

Submitted by: Assemblymember WOHLFORTH
Prepared by: Assembly Office
For reading: August 4, 1998

ANCHORAGE, ALASKA
AO NO. 98-143

AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE AMENDING ANCHORAGE
MUNICIPAL CODE CHAPTER 10.60, REGARDING SIDEWALK VENDORS

WHEREAS, the primary purpose of public sidewalks is for use by pedestrian traffic; however, vending on public sidewalks - especially on downtown sidewalks - promotes the public interest by contributing to an active and attractive pedestrian environment; and

WHEREAS, to permit such activity on Anchorage's downtown sidewalks, it is necessary to provide reasonable guidelines and regulations of sidewalk vending to protect public health, safety, and welfare; to promote free, unimpeded and safe pedestrian traffic; and to ensure that such vending does indeed contribute to an active and attractive downtown environment.

NOW, THEREFORE, the Anchorage Municipal Assembly ordains:

Section 1: That the definition of "Cart" under AMC Section 10.60.020 is amended to read as follows:

10.60.020 Definitions.

Stand [CART] means any non-motorized wagon, cart, table, rack, easel, or other movable device, on combination thereof, [WHETHER STATIONARY OR MOBILE], which is placed on a sidewalk, from or at which goods or services are offered by a vendor.

Section 2: That AMC Section 10.60.040 is amended to read as follows:

10.60.040 Types of licenses; transferability.

A. Two different [, NONTRANSFERABLE,] vendor licenses shall be available to any qualified person who applies:

1.[A] Type I shall be required for a sidewalk vendor.

2.[B] Type II shall be required for a roving vendor.

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4 **B. A license issued pursuant to this chapter shall not be transferable to**
5 **another licensee.**
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8 **Section 3:** That AMC Subsections 10.60.050 A. and 10.60.050 C. are amended to read as
9 follows:
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11 10.60.050 Application for license.
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13 **A. *Sidewalk vendors.*** An application for a sidewalk vendor license shall be made to
14 the municipal clerk on a form **and card** approved by the municipal clerk and shall
15 **include, but not be limited to, the following:** [BE ACCOMPANIED BY THE
16 FOLLOWING]
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18 [1 AN APPLICATION FEE OF \$150.00.]
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20 [2. PROOF OF INSURANCE AS REQUIRED BY SECTION 10.60.110.]
21

22 **1. The name of the vending business to be conducted pursuant to the**
23 **desired license;**
24

25 **2.[3] The name, home and business addresses and telephone numbers of**
26 **the applicant, who shall be the owner and licensee of the vending**
27 **business to be conducted pursuant to the desired license;**
28 [BUSINESS ADDRESS AND TELEPHONE NUMBER TO BE USED BY
29 THE APPLICANT FOR THE BUSINESS TO BE OPERATED PURSUANT
30 TO THE LICENSE.]
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32 **[4. A COMPLETE DESCRIPTION OF THE EQUIPMENT TO BE USED FOR**
33 **DISPLAY, STORAGE OR OTHER PURPOSES RELATED TO THE**
34 **BUSINESS TO BE CONDUCTED PURSUANT TO THE LICENSE AND**
35 **INCLUDING ALL DISTINCTIVE MARKINGS AND SIGNS.]**
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37 **[5. PROOF THAT THE APPLICANT HAS OBTAINED THE FOLLOWING**
38 **LICENSES:**
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40 **A. HEALTH PERMITS REQUIRED FOR THE PREPARATION AND**
41 **SALE OF FOOD OR BEVERAGES;**
42

43 **2. STATE BUSINESS LICENSE; AND**
44

45 **3. ANY LICENSE REQUIRED BY TITLE 11**
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47 **3.[6] A complete description of the types of goods and services that shall be**
48 **offered under the desired license;[.].**
49

[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.]

