

Sponsored by: Planning and Zoning Commission

Introduction Date: May 12, 2014

Public Hearing Date: May 27, 2014

Enactment Date: May 27, 2014

**CITY OF SEWARD, ALASKA
ORDINANCE 2014-004**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEWARD,
ALASKA, AMENDING PORTIONS OF SEWARD CITY CODE
§15.10.140.B SPECIFIC DEFINITIONS, §15.10.225 LAND USES
ALLOWED AND §15.10.225 LAND USES ALLOWED TABLE; TO
ALLOW MOBILE VENDORS AND ROVING VENDORS TO OPERATE
ON CITY OWNED PROPERTY (AS DESIGNATED) AND WITHIN
PUBLIC RIGHTS OF WAY**

WHEREAS, members of the public have requested code changes to allow mobile vendors and roving vendors on City parcels and within public Rights of Way; and

WHEREAS, at the February 24, 2014 work session Council directed the Planning and Zoning Commission to hold public work sessions and develop new code provisions addressing mobile and roving vendors on City parcels; and

WHEREAS, the Planning and Zoning Commission held public work sessions on March 11 and 18, 2014 to develop the new code provisions and on March 24, 2014 held a joint work session with Council to present and review the proposed new code provisions; and

WHEREAS, at its April 15, 2014 special meeting, the Planning and Zoning Commission held a public hearing and recommended City Council approval of the proposed City Code amendments.

NOW, THEREFORE, THE CITY OF SEWARD ORDAINS that:

Section 1. Portions of Seward City Code are hereby amended to read as follows:

(Deletions are Bold ~~Strikethroughs~~; Additions are ***Bold Italic Underline***)

15.10.140 Definitions (B)

B. *Specific definitions.* (Parenthetical references are for cross-reference only.) In this chapter, unless otherwise provided or the context otherwise requires:

* * *

98. Vending. The sales of food, services or merchandise.

- a. ~~Mobile unit. Any type of vehicle or wagon which is designed to be readily movable and from which services are provided or any food or beverage is prepared for immediate consumption and sold or offered for sale to the public at any location, whether on private or public property.~~
- b. ~~Street. The sale of food, services or merchandise from a cart, stall or vehicle located in any public right-of-way.~~
- a. Hawking: is the loud or continuous audible solicitation of business by a vendor to the general public.
- b. Mobile Vending Cart: is a non-motorized structure or unit on wheels that is easily moved and used for vending.
- c. Mobile Vendor: a person or business that sells food or permitted types of goods from City-approved locations using (i) a licensed vehicle or cart capable of movement; or (ii) a licensed trailer pulled behind a motor vehicle.
- d. Pre-Packaged food: ready-to-eat food that is cooked, wrapped, packaged, processed, or portioned for service, sale or distribution.
- e. Roving Vendor: a person who offers only pre-packaged food items to the public, with or without the use of a licensed motor vehicle, from no fixed location on public property, only on rights of way within designated zoning districts, excluding Fourth Avenue between Port Avenue and Van Buren Street, and also excluding Fourth and Fifth Avenues between Jefferson Street and Railway Avenue.
- f. Transient merchant. Any person, partnership, firm or corporation, whether a resident of the City or not, who engages in a temporary business, within a period not exceeding 150 consecutive days in a calendar year, of selling and delivering goods and/or services, wares and merchandise for profit or nonprofit within the City by operating ~~on a door-to-door, street corner or similar basis; or from no fixed location or office; or~~ from a location out-of-doors or in quarters that are easily moveable, such as a temporary leased area or space, or motor vehicle, trailer or tent. Includes peddlers, solicitors, itinerant merchants and vendors. Does not include vehicles for hire. Transient merchants operate exclusively from private property. (note: Transient merchant definition relocated. Previously 15.10.140. B. 95.)

15.10.225 - Land Uses Allowed Table

(Deletions are Bold ~~Strikethroughs~~; Additions are Bold *Italic Underline*)

Districts:	Principally Residential					Principally Commercial					Principally Public		
Uses	RR	R1	R2	R3	UR	OR	AC	HC	CB	I	RM	INS	P
<u>Mobile Vendor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>
<u>Roving Vendor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>

15.10.225 Land uses allowed.

(a) (b) * * *

Note: (c) Transient Merchants . . . becomes (e) and
 Livestock becomes (f)

(c) Mobile Vendor as defined in section 15.10.140 B 98 Vending (C) of this chapter and which are allowed in accordance with table §15.10.225 are subject to the following development requirements:

1. An application for a mobile vendor must be submitted on a form provided by the City Clerk’s office yearly with colored pictures of at least two different angles of the unit the applicant is applying to license and a description that includes the length and width, when in its widest configuration.
2. Mobile vendors may operate at designated locations, by permit. Policies and Procedures shall be set by resolution of the City Council.
3. The Seward Police Department has the right to close down a mobile vendor if vending is causing or contributing to an imminent public safety hazard.
4. No mobile vending shall take place on public property between the hours of 10:00 p.m. and 6:00 a.m. unless otherwise posted.
5. A mobile vendor may only offer, for sale, the following types of goods and services on public property: Food and/or non-alcoholic beverages; Handicrafts, artwork, jewelry or similar goods or Firewood.
6. Licenses: In addition to complying with City of Seward ordinances related to mobile vendors and applicable regulations, the owner and operator is responsible for applying for and obtaining all other necessary licenses and satisfying the standards of the City permit conditions.
7. Mobile vendor vehicles or carts may not remain in place overnight or in City parking lots.

