

Item # 11c

**City of Carson City
Agenda Report**

Date Submitted: November 6, 2007

Agenda Date Requested: November 15, 2007

Time Requested: 10 minutes

To: Mayor and Supervisors

From: Parks and Recreation Department

Subject Title: Action to adopt on second reading, Bill No. 138, "An ordinance amending the Carson City Municipal Code Title 13, Parks and Recreation, Chapter 13.02, Parks, by adding Section 13.02.270, Mobile Business Operations in Parks, and Other Matters Properly Related Thereto."

Staff Summary: This ordinance allows the Parks and Recreation Department to regulate mobile businesses such as mobile canteens and vendors who wish to conduct business in City parks. Mobile businesses would have to obtain permits from the Parks and Recreation Department, who would institute rules, regulations, and fees recommended by the Parks and Recreation Commission and approved by the Board of Supervisors. Locations for mobile businesses would also be designated and approved by the Parks and Recreation Department.

Type of Action Requested: (check one)

☐ Resolution ☒ Ordinance - Second Reading
☐ Formal Action/Motion ☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: I move to adopt on second reading, Bill No. 138, "An ordinance amending the Carson City Municipal Code Title 13, Parks and Recreation, Chapter 13.02, Parks, by adding Section 13.02.270, Mobile Business Operations in Parks, and Other Matters Properly Related Thereto."

Explanation for Recommended Board Action: The Board of Supervisors, pursuant to Carson City Municipal Code, is required to take final action on all code amendments. The ordinance was introduced and approved on first reading by the Board of Supervisors during their November 1, 2007, meeting.

Applicable Statute, Code, Policy, Rule or Regulation:

Fiscal Impact: N/A

Explanation of Impact: N/A

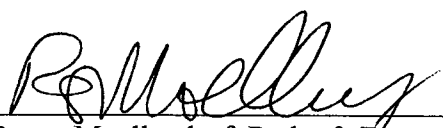
Funding Source: N/A

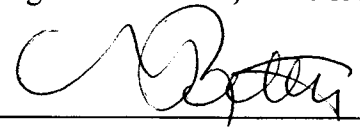
Alternatives:

- 1) Deny the ordinance
- 2) Refer the matter back to staff for further work.

Supporting Material:

- 1) Draft 10/16/07 amended Carson City Municipal Code Title 13, Parks and Recreation, Chapter 13.02, Parks, by adding Section 13.02.270, Mobile Business Operations in Parks, and Other Matters Properly Related Thereto."
- 2) Minutes of Agenda Item Number 5C, of the October 16, 2007, Parks and Recreation Commission Meeting.

Prepared By:  Date: 11/06/07
Roger Moellendorf, Parks & Recreation Director

Reviewed By:  Date: 11/6/07
Linda Ritter, City Manager

 Date: 11/6/07
District Attorney's Office
 Date: 11/6/07
Finance Department

Board Action Taken:

Motion: _____ 1: _____ Aye/Nay
2: _____

(Vote Recorded By)

ORDINANCE NO. _____

BILL NO. 138

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE
TITLE 13, PARKS AND RECREATION, CHAPTER 13.02, PARKS, BY
ADDING SECTION 13.02.270, BUSINESS OPERATIONS IN PARKS, AND
OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

Section I

That Section 13.02.270, Mobile Business Operations in Parks, is hereby added to the Carson City
Municipal Code as follows:

13.02.270 Mobile Business Operations in Parks.

1. No person shall operate a business within any park except as part of an approved special event or by permit from the Parks and Recreation Department.
2. Permits shall be provided by the Parks and Recreation Department under rules and regulations recommended by the Parks and Recreation Commission and approved by the Board of Supervisors.
3. Location designated for mobile business operations shall be approved by the Parks and Recreation Department.
4. The Parks and Recreation Commission may recommend to the Board of Supervisors a fee to be charged to mobile businesses for the privilege of operating in a park during an approved special event or for operating in a park pursuant to a permit from the Parks and Recreation Department.

Section II

That no other provision of Title 13, Parks and Recreation, of the Carson City Municipal Code are affected by this Ordinance.

PROPOSED on _____ (month) _____ (day), 2007

PROPOSED by Supervisor _____

PASSED _____ (month) _____ (day), 2007

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS:

ABSENT: SUPERVISORS:

MARV TEIXEIRA, MAYOR

ATTEST:

ALAN GLOVER, CLERK/RECORDER.