4. A physical description and photograph or schematic drawing of the planned vendor site layout, to include the equipment to be used for display, storage or other purposes related to the business to be conducted pursuant to the desired license;

5. Proof that the applicant has obtained a State business license in the applicant's name and the name of the business to be conducted pursuant to the desired license;

6. A signed written statement that the applicant shall actively operate a vending business under the desired license;

7. If applicable, proof sufficient to the municipal clerk that the applicant actively operated a sidewalk vending site for at least three months during the year previous to the licensing year being applied for, under a valid license issued by the municipal clerk;

8. A non-refundable application fee of fifty dollars (\$50.00); and

9. A completed lottery card.

Each applicant may complete and submit only one application and lottery card per license year.

C. *Time of application.* An application for a sidewalk or roving vendor license effective October 1 will be accepted by the municipal clerk beginning August 15. [MAY BE FILED AFTER SEPTEMBER 31 OF THAT YEAR]

Section 4: That a new AMC Section 10.60.055 is added to read as follows:

10.60.055 Sidewalk vendors - Site selection drawings; licensing requirements.

A. Only those applicants who complete the application process under section 10.60.050 prior to close of business on the last working day of September shall be included in the site selection drawings for the following year's vendor sites.

B. The site selection drawings will be held by the municipal clerk on the first working day after October 1 of each year at a time and place designated by the municipal clerk.

C. Only applicants will be allowed to select sites. No proxies, relatives or associates will be permitted to select a site for an applicant. Applicants must be present, in person, at the site selection drawings and must be prepared to prove their identity prior to selecting a site.

D. Each applicant will be limited to one site selection per license year.

E. The site selection drawings shall consist of, and be conducted in the following order:

1. First-priority drawing. A first-priority drawing shall be conducted from the lottery cards of those applicants who, at the time of application, provided proof sufficient to the municipal clerk that the applicant actively operated a sidewalk vending site for at least sixty days during the year previous to the licensing year being applied for, under a valid license issued by the municipal clerk. No more than fifty percent of the number of available vendor sites will be offered for selection through this drawing.

2. General drawing. A general drawing will then be conducted from the lottery cards of those applicants who were not drawn in the first-priority drawing and from applicants who did not actively operate a sidewalk vendor site for at least sixty days during the year previous to the licensing year being applied for, under a valid license issued by the municipal clerk. Names will be drawn until the lottery cards of all applicants present have been drawn.

F. Applicants selecting a sidewalk vending site shall provide the following licensing requirements to the municipal clerk prior to issuance of a license, but no later than April 1 of the license year:

1. A license fee of one-hundred dollars (\$100.00);

2. Proof of insurance as required by section 10.60.110; and

3. Proof that the applicant has obtained health permits required for the preparation and sale of food or beverages, and any license required by title 11.

Should an applicant fail to meet the above requirements by April 1 of the license year, the municipal clerk may reassign the vendor site to another applicant per subsection 10.60.055G.

G. A list of the applicants' names, in the order in which they were drawn, starting with the first-priority drawing and continuing with the general drawing, will be compiled by the municipal clerk and preserved. In the event additional sites are available, or become available, applicants who did not receive a vending site during the site selection drawings will be contacted, in order, from this list until a vendor accepts the site.

If no vendor on the list accepts the site or completes the application process within the specified time, the site will be deemed available to the first person completing the application process under section 10.60.050 and all providing licensing requirements under section 10.60.055.

H. A applicant may remove his/her name from the list upon written request to the municipal clerk.

Section 5: That AMC Section 10.60.060 is amended to read as follows:

10.60.060 Suspension, r[R]evocation, restriction of licenses; appeals.

A. The municipal clerk may **suspend, revoke, or otherwise restrict** a vendor license for any of the reasons stated in section 10.10.035.

