

Item # 11

**City of Carson City
Agenda Report**

Date Submitted: May 5, 2008

Agenda Date Requested: May 15, 2008
Time Requested: 10 Minutes

To: Mayor and Supervisors

From: Parks and Recreation Department

Subject Title: Action to approve the proposed rules, regulations and applications procedures governing mobile vendors doing business in City parks.

Staff Summary: During the Board of Supervisors' meeting of November 15, 2007, the Board of Supervisors adopted 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." 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. Through this ordinance, mobile businesses have to obtain permits from the Parks and Recreation Department in order to conduct business in city parks. Vendors must have a current Carson City Business License, a current Health Inspection Report and Food Permit issued by the Health Department, proof of insurance with the City of Carson City listed as an additional insured, and a signed Carson City Parks and Recreation Department "Responsibilities/Rules/Release of Liability" form. The fee for the permit is \$200 per event or \$400 per program (i.e. Adult Soccer). Attached are the proposed rules and regulations for the Board of Supervisors' approval. These rules and regulations were approved and recommended by the Parks and Recreation Commission during its February 8, 2008, meeting.

Type of Action Requested: (check one)

- Resolution
- Formal Action/Motion
- Ordinance
- Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to approve the proposed rules, regulations and applications procedures governing mobile vendors doing business in City parks.

Explanation for Recommended Board Action: The proposed recommended rules and regulations were approved by the Parks and Recreation Commission on February 8, 2008, and as a result they are being forwarded to the Board of Supervisors for approval.

Applicable Statute, Code, Policy, Rule or Regulation: Ordinance No. 2007-39/138, "General Vending Rules & Regulations, Carson City Parks & Recreation Food Vendor Application of Interests."

Fiscal Impact: Minor fiscal impact with the collection of mobile vendor fees through permits.

Explanation of Impact: The Parks and Recreation Department will collect fees from mobile vendors as they apply and are permitted to conduct business in city parks.

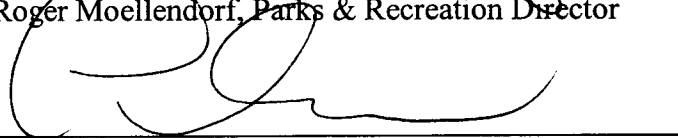
Funding Source: N/A


Alternatives: Deny the request and/or direct staff to make changes to the proposed rules and regulations.

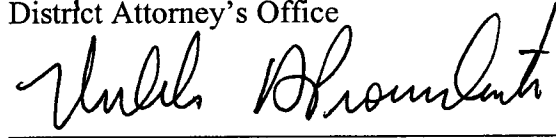
Supporting Material:

- Ordinance No. 2007-39/138
- General Vending Rules & Regulations
- Carson City Parks & Recreation Food Vendor Application of Interest
- Food Vendor/Concessionaire Responsibilities, Rules and Release of Liability
- "Healthy Choice" food product list

Prepared By:  **Date:** 5/6/08
Roger Moellendorf, Parks & Recreation Director

Reviewed By:  **Date:** 5/6/08
Larry Werner, City Manager

 **Date:** 5/6/08
District Attorney's Office

 **Date:** 5/6/08
Finance Department

Board Action Taken:

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

(Vote Recorded By)

ORDINANCE NO. 2007-39/138

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.

PURPOSE

To regulate the operations of mobile food vendors in the City of Carson City Parks and Recreation Programs/Facilities.

POLICY

By Ordinance the Park and Recreation Director is authorized to establish rules, regulations and fee schedules for vending permits in City Parks and Recreation Facilities/Programs. Vending permits are assigned to fixed locations and Events designated by the Parks and Recreation Department.

All applications will be reviewed by the Parks and Recreation Director or authorized designee. Park vending permits will be granted to those applicants who best meet the needs of the public/program that the Carson City Parks and Recreation Department is trying to serve at locations deemed appropriate by the Parks and Recreation Director. Only a limited number of park vending permits will be issued.

APPLICATION

Permit holders are only to operate during specified hours of Program/Event operations and within fixed locations.

APPLICATION PROCEDURES

1) All persons, partnerships and corporations interested in vending in a City of Carson City Parks or Recreation Facility/Program are required to submit the following documents to the Parks and Recreation Department, 851 East William Street, Carson City, NV 775-887-2290 x30422.

_ An Application of Interest which includes the applicant's full name, name of business, residence and business addresses, phone numbers, and email address, specific vending permit requested and the vending location requested

_ A copy of the vendor's current Carson City Business License

_ A copy of the vendor's most current Health Inspection Report

_ A copy of the vendor's current Insurance Certificate

_ A photograph and measurements of the vending unit to be used in the vending operation

_ A list of items to be sold (*30% of the items must comply with the "Healthy Choice" product list*).

