

CHAPTER 4 SPACE SALES

[Prior to 5/18/88, see Fair Board[430] Ch 4]

371—4.1(173) Right to sell privileges. The fair board reserves the right to grant all privileges to sell and advertise commodities on the fairgrounds.

4.1(1) *Unauthorized sales and advertising.* No one may sell or advertise merchandise, food or services or post advertising bills, signs or cards or distribute similar materials or in any way solicit on the Iowa state fairgrounds at any time without the express written permission of the Iowa state fair board or its authorized agent.

4.1(2) *Privilege license agreements.* The Iowa state fair board shall issue license agreements for the purpose of granting sales and advertising privileges as it deems warranted and proper.

4.1(3) *Application for privilege.* Any person interested may make application for sales or advertising privileges by contacting the fair board offices and completing the forms provided.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.2(173) Limited to license agreement privileges. The licensee will conduct the privileges granted by the license agreement according to the laws and rules of the state of Iowa, and without infringement upon the rights or privileges of others, and will not handle, advertise or sell any commodity or transact any business whatsoever, except that which has been expressly stipulated and licensed for, and will confine transactions to the space and privilege provided in that license agreement.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.3(173) License agreement renewal. Space license agreements are for the period specified, and the fair board reserves the right to refuse renewal.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.4(173) Reassignment of license agreements. No license agreement or privilege granted by the fair board may be assigned or otherwise disposed of without the written consent of the fair board.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.5(173) Extortion. A violation of Iowa Code section 711.4 will cause the forfeiture of license agreements, money paid and expulsion from the grounds, as the board may elect.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.6(173) Board approval of space used. The licensee will not conduct or permit to be conducted on the space which the licensee has leased any stand, show, amusement or exhibition of any character which does not meet with the approval of the fair board.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.7(173) Rental fee. The licensee will pay a rental fee in the amount determined by the fair board and stipulated in the license agreement with the board when the license agreement is executed. Any payment made as a deposit or full payment for space shall be refundable until June 1 of the given year. After that time, no refunds shall be made.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

¹371—4.8(173) Liens. The Iowa state fair shall have a lien upon all property being kept, used or situated upon the fairgrounds whether the property be exempt or not, for the rent or privilege money to be paid under a space license agreement and for any damages sustained for any breach thereof. The Iowa state fair board shall have the right to attach the same without process of law, and appropriate such property to the use of the Iowa state fair to satisfy its claims against the licensee as per licensee agreement.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

OBJECTION, 4.8*

At its August 1, 1981, meeting the administrative rules review committee voted the following objection:

Pursuant to the authority of section 17A.4, The Code, on July 13, 1981, the committee objected to rule 4.8 adopted by the fair board and appearing in IV IAB 1 (7-8-81). It is the opinion of the committee that rule 4.8 is unreasonable and beyond the authority of the board.

Rule 4.8 in essence provides that the board has a lien on all property located on the fairgrounds as security for rent or privilege money owed under contract, and that the board may attach that property without process of law. This provision is unconscionable because it is a completely one-sided remedy which puts the state in a completely superior position to the renter; and the only reason it can be imposed is because the state fair is a unique event, and those who wish to participate must comply with the conditions imposed on a take-it-or-leave-it basis. An agency of the state, itself a creation of law, must not use its superior bargaining position to impose contractual conditions that deliberately avoid process of law for their enforcement.

¹ Objection filed 8/6/81, see insert "Objection, 4.8" herein, IAC 8/19/81; at its meeting held May 9, 1995, the Administrative Rules Review Committee voted to retain this objection but referred the issue to the General Assembly. At its meeting held May 9, 1995, the Administrative Rules Committee voted to retain this objection but referred the issue to the General Assembly.

371—4.9(173) Insurance. Licensees must have a general liability insurance policy in the minimum amount of \$1 million. "The state of Iowa, Iowa state fair authority, their officers, employees and agents" must be included on the certificate of insurance as additional insured which shall be provided to the fair board before the licensee can set up for operation on the fairgrounds.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.10(173) Preparation opening date. Licensees will not be permitted to occupy a plot or space more than 13 days before the opening of the fair, but must occupy the space by 12 noon on the day preceding the opening of the fair or be subject to forfeiture of the space at the board's election.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.11(173) Building on space. Licensees will be permitted to build on space assigned to them. Any part of an exhibit or concession showing to public must be finished.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.12(173) Approval of board. All buildings, tents or enclosures put up by the licensee must be approved by the fair board.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.13(173) Painting and alterations removed. Painting, alterations or attachment to any structure owned by the fair will be prohibited unless authorized in writing by the fair board.

371—4.14(173) Removal of structures. All structures, footings or foundations above or below ground level must be removed at the expense of the licensee, unless other arrangements have been made through the Iowa state fair board.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.15(173) Opening day. All licensees will be in place and ready for public inspection by 9 a.m. on the opening day of the fair.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.16(173) Access. Any representative of the fair board shall have access to concessions or exhibits at all times.

