

CITY AND BOROUGH OF SITKA, ALASKA

ORDINANCE NO. 2013-25

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA
GENERAL CODE SECTION 6.16.010 ENTITLED "SALES – PERMIT, FEES AND
REGULATIONS" TO EXPAND PERMITTED ACTIVITIES TO INCLUDE FOOD
SALES ON PUBLIC PROPERTY AND ADD SECTION 6.16.015 ENTITLED "RETAIL
SALES OF FOOD FROM MOBILE, NON-MOTORIZED VEHICLES" TO ESTABLISH
PERMITS, FEES AND REGULATIONS FOR SUCH SALES**

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a 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 circumstance shall not be affected.

3. **PURPOSE.** The Sitka General Code provides for permitting, licensing and regulation of sales on public property. The purpose of this ordinance is to expand the permitted activities in SGC 6.16.010A—D by allowing food sales on public property by non-motorized vehicles and to add SGC 6.16.015 entitled "Vendors from non-motorized vehicles" to establish permits, fees and regulations for food sold on CBS public property.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC 6.16.010 be amended and SGC 6.16.015 be added 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, non-motorized 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:

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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, non-motorized 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 SGC 6.16.015;

CB. Retail sales of seafood to the ultimate consumer by the actual fisherman from their vessels in the assigned stalls;

DC. 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;

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

FE. 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;

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

6.16.015 Retail sales of food from mobile, non-motorized vehicles.

A. No person shall operate or permit a mobile, non-motorized food cart to be operated on municipality streets or sidewalks unless a valid vendor permit has been issued.

B. Mobile, non-motorized food cart vending permits may be issued only for the sale of food prepared by vendor 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.

C. A two-year mobile, non-motorized food cart permit shall be valid for the period from May 1st through April 30th, unless sooner revoked or terminated. A mobile, non-motorized food cart permit, or any rights or privileges may not be assigned or transferred.

D. Acceptance of a two-year permit by the permittee shall constitute an agreement and acknowledgment by such permittee that the permittee has no property right in the permit. Acceptance of a permit by the permittee shall constitute an agreement and acknowledgment by such permittee that the permittee shall indemnify and hold the city and borough of Sitka, its elected and appointed officers, its employees, and its agents harmless from and against any and all loss, damage or expense for any injury to or death of any person or persons, or for damage to property, resulting from or arising out of any act or omission of such

permittee, or any of the permittees' employees, agents, representatives, customers, or contractors. The city and borough of Sitka, its elected and appointed officers, its employees, and its agents make no representations concerning and assume no responsibility for or regarding any goods sold or activities by any permittee, or any of permittee's employees, agents, representatives, contractors, or customers.

E. Application. A person seeking a vending permit to operate a mobile, non-motorized food cart shall file a written application for such permit with the chief of police with such information as the chief of police may deem necessary to make a determination on the application, including but not limited to:

1. Name, address and telephone number of applicant;
2. Description and license number of the mobile, non-motorized vehicle proposed to be used in the business;
3. An acknowledgement by the applicant that applicant agrees to be bound by all of the terms, conditions and provisions set forth in this section, and such additional terms and conditions as may be set forth in the permit; and
4. Submit a detailed listing for approval by chief of police of the routes proposed to be utilized each day for purpose of vending from the mobile, non-motorized vehicle owned, operated or controlled by permittee and notify chief of police of any changes in route schedule;

F. Limitations.

1. No permittee, or any employee, agent or representative shall operate the mobile, non-motorized vehicle food cart unless there is displayed a current State of Alaska Business License, a current State of Alaska Food Handling Permit, if applicable, and the permittee's operation complies with all other applicable laws, ordinances and regulations;
2. Each permittee, and any employee, agent or representative thereof, shall insure that persons waiting to make purchases at the mobile, non-motorized food cart line up in single file on the side away from the traveled part of the street and in such fashion as to create the least obstructions to pedestrian traffic;
3. Each permittee and any employee, agent or representative shall vend only from the side of the food cart away from moving traffic and as near as possible to the curb or side of the street;
4. No permittee, or any employee, agent or representative shall:
 - (a) Vend unless such permittee, employee, agent or representative has a litter receptacle available for use by patrons, nor shall permittee or any employee, agent or representative leave any location without first picking up, removing

- and disposing of all trash or refuse remaining from sales made by such permittee, employee, agent or representative;
- (b) Vend unless food cart is fully stopped;
 - (c) Vend to any person standing on the roadway side of the food cart;
 - (d) Vend within less than fifty feet of an intersection;
 - (e) Must remain in compliance with sales and property tax laws in order to retain their licenses

G. Insurance. Each permittee shall maintain at all times during the entire term of the permit a current commercial general liability insurance policy in an amount of not less than one million dollars, combined single limit, which policy shall name the city and borough of Sitka, its officers, its employees, and its agents as additional insured. The policy shall not contain any self-insured retention, and shall include a provision requiring written notification to be given to the city and borough of Sitka by the insurance company not less than 30 days before the policy is canceled, modified, or terminated for any reason. Permittee shall submit a copy of the policy, or at the option of the city and borough of Sitka prior to beginning any setting up of operating, or operations under the permit.


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5. EFFECTIVE DATE. This ordinance shall become effective 30 days after the date of this passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 28th day of May, 2013.


Mim McConnell, Mayor

ATTEST:


Colleen Ingman, MMC
Municipal Clerk