

POSSIBLE MOTION

I MOVE TO approve Ordinance 2013-47A on second and final reading.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2013-47A

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA MODIFYING SITKA
GENERAL CODE 6.16.010 ENTITLED “SALES – PERMIT, FEES AND
REGULATIONS” REGARDING OUTDOOR SALES OF GOODS OR ARTICLES IN
THE CBD DISTRICT, PUBLIC USE ZONE AND PUBLIC BOAT HARBORS**

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become part of the Sitka General Code (“SGC”).

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. **PURPOSE.** The purpose of this ordinance is to modify SGC 6.16.010 entitled “Sales – Permit, fees and regulations” in which the constitutionality of this provision is being called into question. This ordinance clarifies the outdoor sales of goods or articles on public property in the CBD district and public use.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC 6.16.010 entitled “Sales – Permit, fees and regulations” is modified to read as follows (new language underlined; deleted language stricken):

**Chapter 6.16
SALES ON PUBLIC PROPERTY**

Sections:

- 6.16.010 Sales—Permit, fees and regulations.
- 6.16.015 Retail sales of food from mobile, nonmotorized vehicles.
- 6.16.020 Determination of time and place of sale of raw fish for purposes of this code.
- 6.16.030 Sale of raw fish at the city and borough-owned hoist.

6.16.010 Sales—Permit, fees and regulations.

Except as allowed in this section, outdoor sales of goods or articles, including solicitation for certain services or activities, are prohibited outdoors on public property in the CBD district, public use zone and public boat harbors. This prohibition includes, but is not limited to, sales on public sidewalks, parking lots and streets, except as allowed below:

A. The following sales will be allowed in areas designated on an annual permit issued by the municipality for a fee of ten dollars:

1. Incidental sales by juveniles of ~~Alaskan~~ items made by the juveniles, or natural items collected by the juveniles, to tourists in the Crescent Harbor area and under the O’Connell bridge,

2. Handicrafts, artwork and jewelry made from fur and leather indigenous to southeast Alaska, sold by the artist, including traditional sales by Alaska Natives, as well as books

49 written and sold by local authors which depict the history, sociology or everyday life of
50 southeast Alaska, ~~Traditional sales of Alaskan items by Alaska Natives,~~

51 3. Sales of personally made arts and crafts items by senior citizens for charitable
52 purposes,

53 4. a. Sales of items by juveniles, the proceeds from which will primarily benefit a
54 recognized charitable organization dedicated to providing programs for youth,

55 b. Sales will be limited to unique items that are not available commercially,

56 c. Such permits shall be limited to no more than three groups at any one given time;

57 B. Retail sales of food prepared by vendors in compliance with all applicable state, federal
58 and/or municipal agency requirements, as well as other food items which are prepackaged by
59 the manufacturer and do not require further processing, such as gum, candy, juice, chips and
60 soft drinks, from a mobile, nonmotorized food cart as designated on a two-year permit issued
61 by the municipality for a fee of fifty dollars, under the conditions set out in Section 6.16.015;

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63 C. Retail sales of seafood to the ultimate consumer by the actual fisherman from their
64 vessels at public boat harbors, in the assigned stalls;

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66 D. By prior arrangement with the administrator, sales may be authorized for special events
67 such as the Salmon Derby, the Fourth of July and Alaska Day;

68 E. Solicitation by musicians shall be allowed in areas designated on a musician permit
69 issued by the municipality for an annual fee of ten dollars, under the following conditions:

70 1. Musician may perform and will be issued a musician permit during hours designated
71 by the harbormaster or Harrigan Centennial Hall manager, and

72 2. No electrical amplification of any instrument will be allowed;

73 F. On-site supervision by an adult is required for all juveniles under the age of ten who
74 participate in permitted sales and other activities allowed under this section. The permit may
75 be revoked for misconduct such as fraud or loud, aggressive behavior or slandering other
76 permittees, and is subject to regulations as necessary to protect the health, safety and welfare
77 of visitors and citizens, in accordance with SGC 6.19.040;

78 G. Failure to follow the rules of this chapter may result in the loss of a permit.

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81 5. **EFFECTIVE DATE.** This ordinance shall become effective the day after the
82 date of its passage.

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84 PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of
85 Sitka, Alaska this 28th day of January, 2014.

86
87 _____
Mim McConneil, Mayor

88 ATTEST:

89 _____
90 Sara Peterson, CMC
91 Acting Municipal Clerk

From: Amy Sweeney <a_sitka_sweeney@yahoo.com>
Sent: Monday, December 23, 2013 5:29 PM
To: Jay Sweeney
Subject: Ordinance no. 2013-47 (added last paragraph, should I include it?)

Dear Assembly members,

Ordinance no., 2013-47, Section 6.16.010, paragraph A..1. states the following sales in the CBD district, Public Use Zone and Public Boat Harbors by juveniles who pay a \$10 fee for an annual permit, will be allowed:

"1. Incidental sales by juveniles of Alaskan items made by the juveniles, or natural items collected by the juveniles, to tourists in the Crescent Harbor area and under the O'Connel Bridge,"

If an item was made by a Sitka child, does that make the item "Alaskan" for the purposes of the ordinance, or will some other criteria be applied?

I propose that the word "Alaskan:" be removed. Enterprising kids who wish to sell at the dock are appropriately constrained to selling items they have made or collected themselves--they should not have to worry about whether officials would consider their homemade item "Alaskan" or not.

Thank you
Amy Sweeney