This ordinance shall be in force and effect from and after the _____ day of the month of _____ of the year, 2007.

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a preference for the second option. Mr. Geddes advised that if the purpose of the meetings would be to ultimately advise the commission, that may trigger some Open Meeting Law requirements. He reiterated that the third option may prove to be the safest. Discussion followed, and Mr. Moellendorf reminded the commissioners that former commissioner Patton had "found somebody else ... to ... lead the charge for him." He noted the difficulties associated with serving on an advisory committee and wanting to pursue a project of personal interest. Chairperson Curtis noted consensus of the commission seemed to be no desire to take action on this item. She suggested the "least painful way would be to go out and get the business done rather than bringing it here and starting from scratch so hopefully it'll come back in a more organized fashion."



5-C. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN ORDINANCE RELATING TO THE OPERATIONS OF MOBILE CANTEENS AND VENDORS IN CITY PARKS IN ASSOCIATION WITH CITY PROGRAMS (7:07:29) - Chairperson Curtis introduced this item. Mr. Moellendorf reviewed the staff report, read Exhibit A into the record, and provided an overview of the other pertinent agenda materials. He noted that Commissioner Livermore had circulated photographs of mobile vendors operating at Centennial and Mills Parks. He advised that the intent of the proposed ordinance would not be to eliminate mobile vendors, as they provide a "nice element" to recreation programs, but to ensure appropriate regulations are imposed.

In response to a question, Mr. Moellendorf discussed the need to codify the ordinance in order to enforce the policies. In response to a further question, he reviewed regulations applicable to any product vendor. Commissioner McKenna inquired as to whether the policies would be applicable to a park event which "spilled over to a school grounds." Mr. Moellendorf advised the Parks Department would work with School District representatives to determine activities allowed on their property. Vendors would typically be restricted to park and/or City property. Commissioner Livermore expressed opposition to unlicensed, non-permitted mobile vendors infringing on the rights of licensed, permitted businesses in the City. He advised that the photographs circulated were of vendors without business licenses or health permits. Commissioner McKenna referred, as an example, to the Carson High School Baseball Team selling water and soft drinks to people arriving for graduation ceremonies. He noted that the proposed ordinance would consider the venture a business, thus requiring a business license, "and all the profit would go poof." He requested staff to ensure that the ordinance provides sufficient power to exempt fund raisers, and expressed concern over keeping things as simple as possible for parents and kids. Mr. Moellendorf suggested that the definition of "business" would need to be considered in such cases. The determination over businesses and fund raisers would be left to the discretion of the Parks and Recreation Director. He discussed the importance of ensuring the public health and avoiding competition with properly licensed community businesses. Following discussion, Commissioner McKenna reiterated the importance of the Parks and Recreation Director being endowed with sufficient discretion to make determinations over fund raisers and businesses.

In response to a question, Mr. Moellendorf explained the intent of the language of paragraph 13.02.270(4). Discussion took place with regard to the possibility of establishing a fee schedule at a future commission meeting. Chairperson Curtis entertained a motion. **Commissioner McKenna moved to recommend to the Board of Supervisors to approve, on first reading, an ordinance amending Carson City Municipal Code, Title 13, Parks and Recreation, Chapter 13.02, Parks, by adding Section 13.02.270, Business Operations in Parks, and other matters properly related thereto. Commissioner Bauman seconded the motion.** Commissioner McKenna noted the discussion with regard to the definition of "business" and

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reiterated the importance of ensuring sufficient latitude for the Parks and Recreation Director. Chairperson Curtis called for a vote on the pending motion; **motion carried 5-0.**

6. COMMISSIONERS' ANNOUNCEMENTS AND REQUESTS FOR INFORMATION (7:28:07) - Commissioner Livermore invited the commissioners to J.J. McCain's bocci ball court dedication scheduled for 1:00 p.m. on Saturday, October 20th. He announced the Carson City Arts and Culture Coalition Reception scheduled for 5:30 p.m. on Thursday, October 18th at Galaxy Theater.

7. FUTURE AGENDA ITEMS (7:29:41) - None.

8. ACTION ON ADJOURNMENT (7:29:47) - Commissioner Livermore moved to adjourn the meeting at 7:29 p.m. The motion was seconded and carried 5-0.

The Minutes of the October 16, 2007 Carson City Parks and Recreation Commission meeting are so approved this _____ day of November, 2007.

DONNA J. CURTIS, Chair