

CITY OF PALMER, ALASKA

ORDINANCE NO. 447

AN ORDINANCE AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS OF THE PALMER MUNICIPAL CODE BY ADDING A NEW CHAPTER 5.28 VENDORS TO THE PALMER MUNICIPAL CODE.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

Section 2. Severability. If any provisions of this ordinance, or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Title 5 Business Licenses and Regulations of the Palmer Municipal Code is amended by adding a new Chapter 5.28 Vendors as follows:

Chapter 5.28

VENDORS

Sections:

- 5.28.010 Definitions.
- 5.28.020 License required.
- 5.28.030 Types of licenses.
- 5.28.040 License applications.
- 5.28.050 License revocation and appeal procedures.
- 5.28.060 Designation and assignment of vendor sites.
- 5.28.070 Equipment.
- 5.28.080 Types of goods and services that may be offered by a sidewalk vendor.
- 5.28.090 Standards of operation for sidewalk vendors.
- 5.28.100 Required insurance.
- 5.28.110 Prohibited acts.

5.28.010 Definitions. As used in this chapter:

A. "Cart" means an non-motorized wagon, cart, or device, whether stationary or mobile, from or at which goods or services are offered by a vendor.

B. "Roving vendor" means a person who offers food, goods or services to the public, with or without the use of a motor vehicle, from one or more locations on public property or from no fixed location at all and in a manner that is not within the definition of sidewalk vendor.

C. "Sidewalk vendor" means a person who offers goods or services to the public from a location within a public right-of-way without the use of a motor vehicle, but does not include:

1. A person who offers goods or services to the public from an open air location adjacent to a structure in which is located the business offering such goods and services;

2. A person who offers goods or services to the public from an open air location solely in connection with a special event; or

3. A person who offers only music, mime, theater or another performance art without the use of props or aids other than those which are held by the performer at all times for use as a part of the performance or which are used as a

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collection box for money.

D. "Sidewalk tables and chairs" means any table or chair placed upon the sidewalk by a permittee for use in connection with the consumption of food and nonalcoholic beverages.

E. "Special event" means a fair, festival, exhibition or similar activity in a public place which is authorized to continue for a period of 30 days or less by a permit.

F. "Vendor" means a person engaged in the business of offering goods or services to the public as roving vendor or as a sidewalk vendor.

G. "Vehicle" means a motor vehicle or trailer licensed as such by the State of Alaska.

H. "Vendor site" means a space on or in a public right-of-way at which a sidewalk vendor may operate as designated and assigned by the city clerk pursuant to Section 5.28.070.

5.28.020 License required.

A. It is unlawful for any person to engage in the business of a vendor unless that person has first obtained a license from the city clerk as provided in this chapter.

B. It is unlawful for any person to engage in the business of a vendor in a manner that is inconsistent with the terms of a license issued pursuant to this chapter.

5.28.030 Types of licenses. Two different, non-transferable, vendor licenses shall be available to any qualified person who applies:

- A. Type I shall be required for a sidewalk vendor; and
- B. Type II shall be required for a roving vendor.

5.28.040 License applications.

A. An application for a sidewalk vendor license shall be made to the city clerk on a form approved by the city clerk and shall be accompanied by the following:

1. An application fee of \$50;
2. Proof of insurance as required by Section

5.28.100;

3. The business address and telephone number to be used by the applicant for the business to be operated pursuant to the license;

4. A complete description of the equipment to be used for display, storage or other purposes related to the business to be conducted pursuant to the license and including all distinctive markings and signs;

5. Proof that the applicant has obtained the following licenses:

- a. Health permits required for the preparation and sale of food or beverages,
- b. City of Palmer business license,
- c. State of Alaska business license, and
- d. Any other license required by the State of Alaska or City of Palmer.

6. A complete description of the type(s) of goods and services that shall be offered under the license;

7. Proof that the person to whom the license is to be issued shall have an active management or operations role in the business to be conducted pursuant to the license.

B. An application for a roving vendor license shall be made to the city clerk on a form approved by the city clerk and shall include those items stated in Subsection A of this section as well as a description of every vehicle to be used in the business operated pursuant to the license.

C. An application for a sidewalk or roving vendor license effective April 1 may be filed after January 1 of that year.

D. Upon the issuance of a permit for a designated site, the permittee shall pay the City of Palmer a permit fee of fifty dollars (\$50) for each month or fractional month, in

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addition to the initial fifty dollar (\$50) filing fee. The permit fee shall be due by the first business day of each month.

5.28.050 License revocation and appeal procedures.

A. The city clerk may revoke a vendor license for any of the reasons stated in Section 5.28.110.

5.28.060 Designation and assignment of vendor sites.

A. All vendor sites shall be designated and assigned by the city clerk on a master map that is maintained in the city clerk's office, including their physical dimensions, in accordance with the following standards:

1. The vendor site shall leave no less than a 6-foot wide strip of unobstructed sidewalk for pedestrian use and shall not otherwise obstruct pedestrian or vehicular use of the public right-of-way;

2. The site is not adjacent to a sidewalk curb which has been painted or designated to be painted red, yellow, or blue;

3. The site is separated from all other vendor sites by a distance not less than 10 feet;

4. Vendor sites shall be no longer than 10 feet; and

5. No vendor may have more than two sites per block.

B. Each designation of a vendor site in an area that is used for a special event shall be altered for the period of time during which that special event is authorized if the site is needed for public purposes. In that event, the vendor shall be relocated to another site in the area of the designated site.

