

Next Ord: 1673-10
Next Res: 827-10

VISION STATEMENT

SEDRO-WOOLLEY IS A FRIENDLY CITY THAT IS CHARACTERIZED BY CITY GOVERNMENT AND CITIZENS WORKING TOGETHER TO ACHIEVE A PROSPEROUS, VIBRANT AND SAFE COMMUNITY

MISSION STATEMENT

TO PROVIDE SERVICES AND OPPORTUNITIES WHICH CREATE A COMMUNITY WHERE PEOPLE CHOOSE TO LIVE, WORK AND PLAY

CITY COUNCIL WORKSESSION

AGENDA

April 6, 2010

7:00 PM

Public Safety Training Room

325 Metcalf Street

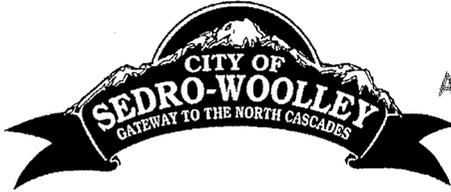
- A. Planning Commission Appointment
(Mayor Mike Anderson)

- B. Public Works Operations 2010 Work Program
(Materials provided at meeting)
(Staff Contact – Mark Freiburger)

- C. Open Air/Mobile Venders
(Mayor Mike Anderson)

**CITY COUNCIL
WORKSESSION**

APR 06 2010



AGENDA ITEM

A

CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Mike Anderson
Mayor

MEMO TO: City Council
FROM: Mike Anderson
RE: Planning Commissioner Appointment
DATE: April 6, 2010

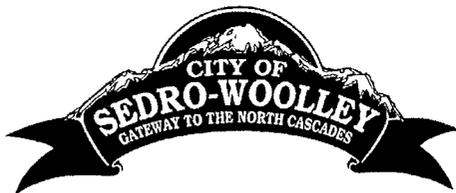
ISSUE: Should the Council confirm the Mayor's appointment of Jennifer Aylor Eldred to an unexpired term on the Planning Commission?

BACKGROUND: Tom Gardner resigned from the planning commission, his seat is now vacant. I am appointing Jennifer Aylor Eldred to serve the rest of his term which expires at the end of 2011.

Attached is Jennifer's resume; as you can see, she is a professional planning consultant and her willingness to use her professional skills by serving on our planning commission will be a benefit to the city.

SWMC 2.48 empowers the Mayor to appoint and the Council to confirm the appointment. A Commissioner's term is six years; Jennifer's term will expire December 31, 2011.

RECOMMENDATION: Motion to confirm the Mayor's appointment of Jennifer Aylor Eldred to the Planning Commission.



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Mike Anderson
Mayor

**CITY COUNCIL
WORKSESSION**

APR 06 2010

AGENDA ITEM C

MEMO TO: City Council
FROM: Mike Anderson
RE: Mobile vendors
DATE: April 6, 2010

ISSUE: Should the Council adopt the attached ordinance that revises the City's code to regulate mobile vendors and open air vendors?

BACKGROUND: This is an idea draft prepared for discussion at the Council's April 6th meeting. I asked that this draft be prepared because I have a problem with the city allowing mobile vendors to show up and skim the cream off the top. Our brick and mortar businesses invest in our community, pay taxes in our community, pay impact fees, donate to local events and causes and are here when times are tough as well as when business is plentiful. The mobile vendor avoids the bad and shows up when times are good, all the while avoiding property taxes, impact fees, sewer fees, etc.

The draft ordinance prohibits both open air and mobile vending except in the following circumstances:

Open Air Vending is allowed during Community Events, approved Special Events and at the S-W Farmers' Market. Open air vending is also allowed for garage sales.

Mobile Vending is allowed:

- i. During Community Events;
- ii. During approved Special Events;
- iii. On private property provided that all impact fees and sewer connection fees are paid for the use; and
- iv. On public streets provided the following conditions are met: (a) The vehicle must be legally parked and cannot use more than a single designated parking space; (b) The vehicle or cart may not obstruct any street or sidewalk for the passage of other vehicles or pedestrians or result in non-compliance with the Americans with Disabilities Act (ADA); (c) The vehicle must not operate in a single location for more than one hour at a time. For purposes of this section, one location is defined as one city block; and (d) Mobile Vendors must have bathroom facilities and a commissary kitchen approved by the Skagit County Health Department within the City limits.

