

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

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

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

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

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

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

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

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

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

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

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

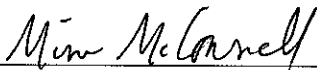
F. On-site supervision by an adult is required for all juveniles under the age of ten who participate in permitted sales and other activities allowed under this section. The permit may be revoked for misconduct such as fraud or loud, aggressive behavior or slandering other permittees, and is subject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

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

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

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



Mim McConnell, Mayor

ATTEST:



Sara Peterson, CMC

Acting Municipal Clerk