

**Parking & Code Enforcement
POLICY AND PROCEDURES
MEMORANDUM OF UNDERSTANDING (MOU)**

Parking & Code Enforcement Dept. Business Licensing Dept.	Downtown Safe Scape Standards Policy # 2401 - 04
Approved by:   Alex C. Woodley, P&C Enforcement Dir. Lance Ferrato, Business License Dir.	Effective Date: February 4, 2024
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I. PURPOSE

The purpose of this policy and MOU is to assist City of Reno Business Licensing personnel with addressing the provisions of Reno Municipal Code (RMC) 5.07.123 “Downtown Safe Scape Area and Buffer Area standards.”, which was previously addressed by the Code Enforcement Department and personnel when it was listed under Title 18, the Zoning Code. Although the regulations are related to the operations of specific liquor-licensed businesses within an identified geographical area, the intent of the ordinance and the approach used to enforce it are related to public safety and require the same practices used by Code Enforcement in the interest of public health, safety, and welfare.

RMC 5.07.123 (f) “Visibility” states:

- (1) *The total area of opaque objects, including but not limited to items such as signs, displays, **coolers**, merchandise, automatic teller machines, and calling card vending machines, which are located on or within three horizontal feet of the window shall not exceed twenty-five percent (25%) of the area of any window or door glass.*

It is common practice for businesses to have coolers up against their walls and windows. This business model and practice is related to available space, the size of coolers, and access to electrical power, which is typically constructed within the walls of structures.

In order to acquire compliance with RMC 5.07.123 (f), as it relates to coolers, the business owner would have to remove all coolers along windows, which will reduce their stock of merchandise. They could also move the coolers “three horizontal feet” away from the windows, which will require significant building alterations to move the existing permanent electrical power either below the floor or within the ceiling. This approach is a significant cost to business owners who typically don’t own the structure, can create visual obstructions for employees, and will not mitigate the intent of the ordinance, which is to minimize visual obstruction of the windows. A cooler three feet from the window will still obscure the view from outside as if it were standing directly in front of the window.

RMC 5.07.123 (g) “Window and Facade Security.” States:

(1) Metal security bars or grates on windows, when used on a side of a building facing a public right-of-way, shall be located on the interior side of the window.

This section of code as written, appears to conflict with the overall purpose of the ordinance to strengthen public safety. Requiring security bars on the interior of a window may be aesthetically acceptable, but it will facilitate vandalism and increase the number of broken windows in the downtown vicinity. This is a common problem downtown and it is an expensive problem to correct. Staff believe it is not in the best interest of the area to require bars inside of the structure, nor is it an easy compliance to remove existing bars on the exterior of the structure.

II. REVISION HISTORY

New Document

III. PERSONS AFFECTED

All Business Compliance and Code Enforcement Staff.

IV. POLICY

There is a mutual understanding between the Business Licensing Compliance and Code Enforcement Personnel that the intent of Reno Municipal Code 5.07.123 is to *“(i) safeguard property and promote public health, safety and welfare in and around the businesses; (ii) prevent crime, illegitimate behavior and nuisance behavior in and around the businesses; (iii) protect the City's investment in the redevelopment of the downtown areas, (iv) maintain and revitalize downtown property values; (v) preserve and improve the quality of the City's downtown neighborhoods and commercial districts; and (vi) preserve and improve the quality of urban life.”*(RMC 5.07.123).

As RMC 5.07.123 (f) relates to visibility, staff understand that reducing a business' retail space will directly impact business sales. Staff also understand the most likely approach by business owners to comply will be to move coolers three feet away from the windows, and this will create problems and an unsafe environment for employees and patrons within the store. This will also conflict with the intent of the ordinance as visibility from outside will still be obstructed. Therefore,

This policy recommends staff allow the preexistence of coolers near windows as long as all other requirements of RMC 5.07.123 are met, with the following conditions:

- All coolers situated along windows shall comply with building code standards.
- Business Compliance Staff will notify business owners of the requirement to provide a permanent electrical source to coolers and the prohibited use of extension cords.
- Business Compliance Staff will work with the business owner to fully comply with RMC 5.07.123.
- If all compliance is met with RMC 5.07.123, but the permanent electrical is still outstanding, the Business Compliance Staff will coordinate with the Code Enforcement Supervisor to gain compliance.
- A Code Enforcement case will be created and addressed.

This policy also recommends staff allow the preexistence of bars on the exterior of windows.

The Zoning Code is currently under revision and will address the issue of visibility related to signage. Staff is recommending the removal of the word “coolers” from RMC 5.07.123 (f) (1) in the current revision of RMC Chapter 5. Staff is also recommending the removal of section RMC 5.07.123 (g), “Window and Facade Security.”

V. DEFINITIONS

Coolers: Cold storage equipment used in commercial settings. Examples include the reach-in refrigerators and freezers found in supermarkets, specialty food stores, convenience stores, and grocery stores.