

INFLATABLES PROHIBITED DURING SPECIAL EVENTS WITHOUT A PERMIT

BILL NO. _____

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9.34 OF THE SPARKS MUNICIPAL CODE; PROHIBITING INFLATABLES DURING SPECIAL EVENTS WITHOUT A PERMIT; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

SECTION 1. Section 9.34.010, "Definitions," is hereby amended as follows:

Section 9.34.010 - Definitions

As used in this chapter, unless the context requires otherwise, the words and terms defined in this section shall have the meaning ascribed to them herein.

- A. "City service charge" means the actual costs which a department of the city incurs in connection with activities for which a permit is required under this chapter, including, but not limited to, the costs of administration or coordination services, safety and support personnel, equipment, materials and supplies, and related items such as fringe benefits and overhead burden.
- B. "Facility use fee" means a fee or fee formula as payment for the use or rental of a city facility or real property.
- C. "Filming activity" means the taking or making of any motion picture or still photograph; however, said term does not mean and does not include filming or photography for news media purposes or filming or photography which is not for distribution or sale for commercial purposes.
- D. "Event organizer" means any person who conducts, manages, promotes, organizes, aids or solicits attendance at a special event.
- E. "Parade" means and includes a parade, procession, march, pageant, review, ceremony or exhibition which is conducted in, on, upon or along any portion of any public street, sidewalk or other property owned or controlled by the city, so as to impede, obstruct, impair or interfere with the free use of such public street, sidewalk or other public property of the city; except, however, the provisions of this chapter shall not apply to funeral processions.
- F. "Person" means and includes any individual, firm, organization, club, partnership, corporation, municipality or governmental entity.

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- G. “Special event” means any planned gathering of persons which occupies any part of a street or other city property and which hinders the general public in the ordinary and usual use of such street or public property. Special event includes, but is not limited to:
1. Commercial promotional or fund-raising activities;
 2. Athletic or sporting events (e.g., races, runs);
 3. Circuses, fairs and carnivals (e.g., booths, games, rides and similar amusements);
 4. Live commercial music events;
 5. Community celebrations and observances;
 6. Commercial food-related events (e.g., barbecues, cook-off’s, picnics, farmer’s markets, food festivals);
 7. Commercial shows, trade shows and business promotions (e.g., craft shows, antique shows, general merchandise sales or exhibits);
 8. Historical shows and events (e.g., classic car shows and events); and
 9. Neighborhood activities (e.g., block parties, picnics, dances).
- H. Special event permit means a permit issued under chapter 9.34 of the SMC.
- I. “Special event venue” means that area for which a special event permit has been issued.
- J. “Vendor” means any person who sells, offers to sell, or provide any goods, food or beverages within a special event venue.
- K. “Victorian Square” means that area bounded by the southern right-of-way of Nugget Avenue, the western right-of-way of 15th Street, the northern right-of-way of D Street and the eastern right-of-way of 6th Street.
- L. *“Public property” is real property dedicated to public use or owned or controlled by the city, including, without limitation, streets, alleys, sidewalks, city parks, ways and Victorian Square.*
- M. *“Inflatable” is a structure that is intended to be or capable of being inflated with air and used for commercial displays or laying, sitting, standing, riding, bouncing, running, swimming in, or other physical activities by a person or persons. “Inflatable” includes, without limitation, slides, bounce houses, obstacle courses, boxing/jousting rings, ball pits, pools, race arches and displays. “Inflatable” does not include inner tubes, swim tubes, rafts, paddle boards, or*

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similar devices intended for flotation; or balloons that are smaller than eighteen (18) inches in diameter when inflated.

SECTION 2. Section 9.34.115: “Inflatables prohibited without a permit” is hereby added as follows:

Section 9.34.115 – Inflatables prohibited without a permit

- A. *It is unlawful for any person to set up, inflate or offer for use any inflatable on public property in Sparks without a permit.*
- B. *The director of the department of parks and recreation or designee may issue a permit for one or more inflatables for use by attendees during a special event in Victorian Square, Golden Eagle Regional Park, Shadow Mountain Park, or Sparks Marina Park upon such terms and conditions as the director or designee may deem advisable. No fees shall be required for such a permit. Each such permit shall carry an expiration date and shall be specific with respect to the number and type(s) of inflatables allowed and the location(s), date(s) and time(s) allowed. The City Manager or designee will be responsible for determining whether an inflatable complies with the terms of the permit. Any inflatable(s) shall not be used or offered for use prior to passing an inspection by the chief of the fire department or designee, which inspection shall be paid for by the permittee.*

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 5. This ordinance shall become effective upon passage, approval and publication.

SECTION 6. The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

SECTION 7. If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

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SECTION 8. The City Council finds that this ordinance is **not** likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

PASSED AND ADOPTED this _____ day of _____, 20____, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this _____ day of _____, 20____, by:

GENO MARTINI, Mayor

ATTEST:

TERESA GARDNER, City Clerk

APPROVED AS TO FORM AND LEGALITY:

CHESTER H. ADAMS, City Attorney