B. **The municipal clerk shall follow the procedures for suspension, revocation, or restriction of a vendor license as stated in section 10.10.040.**

C. **If an administrative hearing is conducted for findings and conclusions regarding suspension, revocation, or restriction of a vendor license, such hearing shall be conducted pursuant to chapter 3.60.**

D. **Appeals of any decision from the municipal clerk regarding a vendor license shall be made pursuant to section 10.10.045.**

Section 6: That AMC Section 10.60.070 is amended to read as follows:

10.60.070 Sidewalk vendors - Designation and assignment of vendor sites.

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

- 1** Within the area that lies on and between Third and Ninth Avenues and A and L Streets, the vendor site shall leave no less than a **eight-[TEN]** foot-wide strip of unobstructed sidewalk **between the stand and the face of the curb, or edge of the sidewalk if there is no curb,** for pedestrian

use and shall not otherwise obstruct pedestrian or vehicular use of the public right-of-way. The municipal clerk may permit deviations from this requirement for specific vendor sites when eight feet of unobstructed sidewalk space is not physically possible and the safe and convenient use of the sidewalk by pedestrians can still be maintained;

2. The site shall be at least 20 feet away from a fire department or police department driveway;
3. The site shall be completely outside the sidewalk area adjacent to any part of a posted bus stop;
4. The site shall be at least five feet away from a crosswalk, fire hydrant or fire escape or the curb edge of a sidewalk except where designated by the map;
5. The site shall be at least 50 feet away from a business in which is located a business that traditionally sells the same goods or services that may be offered on the site;
6. The site shall not be adjacent to a sidewalk curb which has been painted or designated to be painted red, yellow or blue;
7. The site shall be separated from all other vendor sites by a distance not less than ten feet;
8. Vendor sites shall be designated on a master map maintained by the municipal clerk, not to exceed eight sites on any one block between E and F Streets, and not to exceed two sites on any other block;
9. Vendor sites shall be no longer than ten feet; and
10. No vendor may have more than one [TWO] assigned vendor site. [SITES PER BLOCK.]

B. Each vendor assigned a vendor site shall actively operate a vending business on the site. The operation of each vendor site will be monitored on a daily basis by the municipal clerk or designee. If a vending site remains inactive for a period of 30 consecutive days, the municipal clerk shall contact the vendor as to the reason for inactive operations. The municipal clerk may reassign such inactive sites to another applicant per subsection 10.60.055G.

C.[B] Each designation of a vendor site in an area that is used for a special event shall be rescinded for the period of time during which that special event is authorized.

[C. FOR APPLICATIONS RECEIVED BEFORE APRIL 1 OF EACH YEAR, THE MUNICIPAL CLERK MAY ASSIGN A VENDOR SITE UPON RECEIPT OF AN APPLICATION AND FEE. SHOULD AN APPLICANT FAIL TO MEET ALL REQUIREMENTS FOR A LICENSE UNDER SECTION 10.60.050 BY APRIL 1, THE MUNICIPAL 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 10.60.050 BEFORE THE MUNICIPAL CLERK MAY ASSIGN A VENDOR SITE.]

Section 7: That AMC Section 10.60.080 is amended to read as follows:

10.60.080 Posting of licenses, permits and certificates; equipment.

A. During all hours of operation, a vendor shall display [POST] the applicable vendor license in a prominent [CONSPICUOUS] location on the vending stand [AT THE VENDOR SITE] or on [IN] the vehicle from which the business is conducted pursuant to that license, so as to be protected from the weather and easily visible to the public.

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 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 as required by section 10.60.110; 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 stand [CART] which:
 - a. In total i[I]s no larger than three feet wide, ten [SIX] feet long and 7 ½ feet tall, including all [APPURTENANCES] equipment [AND MERCHANDISE ON DISPLAY], except for a litter receptacle, stool and ice chest to be provided by the vendor; and

b. Includes 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 may be used in connection with a stand [CART] to protect merchandise from weather, but not to display merchandise. The umbrella shall [WHICH DOES] not exceed ten [SIX] feet in diameter when opened and ten feet in height. If a ten-foot diameter umbrella is used, the umbrella shall be placed in the middle of the stand. Tarping or tenting above the stand is not allowed.

