Title 11. Parks and Recreation Regulations
Chapter 05: Food and Merchandise Sales

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11 CBJAC 05.010 Purpose of Regulations. The purpose of these regulations is to:
(a) Provide a desirable service to the public;
(b) Provide for the orderly administration of appropriate vending in recreational facilities;
(c) Provide for municipal revenues in support of parks and recreation programs and facilities;
(d) Assure fair and equitable treatment of those organizations or individuals wishing to sell products in recreational facilities;
(e) Regulate commercial activities in recreational facilities so as to minimize adverse impacts on all users of the facilities and to collect adequate fees for such uses to offset costs to the city. (Eff. 05/24/99).

11 CBJAC 05.020 Prohibitions and Policy. (a) No person may sell or offer to sell or ask for donations for food or merchandise within the limits of a facility except in accordance with a permit issued pursuant to this chapter. Solicitation, advertisement, or sales without a permit as required by this chapter is a violation of CBJ 67.01.090(i). Permits are not required for the vending of goods at cost by a nonprofit group to its own members only.
(b) Permits shall be issued by the director.
(c) Vending uses shall be incidental to the principal use of the facility, and the director or the director’s designee may order the suspension of vending activities when necessary to avoid conflict with such principle uses.
(d) No permit shall be issued to any person or entity delinquent in the payment of fines, taxes or other monies owed to the city and borough. (Eff. 05/24/99).

11 CBJAC 05.030 Permit Duration. (a) Permits may be issued for the duration of an event, athletic season, or calendar period at the discretion of the director.
(b) No permits may be issued for a period in excess of one year.
(c) Permits are valid only for the dates, times, and areas and activity specified.
(d) Permits are not automatically renewable each year. Previous permit holders do not receive preferential consideration for renewals unless otherwise allowed in these regulations. (Eff. 05/24/99).

11 CBJAC 05.040 Food And Merchandise Permits. (a) Types. Permits may be issued for the following activities in city recreation areas.
(1) Food. Food permits may be issued for the sale of food and nonalcoholic beverages for immediate consumption by participants or spectators of events occurring in recreational facilities. Food permits shall be valid only if and so long as accompanied by the appropriate state health permit for food
handlers. Permits may be revoked upon a finding by the Alaska Department of Environmental Conservation that the permittee has violated the provisions of 18 AAC 31.

(2) Merchandise. Merchandise permits may be issued for the sale of team, event, or sport souvenirs; items designated for the convenience or comfort of outdoor spectators; and other items in harmony with the event at which they are sold.

(3) Combination. Combination food and merchandise permits may be issued.

(b) Application process.

(1) Sites Available to Commercial, Youth or Non-profit Operators. Some vending locations are available for operation by either commercial, youth, or nonprofit organizations. The director may offer these sites for operation by soliciting proposals from the public. A preference will be granted to proposals which offer the most extensive duration of service to the public and maximum revenue to the city and borough. In the case of a tie involving the prior year’s permit holder at a particular site, priority shall be given to prior year’s permit holder.

(2) Sites Only Available to Non-profit Operators. Permits shall be available on a first-come first-served basis for those locations only available to nonprofit operators, except that priority shall be given to applications from the organization sponsoring the event at which the vending will occur.

(c) Fees. All permit fees shall be paid prior to permit issuance except as otherwise permitted by the director in writing. The payment shall be accompanied by a schedule of days proposed for operations pursuant to the permit.

(1) Commercial Operator and Youth Permit Fee. The permit fee to a commercial operator or for a youth permit shall be $50.00 for the first operational day per field and $3.00 per operational day thereafter unless a different rate is established through a publicly advertised bid or proposal process.

(2) Nonprofit Operators Permit Fee. The permit fee to a nonprofit operator for a permit shall be $25.00 for the first operational day and $2.50 per operational day per field thereafter unless municipal equipment or services are used by the vendor, in which case the permittee will pay the reasonable costs thereof, in addition to the basic fee or unless a different rate is established through a publicly advertised bid or proposal process.

(d) Permit Site Locations. One permit for either food, merchandise or a combination permit shall be allowed at each of the locations set forth in this section and such other sites as the director may allow for Independence Day, annual festivals, and similar special events.

(1) Sites Available to Either Commercial, Youth or Non-profit Operators.
(A) Savikko Park, between Fields 2 and 3.
(B) Twin Lakes Recreational Area, parking lot location.
(C) Cope Park, parking lot location.
(D) Melvin Park, parking lot location.
(E) Dimond Park, between Fields 1 and 2.
(F) Savikko Park, Field 1 during high use special event periods only.
(G) Jackie Renninger Park, sites as designated by the director.

