

SUBJECT: VENDOR IN THE PARK ORDINANCE REVISION Presented with:

Date: 9/27/99 Verified by: AV

REQUESTED BY: Council

PREPARED BY: K. VanGorder, City Clerk

DATE: September 3, 1999

FOR AGENDA OF: September 13, 1999; 9/27/1999

**SUMMARY:**

In June, council requested me to bring back the vendor in the park issue in September. I have requested comments from the parks and recreation commission and administration. Attached are the suggestions that I have received to date.

If council members have any additional suggestions to amending the code, or would like to consider some of the attached concerns, I would appreciate hearing them by September 15 so I may also incorporate the amendments into the code revision. If I do not hear anything from a council member by September 15, I will assume that the council does not wish to revisit the issue at this time.

FISCAL IMPACT: X No \_\_\_ Yes, amount requested: \$

Fund:

**CLERK'S OFFICE RECOMMENDED ACTION:**

Information only. Contact the clerk with suggestions for code amendment to the vendor in the park issue.

Administration Initial: SP

Attachments: Memo from Kaye Sloan

**DATE:** September 3, 1999

**TO:** Kristie VanGorder, City Clerk

**FROM:** Kaye Sloan, Recreation Services

**RE:** Vendor Ordinance

At the WPRC meeting on August 19, 1999, the vendor ordinance was discussed and the Commission was generally satisfied with it. The Commission agreed that many of the incidents that happened this year should be addressed by administrative policy, rather than by ordinance. They did, however, pass a motion to recommend to the Council "that consideration for revoking a permit will be reviewed if the vendor does not show a weekly presence at the site." After talking to Ken Jacobus, he suggested that we address it in the permit application as follows:

- #16 Vendor must be present at least 3 (or any number we specify) days per week at the site during summer season from May 15 through September 15.

I also feel that we should not limit the number of roving permits issued to allow more vendors on the streets.

As far as the right-of-way definitions, he said that anywhere it is legal to park, a roving vendor should be able to park and sell if he is permitted, so that answered my question about the vendor parking in the alley during Farmer's Market.

I will have the new permits ready next week, and after Ken looks at them, we should be able to hand them out. The ad goes out on Tuesday!

DATE: August 19, 1999  
TO: John Cramer, Deputy Admin.  
CC: Kristie VanGorder, City Clerk  
FROM: Kaye Sloan, Recreation Services  
RE: Vendor Ordinance

Over the summer I have been keeping track of any suggestions/complaints that have come up over the current vendor ordinance. I gave a copy of this to the WPRC for their suggestions, and basically they felt most could be addressed administratively. They felt the right-of-ways needed to be defined and did make a motion to address the issue of a vendor not being at their site on a regular basis. Do you have any other ideas that we can present to council on September 13<sup>th</sup>? We would need to get something to Kristie right after Labor Day.

Concern:

The vendor at the skate park notified me on June 7<sup>th</sup> that they would not be able to work at the park any Saturday because they had been accepted for the Saturday Market in Anchorage. They were also working the Bear Paw Festival, Talkeetna Moose Dropping Festival, etc. When another vendor heard that, he immediately wanted to move to that spot, which would have left Wonderland without a vendor. Administration and I agreed that was not an option this year.

Solutions:

*If a vendor voluntarily terminates, that site w/b offered to current vendor 1st. If more than 1 wants it, a drawing will be held. If no current vendor wants the site, it will be offered to the 1st one on waiting list and so on.*

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Concern:

The vendor at the skate park requested a refund of their fee on July 12<sup>th</sup>. We felt it was their choice not to take the vendor spot, and therefore was not justified. Should we provide for refunds in these circumstances?

Suggestions?

*No Refunds whatsoever.*

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Concern:

One roving vendor has been reported by the others as violating the 30-minute rule. Since I am not able to check on them at every site, we really have no way of enforcing that rule. This vendor knows the rules and has blatantly kept doing

it. The problem here is that we never know when the vendor will be there, so how can the police enforce it?

**Suggestions?**

*The vendors have really been policing themselves. They call me with any complaints and I have called the other vendor involved. It seems to help! ??*

**Concern:**

During the Farmer's Market one roving vendor parks in the alley behind the Library. According to the ordinance, this is a public right-of-way area and they are entitled to sell there. However, the issue of if and how long they may park on public right-of-ways was not addressed in the ordinance and may need to be. Also, what constitutes public right-of-ways? Shoulders of roads? Public parking lots? **Suggestions?**

Someone needs to define these areas.

*I really need help here. - I think this s/b defined in the ordinance.*

**Concern:**

The Borough has no noise ordinance; however, I have received several complaints about the music of the Banana Split van. It is far too loud for small residential areas. When she is at Wonderland for her 1/2 hour, the music is playing constantly, and loudly. I have been out walking at night and can hear it literally a mile away.

**Suggestions?**

*I called her & relayed the noise concerns. She said she would turn it down when she is parked at the packs for her 30 min. In the neighborhoods she needs to be heard. No other comment.*

**Concern:**

The Wonderland parking lot has been designated as a vendor area. One roving vendor parks for 30 minutes on the paved parking area to the east of Wonderland and then moves to the gravel parking lot on the west of Wonderland for another 1/2 hour. This is not a designated vendor spot, but it is public land. I have called her several times and left messages, but she does not return my calls.

**Suggestions?**

*Maybe she needs to be cited for not selling at the designated area. But isn't the other parking lot a public use area? Maybe we need to exactly define the public right-of-way since we only address parks in the Ordinance.*

Concern:

Wonderland was closed down for 3 days this week for the annual re-sealing of the wood. The vendor there asked if he could move to the Wasilla Lake spot, since that vendor has not been there more than three days all summer. Mr. Cramer was hesitant to grant this because, again, it is not addressed in the ordinance. Should a licensed vendor be allowed to occupy another vendor's spot with our permission?

Suggestions?

Concern:

The vendor at Wasilla Lake has been unable to work because of personal reasons, but did not want to relinquish her permit in case she could go back.

Suggestions?

Should we let another vendor occupy that spot until the original vendor can get back? Or, if a space remains unoccupied for a certain amount of time, should we be able to fill it with another licensed vendor?

*Problem eliminated. Vendor does not wish to renew next year.  
But roving vendors can still serve the ice skaters.*

Concern:

H & H Paddleboats. This was not a food or drink vendor.

Solutions:

*Will it be renewed next year? Do they get 1<sup>st</sup> right of refusal?  
Do they reapply to Council for next year?*

Concern:

All the vendors chosen this year have the 1<sup>st</sup> right of refusal for the next two years.

Suggestions?

*If a vendor terminates can we give to an existing vendor?  
If more than one expresses an interest can we draw for it?*