

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 80-7

AN ORDINANCE TO UPDATE PROVISIONS OF THE HOMER CITY CODE PERTAINING TO PEDDLERS TO REQUIRE PROOF OF BUSINESS LICENSE AND REGISTRATION TO COLLECT SALES TAX, TO RESTRICT USE OF PARKS, CAMPGROUNDS AND OTHER PUBLIC PLACES AND TO PROVIDE CRITERIA TO DETERMINE "MORAL CHARACTER".

WHEREAS, the City of Homer has contracted with a professional codification firm to review and make recommendations to modernize and bring the Homer City Code into compliance with state statutes and the constitution, and,

WHEREAS, recommendations have been made concerning the Peddler's License provisions, and,

WHEREAS, additional updating of the Peddler's License is appropriate,

THE CITY OF HOMER ORDAINS:

Section 1. Section 23-200.2. PEDDLERS, PERMITS AND LICENSE APPLICATION, APPLICATION FEE is amended by adding a new subparagraph (j) to read as follows and relettering existing paragraph (j) to (k).

(j) A copy of applicants' business license and his certificate of registration for collection of Kenai Peninsula Borough sales tax, and when applicable a health certificate or letter of approval from state authorities for food vending business.

Section 2. Section 23-200.3. PERMIT AND LICENSE -- INVESTIGATION OF APPLICANT; ISSUANCE; CONTENTS OF LICENSE; LICENSE FEE; EXEMPTION FROM LICENSE REQUIREMENTS is hereby amended by repealing and reenacting subparagraph (a), adding a new subparagraph (b) and relettering existing subparagraph (b) (e) accordingly.

(a) Upon receipt of the application described in Sec. 23-200.2, the original shall be referred to the Chief of Police who shall cause an investigation of the applicant's business responsibility and moral character to be made.

(b) The Chief of Police shall find that an applicant's background is unsatisfactory if:

1. The applicant has been convicted of a felony within the three (3) year period immediately preceding the date of his application.
2. The applicant has been convicted of a misdemeanor or violation of a municipal ordinance involving a monetary consideration within the same three (3) year period.
3. The applicant does not have proper business licenses, certificate of registration for collection of sales tax or health certificate when applicable.

Section 3. Section 23-200.10. USE OF STREETS is repealed and reenacted to read:

Sec. 23-200.10. USE OF STREETS AND OTHER PUBLIC PLACES. No peddler 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 operations might impede or inconvenience the public. 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 4. Article II., Chapter 23, PEDDLERS of the Homer City Code is amended by adding the following section:

Sec. 23-200.14. STATE LAWS APPLICABLE. Notwithstanding any provisions of this chapter, any peddler operating under any license issued by the City of Homer pursuant to this chapter shall not be exempted from any and all licenses, permits, laws, or ordinances as required by the State of Alaska and the Kenai Peninsula Borough.

CITY OF HOMER


Leo Rhode, Mayor

ATTEST:


Kathleen F. Herold, City Clerk

First Reading 2/11/80

Public Hearing 2/25/80

Second Reading 2/25/80

Effective Date 2/26/80