

ORDINANCE 84-12

AN ORDINANCE AMENDING HOMER CITY CODE 8.08.100, CHANGING THE LOCATION FOR VENDOR/ITINERANT MERCHANT OPERATIONS ON THE HOMER SPIT TO DESIGNATED AREA(S) ONLY.

WHEREAS, the Homer Spit road and contingent right-of-way is congested, therefore undesirable for vendor, itinerate or transient merchant operations, and

WHEREAS, parking is limited and frequently unavailable on the Homer Spit, and

WHEREAS, the City of Homer has adopted the Spit Action Plan providing designated parking area for vendor operations in 1984 and will continue to address the need for a vendor, itinerate/transient merchant parking area on the Homer Spit,

BE IT ORDAINED:

Section 1. Section 8.08.100 is amended to read:

8.08.100 Use of streets and other public places.

No licensee shall have exclusive right to any location in the public streets, nor shall anyone be permitted a stationary location, nor shall he be permitted to operate in any congested area, to include areas designated as public campgrounds, parks, or open spaces where his operation might impede or inconvenience the public. Licensees shall operate only in designated vendor parking area(s) from the base to the distil end of the Homer Spit. For the purpose of this Chapter, the judgement of any peace officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

Section 2. Section 8.11.070 Conduct of Business is amended by renumbering 2(b) to 2(a), 2(c) to 2(b), and 2(b) is further amended to read:

2(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.

Section 3. Subparagraph 2(c) is added to Section 8.11.070 and reads as follows:

2(c) Licensees shall operate only in designated vendor parking area(s) from the base to the distil end of the Homer Spit.

CITY OF HOMER

Erle Cooper, Mayor

ATTEST

Kathleen F. Herold, City Clerk

First Reading 4-23-84

Public Hearing 5-14-84

Second Reading 5-14-84

Effective Date 5-16-84

Reviewed and approved as to form and content this ____ day of _____, 1984.

A. Robert Hahn, Jr.
City Attorney