371—4.17(173) Dismantling. Exhibits or concessions will be dismantled or removed from the space at the time stated in the license agreement. If a commercial exhibitor dismantles any or all of its exhibit prior to the time designated in its license agreement and wishes to exhibit the following year, the fair board shall require that the commercial exhibitor pay an amount which is double the amount paid for the previous year for the same space or an equal amount of space.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.18(173) Quitting premises. At the expiration of license agreements, licensees shall surrender possession of the premises to the Iowa state fair board without further notice to quit. Premises shall be in good repair as when possession was given, with the exception of unavoidable wear or damage.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.19(173) Removal of structures. Any structure erected on the fairgrounds must be removed from the grounds immediately after the fair unless authorized in writing by Iowa state fair board as per license agreement.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.20(173) Permanent or semipermanent structures. Any permanent structure or semipermanent structure erected on the fairgrounds must have written consent of the fair board and a charge will be made to keep the area neat and clean between fairs.

371—4.21(173) Electric light and power. All wiring must be safe and not create a safety, fire, tripping or mobility obstructive hazard. The chief electrician must approve all wiring in accordance with the National Electrical Code. Electrical service charges will be set by the Iowa state fair board and stated in the license agreement.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.22(173) Use of sound. No band, orchestra, musicians, loudspeaker, amplifier, radio or other sound device can be used unless the sound or amplification is confined to the area occupied by the licensee or otherwise approved by the fair board.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.23(173) Decorating material. All material used in decorating canvas tops and sidewalls must comply with the rules of the state building code or fire marshal.

371—4.24(173) Deliveries. All concessions and industrial exhibit deliveries must be made during the time set by the Iowa state fair board. A delivery permit must be obtained from the space sales department.

371—4.25(173) Discrimination. Licensees shall not discriminate because of race, creed, color, national origin, religion, age, mental or physical disability, sexual orientation, or gender identity and must further agree that their license agreement shall be terminated by the state fair board if a violation is found.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.26(173) Violation of license agreement. Any violation of any of the fair board's administrative rules or the terms and agreements of a space sales license agreement shall, at the election of the fair board, cause the whole amount of the license agreement to become due and be cause for revocation and forfeiture of all rights and privileges granted to the licensee, and in the event of a breach or rule violation by the licensee, any and all sums paid or due to be paid under the licensee agreement to the fair board shall be and become the property of the fair as liquidated damages for the breach or rule violation.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

SPECIFIC RULES FOR INDUSTRIAL EXHIBITS

371—4.27(173) Direct selling. Orders for future delivery may be taken under an industrial exhibit license agreement, but direct selling from exhibits is prohibited unless authorized in license agreement by the Iowa state fair board.

4.27(1) *Parking in exhibit space.* Parking of automobiles or trailers in exhibit space will not be permitted, except when they are being exhibited and are open to the public. Travel trailers in an exhibit space can only be used as an office when they are part of the exhibit. Trailers cannot be used for overnight camping.

4.27(2) *Exhibition hours.* All exhibits will be open to the public during the hours specified in their individual license agreements.

4.27(3) *Digging demonstrations.* Demonstrations of digging, trenching or excavation must be approved by the electrical and maintenance departments prior to the fair.

4.27(4) *Gasoline engines.* Demonstration of gasoline engines will be permitted in the varied industries building and on the promenade surrounding the building only if propelled by electric motors. [ARC 0163C, IAB 6/13/12, effective 7/18/12]

SPECIFIC RULES FOR CONCESSIONS

371—4.28(173) Needs of the people. The board shall authorize only the letting of concessions as are required to meet the necessary wants of those attending the grounds.

4.28(1) *Clean stands.* The concessionaire shall conduct business in a quiet and orderly manner, keep the area neat and clean, deposit all rubbish, garbage, tin cans, and paper in the receptacles placed or constructed adjacent to the concession plot for this purpose and shall keep the ground in front and in the rear of the concession free from all rubbish.

4.28(2) *Quality standards and products.* All dining halls, lunch booths and refreshment stands must be substantial in structure and neat in appearance. All structures and food must meet standards of the city, county and state health boards, as provided in Iowa Code chapter 137.

4.28(3) *Posted prices.* The concessionaire shall post in a conspicuous manner at the front or entrance of the place of business, a sign showing the price of meals, lunches, drink and all other articles of food and drinks to be sold. The size of the sign or bill of fare and place of posting must be approved by the fair board. The concessionaire shall not increase or reduce the established and posted price of any item of merchandise or meal sold without the consent of the fair board.

4.28(4) *No bottles or cans.* Drinks must be sold or served in soft containers.

4.28(5) *Fire extinguishers.* All concessions having cooking or heating devices must have a fire extinguisher in their kitchen.

4.28(6) *Restriction on employees.* No officer or employee in any department of the fair shall have any interest or connection with any concession operated at the fair.

4.28(7) *Space rate.* The concessionaire shall pay a space rate in the amount and manner determined by the fair board.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—4.29(173) Advertising restrictions. No concessionaire or exhibitor will be permitted to advertise by barking, loud recordings or demonstrations unless permission is given in writing by the fair board.

These rules are intended to implement Iowa Code section 173.14.

[Filed 6/19/81, Notice 4/15/81—published 7/8/81, effective 8/12/81]

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[Filed ARC 0163C (Notice ARC 0049C, IAB 3/21/12), IAB 6/13/12, effective 7/18/12]

¹ Effective date delayed by the Administrative Rules Review Committee at its June 1988 meeting.