. The Iowa's Ride Eldora Committee shall approve all permits.

**Section 3. Commercial Vendor Booth Fees**

The fee for a Commercial Food Booth Permit shall be \$500.00.

**Section 4. Commercial Vendor Booth Location**

A Vendor who has been granted a Commercial Vendor Booth Permit shall locate its temporary sale facility at a location, and only at that location, to be determined by the official Eldora IOWA'S RIDE Committee.

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

No non-profit person or entity of any kind shall provide or sell food or goods to the public in Eldora on July 14, 2020 or July 15, 2020, unless said person or entity shall first obtain a Non-Profit Vendor Booth permit from the Eldora IOWA'S RIDE Committee through Eldora City Hall located at 1442 Washington Street, Eldora, Iowa. The Iowa's Ride Eldora Committee shall approve all permits.

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

The fee for a local Non-Profit Vendor Booth Permit shall be \$250.00.

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

A vendor who has been granted a Non-Profit Vendor Booth Permit shall locate its temporary facility at a location, and only at that location, to be determined by the official Eldora IOWA'S RIDE 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 Inspections and Appeals rules and regulations, including obtaining appropriate permits, pertaining to the sale and dispensing of food for consumption on its premises.

## **Section 9. Declining Permit**

The Eldora IOWA'S RIDE committee 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 10. Application Deadline**

All applications for permits must be received by June 1, 2020. Applications received after this date are not ensured of approval and are subject to a \$100 late fee.

## **Section 11. Electrical Service**

The minimum fee for providing electrical service to each booth shall be \$100.00 per booth. Additional charges may apply if more than basic electrical needs are requested.

## **Section 12. Outdoor Alcoholic Beverage Garden.**

The presence of 5,000 to 7,000 extra people in Eldora on July 14, 2020, 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 Eldora IOWA'S RIDE Committee to host IOWA'S RIDE as an overnight stop, the Eldora IOWA'S RIDE 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, 2020, 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 13. 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 Eldora IOWA'S RIDE Committee, unless specifically authorized by the Committee or Eldora Public Safety.

## **Section 14. 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 14, 2020 and July 15, 2020 is in violation of this Chapter shall be considered a nuisance as defined by Chapter 50 Section 50.01 and 50.02 of this Municipal Code. If this type of nuisance is determined to exist by the Director of Public Safety, an emergency abatement procedure pursuant to Chapter 50 Section 50.05 of the Municipal Code 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 15. Violations - Penalties**

Selling or supplying food or goods to the public without an Eldora Commercial/Non-Profit Vendor Booth Permit on July 14, 2020 or July 15, 2020 when such a permit is required, is in violation of this Ordinance. The Iowa's Ride Eldora Committee 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 16. Street Closings**

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

**Section 17. Effective**

The provisions of this Ordinance shall be in effect upon passage by the Eldora City Council and remain in effect until 5:00 p.m. on July 15, 2020.

**Section 18. Certain Ordinances Suspended**

Effective July 14, 2020 6:00am to July 15, 2020 5:00pm, Chapter 76 as related to bicycles, of the City Municipal Code shall be suspended and shall not be enforced.

**Section 19. Authority.**

Any and all issues and appeals regarding this ordinance will be brought to the local Eldora IOWA'S RIDE Committee for resolution.

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

Section 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.

Section 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 11<sup>th</sup> day of February, 2020.

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David Dunn, Mayor

ATTEST:

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Chandra Kyte, City Clerk

Introduced: 02-11-2020  
Passed 1<sup>st</sup> Consideration: 02-11-2020  
Passed 2<sup>nd</sup> Consideration: 02-11-2020  
Passed 3<sup>rd</sup> Consideration: 02-11-2020  
  
Passed & Adopted: 02-11-2020