

**CITY OF WASILLA
ORDINANCE SERIAL NO. 03-25**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 6.08.020, 030, 040, 060, 070 AND 080 IN RELATION TO PUBLIC VENDING LICENSES AND REPEALING WMC 6.08.010, DEFINITIONS, AND WMC 6.08.050, SPECIAL EVENT PERMIT.

* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Repeal of section.** WMC 6.08.010, Definitions, is repealed as follows:

[6.08.010 DEFINITIONS

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

"PERMANENT VENDOR" MEANS A VENDOR OPERATING FROM A SINGLE LOCATION.

"ROVING VENDOR" MEANS A VENDOR WHO MOVES FROM PLACE TO PLACE, ON FOOT OR BY VEHICLE.

"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.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

"SPECIAL EVENT PERMIT HOLDER" MEANS A GROUP OR ORGANIZATION APPROVED BY THE COUNCIL OR SPECIFIED IN SECTION 6.08.050(B), THAT SPONSORS COMMUNITY EVENTS.

"VENDOR" MEANS A PERSON, ORGANIZATION, PARTNERSHIP, CORPORATION, OR OTHER FORM OF BUSINESS ORGANIZATION.

"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.]

* **Section 3. Amendment of section.** WMC 6.08.020, Permit and compliance required, is amended to read as follows:

6.08.020 Permit [AND COMPLIANCE] required.

No person may offer for sale or sell [IT IS UNLAWFUL FOR ANY PERSON TO OFFER] goods or services of any type to the public on any city property or **in any public** right-of-way **within the city, except in accordance with** [WITHOUT FIRST OBTAINING] a vendor[’S] permit **issued under** [FROM THE CITY AS PROVIDED IN] this chapter[, OR TO VIOLATE THE TERMS OF A PERMIT ISSUED PURSUANT TO THIS CHAPTER].

* **Section 4. Amendment of section.** WMC 6.08.030, Permanent vendor permit, is amended to read as follows:

6.08.030 Single location [PERMANENT] vendor permit.

A. A **single location** [PERMANENT] vendor permit **will permit the holder** [MAY BE ISSUED] to sell only food and **non-alcoholic beverages** [NON-ALCOHOL

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DRINKS] at a single location that is specified in the permit [PERMANENTLY ASSIGNED LOCATION. A PERMANENT VENDOR PERMIT SHALL BE NON-TRANSFERABLE AND A ONE HUNDRED DOLLAR (\$100.00) PERMIT FEE SHALL BE REQUIRED].

B. The public works director [PARKS AND RECREATION COMMISSION, SUBJECT TO COUNCIL APPROVAL], shall designate the spaces on city property where a vendor may locate under a single location vendor permit, [DETERMINE PERMANENT VENDOR SPACE] and establish rules governing vendor operation [REQUIREMENTS] for each area in which such spaces are designated. Only one single location vendor permit may be issued per designated space.

C. A single location vendor permit is issued on or after January 1 of a calendar year, and expires on December 31 of the calendar year. A person [APPLICANTS] may submit no more than one application for a single location vendor permit per designated [VENDOR] space on or after January 1 [BETWEEN SEPTEMBER 1ST AND NOVEMBER 1ST OF EACH YEAR] for the [FOLLOWING] calendar year. [C.] A person who holds a single location vendor permit may obtain up to two renewals of the permit for the same designated space by notifying the public works director of its intent to renew before January 1 of the next calendar year. If more than one person [APPLICANT] applies for a designated space before April 1, and the prior year permit holder has not given timely notice of its intent to renew the permit for that space, lots will be drawn to determine the applicant to whom the space will be issued. After April 1, single location vendor permits will be issued for available designated spaces on a first come, first served basis. No person

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may hold more than one single location vendor permit during a calendar year.

[ONLY ONE PERMIT SHALL BE ISSUED PER QUALIFIED APPLICANT. PERMITS ARE VALID FROM JANUARY 1ST THROUGH DECEMBER 31ST 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 1ST OF EACH YEAR].

* **Section 5. Amendment of section.** WMC 6.08.040, Roving vendor permit, is amended to read as follows:

6.08.040 Mobile [ROVING] vendor permit

A. A mobile [ROVING] vendor permit will permit the holder [MAY BE ISSUED] to sell only food and non-alcoholic beverages [NON-ALCOHOL DRINKS] at more than one location, with the time of operation at a single location limited as stated in the permit [TIME RESTRICTIONS. A ROVING VENDOR PERMIT SHALL BE NON-TRANSFERABLE AND A ONE HUNDRED DOLLAR (\$100.00) PERMIT FEE SHALL BE REQUIRED].

B. The public works director [PARKS AND RECREATION COMMISSION, SUBJECT TO COUNCIL APPROVAL,] shall determine the number of mobile vendor permits that will be issued in a calendar year, the locations where mobile vendors may operate, and limitations on the time of operation at a single location [TIME RESTRICTIONS, VENDING AREA SPACE, AND THE NUMBER OF ROVING VENDOR PERMITS ALLOWED].

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C. A mobile vendor permit is issued on or after January 1 of a calendar year, and expires on December 31 of the calendar year. A person [APPLICANTS] may submit an application for a mobile vendor permit on or after January 1 [BETWEEN SEPTEMBER 1ST AND NOVEMBER 1ST OF EACH YEAR] for the [FOLLOWING] calendar year. [D.] A person who holds a mobile vendor permit may obtain up to two renewals of the permit by notifying the public works director of its intent to renew before January 1 of the next calendar year. If more persons [APPLICANTS] than the number of available permits [DESIGNATED BY THE PARKS AND RECREATION COMMISSION] apply for mobile vendor permits before April 1, lots will be drawn to determine the applicants to whom permits will be issued. After April 1, available mobile vendor permits will be issued on a first come, first served basis. [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 1ST OF EACH YEAR].

