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**CITY OF HOMER
HOMER, ALASKA**

ORDINANCE 99- 9

AN ORDINANCE ADDING CHAPTER 8.02 TO THE
HOMER CITY CODE TO REQUIRE CERTAIN
BUSINESSES TO OBTAIN A BUSINESS LICENSE

THE CITY OF HOMER HEREBY ORDAINS:

Section 1. A new Chapter 8.02, entitled General Business License, is hereby added to the Homer City Code to read as follows:

8.02.010 Business license - required. a. For the privilege of engaging in business in the city, a person shall first obtain a business license and pay the prescribed license fee. A separate license shall be obtained for each separate business name under which the person does business in the city. A license covers all of the business operations in the city conducted under the business name indicated on the license, regardless of the number of its establishments.

b. A person engaging in a business subject to other licensing provisions under this code must, in addition to obtaining the license required by this section, comply with those other licensing provisions before engaging in business in the city.

8.02.020 Business license - application. A person shall apply for a business license on forms prescribed by the city manager. The application must include:

1. the name and address of the licensee;
2. the line of business to be conducted in the city;
3. the name under which the licensee will conduct business;
4. the address and local phone number(s) of all business locations in the city;
5. the name and address of (i) the owners of the business if it is a sole proprietorship, partnership, or joint venture, or (ii) the officers of the business if it is a corporation, limited liability company, or other business entity;

- 38 6. a copy of the licensee's current Alaska business license; and
39 7. all other information the city manager deems necessary to keep a
40 current record of the business activity conducted in the city.
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42 8.02.030 Business license - renewal; amendment. a. A business
43 license issued under this chapter is good for the calendar year for which it is
44 issued. An existing license must be renewed prior to January 15 of the
45 succeeding calendar year.
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47 b. A business license must be amended if the information furnished on
48 the application has changed. A completed application for amendment of an
49 existing license must be filed not later than 10 days after the change in
50 information.
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52 8.02.040 Business license - fees. The fees for issuance, renewal, and
53 amendment of a license shall be set by city council resolution.
54

55 8.02.050 Display; inspection. a. A license issued under this chapter
56 shall be prominently displayed in the licensee's business location in the city. If
57 licensee has more than one business location in the city, a true and complete
58 copy of the license may be displayed in the additional location(s). If the
59 licensee has no fixed business location in the city, the licensee shall carry the
60 license on his person while engaging in the business activity.
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62 b. A licensee shall upon request produce the license for inspection by
63 any city official, law enforcement officer, or any other person with whom the
64 licensee has or may conduct business.
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66 8.02.060 Regulations. The city manager may adopt regulations,
67 approved by the city council, to implement this chapter.
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69 8.02.070 Applicability of chapter. This chapter applies only to the
70 following:
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- 72 1. fisheries business.
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8.02.080 Violations; penalties. a. It is a violation of this chapter to:

1. engage in business in the city without obtaining, renewing, or amending a business license as required by this chapter.
 2. provide false or misleading information on an application for a business license, renewal, or amendment.
 3. refuse or fail to produce a business license for inspection upon the request of any person entitled to inspect it.
 4. fail to prominently display the business license in the licensee's business locations in the city or to carry the license on the person if the licensee has no fixed business location in the city.
 5. violate any regulation adopted to implement this chapter.
- b. Upon conviction of any violation of this chapter, a defendant is subject to the penalties authorized in Section 1.16.010.

8.02.090 Civil penalties; remedies. a. The city manager may assess a civil penalty against a person required to have a license under this chapter who:

1. engages in business in the city without obtaining, renewing, or amending a business license as required by this chapter.
 2. provides false or misleading information on an application for a business license, renewal, or amendment.
 3. refuses or fails to produce a business license for inspection upon the request of any person entitled to inspect it.
 4. fails to prominently display the business license in the licensee's business location in the city or to carry the license on the person if the licensee has no fixed business location in the city.
 5. violates any regulation adopted to implement this chapter.
- b. The civil penalty for a violation of subparagraph (a) of this section may not exceed ~~\$100~~ the first time a civil penalty is assessed, \$200 for a second assessment, \$400 for a third assessment, and \$1,000 for a fourth or subsequent assessment.

109 c. In addition to assessment and collection of a civil ~~penalty~~ under this
110 section, the city may obtain injunctive or compensatory relief, or both, under
111 Section 1.16.020.

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113 8.02.100 Definitions. In this chapter, unless the context otherwise
114 requires:

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116 “business” means a for profit or nonprofit entity or person engaging or
117 offering to engage in a trade, a service, a profession, or an activity with the goal
118 of receiving a financial benefit in exchange for the provision of services, or
119 goods, or other property.

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121 “fisheries business” means a business that engages in processing
122 fisheries resources.

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124 “fisheries resources” has the same meaning as in 15 AAC 75.300.

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126 “person” has the same meaning as in Section 1.04.020.

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128 “processing fisheries resources” means any activity that modifies or
129 preserves the physical condition of a fisheries resource, including without
130 limitation, butchering, freezing, salting, cooking, canning, dehydrating,
131 smoking, decapitating, gutting, gilling, sliming, icing, or other activities
132 performed in preparing fisheries resources for further processing, for
133 subsequent sale, or to maintain the quality of the fresh resource, regardless of
134 whether the processor owns the fisheries resources and regardless of whether
135 the processor is the seller in the subsequent sale of the fisheries resources.
136 Notwithstanding the foregoing, “processing fisheries resources” does not
137 include decapitating shrimp and gutting, gilling, sliming, or icing a fisheries
138 resource solely for the purpose of maintaining the quality of the fresh resource
139 when done by a licensed commercial fisherman on the commercial fishing
140 vessel that caught the fisheries resources.

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143 **Section 2.** This ordinance is of a permanent and general character and shall be
144 included in the City code.

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146 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER.
147 ALASKA, this 10th day of May, 1999.

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CITY OF HOMER

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Jack Cushing, Mayor

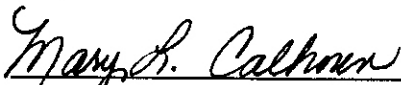
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155 ATTEST:

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Mary L. Calhoun, City Clerk

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AYES: 4

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NOES: 0

162

ABSTAIN: 0

163

ABSENT: 2

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First Reading: 4/12/99

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Public Hearing: 4/26/99

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Second Reading: 5/10/99

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Effective Date: 5/11/99

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Reviewed and approved as to form:

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172



Val Koeberlein Robert Purcell

173

City Manager - Acting

174



Gordon J Tans

City Attorney