

RESOLUTION NO. 2007-05

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SAN JUAN BAUTISTA (1) AUTHORIZING THE CITY
TO RENT AND COLLECT RENTAL PAYMENTS FOR
THE USE OF CITY PARKING SPACES BY PRIVATE BUSINESSES, AND
(2) RESCINDING A PREVIOUS RESOLUTION
COVERING THE SAME SUBJECT**

WHEREAS, City businesses have requested the use of space in the public right-of-ways for business purposes; and

WHEREAS, public parking spaces are in the public right-of-way; and

WHEREAS, City businesses that use right-of-ways have an expectation of making a profit from their use; and

WHEREAS, the City and public should receive compensation for the use of said right-of-ways by private interests; and

WHEREAS, special events rent such right-of-ways and, therefore, use of such rental spaces must be regulated and defined during special events; and

WHEREAS, Resolution No. 2006-27, adopted on July 18, 2006, regulates many of the matters regulated herein, thus it is appropriate that Resolution No. 2006-27 be rescinded as part of the adoption hereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA, as follows:

SECTION 1. Rental of Space – Conditions

- A. Parking spaces may be rented for business purposes.
- B. Anyone wishing to rent a parking space shall complete a Public Right-of-Way Rental Form, and, if rental is approved, shall pay the space rental set out hereinbelow.
- C. Rental shall entitle use of only the space rented, and no other City property.
- D. Rental shall entitle occupancy and use at all times, exclusive of special events.
- E. Rental shall entitle use of the space during events that close city streets.
- F. Approval of requests to rent space hereunder shall be subject to reasonable discretion of the City Manager to deny or approve with conditions such requests, in the interest of public safety, health, and welfare. Such action of the City Manager may be appealed to the Council.

G. No rigid, non-mobile structures may be placed or erected in rental spaces, including tents and vehicles.

H. Merchandise placed in rental space shall be for the sole purpose of immediate sale, and shall be displayed only during business hours.

I. Renter shall maintain and clean the rental space so that it remains in presentable condition at all times.

J. No more than one parking space shall be rented per business or valid business license holder. Renter is responsible for clearly marking the space with cones for one-week rentals or other periods as required by City to prevent blockage or use of space by others.

K. Rental periods shall not exceed six months.

L. Priority shall be allocated as follows: (i) for a corner business, preferred rental location shall be the first parking space on the side street if it is visible from the inside of the business; (ii) in all other cases, the priority parking space shall be the space immediately in front of the door to the business.

M. City reserves the right to terminate the right to occupy pursuant to rental agreement for violation of any conditions hereof, any conditions imposed as a condition of issuance, or for any reason to preserve the public health, safety, or welfare.

SECTION 2. Rental of Space – Rental Rates. Rental rates for parking space rent hereunder are as follows:

Up to seven days: \$25.00

Eight to 31 days: \$60.00

32 days to three months: \$140.00

Three months to six months: \$300.00

A refundable deposit of \$50.00 shall be required to assure return of the space in a clean and safe condition.

SECTION 3. Resolution No. 2006-27 hereby is rescinded.

PASSED AND ADOPTED this 20th day of March, 2007, by the following vote:

AYES: Hill, Dias, Paradice, Laverone, Edge

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:

Priscilla J. Hill, Mayor

Trish Paetz, Deputy City Clerk