8. Mobile vendor vehicles must be self-contained when operating, except for the required trash and or recycling receptacles, which shall be in a safe location and in no event shall impede the free movement of automobiles or pedestrians, within their permitted lot or space.

9. Mobile vendors must serve to the sidewalk or esplanade next to a sidewalk when parked in spaces parallel to City sidewalks.

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

11. Each mobile vendor vehicle shall provide the City of Seward with a certificate of insurance to cover public liability in the standard amount set by City policy. Insurance policies shall stipulate that the insurer will give written notice to the City at least 30 days prior to cancellation or other termination in coverage. Prior to acceptance of their permit, vendors shall execute an instrument under the terms of which the permittee shall agree to indemnify, defend, and hold harmless the City of Seward from any and all claims for injury or damage to persons or property suffered in connection with vendor activities.

12. Any mobile vendor base station shall be properly licensed.

13. Mobile vendors shall comply with all City code, policy and procedures. Failure to adhere to the regulations for mobile vendors is cause for revocation or suspension of the license / permit by the City Clerk.

14. Mobile vendors shall display required permits and City business license in a prominent location on the Mobile Vending Cart or vehicle from which the business is conducted pursuant to the permit, so it is protected from the weather and easily visible to the public.

(d) Roving Vendor as defined in section 15.10.140 B 98 (e) of this chapter and which are allowed in accordance with table 15.10.225 are subject to the following development requirements:

1. Roving vendors shall not vend on any public street where the legal speed limit exceeds 25 miles per hour, or on Fourth Avenue between Port Avenue and Van Buren Street, and also excluding that portion of Fourth and Fifth Avenues between Jefferson Street and Railway Avenue.

2. Roving vendors shall not vend on any public street before 6:00 a.m. or after 10:00 p.m., unless otherwise posted.

3. Roving vendors shall vend only when the vehicle is lawfully parked and completely stopped.

4. Roving vendors shall vend on public streets from the side of the vehicle away from moving traffic, and within one foot of the curb or edge of the street.

5. Roving vendors shall not vend or permit the vehicle to stand in one place in any public place or street for more than (30) minutes or in front of any premises for any time if the owner or lessee objects.

6. An application for a roving vendor vehicle must be submitted on a form provided by the City Clerk's office yearly with colored pictures of at least two different angles of the unit the applicant is applying to license and a description that includes the length and width, when in its widest configuration.

7. The Seward Police Department has the right to close down or request a roving vendor to relocate if vending is causing or contributing to an imminent public safety hazard.

8. In addition to complying with City ordinances and permit conditions related to roving vendors, the owner and operator is responsible for applying for and obtaining all other necessary licenses required for the service of food. The roving vendor vehicle shall be in compliance with the motor vehicle laws of the State of Alaska, and the roving vendor vehicle owner is responsible for complying and verifying that a specific location or route does not violate City zoning code.

9. Roving vendors shall comply with all traffic rules.

10. Each roving vendor vehicle must provide the City of Seward with a certificate of insurance to cover public liability in the standard amount set by City policy. Insurance policies shall stipulate that the insurer will give written notice to the City at least 30 days prior to cancellation or other termination in coverage. Prior to acceptance of their permit, vendors shall execute an instrument under the terms of which the permittee shall agree to indemnify, defend, and hold harmless the City of Seward from any and all claims for injury or damage to persons or property suffered in connection with vendor activities.

11. Any roving vendor base station must be properly licensed.

12. Roving vendors shall comply with City code, policy and procedures. Policies and procedures shall be set by resolution of the City Council. Failure to adhere to the regulations for roving vendors is cause for revocation or suspension of license / permit by the City Clerk.

13. Roving vendors shall display required permits and City business license in a prominent location on the Mobile Vending Cart or vehicle from which the business is conducted pursuant to the permit, so it is protected from the weather and easily visible to the public.

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Section 2. This ordinance shall take effect ten (10) days following enactment.

ENACTED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, this 27th
day of May, 2014.

THE CITY OF SEWARD, ALASKA

Jean Bardarson, Mayor

AYES: Keil, Casagranda, Terry, Butts, Bardarson
NOES: Darling
ABSENT: Squires
ABSTAIN: None

ATTEST:

Johanna Kinney, CMC
City Clerk

(City Seal)