(2) Sites Available to Non-profit Operators Only.
(A) Savikko Park, between Fields 2 and 3 during high use special event periods.
(B) Savikko Park, Field 1.
(C) Adair-Kennedy, concession stand.
(D) Adair-Kennedy, field specific location during high use special event periods.
(E) Glacier Valley, concession stand.
(F) Melvin Park, parking lot location during high use special event periods.
(G) Augustus Brown Pool, interior location.
(H) Juneau-Douglas City Museum.
(I) Zach Gordon Youth Center.
(J) Hank Harmon Rifle Range.
(K) Montana Creek Archery.
(L) Jackie Renninger Park, sites as designated by the director. (Eff. 05/24/99).
11 CBJAC 05.050 General Operating Requirements. (a) Permittees are responsible for complying with all state, federal, and local laws applicable to their activities. All rules established for park use in the municipal code shall apply to permittees unless specifically exempted by the terms of a permit.

(b) Permittees shall police the area immediately around their vending area and shall properly dispose of all litter accumulating there during the course of their activities.

(c) The permittee shall reimburse the city and borough of Juneau for any damage to municipal property caused by the permittee’s activities, including the cost of litter abatement.

(d) No permittee may store equipment or supplies in a facility unless approval of the director is secured in advance.

(e) Permittees, prior to acceptance of their permit, shall execute an instrument under the terms of which the permittee shall agree to indemnify, defend, and hold harmless the city and borough of Juneau from any and all claims for injury or damage to persons or property suffered in connection with the permittee’s activities unless such injury or damage is caused by the gross negligence of the city and borough of Juneau.

(f) Permittees shall prominently display the permit issued pursuant to these regulations, as well as all other required permits and licenses, at all times during their activities hereunder.

(g) Permittees may not serve or sell products in glass containers.

(h) Permits may not be transferred or assigned without the permission of the director. A permit is transferable only if the permit holder’s entire business interest for activities conducted under the permit is transferred with the permit option.

(i) Vendors may not engage in hawking.

(j) Prior to issuance of a permit, the prospective permittee must provide the department with a broker’s certificate of insurance showing that the permittee has obtained at least $1,000,000 of public liability insurance. The certificate must establish that the city and borough is named as an additional insured on such policy, and that the insurer shall notify the city and borough if the policy is modified, canceled, or terminated. The director may issue insurance requirement waivers for lesser amounts of coverage to nonprofit and youth permittees upon a finding that the permittee cannot reasonably be expected to afford the cost of insurance, and that the permittee’s activities do not pose a significant risk of claims against the city and borough.

(k) Permittees shall operate self-contained equipment and provide their own water, electricity, and garbage disposal.

(l) In the event a permittee reserves more than one site per day with the intention of moving the vending operation between parks, the permittee shall specify the hours at which the operation shall be present at each site in detail sufficient to allow planning for other operations at the same site on the same day.

(m) Prior to receiving a permit, a vendor selling food must present evidence that the vendor has been issued all required permits from the Alaska Department of Environmental Conservation. (Eff. 05/24/99).

11 CBJAC 05.060 Enforcement & Penalties. (a) Any permit issued hereunder may be summarily suspended for a period not to exceed 10 days if any activities conducted pursuant thereto present an immediate danger to the public health, welfare, or safety.

(b) Any permit issued hereunder may be suspended or revoked by the director after an informal hearing and upon written findings that the permittee has violated these regulations. The permittee shall be provided at least 10 days notice and an opportunity to be heard at the hearing on the suspension or revocation. The director’s decision may be appealed to the city manager by filing a notice of appeal setting forth the reason therefor with the office of the city manager within 10 days of the director’s decision.

(c) A violation of these regulations or failure to follow any permit condition:

(1) is a violation of CBJ 67.01.090(i), punishable by a fine of up to $300.00, and

(2) is grounds for administrative penalties consisting of suspension of all permits issued under this chapter and denial of the right to apply for a new permit for a period of 30 days. (Eff. 05/24/99).
11 CBJAC 05.070 Definitions. As used in this chapter:

“Commercial” means a person or organization not qualifying for a nonprofit permit.
“Department” means the city and borough of Juneau parks and recreation department.
“Director” means the director of the city and borough of Juneau parks and recreation department.
“Facility” and “Recreational Facility” means all parks, athletic fields, recreation areas, and other property posted as such or designated by the assembly as part of the municipal park and recreation system. The terms also include any docks or portion of a dock designated for enforcement by resolution of the harbor board.
“Hawking” means the loud or continuous audible solicitation of business by a vendor to the general public.
“High use special event periods” means a public holiday, occasion or event which will bring an exceptionally high number of people to the facility. The director retains the discretion of determining whether an event meets this definition. The Fourth of July holiday is a high use special event period.
“Nonprofit” means an organization holding a valid 501(c)(3) or 501(c)(4) exemption certificate from the United States Internal Revenue Service.
“Operational day” means any portion of a day in which a vendor sells or solicits sales at a permit location. To be determined according to a schedule submitted with the permit application, to be updated by the vendor at the end of the season to indicate any extra days operated which were not indicated on the schedule.
“Vendor” means the business entity or its authorized representative conducting activities in a recreation area according to a permit issued under these regulations.
“Youth” means a student enrolled in, or who will be enrolled at the beginning of the next school year, grades six through twelve, and whose primary residence is in the city and borough of Juneau. A student who has graduated from high school does not qualify for a youth permit. (Eff. 05/24/99).