

ORDINANCE NO. 15387

FILE OF CITY COUNCIL

BILL NO. 44 - 2017

JULY 19, 2017

AN ORDINANCE

Amending the Codified Ordinance Part IV, Streets, Utilities, Public Services, Title 7 – Parks and Hamilton Street, Article 951, Park Regulations by revising the sale of merchandise by mobile vendors - Section 951.12 Sale of Merchandise Prohibited and the standards for the issuance of a use permit – Section 951.18(A-2) – Permits. No mobile food or non-food vendors may vend with Two Hundred Fifty (250') feet of an event perimeter without written permission from the event organizer. Permitted activities must be organized by a non-profit organization, or directly benefit an Allentown-based non-profit organization. For-profit events are not permitted to be held in a City park unless they directly benefit an Allentown based non-profit organization.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That City Council authorizes the following changes to the Parks Regulation Codified Ordinance as follows.

ARTICLE 951
Park Regulations

951.12 SALE OF MERCHANDISE PROHIBITED

No person shall expose or offer for sale any article in any park or recreation area, without a permit and a license as a vendor, as provided in Article 319 of the Codified Ordinances of the City of Allentown. No mobile food or non-food vendors may vend with Two Hundred Fifty (250') feet of an event perimeter without written permission from the event organizer.

951.18 PERMITS

A. Permits for special events in parks and recreation areas including, but not limited to picnics, egg hunts, ice cream festivals, fishing contests or sports, or for the sale of items, or for the use or possession of alcoholic beverages, shall be obtained by application to the Director of Community Development Parks and Recreation or the Director's designee in accordance with the following procedure:

1. A person seeking issuance of a permit hereunder shall file an application stating:
 - a. The name and address of the applicant.

b. The name and address of the person, persons, corporation or association sponsoring the activity, if any.

c. The day and hours for which the permit is desired.

d. The park or portion thereof for which the permit is desired.

e. Any other information reasonably necessary to a determination as to whether a permit should be issued hereunder.

2. Standards for issuance of a use permit shall include the following findings:

a. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the park.

b. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.

c. That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.

d. That the facilities desired have not been reserved for other use on the date and hour requested in the application. (15298 §1 7/20/16)

e. That the proposed activity must be organized by a non-profit organization, or directly benefit an Allentown-based non-profit organization. For-profit events are not permitted to be held in a City park unless they directly benefit an Allentown based non-profit organization.

3. The fee for such permits shall be established and published in accordance with the provisions as set forth for rules and regulations in Section 121.05 of the Administrative Code.

SECTION TWO: That this Ordinance will take effect ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

	Yea	Nay
Candida Affa	X	
Julio A. Guridy	X	
Daryl Hendricks, VP	X	
Roger MacLean	X	
David K. McGuire	X	
Cynthia Y. Mota	X	
Ray O'Connell, Pres.	X	
TOTAL	7	0

I hereby certify that the foregoing Ordinance was passed by City Council on August 2, 2017 and signed by the Mayor on August 7, 2017.

Michael P. Hal

CITY CLERK

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Department of Parks and Recreation

- **Summary and Facts of the Bill**

Proposed updates to the existing Special Events Fee Ordinance:

1. No mobile food or non-food vendors may vend within 250 feet of an event perimeter without permission from the event organizer.
2. A fee of \$50.00 will be implemented for use of the city's podium, with a \$200.00 deposit also required in case there is damage done to the podium or sound equipment during use.
3. The Special Event Fee is waived for Easter Egg Hunts; however, fees for use of pavilions, fields, and street closures will be implemented. All other event requirements must be followed, including providing a certificate of liability insurance.
4. Special Events held in Allentown must be organized by a non-profit organization, or directly benefit an Allentown-based non-profit organization. For-profit events are not permitted to be held in Allentown, unless they directly benefit an Allentown-based non-profit organization.

- **Purpose – Please include the following in your explanation:**

- What does the Bill do – what are the specific goals/tasks the bill seek to accomplish
- What are the Benefits of doing this/Down-side of doing this
- How does this Bill related to the City's Vision/Mission/Priorities

To update the Special Events Ordinance to enhance protection of the city and ensure that events run smoothly and that the city recuperates costs of use of city property and staff time.

1. Vendors outside of an event have typically not paid to participate in the event, may or may not be following Allentown Health Bureau licensing procedures, and are reaping the benefits of a city event without following required procedures to participate.
2. The city's podium is utilized by outside event organizers for individual or organizational events not sponsored by the city. Given that this is city property and must be transported by city employees, this staff time and wear on equipment must be properly accounted for and charged for. Typically, the city's podium is requested at about 15 events annually.
3. Easter egg hunts typically have not had a fee charged in previous years; however, as the events have grown to include street closures, food vendors, parking plans, and more complex components of running an event, the increasing strain on city resources warrants some fees being enforced, as well as insurance requirements. Field rental fees are typically \$25.00 - \$40.00 per field (resident vs non-resident) for a two to three-hour time period; pavilion rentals are \$110.00 for an organization hosting the rental; street closure fee is \$50.00 plus the cost of barricades (\$6.00 each), no parking signs (\$0.50 each), and city staff time for delivery if event organizer does not pick up their own barricades and no parking signs.
4. We are beginning to see an influx of for-profit events run by businesses or national organizations who do not have a local investment nor do they contribute to any non-profit based in Allentown. In using Allentown's staff, resources, and venues, we would like a city-based organization that has a need to benefit from the event.

- **Financial Impact – Please include the following in your explanation:**

- Cost (Initial and ongoing)
- Benefits (initial and ongoing)

Costs: Special events are already permitted through the city, so there are no additional costs to oversee these additional fees to recuperate city staff and property costs.

Benefits: Increase in revenue to cover the expenditures in city time and resources allocated towards special events.

- **Funding Sources – Please include the following in your explanation:**

- If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.

- **Priority status/Deadlines, if any**

Prior to July 1, 2017 would be preferable, so that Allentown Police Department and Allentown Health Bureau can enforce the permitting outside of an event ordinance. This was an issue at 2016's event.

- **Why should Council unanimously support this bill?**

The main goal of this bill is to continue to cover city costs, as we uncover more items that are being requested by event organizers and provided, even if we don't have a fee structure to cover the costs to the city. As events gain momentum in Allentown, we want the city's non-profits to benefit for any for-profit entities running events.