Chapter 8.11 Mobile Food Service

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8.11.010 Applicable state law incorporated. All statutes of the State of Alaska and any rules or regulations adopted by any state agency pertaining to public nuisances, food and food service establishments, public health and public sanitation applicable to a mobile food service, with particular reference but not limited to, Titles 17 and 18, Alaska Statutes, as amended, are incorporated by this reference as though fully set forth in this chapter. (Ord. 83-10(S) §1(part), 1983).

8.11.020 Definition. For the purpose of this chapter, "mobile food service" means a self-contained food service establishment that is designed to be readily moveable from location to location, without being permanently affixed to any site or permanently connected to any water or sewer utility service. (Ord. 84-36 §4, 1984).

8.11.030 License--Required. No person may operate a mobile food service as defined in this chapter within the City without first obtaining a mobile food service license from the Homer Police Department. (Ord. 01-20, §2, 2001; Ord. 92-21 (part), 1992; Ord. 83-10(S) §1(part), 1983).

8.11.040 License--Application--Contents. Every application for a mobile food service license shall contain the information Required for applications for a license under Section 8.08.030 and, in addition, every applicant shall submit:
a. Proof satisfactory to the Homer Police Department that the applicant has obtained the necessary licenses and permits from all governmental agencies having jurisdiction over such business. The applicant shall submit a copy of his state business license with the application.
b. Documentary proof the Homer Police Department indicating that the mobile food service is covered by liability insurance as follows: 1. Personal injury (each occurrence), one hundred thousand dollars;
2. Aggregate products (each occurrence), one hundred thousand dollars;
3. Property damage (each occurrence), fifty thousand dollars.
c. In addition to such proof of insurance, the applicant shall agree in writing to hold the City harmless against all claims of whatever king including any legal defense costs resulting from the business activities carried on under the mobile food service license. (Ord. 01-20, §2, 2001; Ord. 92-21 (part), 1992; Ord. 83-10(S) §1(part), 1983).

8.11.050 License--Application--Referral--Fees. a. Upon receipt of the application described in Section 8.11.040, the original shall be referred to the Chief of Police or designee who shall carry out an investigation, and approve or disapprove such application under the procedures set forth in Section 8.08.040.
b. For each license issued under this chapter, the fee shall be three hundred ninety dollars ($390) annually. A twelve-dollar per month discount for the unused portion (counting from the beginning of the year) shall be granted. All licenses expire on December 31st of the year issued. (Ord. 10-51(A), 2011; Ord. 01-20, §2, 2001; Ord. 83-10(S) §1(part), 1983).

8.11.060 Applicability and incorporation by reference of sections of Chapter 8.08. Sections 8.08.050, 8.08.070, 8.08.080, 8.08.090, 8.08.100, 8.08.110, 8.08.120 and 8.08.140 are incorporated by this reference and shall apply to licenses obtained under this chapter. (Ord. 83-10(S) §1(part), 1983).

8.11.070 Conduct of business. a. A mobile food service may be operated in conformity with the Homer Zoning

Code, from:
1. Private property or leased land, provided the owner or lessor has first granted permission in writing to the operator.
2. Public streets, alleys or rights-of-way at least fifteen feet from the traveled portion thereof, for a period not exceeding twenty-four hours. The Chief of Police or designee may grant permission to operate for a longer period of designated time.
b. A mobile food service may not be operated in front of or immediately adjacent to an established business offering the same or similar commodities from a fixed location; unless a designated vendor parking area has been named.
c. No person may operate a mobile restaurant inside the boundaries of a municipal park or campground unless such operation is permitted under ordinance, regulation or other lawful authority.
d. On the Homer Spit, no licensee shall be permitted to operate in any congested area, to include areas designated as public parking, campgrounds, parks or open space or where his operation might impede or inconvenience the public. (Ord. 01-20, §2, 2001; Ord. 90-19(A) §2, 1990; Ord. 84-36 §5, §6, 1984; Ord. 84-12 §2, §3, 1984; Ord. 83-10(S) §1 (part), 1983).

8.11.080 Violation--Penalty. The violation of any provision of this chapter shall be punished under Section 1.16.010. (Ord. 83-10(S) §1 (part), 1983).

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