RECOMMENDATION: Discussion only.

ORDINANCE NO. _____

AN ORDINANCE ADDING A NEW CHAPTER TO SWMC TITLE 5, ESTABLISHING
RULES AND REGULATIONS FOR THE OPERATION OF MOBILE VENDING
BUSINESSES AND OPEN AIR VENDING BUSINESSES

Whereas, the City Council of the City of Sedro-Woolley finds that brick and mortar businesses within the City of Sedro-Woolley are the backbone of the community, paying property taxes for their businesses, supporting local clubs, organizations and events and serving the community's needs, and

Whereas, the City Council finds mobile vendors and open air vendors are difficult to regulate and as a result of their transient nature, those mobile vendors pay little or no property taxes and operate only during peak opportunities, leaving the City less vibrant and less desirable to businesses with a permanent presence; and

Whereas, the City Council desires to restrict the operation of mobile and open air vending within the City's limits by allowing both mobile vending and open air vending under certain conditions and prohibiting it in all other circumstances,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SEDRO-
WOOLLEY DO HEREBY ORDAIN AS FOLLOWS:

Section 1. A new Chapter is added to SWMC Title 5 as follows:

Chapter 5.____
OPEN AIR AND MOBILE VENDING

5.____.010 Definitions

The following terms when used in this chapter shall have the meaning designated below:

A. Open Air Vending. Sales of services and/or merchandise including food that occurs at a table or other temporary location that is not an integral extension of an already existing permanently sheltered business. Open Air Vending does not include garage sales.

B. Mobile Vending. Sales of services and/or merchandise including food that occurs at or in a mobile vehicle, cart, trailer or similar vehicle that can be moved from location to location.

C. Community Events. Includes Founders' Day, Blast From the Past, Loggerodeo, 4th of July, Thanksgiving, City of Lights Festival, and such other events as the City Council may from time to time designate.

D. Special Events. Are those events defined in SWMC 12.44.

E. Person. Shall have the meaning identified in SWMC 5.04.010.

5. __.020 Open Air Vending Prohibited.

Except as authorized under SWMC 5. __.050, no person shall engage in Open Air Vending.

5. __.030 Mobile Vending Prohibited.

Except as authorized under SWMC 5. __.050, no person shall engage in Mobile Vending.

5. __.040 Other Provisions..

Nothing in this Chapter shall relieve any person who is operating either as a mobile or open air vendor from compliance with all other requirements of the Sedro-Woolley Municipal Code, including but not limited to, for example, business license requirements, zoning requirements and sewer requirements.

5. __.050 Exemptions.

A. Open Air Vending is allowed during Community Events, approved Special Events and at the S-W Farmers' Market.

B Mobile Vending is allowed:

- i. During Community Events;
- ii. During approved Special Events;
- iii. On private property provided that all impact fees and sewer connection fees are paid for the use; and
- iv. On public streets provided the following conditions are met: (a) The vehicle must be legally parked and cannot use more than a single designated parking space; (b) The vehicle or cart may not obstruct any street or sidewalk for the passage of other vehicles or pedestrians or result in non-compliance with the Americans with Disabilities Act (ADA); (c) The vehicle must not operate in a single location for more than one hour at a time. For purposes of this section, one location is defined as one city block; and (d) Mobile Vendors must have bathroom facilities and a commissary kitchen approved by the Skagit County Health Department within the City limits.

5. __.060 Penalties..

Any person violating any of the provisions hereof shall, upon the conviction thereof, be punished by a fine not to exceed one thousand dollars, or by imprisonment for a term not exceeding one year or by both such fine and imprisonment. Each day any person shall conduct any business by mobile vending or open air vending within the city for which no exemption exists shall constitute a separate offense.

Section 2. This ordinance shall be effective five (5) days after passage and publication as provided by law.

Section 3. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held invalid or unconstitutional or if the application of this ordinance to any person or circumstances shall be held invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clause or phrases of this ordinance.

PASSED by majority vote of the members of the Sedro-Woolley City Council this ____ day of _____, 2010, and signed in authentication of its passage this _____ day of _____, 2010.

Mike Anderson, Mayor

Attest:

Patsy Nelson, Finance Director

Approved as to form:

Eron Berg, City Attorney

Published: