

AN ORDINANCE AMENDING CHAPTER 14 OF THE TOWN CODE
TO ALLOW SOME FUND RAISING ACTIVITIES ON TOWN PROPERTY
BY NONPROFIT ORGANIZATIONS

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 14-20 of the Carrboro Town code is amended by adding the following sentence at the end thereof: "As used in this section, the term "commercial activity" shall not include the solicitation of donations at or in connection with any activity conducted on town property by a nonprofit organization."

Section 2. Subsection 14-20(b) of the Carrboro Town Code is amended by rewriting subdivision (4) of that subsection to read as follows:

(4) The following activities when conducted by nonprofit organizations (the term "conducted by" shall not include activities conducted by a for-profit organization under contract with a non-profit organization whereby the for-profit organization agrees to pay a portion of the gross or net proceeds of the activity to the non-profit organization):

- a. Sales of goods, merchandise, equipment, or services, so long as such sales take place within or on town property that is subject to a reservation system pursuant to the provisions of Section 14-5.
- b. Other fund raising activities conducted at the Century Center or Town Commons, so long as such activities are otherwise consistent with the rules applicable to the use of such facilities.

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

MEMORANDUM

Memorandum to: Mayor and Board of Aldermen

From: Mike Brough

Subject: Ordinance allowing nonprofit fundraising on town property

Date: September 14, 2005

Attached is an ordinance I drafted in response to the Board's request at its work session on September 13, 2005. It provides expanded opportunities for nonprofit organizations to conduct fundraising on town property.

Section 1 clarifies that the definition of "commercial activity" is not intended to cover the solicitation of donations at events conducted by nonprofit organizations.

Section 2 rewrites existing Subsection (4), which now allows nonprofit organizations to sell only articles that carry a message. New subsection (4)a would apply to such articles but is broader than that. It allows sales of all types of goods on town property where a reservation system is in effect. New subsection (4)b would allow other types of fundraising activities by nonprofits, including the charging of admission fees, at the Century Center or Town Commons.

I considered initially drafting a provision that would simply have exempted fundraising activities by nonprofit organizations. However, upon further reflection, it appeared that such an exemption might be too broad, since it would allow nonprofit organizations to conduct all types of activities, potentially ranging from carnivals to rock concerts, on town property. Presently, it is the ban on commercial activity that prohibits such activities. I believe the proposed draft is broad enough to cover all the types of activities discussed by the Board without creating unintended consequences.

PARK RENTAL GUIDELINES FOR NON-PROFIT FUNDRAISERS

NOTE: This form is your official proof of your fundraising reservation.

The specific rules below only highlight some terms and are not meant to limit other rules and regulations covered in the Town Property Ordinance. **Renters must review the Town Ordinance and insure compliance by all attendees.**

1. Reservation agreement must be signed by person 18 years of age or older.
2. **Reservations are taken on a first come, first serve basis. Reservations will be approved based on availability.** At Anderson Park the ball fields and pavilion can be rented; at Baldwin Park the pavilion can be rented; at Wilson Park the ball field and pavilion and at Town Commons the open space and pavilion can be rented.
3. **The nonprofit shall at all times maintain general liability coverage of not less than two million dollars per accident Bodily Injury and Property Damage and that a current certificate of insurance must accompany the attached application. The certificate of insurance should name the Town of Carrboro as an additional insured.**
4. All appropriate fees must be paid to reserve park facilities. Renters may voluntarily opt to pay an additional \$50 fee for inspection and clean up of the shelter prior to rental. This service is subject to a two week notice. A \$300 deposit fee is required at Wilson Park when a key is needed for additional access to the shelter for catering needs.
5. The individual signing the form shall be held liable for any and all damages.
6. **If food is being sold, the health department does not require notification or a permit if the event is only once a month for no longer than a two day period. If notification and a permit is needed please contact the Health Department at 967-9251.**
7. All trash, paper, etc., are to be moved from the premises or placed in proper available containers. No weekend maintenance is provided. Renters accept site as is.
8. Cars and all vehicles must be parked in paved marked areas only. Use of vehicles in restricted areas remain the liability of the user and vehicle operator.
9. Liability for use of gas grills; pig cookers, deep fryers, and similar instruments of cooking remain with the renter. Check your liability insurance for the specific coverage questions. All instruments used for cooking must be used outside of covered areas. No generator powered cooking devices are allowed. Use of town grills or any other cooking devices brought in by renter must be supervised by an adult AT ALL TIMES.
10. No electricity or water beyond drinking fountains is available or use permitted at park sites. No generators are allowed. At Town Commons electricity is available.
11. Loud noise is prohibited and punishable by a misdemeanor charge. Please consider the enjoyment of the other park users and neighborhoods adjoining the facility.
12. The consumption of any and all alcoholic beverages is prohibited. For assistance, call 911 and ask that a police officer come to resolve any conflict, if needed.
13. No bonfires or fires of any sort is allowed on the park grounds, except in grills for cooking purposes.
14. For events in which OPEN FLAMES (to include candles) are being used, event sponsor must obtain a BURN PERMIT from the Carrboro Fire Department prior to the event. The event sponsor is responsible for the proper disposal.
15. The department may cancel a reservation in the case of a natural disaster or severe weather conditions. In the event of a cancellation, the refund policy is followed.
16. I have read, understand, and accept the policies listed above. I agree to defend the Town of Carrboro, indemnify it and hold it harmless from any and all claims for personal injuries and/or damages arising from use of this Town of Carrboro facility.

CENTURY CENTER GUIDELINES FOR NON-PROFIT FUNDRAISERS

NOTE: This form is your official proof of your fundraising reservation.

