

KODIAK CITY COUNCIL

WORK SESSION AGENDA

Tuesday, May 23, 2017

Kodiak Public Library Multi-Purpose Room

7:30 p.m.

Work sessions are informal meetings of the City Council where Councilmembers review the upcoming regular meeting agenda packet and seek or receive information from staff. Although additional items not listed on the work session agenda are sometimes discussed when introduced by the Mayor, Council, or staff, no formal action is taken at work sessions and items that require formal Council action are placed on a regular Council meeting agenda. Public comments at work sessions are NOT considered part of the official record. Public comments intended for the "official record" should be made at a regular City Council meeting.

Discussion Items

1. Public Comments (limited to 3 minutes)
2. Discussion About Discover Kodiak's Request to Expand Pier I Building
3. Discuss Amendments to Kodiak City Code Title 5 – Community Permits1
4. Discuss Summer Meeting Schedule
5. Elected Officials Training/Travel Requests
6. May 25, 2017, Agenda Packet Review

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Chapter 5.04

BUSINESSES ON PUBLIC PROPERTY

Sections

- 5.04.010 Businesses on city property prohibited
- 5.04.015 Parking for vehicles for hire
- 5.04.020 Mobile food vendors
- 5.04.030 Outdoor dining
- 5.04.040 Vending machines
- 5.04.050 Permits for community festivities
- 5.04.060 Permits for community festivities—conditions of permit
- 5.04.070 Permits for community festivities—in lieu of transient merchant license

5.04.010 Businesses on city property prohibited

Except where permitted under the provisions of this chapter, in or upon a city street, alley, sidewalk, parking lot, park, or other public place, no person may:

(a) Park, place, erect, or construct a building, structure, tent, trailer, bus, or other enclosure, or a stand or table, for the purpose of displaying for sale, selling, or soliciting the sale of goods or services;

(b) Display for sale, sell, or solicit the sale of goods or services; or

(c) Park a vehicle bearing a for-sale sign for a purpose of soliciting buyers or otherwise offering the vehicle for sale. It shall be conclusively presumed that any vehicle bearing a for-sale sign which is parked in the same location for more than 48 consecutive hours is parked with a purpose of soliciting buyers or otherwise offering the vehicle for sale. (See also amended 13 AAC 02.365(f)(3) in KCC 10.16.020.) [Ord. 1311 §1, 2013; Ord. 1291 §2, 2011; Ord. 1177 §1, 2004]

5.04.015 Parking for vehicles for hire

The chief of police, after consulting with the harbor master, may designate spaces on city docks where vehicles for hire regulated under Chapter 5.40 KCC may park for the purpose of picking up or discharging passengers. No person may park a vehicle for hire on a city dock except in a space designated for that purpose under this section. [Ord. 1286(SUB) §2, 2011]

5.04.020 Mobile food vendors

Mobile food vendors may temporarily stop their vehicles in the public streets for the purpose of making sales, or park their vehicles on public property in the vicinity of a sporting event when not prohibited by this code, for the purpose of making sales of food during the event. [Ord. 1177 §1, 2004]

5.04.030 Outdoor dining

Outdoor dining in public rights-of-way may be authorized under Chapter 12.12 KCC. [Ord. 1177 §1, 2004]

5.04.040 Vending machines

The city manager may permit the placement of vending machines on city property at locations that the city manager determines will serve the convenience of city employees or the public. The city manager shall determine the duration of a permit to place a vending machine on city property, the compensation that the city will receive for its placement, and the other terms and conditions of the permit that will be in the best interest of the city. [Ord. 1177 §1, 2004]

5.04.050 Permits for community festivities

(a) The ~~city clerk~~ city manager may issue permits allowing the erection of temporary stands, structures, or tables or the temporary parking of a suitable vehicle on public property for the purpose of selling or dispensing goods or services in conjunction with the King Crab festival or other similar designated community events.

Clerk's Note: The Clerk has not issued permits as noted in 5.04.050 for at least 20 years.

(b) An application for a permit under this section shall be submitted to the ~~city clerk~~ city manager accompanied by any required fees established by resolution or motion of the city council; provided, however, that the ~~council~~ city manager may reduce or waive payment of the fee for permits issued to nonprofit organizations and associations performing community services in Kodiak, so long as all such organizations are treated alike with respect to permits issued for any single festival or similar community event. The application shall contain the following information:

- (1) The name and address of the applicant;
- (2) The business name to be used and the nature of the business;
- (3) The name of the festivity or event for which the permit is requested;
- (4) A description of the structure, stand, or vehicle to be used;
- (5) The location where the applicant would prefer to conduct the business.

(c) If insufficient space or facilities are available to accommodate the applicants for permits at any particular event, locations shall be assigned giving preference to nonprofit organizations and associations performing community services in Kodiak and to those businesses that are most compatible with the community festival or event for which the applicants are seeking permits.

(d) If a community event or festival is being planned and managed by a local nonprofit community organization, the ~~council may, by resolution~~ city manager may authorize the issuance of a single permit to that organization for the designated public property. As a condition to receiving the permit, the organization shall:

- (1) Agree to assign space in accordance with the priorities established in subsection (c) of this section;
- (2) Comply with the conditions set forth in KCC 5.04.060 and require compliance with those conditions by all persons occupying space under the auspices of a permit from that organization; and
- (3) Hold harmless and defend the city from any claims for death, injury, or damage arising or resulting from the event conducted, as well as from any suits or actions based upon the assignment or utilization of public property under the permit.
- (4) The ~~council~~ city manager may waive payment of any fee by an organization receiving a permit under this subsection, and the organization may charge a reasonable fee for persons utilizing a booth, structure, or stand in conjunction with their participation in the festivity. [Ord. 1177 §1, 2004]

5.04.060 Permits for community festivities—conditions of permit

(a) A permit issued under KCC 5.04.050 shall be subject to the following terms and conditions:

- (1) The structure, stand, or vehicle may not be erected or parked prior to the date and time designated on the permit and shall be removed within 24 hours after the end of the designated event.
- (2) If the business is one that utilizes disposable wrappings or containers, the permittee shall place suitable refuse containers in the vicinity of the business and provide for the disposal of the contents of those containers on a daily or more frequent basis.
- (3) The permittee shall obtain and display all other licenses and permits necessary to the conduct of the business and shall display those licenses and permits at the place of business.
- (4) The permittee shall permit the inspection of the facilities from which the business is conducted at all reasonable hours.
- (5) The permittee shall maintain the property in the immediate vicinity of the business facilities in a neat and clean condition and shall remove all accumulated waste, litter, and debris upon removal of the business facilities.

(6) The permittee shall comply with all applicable laws and regulations.

(7) The permittee shall comply with such other reasonable conditions as may be provided in the permit by the city manager.

(b) If the permittee fails to comply with any condition of the permit or a provision of this section, the city manager may, after not less than two hours' notice and an opportunity to be heard, revoke the permit.

(c) If the permittee fails to leave the immediate vicinity in a clean condition or fails to remove the business facilities as required by this section, the city may, after reasonable verbal notice, perform such work and the permittee shall be liable for all costs so incurred. Business facilities removed by the city may be discarded in the dump or otherwise disposed of as abandoned property having no value. [Ord. 1177 §1, 2004]

5.04.070 Permits for community festivities—in lieu of transient merchant license

Issuance of a permit under KCC 5.04.050 shall be in lieu of the transient merchant license required by Chapter 5.28 KCC so long as the activities of the applicant which otherwise would require the obtaining of a transient merchant license are restricted to the time and place of the festival or community event. [Ord. 1177 §1, 2004]