



CITY OF WASILLA

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Code Ordinance
Requested By: Administration
Prepared By: Planning
Introduction Date: 5/28/97
Public Hearing Date: 6/9/97

ORDINANCE SERIAL NO. 97-34

AN ORDINANCE OF THE CITY OF WASILLA, ALASKA, AMENDING SECTION 7.16.060.A "TEMPORARY USE PERMITS", AND AMENDING SECTION 13.12.010 (SALES UNLAWFUL), OF THE WASILLA MUNICIPAL CODE, TO ALLOW THE SALE OF GOODS AND SERVICES ON CITY LAND WHEN AUTHORIZED BY ADMINISTRATIVE PERMIT.

WHEREAS, the City has received requests by mobile and seasonal vendors to sell products and services to the public on City owned land, particularly at City owned recreation sites; and,

WHEREAS, the municipal code does not permit the sale of goods and services on City owned land unless the purpose of the sales is to support a non-profit organization and a permit has been specifically approved by the Wasilla City Council; and,

WHEREAS, the Administration believes that the time has come for the City Council to reconsider the existing prohibition against profit oriented sales on City owned land, provided that the City's interests are amply protected and the mobile vendor is properly licensed and authorized to collect City sales tax; and,

WHEREAS, should the Council decide to amend the code to allow mobile and seasonal vendors to operate on City owned land, it may also wish to consider a more streamlined, efficient and cost-effective method of issuing permits by allowing the Administration to process temporary vendor permits without requiring Council approval for each one;

BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA AS FOLLOWS:

SECTION I. Classification. This is a code ordinance.

SECTION II. Purpose. To amend Section 7.16.060.A "Temporary Use Permits" of the Wasilla Municipal Code to allow profit oriented sales on City owned lands, subject to certain conditions and limitations, and to amend Section 13.12.010 (Sales Unlawful) to authorized the Mayor, or mayor's designee to issue permits for such use of City owned land.

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SECTION III. Enactment. Section 7.16.060.A "Temporary Use Permits" of the Wasilla Municipal Code is hereby amended as shown below:

7.16.060. Council Approval.

A. "Temporary Use Permits", as defined by this subsection A, are not subject to the formal lease requirements specified by the terms of 7.16.050 (Public Notice) nor are temporary use permits subject to the requirements of Council Approval as stated in subsections B, C, and D, below. Similarly, the lease procedures provided for by 7.16.090 and 7.16.110 are not intended to apply to "temporary use permits". The Mayor, or the mayor's designee, ~~is granted the authority to exercise his the discretion~~ to permit the use of City owned land and/or improvements thereon for temporary use if the Mayor, or mayor's designee, in their ~~his~~ discretion, finds the following conditions to have been met:

1. The land and/or improvements are not needed or necessary, during the anticipated term of use, for the normal and ordinary activities of the City of Wasilla; and,
2. The temporary use is not anticipated to exceed six months; and,
3. ~~The purpose of the temporary use permit is for an activity or purpose of nonprofit character; and,~~ The user obtains all other permits applicable to the use that may be required for operation of the use, whether from federal, state, borough or local laws, ordinances, regulations, etc.
4. The temporary use will be compatible with the conduct of regular and ordinary City business and the use of other City offices and property; and,
5. The activities contemplated by the temporary use occupant will be non-discriminatory and based upon principles of equal opportunity; and,
6. The temporary use occupant will provide general liability insurance in an amount suitable for the use proposed, as determined by the Mayor, or the mayor's designee, and agree to hold the City of Wasilla harmless in the event of claims for injury or damage resulting directly or indirectly from the use; and,
7. The temporary use occupant shall agree to pay a permit fee, in an amount to be established in the discretion of the Mayor, intended to assist the City of Wasilla in the costs related to provision of utilities, maintenance, repairs, and management and other such costs incurred by the City of Wasilla in maintaining such land and/or improvements thereon.

SECTION IV. Enactment. Section 13.12.010 (Sales Unlawful) of the Wasilla Municipal Code is hereby amended as shown below:

13.12.010 Sales Unlawful On City Land Require Permit. It shall be unlawful for any person to vend, sell peddle or offer for sale any commodity or article within any City Park, on City Property or rights-of-way without a permit issued by the Mayor, or the mayor's designee City Council.

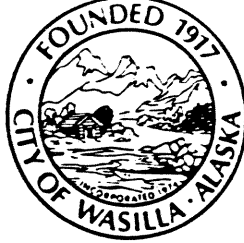
SECTION V. Effective Date. This ordinance becomes effective upon adoption.

ADOPTED by the Council of the City of Wasilla on this _____ day of _____, 1997.

SARAH H. PALIN, Mayor

ATTEST:

MARJORIE D. HARRIS, CMC
City Clerk



ORDINANCE NO. 97-34

Subject: **Amendments to the Wasilla Municipal Code to permit 1) sales-for-profit on City owned land; and, 2) authorizing the Mayor to administer permits for same.**

Meeting Date: **05/28/97**

**RECOMMENDATION AND MOTION:
Introduce Ordinance Serial No. 97-34 and schedule for public hearing at the next regular meeting on 06/09/97.**

Administration Recommendation: Introduce and set for public hearing.

Reviewed by Sarah H. Palin, Mayor: _____

Route To:	Department:	Approval (Initials):	Remarks:
1	Clerk's Office		
2	Finance		
3	Library		
4	Museum		
5	Planning		
6	Police		
7	Public Works		
8	Admin.	SHP	Let's get "open for business"!
9	City Attorney		

Attachment (s): Fiscal Note: YES _____ NO XX
(List other attachments; i.e., maps, bid information, etc.)

Staff Recommendation: **Introduce Ordinance Serial No. 97-34 and schedule for public hearing at the next regular meeting on 06/09/97.**

Summary Statement:

The Mayor requested the preparation of this ordinance in response to requests from the public. Introduction of this ordinance would allow the Council to reconsider this issue and to solicit input from the public.