2) A letter confirming preliminary approval will be issued by the Parks and Recreation Department should the application be approved. Once confirmation has been received, the following documents must be submitted to the Carson City Parks and Recreation Department prior to the issuance of a park vending permit. *Failure to submit all documents within 30 days from the date of preliminary permit approval shall render the application null and void without additional notice.*

_ A copy of a Temporary Food Permit obtained from the Health Department, 900 East Long Street, Carson City NV 775-887-2190

_ Present proof of insurance with the City of Carson City named as additional insured, in the amount of two million dollars (\$2,000,000) against each occurrence, personal injury, legal liability and one million dollars (\$1,000,000) against damages to premises.

_ A signed CCRD Responsibilities/Rules/Release of Liability stating that the applicant will adhere to all City of Carson City ordinance provisions, and Parks and Recreation Department rules and regulations governing mobile unit vending.

_ A cashier's check or money order in the amount as stated in the preliminary approval letter made payable to the City of Carson City Parks and Recreation Department.

GENERAL VENDING RULES & REGULATIONS FOR CITY PARKS

_ A vendor certificate including all required licenses must be prominently displayed on the mobile unit from which the vendor operates. Park vendors must keep a copy of the approved Parks and Recreation Vendors Permit available for inspection at all times.

_ A park vending permit shall be valid from the date issued until the completion of the Carson City Parks Recreation Program/Event.

_ Parks and Recreation Department reserves the right to limit the number of vendors allowed in any one park and the total number of permits issued in any one year. The department further reserves the right to limit the vending unit size based on vending space in each park.

_ The fee for a park vending permit shall be \$200 per Event or \$400 per Program payable in advance.

_ A park vending permit may be revoked at any time by the Parks and Recreation Director or his designee.

_ Park vending permits shall not be assigned by vendors in whole or part, nor any portion of the premises sublet.

_ A park vending permit does not grant exclusive use of the area assigned. The Parks and Recreation Director reserves the right to exclude dates from the vending permit.

_ The items to be offered for sale at park locations shall include food and non-alcoholic beverages only.

_ Park vendors shall dispense all beverages and liquids in cans or paper/plastic cups. No glass bottles or containers shall be served to customers in the Park/Facility.

_ The permit holder shall operate within the fixed operational locations and hours of operation for the permitted Event/Program.

_ Park vendors shall collect all litter and garbage generated in the operation of the business at the end of each business day and remove same from the park. In addition, vendors shall retrieve any containers or food or litter that may be carried away and left on the park grounds.

_ The music or other audible means used for attracting patrons is to be kept to a minimum so as not to create a nuisance to residents. If it is established that the music is a nuisance the permit may be revoked.

_ The permit holder is responsible to notify the City of Carson City, in writing, within seven (7) days of any changes to the name(s) and/or address details shown on the permit due to the sale of the business or for any other reasons whatsoever

_ The vending unit shall be inspected and approved by the Health Department and Parks and Recreation Department.

PERMIT REVOCATION

The Parks and Recreation Department reserves the right to revoke a permit:

_ Should park vendors fail to abide by City ordinances, and the Parks and Recreation Department policies and procedures on vending. No refund will be issued.

_ In cases where excessive (as determined by Parks and Recreation Staff) litter, grease, and/or other debris results from the vending activity.

_ Should the park vendor become involved in misconduct, misbehavior, and/or illegal activity, associated with the operations as a permitted Carson City Parks and Recreation Vendor.

Carson City Recreation AOI Event/Program Mobile Food Vendor

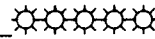
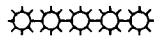
AOI	Application Of Interest – Mobile Food Vendor Carson City Recreation - Special Event/Program
Description	<p>Carson City Recreation is now accepting AOI (application of interest) for the _____ Event/Program. Accepted Mobile Vendors will provide the program during hours of operation with the provision of a variety of hot and cold food and beverages (<u>No</u> Alcohol). Successful operators will be registered with Carson City Parks & Recreation to operate during the permitted Carson City Event/Program. Applicants <u>must</u> possess/maintain a current Carson City Business License, all applicable insurance and a minimum Carson City Health Department Inspection score of ninety five (95%).</p>
Closing Date	<p>Closing Date: 5pm Friday _____ 2008</p>
Contact	<p>Joel Dunn - Recreation Manager</p>
Telephone	<p>887-2290 x30422</p>
Email	<p>jdunn@ci.carson-city.nv.us</p>
Details	<p>Application of Interest documents are available at Carson City Recreation 851 East William Street Carson City, Nevada 89701 - 775-887-2290</p>

Application of Interest Document Checklist

- Have you read the document in full and understood it?
- Have you sought clarification on any points that you don't understand?
- Have you completed every field required?
- Have you answered all the criteria?
- Have you signed every field that requires a signature?
- Have you supplied the required documentation as requested?
- Do you have any questions before submitting your AOI?



