

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Parks and Recreation

AGENDA DATE: July 13, 2010 Introduction
July 20, 2010 Public Hearing and Action

CONTACT PERSON NAME AND PHONE NUMBER: Nanette Smejkal (915) 541-4283

DISTRICT(S) AFFECTED: ALL

SUBJECT:

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.24 (CITY PARKS AND RECREATION AREAS), SECTIONS 13.24.010 B (SALES OF GOODS AND SERVICES) AND 13.24.200 B 4 (PARKS AND RECREATION FACILITY USE AND FEE AUTHORIZATION), OF THE EL PASO CITY CODE, TO AUTHORIZE THE CONDUCT OF RUMMAGE SALES AT THE SENIOR CENTERS; THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010 – 1.08.030-OF THE EL PASO CITY CODE.

BACKGROUND / DISCUSSION:

Amendments to the zoning code, Sections 20.02.414 and 20.10.750, have been proposed to allow garage/rummage/yard sales at places of public assembly. This is a companion code amendment related specifically to 13.24.010.B and 13.24.200.B.4 that addresses the administration of permits for outdoor rummage sales at senior centers.

PRIOR COUNCIL ACTION:

March 9, 2010 Council directed the Legal Department to draft the necessary ordinances that authorize outdoor rummage sales at Senior Centers.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.24 (CITY PARKS AND RECREATION AREAS), SECTIONS 13.24.010 B (SALES OF GOODS AND SERVICES) AND 13.24.200 B 4 (PARKS AND RECREATION FACILITY USE AND FEE AUTHORIZATION), OF THE EL PASO CITY CODE, TO AUTHORIZE THE CONDUCT OF RUMMAGE SALES AT THE SENIOR CENTERS; THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010 – 1.08.030 OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 13 (Streets, Sidewalks and Public Places), Section 13.24.010, Subsection B, (Sale of Goods and Services) of the El Paso City Code, shall be amended to read as follows:

13.24.010 Subsection B, Sale of Goods and Services

B. The prohibitions contained in subsection A shall not apply to the following types of sales, including offers for sale or exposures to sale, provided that the requirements of all other applicable city code provisions are met, including but not limited to licensing requirements and health regulations:

1. A sale of newspapers, pamphlets, handbills or other written or printed matter or merchandise held and sold by a person, provided that no materials or items to be offered for sale by the person are placed or stored in the park prior to the time of sale.
2. A sale held inside a city facility located in a park, provided that appropriate authorization for the sale has been granted upon such conditions as do not unlawfully surrender the city's right of supervision, regulation and control, are consistent with park purposes, and do not unreasonably interfere with the rights of the public to the enjoyment of the park facility.
3. A sale authorized by a park use agreement, granted under such conditions as to not unlawfully surrender the city's right of supervision, regulation and control and which is consistent with park purposes.
4. A mobile food vendor selling edible and potable substances on a dedicated street located within or adjacent to a park in accordance with the requirements established in Chapter 12.46 of this code.
5. A sale conducted pursuant to a department-produced activity and event as authorized under Section 13.24.200 of this Code.

Section 2. That Title 13 (Streets, Sidewalks and Public Places), Section 13.24.200, Subsection B 4, (Parks and Recreation fee authorization) of the El Paso City Code, shall be amended to read as follows:

13.24.200 Subsection B 4, Park and Recreation fee authorization

B. 4. Department-produced activities and events. The parks and recreation department director shall be authorized to create community special events and activities for the public including the establishment of appropriate outdoor sales at city parks and recreational areas and rummage sales at the senior centers in accordance with requirements established in Title 20 of this Code, which may include allowing members of the public to make limited commercial uses of the department's facilities and parks in conjunction with such events and sales, for the purpose of providing entertainment, food service, or other amusement for the public in conjunction with the event or sale, in accordance with the policies and guidelines that are approved by a resolution of the city council. Special events and activities occurring in or using locations other than the city parks and recreational facilities managed by the department shall be authorized by the city council or may be conducted in accordance with the policies and guidelines for such events and activities that are approved by a resolution of the city council. For purposes of this section, a special event or activity shall not include field trips, programs, or activities occurring outside of a city parks and recreational facility that are incidental to an activity, program or class conducted primarily within a facility or which are part of the department's day care services or youth development programs. The fees charged for such events shall be in the amounts set forth in the fee schedule for the activities and events identified and listed therein or as set by the council by other appropriate resolution.

Section 3. That, except as herein amended, Title 13 (Streets, Sidewalks and Public Places), shall remain in full force and effect.

ADOPTED this _____ day of July 2010.

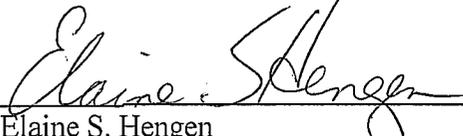
CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Deborah Hamlyn
Deputy City Manager