The specific rules below only highlight some terms and are not meant to limit other rules and regulations covered in the Town Ordinance. Renters must review the Town Ordinance and insure compliance by all attendees.

1. Reservation agreement must be signed by person 18 years of age or older.
2. Reservations are taken on a first come first, serve basis. Reservations will be approved based upon availability of space, staff and frequency of use. Weekend reservations for Century Hall will be limited to 6 times within a 6 - month period. Weeknight reservations for Activity Rooms 1 - 4 will be limited to 12 times within a 6 - month period.
3. **The nonprofit shall at all times maintain general liability coverage of not less than two million dollars per accident Bodily Injury and Property Damage and that a current certificate of insurance must accompany the attached application. The certificate of insurance should name the Town of Carrboro as an additional insured.**
4. **All appropriate fees must be paid to reserve space.** At the time of rental, a nonrefundable payment of 10% of the rental fee will be collected. The remaining balance on the rental is due 21 days prior to the event date. Your reservation will be cancelled if your rental payment is not paid 7 days prior to your event. Once a contract is received, the first contract change that results in a change in a reservation fee is completed at no charge. Subsequent written or verbal changes that result in a fee change will be assessed a \$5.00 administrative fee.
5. The individual signing the form shall be held liable for any and all damages.
6. **If food is being sold, the health department does not require notification or a permit if the event is only once a month for no longer than a two day period. If notification and a permit are needed, please contact the Health Department at 967.9251.**
7. If planning a **fundraiser with food**, please make arrangements to remove all trash and food debris from floor and tables at the conclusion of your event to avoid a clean-up fee (not to exceed \$100.00). All trash must be taken to disposal area in the rear of the Center. Please see staff on-duty for assistance.
8. If you are planning to serve alcohol during your event, please read and sign the enclosed Century Center Alcoholic Beverage Policy.
9. No decorations shall be attached to the walls, sound panels, ceiling, or floors in Century Hall without the permission of the Facilities Administrator or designee. Decorations must be removed immediately following use. Glitter, sparkles, confetti, silly string, cotton candy or any similar items are not permitted without approval. Groups should use flame retardant decorations. Open flame lights are prohibited. A protective globe must enclose all flames. Allow time for hot wax to harden prior to removal to eliminate spillage.
10. The Center cannot assume responsibility for personal property and equipment brought on to the premises. Smoking; all illegal drugs and other substances; weapons of all kinds, except law enforcement officers in the execution of their duties and public demonstrations; animals of any kind, except those serving individuals with special needs and those used in public demonstrations, are prohibited in the building.
11. The Department may cancel a reservation in the case of a natural disaster, severe weather conditions, and a Town or facility emergency. In the event of a cancellation, the current refund policy is followed.
12. I have read, understand, and accept the policies listed above. I agree to defend the Town of Carrboro, indemnify it and hold it harmless from any and all claims for personal injuries and/or damages arising from use of this facility.

UNOFFICIAL – October 3, 2005

CARRBORO RECREATION AND PARKS COMMISSION MINUTES

Present – Commission members: Doris Murrell, Marianne Nicholson, Alfred Montalvo, Jr. and Eric Allman. Board Liaison: John Herrera and Staff: Anita Jones-McNair .

Murrell called the meeting to order at 7:00 p.m.

Approval of Minutes

Murrell called for corrections or questions concerning the minutes of the last meeting, 8/1/05. Murrell acknowledged no questions or concerns. Nicholson motioned for approval of the minutes and Allman seconded. The vote was unanimous.

Communications and/or Speakers from the Floor

Murrell called for communications and/or speakers from the floor. None was acknowledged.

New Business

Murrell called for new business. Nicholson inquired about the parking lot next to the Trading Post on North Greensboro. Jones-McNair announced the Town no longer leases that parking lot. Nicholson requested that the Town remove the signs that direct parking to that lot.

Old Business

Jones-McNair gave a status report on the shade sail project at Town Commons. The Carrboro Parks Project Group will give a presentation to the Board on Aldermen on October 4th. She reminded the Commission that the Playground Input Sessions are scheduled on October 12th for Simpson Street and October 13th for Henry Anderson, both at 7p at Town Hall. She also provided an update on the Adams Tract Work Group and mentioned the group will walk the property on October 5th. The commission is invited. Alderman Herrera suggested considering a representative from the university to represent the Carolina North project. Another item that Jones-McNair discussed was the status of the master plan. She apologized for the delay but informed the commission that staff is completing a more detailed review of the master plan draft. Staff will hopefully get feedback to the consultant in the next few weeks. After the update is made, the rest of the process includes a work group to review the document, a presentation to the Board, the public hearing and the adoption of the document. Commission members expressed that the draft lacks recommendations and new information that will benefit the department and town. Jones-McNair mentioned she shared this concern with the consultant.

Jones-McNair also updated the commission on the proposed amendment to 14-20 of the Town Ordinance. She mentioned the Town Attorney drafted a change which will allow non-profit organizations to fundraise at any facility. Guidelines will accompany the proposed change including adding the Town as an insured during fundraisers and health regulations if food is being sold. Murrell stressed that community reservations vs. non-profit reservations should be an equally shared. Alderman Herrera expressed concerns about limiting fundraisers. The department is also proposing community opportunities for special requests not budgeted. The commission reviewed and discussed this proposal. The commission expressed unanimous support of the program.

Report by Chair and Director

Murrell called for reports. None were acknowledged. Alderman Herrera asked for feedback about a bicycle rental program. He stressed the program would enhance the walkable, bicycle friendly community and increase revenue. The commission liked the idea. Jones-McNair mentioned a similar program the department was working on.

Considerations for next and future meetings

Update of the Tennis Court Ladder

Meeting Adjournment

Murrell adjourned the meeting at 8:40p.m.