Carson City Recreation Food Vendor/Concessionaire Responsibilities / Rules / Release of Liability



1. Vendors MUST obtain and maintain a Food Permit or Temporary Food Permit through the Carson City Environmental Health Department. The Permit must be visible during all operating hours. A copy of this permit MUST be submitted with the Carson City Recreation Vendor Application.
2. Vendors MUST obtain and maintain a Business License or Temp License through the Carson City Treasurer's Office. The License must be visible during all operating hours. A copy of this license MUST be submitted with the Carson City Recreation Vendor Application.
3. Vendors MUST comply with ALL Carson City Environmental Health Department Rules and Regulations.
4. Vendors may ONLY sell products during Permitted Carson City Parks & Recreation Events, Locations and Times. Thirty percent (30%) of the products sold MUST comply with the Carson City "Healthy Choice" product list.
5. Vendors will provide their own generator as they will NOT be allowed to connect to a Carson City Parks Facility outlet.
6. Vendors may start setting-up in an assigned fixed location one (1) hour before the Start of the Permitted Event/Program and MUST have all vehicles/trailers/booths removed no later than 1 hour after the completion of the Event/Program.
7. Vendors will be responsible for ALL trash clean-up created through the sales of their product. The trash MUST be picked-up and put in dumpsters at the completion of the event. If a Vendor fails to pick-up the facility/complex and Park Employees are utilized to clean-up the facility/complex, ALL participating Vendors will be required to pay a \$200 per violation clean-up fine to the City of Carson City.
8. Vendors MUST possess and provide two (2) 55 gallon trash cans with liners to be placed at their booths.
9. Vendors will be neat, clean and tidy in their attire and the appearance of their vending equipment/vehicle.
10. NO Alcoholic beverages or tobacco will be permitted in booths to be sold or consumed. Any vendor found to be under the influence of alcohol or drugs will be removed from the facility/complex and the Carson City Sheriffs Department will be notified.

Release & Hold Harmless: By signing this agreement, Vendor has entered into an express contractual agreement with Carson City Parks and Recreation and it is understood and agreed that Vendor fully and finally releases and hold harmless Carson City and its Associates, from any and all claims, including but not limited to, death, personal injury, loss, theft or damages to personal property, whether or not caused the negligence of Carson City or their Associates.

Laws, Rules, & Regulations: Vendor agrees to strictly obey all pertinent fire codes, laws, ordinances and regulations pertaining to health, fire prevention, public safety, city and state licenses, and rules and regulations issued by Carson City. All food vendors must have the health department's approval for all food and consumable products as required. It is understood and agreed that all of the terms and provisions of Carson City Vendor Rules and Regulations are incorporated herein by reference as through fully set forth herein and breach or violation thereof shall constitute a breach of this agreement.

Applicants Signature

_____/_____/_____
Date

BRAND	PRODUCT NAME
Kirkland	Variety Snacking Nut
Nature's Path	Organic Frosted Toaster Pastries
David's	Sunflower Seeds
Kirkland	Trail Mix
Clif Kid	Organic Twisted Real Fruit Rope
Brother's Natural	Crisps – Real Sliced Fruit
Nature Valley	Oats N Honey Bars
Kellogg's	Kashi Granola Bars
Lara Bar	Variety Pack Apple/Cherry/Lemon
Clif Bar	Variety Pack
Kellogg's	Kashi GoLean Rolls
Ocean Spray	Craisins (need to rebag)
	Corn Tortilla Chips
Kirkland	Whole Dried Blueberries (rebag)
Kirkland	Pistachios (need to rebag)
Kirkland	Walnuts (need to rebag)
ANY	Beef Jerky (no corn syrup)
Fresh Pak	Peanuts (need to rebag)
Specialty	Crackers – Variety Pack
Frigo	Mozzarella String Cheese (ind)
Del Monte	Fruit Naturals
Tree Top	Applesauce Variety Pack
Traditional	Aussie Bites (cookies)

Apple & Eve	100% Juice Variety Pack
Campbell's	V8 Vegetable Juice – Ind. Cans
Crystal Geyser	Juice Squeeze 70% juice
Bolthouse	Organic Carrot Juice
Odwalla	ANY
Fresh	Fruits and/or Vegetables

Circle Foods	Beef Tamales
Ling Ling	Vegetable Mini Spring Rolls
Ling Ling	All Natural Chicken Pot stickers
Amy's	Organic Bean & Cheese Burrito
Nuevo Grille	Mini Chicken & Cheese Quesadillas
Full Circle	Torta Stella Appetizer
TGF	Mini Quiche Phyllo
Han's	All Natural Gourmet Sausage
Skoulaki's	Jumbo Chicken Skewers
Tyson	Teriyaki Chicken Breast Grills
Adell's	ANY SAUGAGE
Amy's	Sausage's by Amy

CARSON CITY FOOD VENDOR

“HEALTHY CHOICE” FOOD LIST

THE
“HEALTHY CHOICE”
LIST CAN BE UPDATED
WITH NEW PRODUCTS
UPON VENDOR REQUEST

TO ADD A PRODUCT TO THE
ACCEPTABLE “HEALTHY CHOICE”
FOOD LIST YOU
MUST CONTACT
CARSON CITY HEALTH & HUMAN
SERVICES

HEALTH & HUMAN SERVICES

(775) 887-2190