



CITY COUNCIL ACTION REPORT

DATE: July 1, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark F. Miller, Planning Director

SUBJECT: Chapter 61 – Transient Merchants Ordinance – Proposed Revisions to include Mobile Windshield Repair and Similar Service Businesses

Background:

- Presently, mobile windshield repair and similar outdoor transient service businesses are not permitted in the City of Troy.
- At the June 16, 2008 Regular meeting, City Council directed City Management to investigate the possibility of expanding Chapter 61 – Transient Merchants or a similar means to include a mobile windshield repair and similar service businesses.
- City Management prepared a proposed outline for an amended Chapter 61 – Transient Merchants, to include Temporary Service Business Licenses. This would permit mobile windshield repair businesses and similar uses in the City of Troy.
- City Management seeks conceptual approval of the proposed revisions to Chapter 61 – Transient Merchants.

Financial Considerations:

- The City would collect a fee with Transient Merchant and Temporary Service Business applications.
- Unlike permanent businesses operating in the City with which they compete, transient and temporary businesses would not be required to pay property taxes unless they are operating on December 31st.

Legal Considerations:

- City Council has the authority to adopt amendments to Chapter 61 – Transient Merchants Ordinance.

Policy Considerations:

- Mobile windshield repair does not further any City of Troy Goals and Objectives.

Options:

- City Council can approve, deny or modify the proposed Chapter 61 amendments.

Attachments:

1. Chapter 61 – Outline of Proposed Revisions.
2. City Council resolution from the June 16, 2008 Regular meeting.

Prepared by RBS/MFM

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CHAPTER 61 – TRANSIENT MERCHANT ORDINANCE OUTLINE OF PROPOSED REVISIONS

Existing Transient Merchant Ordinance to be updated and expanded to include Temporary Service Business Licenses. Proposed format of revised ordinance as follows:

1. Definitions

The following terms to be defined, and other terms as deemed necessary:

- “Service”
- “Temporary Service Business”
- “Transient Merchant”

2. License Required

Describes licensing requirements.

3. Application for Transient Service or Temporary Service Business License

Describes where the application is available, information required on the application, and who reviews/approves the application.

4. Licensing

Lists appropriate code provisions applying to licensing procedures.

5. License Fees

License fees to be established by City Council.

6. Investigation

- Criminal background check required.
- Document previous history with licenses in Troy.

7. Sketch plan required

Required information on sketch plan to be listed.

8. Standards for Approval

- Use consistent with uses permitted in underlying zoning district.
- Length of approval.
- Hours of operation.
- No overnight operations.
- Location and size of signage.
- Site design to ensure public health, safety and welfare.
- Appropriate insurance provided.
- Permission to be on property.

9. Display of License

License must be prominently displayed at all times.

10. Revocation and Suspension of License

Revocation/suspension if license requirements not adhered to.

11. Violations and Penalties

Penalties to be specified in ordinance.

E-10 Mobile Windshield Repair**Vote on Resolution to Take No Action**

Resolution #2008-06-192

Moved by Kerwin

Seconded by Schilling

WHEREAS, The City Council received a proposal for preparing a procedure to permit mobile windshield repair;

WHEREAS, The City Council referred the item to the Planning Commission for evaluation; and

WHEREAS, The Planning Commission recommended that City Council take no action on this item;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby takes **NO ACTION** on this item.

Yes: Kerwin, Schilling, Fleming

No: Beltramini, Eisenbacher, Howrylak

Absent: Broomfield

MOTION FAILED**Vote on Resolution to Develop Licensing Procedure**

Resolution #2008-06-193

Moved by Beltramini

Seconded by Eisenbacher

WHEREAS, The City Council received a proposal for preparing a procedure to permit mobile windshield repair;

WHEREAS, The City Council referred the item to the Planning Commission for evaluation; and

WHEREAS, The Planning Commission recommended that City Council take no action on this item;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DIRECTS** City Management to investigate the possibility of expanding Chapter 61 - Transient Merchant or a similar means to include a mobile service vehicle.

Yes: Schilling, Beltramini, Eisenbacher, Fleming, Howrylak, Kerwin

No: None

Absent: Broomfield

MOTION CARRIED