

CITY OF HOMER  
HOMER, ALASKA

ORDINANCE 90-19 (A)

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF HOMER, ALASKA, AMENDING HOMER CITY CODE SECTION 8.08.100 AND SECTION 8.11.070(d) TO PROHIBIT OPERATION OF ITINERANT MERCHANTS AND MOBILE FOOD SERVICE VENDORS ON PUBLIC PROPERTY ON THE HOMER SPIT

WHEREAS, the Homer City Council passed Resolution 90-43 on May 29, 1990, setting policy that itinerant merchants and mobile food services should not be allowed on public property on the Homer Spit; and

WHEREAS, it is necessary to amend Homer City Code, Chapter 8.08, Itinerant or Transient Merchant's License, Section 8.08.100 Use of Street and Other Public Places to reflect this policy; and,

WHEREAS, it is also necessary to amend Homer City Code, Chapter 8.11, Mobile Food Service, Section 8.11.070(d) Conduct of Business, to reflect this policy; and,

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Section 8.08.100 of the Homer City Code is hereby amended to read as follows:

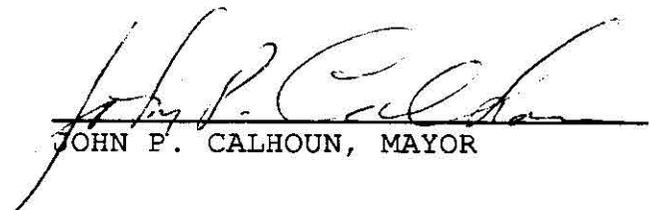
No licensee shall have exclusive right to any location in the public streets, nor shall anyone be permitted a stationary location, nor shall he be permitted to operate in any congested area, to include areas designated as public parking, campgrounds, parks or open spaces or where his operation might impede or inconvenience the public. For the purpose of this chapter, the judgment 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. Subsection 8.11.070(d) of the Homer City Code is hereby amended to read as follows:

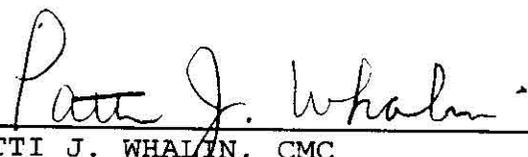
On the Homer Spit, no licensee shall be permitted to operate in any congested area, to include areas designated as public parking, campgrounds, parks or open space or where his operation might impede or inconvenience the public.

DATED THIS 25<sup>th</sup> DAY OF June 1990.

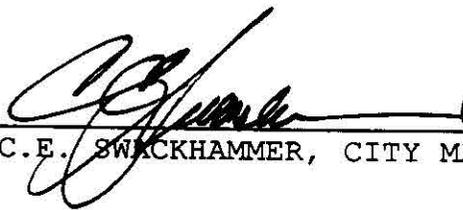
CITY OF HOMER

  
JOHN P. CALHOUN, MAYOR

ATTEST:

  
PATTI J. WHALIN, CMC  
CITY CLERK

Approved as to form and content:

 6/27/90  
C.E. SWACKHAMMER, CITY MANAGER

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GORDON J. TANS, CITY ATTORNEY

FIRST READING: 5-29-90  
PUBLIC HEARING: 6-11-90  
SECOND READING: 6-25-90  
EFFECTIVE DATE: 6-26-90