C. For applications received before April 1 of each year, the city clerk may assign a vendor site upon receipt of an application and fee. Should an applicant fail to meet all for a license under Chapter 5.28 by April 1, the city clerk may reassign the vendor site to another applicant and the original applicant shall forfeit the fee.

For applications received after April 1 of each year, the applicant must complete all requirements for a license under Section 5.28.040 before the city clerk may assign a vendor site.

5.28.070 Equipment.

A. During all hours of operation, a vendor shall post the applicable vendor license in a conspicuous location at the vendor site or in the vehicle from which the business is conducted pursuant to that license.

B. A vendor shall maintain the following documents, as applicable, at the vendor site or in the vehicle from which the business is conducted pursuant to his license and shall display them to any person upon request:

1. Current State of Alaska business license for the business operated pursuant to the license;

2. All government permits relating to the service of food or beverages offered by the vendor;

3. A certificate of the insurance required by Section 5.28.100; and

4. All government permits relating to the provision of transportation services offered by the vendor.

C. Only the following equipment may be brought to a vendor site for use in connection with the business operated there:

1. A cart which:

a. Is no longer than three (3) feet wide, six (6) feet long and seven and one-half (7½) feet tall, including all appurtenances and merchandise on display, except for a litter receptacle, stool and ice chest to be provided by the vendor;

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b. Include interior space for concealed storage of all inventory, supplies, equipment and other materials brought to the vendor site in connection with the business conducted there;

2. An umbrella used in connection with a cart which does not exceed six (6) feet in diameter, when opened;

3. one table no longer than four (4) feet and no wider than three (3) feet, covered with a clean material which extends to the ground on all sides so as to conceal the table legs; and

4. Easels and other items reasonably necessary to the display or creation of art at the vendor site no longer than three (3) feet wide and four (4) feet high, limited to two each.

D. All persons vending from a vehicle or cart on a street shall insure that persons waiting to make purchases at the cart or vehicle queue up in single file on the side away from the traveled portion of the street and in such a manner as to create the least obstruction to pedestrian traffic.

5.28.080 Types of goods and services that may be offered by a sidewalk vendor.

A. A sidewalk vendor may only offer, for the exchange of money, the following types of goods and services at a vendor site:

1. Food and/or beverages;
2. Handicrafts, artwork, jewelry, fur and leather goods;
3. Goods bearing an Alaskan theme in some form;
4. Tourist services;
5. Shoe shine services; and
6. Flowers.

5.28.090 Standards of operation for sidewalk vendors.

A. A sidewalk vendor shall remove all goods and equipment from the site at the end of the business day.

B. A sidewalk vendor shall maintain his vendor site free of litter at all times.

C. A sidewalk vendor shall not place any equipment on a vendor site or otherwise engage in the business authorized by his license between the hours of 10 p.m. and 6 a.m.

5.28.100 Required insurance.

A. Before any license is issued for a vendor the applicant shall furnish one or more policies or certificates of liability insurance issued by an insurance company authorized to do business in the State of Alaska and reflecting the applicable coverage:

1. A vendor of food or beverages, goods or services shall have insurance in the amount of \$500,000 Combined Single Limit (CSL).

B. No policy of insurance offered pursuant to this section shall be acceptable unless it is issued by an insurance company authorized to do business in Alaska or by an insurance company rated A or B by A.M. Best and Co. In addition, the policy must be approved by the municipal risk manager or City of Palmer's insurance broker as to matters of form.

C. Every insurance policy shall contain a clause obligating the insurer to give the city clerk written notice no less than 30 days before the cancellation, expiration, nonrenewal, lapse or other termination or alteration of such insurance. A lapse, cancellation, expiration, nonrenewal or other termination or alteration of such insurance shall cause the license to which it pertains to be automatically suspended for so long as the insurance required by this section is not in place.

D. Any person may pursue a claim against a vendor and his insurance coverage by filing an action in a court of competent jurisdiction in Palmer, Alaska, and by serving a

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copy of such a complaint on the city clerk immediately thereafter.

5.28.110 Prohibited acts.

A. It shall be unlawful for any non-food vendor to engage in the business of a vendor from a motor vehicle:

1. On a public right-of-way,
2. In a publicly owned or operated parking facility, unless expressly permitted, or
3. Within a vehicle parking space designated by a sign or a stripped parking site.

B. It shall be unlawful for a vendor to attract customers by hawking of physically accosting persons.

C. It shall be unlawful for any person to engage in the activities of a vendor at any location other than a vendor site designated by the city clerk pursuant to this chapter.

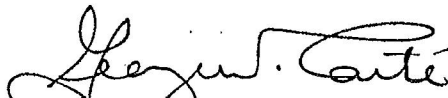
D. A vendor license is non-transferable.

Section 4. Publication and Effective Date. This ordinance shall become effective immediately upon its adoption. Publication shall be by posting a copy hereof on the City Hall bulletin board for a period of ten (10) days following its adoption, and further it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation and printing. A notice of public hearing shall be given by such posting at least five (5) days before final passage.

First Reading: June 23, 1992

Public Hearing &
Second Reading: July 14, 1992

Adopted by the City Council of the City of Palmer, Alaska, this 14th day of July, 1992.



GEORGE W. CARTE, MAYOR

DAVID L. SOULAK, CITY CLERK