* **Section 6. Repeal of section.** WMC 6.08.050, Special event permit, is repealed as follows:

[6.08.050 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

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

LEAST SIXTY (60) DAYS PRIOR TO THE EVENT UNLESS SPECIFIED IN SUBSECTION B OF THIS SECTION.

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: 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:
FARMER'S MARKET.

5. WASILLA LIONS CLUB: MONTHLY ICE-SKATING PARTIES DURING WINTER.

6. THE CITY OF WASILLA PARKS AND RECREATION DEPARTMENT:
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

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

PARTICIPATING IN THE EVENT COMPLIES WITH CHAPTER 6.04 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 ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) PERSONAL INJURY PER OCCURRENCE AND FIFTY THOUSAND DOLLARS (\$50,000.00) PROPERTY DAMAGE, NAMING THE CITY AND BOROUGH AS AN ADDITIONAL INSURED. THE CERTIFICATE SHALL INCLUDE PROVISIONS THAT THE CITY WILL BE NOTIFIED WITHIN THIRTY (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.]

* **Section 7. Amendment of section.** WMC 6.08.060, Application for permit, is amended to read as follows:

A. A completed application for a vendor permit shall be submitted to the **public works director** [PARKS AND RECREATION DEPARTMENT] for approval.

Each application shall include:

1[A]. **A \$100.00** [THE APPLICABLE] permit fee;

2[B]. A certificate of insurance for a general liability insurance policy, in the minimum coverage amount of one hundred thousand dollars (\$100,000.00) personal injury per occurrence and fifty thousand dollars (\$50,000.00) property damage, naming

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the city and the Matanuska-Susitna Borough as [AN] additional insureds. The certificate shall provide [INCLUDE PROVISIONS] that the city will be notified at least [WITHIN] thirty (30) days before [IF] the policy is modified or terminated;

3[C]. Proof that the applicant has obtained or applied for all applicable permits, including but not limited to state, city and borough business licenses;

4[D]. A background check of the criminal history of the applicant, if the applicant is an individual, the person who is to manage the vendor operation, and each employee of the applicant who will [AND THOSE PERSONS RUNNING OR CONTROLLING THE BUSINESS AND THOSE PERSONS TO] be in contact with the public in the vendor operation [ON BEHALF OF THE APPLICANT], including felony charges, drug offenses, and sex offenses. If the applicant will operate a motor vehicle under a mobile vendor permit [APPLYING FOR A ROVING VENDOR PERMIT INVOLVES THE OPERATION OF A MOTOR VEHICLE], the applicant must include a background check of motor vehicle violations; and

5[E]. Any additional information requested by the city.

* **Section 8. Amendment of section.** WMC 6.08.070, Permit conditions, is amended to read as follows:

A. The public works director may issue a permit [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

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4. Any additional requirements of the city.

B. No permit will be issued to an applicant or to a business owned or controlled by any person who has been convicted of a felony, or a crime involving fraud, dishonesty, or deception, or child molestation or related crime.

C. A permit issued under this chapter is not transferable.

D. A person may sell goods or services to the public during an event sponsored by the city without a permit under this chapter, except as required by the public works director. A person who holds a permit under this chapter may not operate under the permit during an event sponsored by the city, except as permitted by the public works director.

* **Section 9. Amendment of section. WMC 6.08.080, Operating requirements,** is amended to read as follows:

A. The holder of a permit under this chapter shall comply with the following operating requirements [SHALL APPLY]:

1[A]. All permits and required licenses shall be displayed prominently while conducting permitted activities.

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

3[C]. Permit holders and their agents and employees shall not obstruct traffic.

4[D]. Alterations or permanent improvements to the permitted areas are not allowed. Permanent signs shall not be displayed in connection with the permitted activity.

5[E]. No pets shall accompany any person engaged in permitted activities.

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6[F]. 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 12.24.020.

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

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

9[I]. 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[J]. Permit holders shall reimburse the city for any damage to city property caused by the permit holder, including the cost of litter abatement.

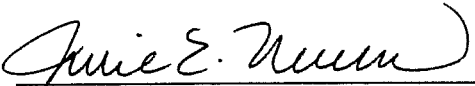
* **Section 10. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council on May 12, 2003.



DIANNE M. KELLER, Mayor

ATTEST:



JAMIE E. NEWMAN, CMC
Acting City Clerk

[SEAL]

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CITY OF WASILLA

**290 E. HERNING AVE.
WASILLA, AK 99654-7091
PHONE: (907) 373-9090
FAX: (907) 373-9092**

TO: Wasilla City Council
THRU: Mayor Dianne M. Keller *DMK*
THRU: *DS* Don Shiesl, Public Works Director
FROM: Kristie Smithers, Clerk
DATE: April 17, 2003
SUBJECT: Ordinance Serial No. 03-25, Public Vending Licenses

SUMMARY:

Now that it is almost summer again, we have had several people come in inquiring about our vendor policy. While reviewing the code, we realized that there are several changes that need to be updated.

The proposed ordinance simplifies our public vending ordinance and updates the areas we were concerned about. It also repeals the reference to special events since this type of permit falls under parks use permits.

FISCAL IMPACT: If yes, amount requested:
Account No.:

RECOMMENDED ACTION:

Introduce ordinance and set for public hearing.