

**CITY OF WASILLA
ORDINANCE SERIAL NO. 99-12(AM)**

AN ORDINANCE OF THE WASILLA CITY COUNCIL ADOPTING CHAPTER 9.12, PUBLIC VENDING AND REPEALING SECTIONS 13.12.020-13.12.100, COMMERCIAL SALES ON CITY PROPERTY.

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 a part of the Wasilla Municipal Code.

Section 2. Adoption of chapter. Chapter 9.12, Public Vending, is hereby adopted to read as follows:

CHAPTER 9.12: PUBLIC VENDING

- 9.12.010 Definitions.**
- 9.12.020 Permit and Compliance Required.**
- 9.12.030 Permanent Vendor Permit.**
- 9.12.040 Roving Vendor Permit.**
- 9.12.050 Special Event Permit.**
- 9.12.060 Application for Permit.**
- 9.12.070 Permit Conditions.**
- 9.12.080 Operating Requirements.**
- 9.12.090 Revocation or Suspension of Permit.**
- 9.12.100 Appeals from Decisions of Administration.**
- 9.12.110 Violations.**

9.12.010 DEFINITIONS.

(1) "Permanent vendor" means a vendor operating from a single location.

(2) "Roving Vendor" means a vendor who moves from place to place, on foot or by vehicle.

(3) "Special event permit" means a document issued by the city pursuant to this chapter that authorizes sales or services to the public on city-owned or operated property or public right-of-way.

(4) "Special event permit holder" means a group or organization approved by the council or specified in WMC 9.12.050(B), that sponsors community events.

(5) "Vendor" means a person, organization, partnership, corporation, or other form of business organization.

(6) "Vendor permit" means a document issued by the city pursuant to this chapter that authorizes the operation of selling food or non-alcohol drinks to the public on city-owned or operated property or public right-of-way.

9.12.020 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 permit from the city as provided in this chapter, or to violate the terms of a permit issued pursuant to this chapter.

9.12.030 PERMANENT VENDOR PERMIT.

(A) A permanent vendor permit may be issued to sell only food and non-alcohol drinks at a permanently assigned location. A permanent vendor permit shall be non-transferable and a \$100 permit fee shall be required.

(B) The parks and recreation commission, subject to council approval, shall determine permanent vendor space and establish requirements for each area. Applicants may submit one application per designated vendor space between September 1 and November 1 of each year for the following calendar year.

(C) If more than one applicant applies for a designated space, lots will be drawn to determine the applicant to whom the space will be issued. Only one permit shall be issued per qualified applicant. Permits are valid from January 1 through December 31 of each calendar year. First right of refusal for two additional one-year terms, for a total term not to exceed three years, will be offered to all permanent vendors. The parks and recreation department must receive notification of intent to renew by the permit holder no later than September 1 of each year.

9.12.040 ROVING VENDOR PERMIT.

(A) A roving vendor permit may be issued to qualified applicants to sell food and non-alcohol drinks at more than one location, with time restrictions. A roving vendor permit shall be non-transferable and a \$100 permit fee shall be required.

(B) The parks and recreation commission, subject to council approval, shall determine time restrictions, vending area space, and the number of roving vendor permits allowed.

(C) Applicants may submit an application between September 1 and November 1 of each year for the following calendar year.

(D) If more applicants than the number designated by the parks and recreation commission apply, lots will be drawn to determine the applicants to

whom the permits will be issued. Permits are valid from January 1 through December 31 of each calendar year. First right of refusal for two additional one-year terms, for a total term not to exceed three years, will be offered to all roving vendors. The parks and recreation department must receive notification of intent to renew by the permit holder no later than September 1 of each year.

9.12.050 SPECIAL EVENT PERMIT.

(A) A special event permit is required to conduct a community event and will expire upon completion of the event. All special event permits must have final approval by the council at least 60 days prior to the event unless specified in subsection (B).

(B) The following organizations may hold special event permits for community events without council approval:

- (1) Wasilla Chamber of Commerce:
 - (a) Water Festival; and
 - (b) Iditarod Festival.
- (2) Iditarod Trail Committee:
 - (a) Iditarod Sled Dog Race.
- (3) Friends of Wonderland:
 - (a) Annual Birthday Party; and
 - (b) Christmas Tree Lighting Celebration.
- (4) The Wasilla-Knik-Willow Creek Historical Society:
 - (a) Farmer's Market.

(5) Wasilla Lions Club:

(a) Monthly ice-skating parties during winter.

(6) The City of Wasilla Parks and Recreation Department:

(a) All city sponsored community events.

(C) Permanent and roving vendor permit holders space shall not be interrupted during a special event. Additional vendors may participate, without obtaining vendor permits, during an event sponsored by a special event permit holder. Special event permit holders are required to ensure each vendor participating in the event complies with WMC 9.04 and holds a city business license.

(D) Special event permit holders shall submit to the city:

(1) 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;

(2) Proof that the applicant has obtained or applied for all applicable permits, including but not limited to state, city and borough business licenses; and

(3) Any additional information requested by the city.

9.12.060 APPLICATION FOR PERMIT.

(A) A completed application for a vendor permit shall be submitted to the parks and recreation department for approval. Each application shall include:

(1) The applicable 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 all applicable permits, including but not limited to state, city and borough business licenses;

(4) A background check of the criminal history of applicant, and those persons to be in contact with the public on behalf of the applicant, including felony charges, drug offenses, and sex offenses for the past five years. If the applicant applying for a roving vendor permit involves the operation of a motor vehicle, the applicant must include a background check of motor vehicle violations for the past five years; and

(5) Any additional information requested by the city.

9.12.070 PERMIT CONDITIONS.

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

(1) Designation of location, activity and scope of operation, as determined by the parks and recreation department;

(2) Size of vehicle or sale apparatus;

(3) Holding valid state, city and borough business licenses; and

(4) Any additional requirements of the city.

(B) No permit will be issued to an applicant who has been convicted of a felony, or a crime involving fraud, dishonesty, or deception, child molestation or related crime within five years prior to the date of the application.

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

(5) No pets shall accompany any person engaged in permitted activities.

(6) 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.

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

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

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

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

9.12.090 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 chapter 13.08 or this chapter.

9.12.100 APPEALS FROM DECISIONS OF ADMINISTRATION.

An appeal from a decision to refuse to issue, place conditions on, suspend, or revoke a permit shall 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.

9.12.110 VIOLATIONS.

A violation of any provision of this chapter shall be an infraction. A citation issued for this violation shall be against the permitted applicant or organization. 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 3. Repeal of sections. WMC 13.12.020 – 100, Commercial Sales on City Property, is hereby repealed in its entirety:

[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.

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.

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.

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.

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.

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.

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.

13.12.090 APPEALS FROM DECISIONS OF ADMINISTRATION.

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.

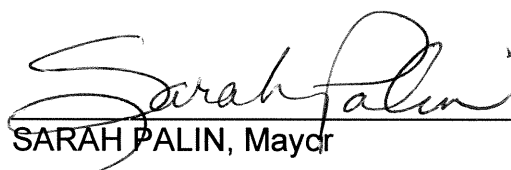
13.12.100 VIOLATIONS.

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 4. Interim applications. In 1999, applications may be submitted immediately, and must be received no later than May 17, 1999.

Section 5. Effective date. This ordinance is effective upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council, Alaska, on April 12, 1999.


SARAH PALIN, Mayor

ATTEST:


KRISTIE L. VANGORDER, CMC/AAE
City Clerk

[SEAL]