3. Each table used as a stand, or as part of a stand [ONE TABLE NO LONGER THAN FOUR FEET AND NO WIDER THAN THREE FEET] shall be completely covered with a clean, solid-colored material which extends to the ground on all sides, and is securely skirted to the ground so as to conceal storage and the table legs; [AND]

[4. EASELS AND OTHER ITEMS REASONABLY NECESSARY TO THE DISPLAY OR CREATION OF ART AT THE VENDOR SITE SHALL BE NO LONGER THAN THREE FEET WIDE AND FOUR FEET HIGH, LIMITED TO TWO EACH.]

4. Clear plastic sheeting may be used to protect merchandise at the vendor site from inclement weather. Colored tarps or other covering for this purpose are not allowed.

5. Cardboard boxes are not allowed for display of merchandise.

Section 8: That AMC Section 10.60.100 is amended to read as follows:

10.60.100 Sidewalk vendors--Standards of operation.

- A. A sidewalk vendor shall remove all goods and equipment from the vendor site at the end of each [THE] business day, as defined in the [HIS] license.
- B. A sidewalk vendor shall maintain the [HIS] vendor site free of litter at all times. Each vendor shall provide a receptacle for all waste material generated by the vending business.
- C. A sidewalk vendor shall not place any equipment on a vendor site or otherwise engage in the business authorized by the [HIS] license between the hours of 11:00 p.m. and 6:00 a.m. or outside the hours stated on the [HIS] license, whichever is more restrictive.

- D. A sidewalk vendor shall not display merchandise at the vendor site higher than 6 feet from the sidewalk.**
- E. A sidewalk vendor shall not leave the vendor site unattended at any time.**
- F. A sidewalk vendor shall not sell anything other than that which the vendor is licensed to sell.**
- G. A sidewalk vendor shall not advertise any product or service which is not authorized to be sold at the vendor site.**
- H. A sidewalk vendor shall not operate, nor cause to be operated, any loudspeaker system, radio, bull horn, or other device to attract attention to the vendor site.**
- I. A sidewalk vendor shall ensure that persons waiting to make purchases at the vendor site queue up in single file and in such a manner as to create the least obstruction to pedestrian traffic.**
- J. All sidewalk vendors licensed to prepare food at the site shall place a nonporous material on the sidewalk beneath the stand in such a manner as to prevent spillage from the cart, stains, or other damage to the area around the stand. Acceptable materials include artificial turf, grass mats, or indoor/outdoor carpeting.**
- K. A sidewalk vendor shall file with the municipal clerk the name and address of each person who will be operating the vendor site.**

Section 9: That a new AMC Section 10.60.125 is added to read as follows:

10.60.125 Inspections.

As provided for in section 10.10.050, the municipal clerk or law enforcement officials may, during the normal working hours of a vending business licensed under this chapter, inspect the business for the purpose of determining whether the licensee is conducting the business in accordance with the specific requirements of this chapter.

Section 10: Ordinance review.

That, within one year after the effective date of this ordinance, the Municipal Clerk, in conjunction with the Assembly Office, Anchorage Police Department, Health and Human Services, Municipal Manager's Office, and sidewalk vendors shall review the effectiveness of the ordinance and the need for any amendments, to

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3
4 include but not be limited to

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6 – Any problems with compliance with and enforcement of the ordinance; and
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8 – The number of vendors cited for a violation of the ordinance.
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11 Section 11: That this ordinance shall become effective upon passage and approval, with the
12 exception of Section 3 and Section 4 which shall become effective on August 1,
13 1999.
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15
16 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
17 _____, 1998.
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19
20
21
22
23 _____
24 Chair

25 ATTEST:
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27
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29 _____

30 Municipal Clerk
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