COTTONWOOD HEIGHTS

RESOLUTION NO. 2012-52

A RESOLUTION ADOPTING A POLICY GOVERNING COMMERCIAL AND NON-PROFIT SALES IN CITY-OWNED PARKS

WHEREAS, the city of Cottonwood Heights (the "*City*") owns or operates Mountview Park and other public recreation properties and playgrounds (collectively, "*City Parks*") located within the City's geographic boundaries; and

WHEREAS, section 14.60.020(B) of the City's code of ordinances prohibits the sale of any thing, or the conduct of any commercial activity, in a City Park without the prior written consent of a designated officer of the City; and

WHEREAS, the City desires to adopt a formal policy (the "*Policy*") to help City officers to respond appropriately to future requests to conduct sales or commercial activities in City Parks; and

WHEREAS, the City's municipal council (the "*Council*") met on 25 September 2012 to consider, among other things, adopting the Policy; and

WHEREAS, the Council has reviewed the Policy, a photocopy of which is attached as an exhibit to this resolution; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to approve and adopt the Policy as proposed, pending any future amendment to or revocation of the Policy;

NOW THEREFORE, BE IT RESOLVED by the Cottonwood Heights city council that the Council hereby approves and adopts the attached "Cottonwood Heights Policy Governing Commercial and Non-Profit Sales in City-Owned Parks," pending any future amendment to or revocation of the Policy by the Council.

This Resolution, assigned no. 2012-52, shall take effect immediately upon passage.

PASSED AND APPROVED effective 25 September 2012.

COTTONWOOD HEIGHTS CITY COUNCIL

By _____

Kelvyn H. Cullimore, Jr., Mayor

ATTEST:

Linda W. Dunlavy, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea ✓	Nay ___
Michael L. Shelton	Yea ✓	Nay ___
J. Scott Bracken	Yea ✓	Nay ___
Michael J. Peterson	Yea ✓	Nay ___
Tee W. Tyler	Yea ✓	Nay ___

DEPOSITED in the office of the City Recorder this 25th day of September 2012.

RECORDED this 26 day of September 2012.

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COTTONWOOD HEIGHTS

POLICY GOVERNING COMMERCIAL AND NON-PROFIT SALES IN CITY-OWNED PARKS

Reference:

14.60.020. Use of city-owned parks by permission --- Commercial sales prohibited.

A. Any person, group or organization desiring to use a city-owned park or playground or any portion thereof on an exclusive basis or any person, group or any organization desiring to use the park equipment for public gathering to the exclusion of other persons or for the purpose of holding meetings, either public or private in nature, shall do so only after obtaining a reservation permit from the city's community development director (or the city's other designee) and upon payment of an appropriate fee for the privilege of reserving the area for a given period of time. Said permit shall be granted only after the person, group, or organization applying for the permit, can demonstrate to the satisfaction of the city or its designee that adequate public restroom facilities are available, and that such public, private, or exclusive gathering, meeting, or activity can be conducted in a manner that will not, because of noise, lighting, parking, or other condition, unreasonably disturb the adjoining neighborhood.

B. It shall be unlawful to sell any thing, or to engage in any commercial activity, in a city-owned park or playground, whether for profit or otherwise, without the prior written consent of the city's community development director (or the city's other designee).

Section 1. <u>Definitions</u>.

For purposes of this policy (this "*Policy*"), the following terms shall have the following definitions:

1.1. "*City activity*" means any program or activity (including the advertising, promotion, rental or sale of goods or services) which is sponsored, managed or operated by the city of Cottonwood Heights (the "*City*"), whether itself or through one or more of its employees, agents or contractors.

1.2. "*City property*" means any park or playground that is owned, leased, or operated by the City.

1.3. "*Director*" mean the City's designated community development director or any other designee of the City's manager.

1.4. "*For-profit activity*" means any for-profit activity, including the advertising, promotion, rental or sale of goods or services for profit or personal gain by any person or entity not otherwise permitted by this Policy.

1.5. "*Non-profit activity*" means the advertising, promotion, rental or sale of goods or services by a City-recognized non-profit entity. Typically, qualification as a tax-exempt entity under section 501(c)(3) of the Internal Revenue Code, or similar, is required for City recognition as a non-profit entity.

1.6. "*Written application*" means a written application from the applicant for City approval of a commercial activity or a non-profit activity proposed to occur on City property. Such written application shall include the name of the applicant; the profit- or non-profit status of the applicant (including proof of any asserted non-profit status); the specific type of advertising, promotion, rental or sale of goods or services proposed to be conducted by the applicant, including prices, etc.; the date(s), time(s) and place(s) of such activity; and any other information required by the director.

Section 2. Procedure.

2.1. *City Activities*. A City activity may occur on City property at any time. The director may limit vendors to achieve a desired mix of offerings, and may require prior written application by proposed vendors.

2.2. *Non-Profit Activities*. A non-profit activity may occur on City property with the prior written approval of the director. Written application for the non-profit activity shall be made to the director at least ten business days before the proposed event.

2.3. *For-Profit Activities*. A for-profit activity may not be conducted on City property without the prior written approval of the director in conjunction with a City activity or a City-approved special event under City code chapter 14.56. Written application for the for-profit activity shall be made to the director at least ten business days before the proposed event.

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