

CITY OF WASILLA
ORDINANCE SERIAL NO. 98-11(AM)

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC CHAPTER 13.12, COMMERCIAL SALES ON CITY PROPERTY BY REPEALING WMC 13.12.010 AND ADOPTING WMC 13.12.020 - 13.12.070, PERMITS FOR VENDING IN PUBLIC USE AREAS WITHIN THE CITY LIMITS OF WASILLA.

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

Section 1. Classification. This ordinance is of a general and permanent nature, and shall become part of the Wasilla Municipal Code.

Section 2. Adoption of section. WMC 13.12.020, Permit and Compliance Required, is hereby adopted to read as follows:

13.12.020 Permit and Compliance Required.

It is unlawful for any person to offer goods or services of any type to the public on any city property or right-of-way without first obtaining a vendor's license from the city as provided in this chapter, or to violate the terms of a license issued pursuant to this chapter.

Section 3. Adoption of section. WMC 13.12.030, Types of Permits, is hereby adopted to read as follows:

13.12.030 Types of Permits.

(A) Three different types of non-transferable required vendor's permits shall be available to any qualified person who applies, as follows:

(1) A Type I Permit is required for selling from a permanently assigned location within one public use area. Type I permits are issued on an annual basis, with a non-refundable permit fee of \$250 per calendar year.

(2) A Type II Permit is required for roving vendors, or those who sell from more than one location, within public use areas. Type II permits are issued on an annual basis, with a non-refundable permit fee of \$500 per calendar year.

(3) A Type III Permit is required for single events, and for selling at single events, in one public use area. Type III permits are issued on an event basis, to expire when the event is over, with a fee of \$100 per event. The event fee is non-refundable, unless the event is moved to another location outside of the city limits or the event is canceled.

Section 4. Adoption of section. WMC 13.12.040, Application for Permit, is hereby adopted to read as follows:

13.12.040 Application for Permit.

(A) An application for a permit shall be made to the mayor and shall include:

- (1) A non-refundable permit fee;
- (2) A certificate of insurance for a general liability insurance policy, in the minimum coverage amount of \$100,000 personal injury per occurrence and \$50,000 property damage, naming the city and borough as an additional insured. The certificate shall include provisions

that the city will be notified within 30 days if the policy is modified or terminated;

(3) Proof that the applicant has obtained or applied for the following licenses:

(a) State, city and borough business licenses;

(b) Health and food handler permits required for the sale of food or beverages; and

(c) Any other permits or licenses that may be required by applicable local, state or federal law.

(4) The residence, mailing address, phone number, and taxpayer identification number, of the applicant;

(5) The criminal history of the applicant for the past five years, excluding minor motor vehicle violations;

(6) A listing of lawsuits and complaints regarding the applicant or employee filed in any jurisdiction, with any court enforcement or regulatory agency, professional or business organization, or other authority;

(7) A description of the type of goods and services to be offered;

(8) A complete description of the equipment to be used, including the registration of vehicles operated or parked in connection with the permitted activity;

(9) The months, days, and hours of proposed operation;
and

(10) Any additional information that may be requested by the city.

Section 5. Adoption of section. WMC 13.12.050, Issuance of Permit, is hereby adopted to read as follows:

13.12.050 Issuance of Permit.

The issuance of a permit is discretionary with the mayor. No permit will be issued to an applicant who has been convicted of a felony, or a crime involving fraud, dishonesty, or deception, within five years prior to the date of the application.

Section 6. Adoption of section. WMC 13.12.060, Permit Conditions, is hereby adopted to read as follows:

13.12.060 Permit Conditions.

(A) Permits issued under this chapter are subject to certain conditions, including, but not limited to:

(1) Designation of location, date, time, activity and scope of operation, as determined by the city; and

(2) Compliance with WMC chapter, 13.08.

Section 7. Adoption of section. WMC 13.12.070, Operating Requirements, is hereby adopted to read as follows:

13.12.070 Operating Requirements.

(A) The following operating requirements shall apply:

(1) All permits and required licenses shall be displayed prominently while conducting permitted activities.

(2) Permit holders shall be responsible to the city for their actions, and those of their agents and employees while engaged in permitted activities.

(3) Permit holders and their agents and employees shall not obstruct traffic.

(4) Permit holders and their agents and employees shall not damage, deface, or remove natural objects including trees, plants, rocks, gravel or minerals, nor disturb or remove cultural or historical materials.

(5) Permit holders and their agents and employees shall not camp, light fires, fish, hunt, or harass wildlife.

(6) Alterations or permanent improvements to the permitted areas are not allowed. Permanent signs may not be displayed in connection with the permitted activity.

(7) All equipment and supplies shall be removed from the permitted area at the close of business each day, unless advanced written approval is obtained by the city.

(8) No pets shall accompany any person engaged in permitted activities, unless the permit holder complies with WMC chapter 13.08.020.

(9) Permit holders and their agents and employees shall comply with all local, state and federal laws applicable to their activities including but not limited to section 13.08.020 of this chapter.

(10) Permit holders shall keep their permitted areas clean and neat. Litter shall be properly disposed of at least once a day.

(11) Permit holders shall promptly notify the city of any accident, injury or claim related to the permitted activity.

(12) Permit holders shall promptly notify the city of any maintenance or repair needed in the permitted area, or of any other condition which may constitute a health or safety hazard.

(13) Permit holders shall reimburse the city for any damage to city property caused by the permit holder, including the cost of litter abatement.

Section 8. Adoption of section. WMC 13.12.080, Revocation or Suspension of Permit, is hereby adopted to read as follows:

13.12.080 Revocation or Suspension of Permit.

(A) A permit may be revoked or suspended by the city if:

(1) False or misleading statements are made by the permit holder, agents, or employees in conjunction with the application for the permit;

(2) The permitted activity has been operated in violation of any provision of applicable law, or the terms or conditions of the permit;

(3) The permit has been conveyed by the permit holder to another person; or

(4) The permit holder, agents, or employees violate any provision of WMC chapter 13.08 or this chapter.

Section 9. Adoption of section. WMC 13.12.090, Appeals from Decisions of Administration, is hereby adopted to read as follows:

13.12.090 Appeals from Decisions of Administration.

(A) An appeal from a decision of the mayor to refuse to issue, place conditions on, suspend, or revoke a permit may be made to the city council, by filing a notice of appeal with the clerk within 30 days of the issuance of a written decision.

Section 10. Adoption of section. WMC 13.12.100, Violations, is hereby adopted to read as follows:

13.12.100 Violations.

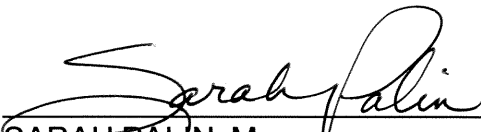
A violation of any provision of this chapter shall be an infraction. A citation issued for this violation shall be against the permit applicant. The fine shall be \$100 for each violation. A total of three citations in one calendar year shall result in the revocation of the permit.

Section 11. Repeal of section. WMC 13.12.010, Sales Unlawful, is hereby repealed as follows:

[13.12.010 SALES UNLAWFUL. 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 CITY COUNCIL.]

Section 12. Effective Date. This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council this 13th day of April, 1998.


SARAH PALIN, Mayor

ATTEST:


KRISTIE L. VANGORDER, CMC/AE
City Clerk

(SEAL.)