

Presented by: The Manager
Introduced: 02/13/2017
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-02

An Ordinance Amending the City and Borough of Juneau Code Relating to Licenses to Use Certain Rights of Way for the Selling of Food and Beverages and Related Uses.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJ 20.25.080 Public possession and consumption of intoxicating liquor, is amended to read:

20.25.080 Public possession and consumption of intoxicating liquor.

(a) Except in the area and for the period authorized by the manager in conjunction with a valid license issued under CBJ 53.09.350 or special event street closures, no person may consume intoxicating liquor on any public street, alley, sidewalk, easement, trail or other way dedicated or held for public vehicular or pedestrian use, including parking lots owned and operated by the municipality.

(b) Except in the area and for the period authorized by the manager in conjunction with a valid license issued under CBJ 53.09.350 or special event street closures, no person may have in his or her physical possession on any public area described in subsection (a) of this section, intoxicating liquor in a glass, mug, open can, open bottle or other open container. A can, bottle or other container is open if it would not contain its contents when turned on its side or upside down.

...

Section 3. Amendment of Article. The title of Article V of Chapter 53.09 Easements, Use Permits, Resource Removal Permits, and Camping, is amended to read:

Article V Easements, Licenses, Use Permits, Resource Removal Permits, and Camping.

Section 4. Amendment of Article. Article V of Chapter 53.09 is amended by adding a new section to read:

53.09.350 License to use pedestrian ways for the sale of food and beverages and related uses.

(a) An annual license authorizing the non-exclusive use of up to five hundred square feet of City and Borough owned pedestrian way for the purpose of engaging in the business of the selling of food and beverages, or for purposes related to the selling of food and beverages such as the provision of tables and chairs, may be granted by the manager in accordance with this section. Vending from food trucks and vending carts are not authorized by this section but are governed by CBJ 62.10.050 and CBJ 62.10.070, respectively.

(b) Applications for a pedestrian way license are exempt from the requirements of CBJ 53.20. Applications shall be filed with the manager on a form designated by the manager and accompanied by a non-refundable application fee of \$250.00. The application must include a description of the requested location and proposed use, a site plan delineating the proposed placement and number of any tables and chairs or other moveable fixtures to be used within the license area, the hours of operation, and such other information as the manager may request. Prior to issuance, the applicant shall submit to the manager a certification by the finance department that the applicant has met the requirements of the sales tax code. An application will not be approved unless the applicant has a current state business license, has all necessary permits in order to operate in the manner proposed, and the operation meets applicable state and local health and sanitation requirements.

(c) Licenses are valid for the calendar year and shall expire on December 31st of each year. License applications will be accepted between September 1 and December 1 each year for the following calendar year, except that license applications for calendar year 2017 shall be accepted between the effective date of this ordinance and May 1. Licenses shall be issued on a first-come, first-served basis except that priority shall be given to those applicants who operated for at least three months during the previous year under a license issued for the same location as the one applied for.

(d) Prior to October 1 of each year, the manager shall evaluate possible license locations and shall designate those available during the following calendar year. Upon the request of an applicant, the manager may consider additional locations after October 1.

(e) The license fee, payable in advance, shall be the fair market value of the property as determined by the manager.

(f) Each licensee must obtain at least \$1,000,000.00 of public liability insurance naming the City and Borough as an additional insured. Prior to beginning operation, a licensee must provide the City and Borough with a broker's certificate of insurance and copy of the amendatory policy endorsement, which must include a provision for notification to the City and Borough if the policy is modified, canceled, or terminated.

(g) Permanent improvements may not be installed in the licensed area. Movable fixtures, such as tables and chairs, must be placed in the licensed area in such a manner as to leave not less than five feet of unobstructed sidewalk space between the fixture and the face of the curb or edge of the sidewalk if there is no curb. Movable fixtures may not be placed in any manner that blocks the view by pedestrians of advertising on a building or of goods displayed in the window of a business unless the licensee has obtained the permission of the affected business. Licensees shall use the licensed area in such a manner as to create the least amount of interference with pedestrian traffic.

(h) Licenses must be placed in the window of the licensee's primary place of business in such a way as to be viewable from the pedestrian way.

(i) The manager may adopt standards for the use and appearance of any allowable movable fixtures and the issuance and renewal of licenses, and may impose the time, place, method of operation, and such other restrictions on the license as may be necessary to ensure the safe and convenient use of pedestrian ways.

(j) Licenses may not be assigned or transferred without manager approval.

(k) Licenses may be revoked by the manager for violation of this section, upon a determination that the operation of the permittee is causing a hazard or a significant disruption of pedestrian or vehicular traffic, that the area affected by the permit is required for a public purpose, or for other good cause as determined by the manager. The licensee shall be given an opportunity to be heard by the manager before any revocation. The decision of the manager may be appealed to the assembly in accordance with CBJ 01.50.

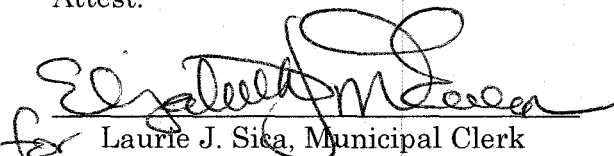
Section 5. Sunset Date. This ordinance shall be automatically repealed on December 31, 2018.

Section 6. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 6th day of March, 2017.


Kendell D. Koelsch, Mayor

Attest:


for Laurie J. Sica, Municipal Clerk