

RESOLUTION 2006-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING THE CITY TO RENT AND COLLECT RENTAL PAYMENTS FOR THE USE OF CITY PARKING SPACES BY PRIVATE BUSINESSES

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 ways; and

WHEREAS, City businesses who 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

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL hereby notices the public that they may rent the use of the public right of ways by filling out a Public Right of Way Rental Form and that the use fee for said right of ways shall be set periodically by City Council, and

Said rental shall be contained to the parking space rented, and

Said rental shall apply 7 days a week, 24 hours a day during the rental time, inclusive of special events, and

Said rental space shall be protected for the use of the renter during events that close down city streets, and

The City shall have the right to refuse the Public Right of Way Rental Form request for reasons deemed appropriate by City staff, which may be appealed to the City Council, and

No rigid, non-mobile structures shall be allowed to be erected in said rental spaces including tents and vehicles, and

When merchandise is placed in said spaces, it shall be for the sole purpose of immediate sale and shall be displayed only during the hours of business of the renter, and

Renter is responsible for the appearance and cleaning of said space during the terms of the rental agreement, and

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 appropriate notices as determined by City Staff to prevent blockage or use of the space by others, and

Rental shall not exceed six (6) months per permit issued, and

Rental spots shall be allocated in the following priority sequence:

- For a business on a corner, the preferred rental location will be the first parking spot on the side street if it is visible from the inside of the business.
- In all other cases the parking spot immediately in front of the door to the business.

The exception to this rule shall be that measurements shall be taken to insure that the parking spot allocated allows for the maximum number of 10-foot segments to be assigned for special events.

The City reserves the right to terminate the rental agreement and return the remainder of the rent to the business owner on the discretion of the City Manager.

FURTHER, the City Council hereby sets the rental rates as of the passage of this resolution as follows:

Rental rate for one (1) parking space:

Up to 7 days: \$50.00

Up to one month or 31 days whichever is less: \$80.00

Up to three months: \$150.00

Up to six months: \$350.00

A refundable deposit of \$50.00 shall be assessed to insure the space is kept clean and functional.

Fine for use of a parking space without rental permit \$100 first incident in a 12-month period, \$250 for the second incident in a 12-month period, and \$500 for each incident thereafter.

PASSED AND ADOPTED this 18th day of July 2006 by the following vote:

AYES: Reed, Hill, Medina, Geiger, Dias

NOES: None

ABSTAIN: None

ABSENT: None

G. Dan Reed, Mayor

ATTEST:

Trish Paetz, Deputy City Clerk