

**CITY OF HOMER
HOMER, ALASKA**

Davis/Aderhold

ORDINANCE 25-54

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING HOMER CITY CODE TITLE 8 PERMITS, LICENSES AND
REGULATIONS BY ADDING CHAPTER 8.13 TEMPORARY RETAIL
SERVICES.

WHEREAS, The City of Homer recognizes the growing interest in temporary and movable structures, such as food trucks and small retail shops, to promote economic development and vibrant community spaces; and

WHEREAS, The existing definition of mobile food service in Homer City Code 8.11.020 supports self-contained food service establishments but does not address other temporary retail structures, limiting opportunities for diverse commercial uses; and

WHEREAS, Creating a new category of movable retail structures will provide greater flexibility for entrepreneurs with limited resources to establish small businesses, such as mobile retail shops, without requiring permanent foundations; and

WHEREAS, Allowing movable retail structures will contribute to expanding the City's tax base by enabling new business opportunities and attracting visitors to commercial areas; and

WHEREAS, Movable retail structures enhance the city fabric and promote walkability by creating dynamic, accessible, and pedestrian-friendly commercial spaces in Homer's neighborhoods; and

WHEREAS, The City of Sitka defines movable structures as "structures built on a chassis with wheels, skids, or other mechanisms designed to facilitate mobility, not permanently affixed to a foundation," providing a model for broadening Homer's regulations to support temporary retail uses; and

WHEREAS, This amendment is intended to establish a new category of movable retail structures to include those on a chassis, skids, or wheels, thereby encouraging diverse, temporary commercial land uses that contribute to the economic and cultural vitality of Homer.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Title 8 is hereby amended by adding Chapter 8.13 Temporary Retail Services as follows:

Chapter 8.13
TEMPORARY COMMERCIAL SERVICES

Sections:

8.13.010 Intent

8.13.020 Definition.

8.13.030 Permit Required

8.13.035 General standards

8.13.040 Permit – Application – Fees.

8.13.050 Permit Terms

8.13.080 Violation – Penalty.

8.13.085 Appeal of Decision

8.13.010 Intent

The intent of this chapter is to allow and regulate temporary retail services which may be beneficial to the City and its residents.

8.13.020 Definition.

For the purpose of this chapter, “temporary retail service” means a self-contained small commercial building, no larger than 150 square feet, 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.

8.13.030 Permit – Required.

No person may operate from a temporary retail service as defined in this chapter within the City without first obtaining a temporary retail service permit from the City Manager or designee.

a. Exemptions. The permitting requirements of this chapter do not extend to the following instances:

1. Isolated or casual sales of personal goods, wares, vehicles, animals, etc., or to the sale of similar items at such functions as garage sales, flea markets, and bazaars;

2. Vendors participating in a special events permitted under HCC 5.46 or activities conducted at conferences that cater to a specialized audience;

3. A commercial fisherman who has a valid commercial fishing license issued by the State of Alaska and who has completed and filed with Alaska Department of Fish and Game the forms required to qualify as a “catcher-seller”.

8.13.035 General standards

The following general standards shall apply as requirements for the operation of temporary retail service in the City of Homer. The owner/operator of the temporary retail service shall:

1. Be registered to collect sales tax with the Kenai Peninsula Borough and be current on all sales tax remittances;

2. Have obtained permission from the property owner where operating;

3. Be located in a zoning district in which retail sales is a permitted use, or in any specific location authorized as part of an approved special event permitted under HCC 5.46;

4. Not create hazardous traffic patterns for vehicles or pedestrians;

5. Not diminish the ability of others to conduct business, through excessive noise, odor, or other occurrence;

6. Provide for the collection and removal of all waste from the site at the end of each day of operation;

7. Be in accordance with the regulations found in the City's Sign Code, HCC 21.60;

8. Post in a conspicuous place, able to be observed by the general public, their State of Alaska Business License, and the temporary retail service permit issued by the City of Homer (if applicable);

9. Ensure that, with the exception of generators, all operations, merchandise and services provided by and related to the temporary retail service be contained in or attached to the unit;

10. Not be located within a utility easement; within a building setback area, or within a State of Alaska Department of Transportation Right of Way;

11. If authorized to operate in a City right-of-way or on City property, hold a certificate of insurance indicating that the owner/operator's operation of a temporary retail service is covered by liability insurance that meets or exceeds the following:

<u>Personal Injury (each occurrence)</u>	<u>\$100,000</u>
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Aggregate Products (each occurrence) \$100,000

Property Damage (each occurrence) \$50,000

8.13.040 Permit – Application – Fees.

Unless waived by the City Manager as part of a permitted special event under HCC 5.46, a valid permit is required prior to operating a temporary retail service in the City. An application for a temporary retail service permit shall be submitted to, and approved by, the City of Homer and shall contain the following:

- 1. Completed application form, as provided by the City of Homer;**
- 2. Permit fee as set out in the City of Homer Fee Schedule;**
- 3. If operating in a City right-of-way or on City property, proof of insurance;**

8.13.050 Permit Terms.

The temporary retail service permit shall expire at the end of the calendar year of issuance.

The City Manager, or designee, may revoke a temporary retail service permit if it is determined that the conduct of the operation(s) is not in compliance with either the terms and conditions of the permit, or the provisions of the Municipal Code. The permit may be revoked immediately, including during the operation of the temporary retail service.

8.13.080 Violation – Penalty.

The following actions are unlawful and considered a minor offense as defined in HCC

1.16.040:

- 1. Operating a temporary retail service without obtaining a valid city temporary retail service permit or special event waiver under HCC 5.46;**
- 2. Operating a temporary retail service in violation of any of the general standards set forth in HCC 8.13.035;**

3. Selling or attempting to sell food and/or beverage, merchandise or other services on foot or from a motor vehicle, trailer, tent or other temporary facility that does not qualify as a temporary retail service and is not exempted in HCC 8.13.030.

The owner, agent, or contractor of a temporary commercial service where a violation has been committed or exists, may be fined as provided in HCC 1.16.040. Each and every day that the violation continues shall be deemed a separate and distinct violation. All remedies and penalties provided for in this chapter shall be cumulative and not exclusive.

8.13.085 Appeal of Decision.

Judicial review by the superior court of a final decision on a temporary commercial service permit issued by the City may be had by filing a notice of appeal in accordance with the applicable rules of court governing appeals in civil matters. The notice of appeal shall be filed within 30 days of notice of the final decision on the permit. Appeals of temporary retail service permits are heard solely on the administrative record which shall be prepared by the City. A copy shall be filed in the superior court within 30 days after the appellant pays the estimated cost of preparing the complete or designated record or files a corporate surety bond equal to the estimated cost.

Section 2. This ordinance is of a permanent and general character and shall be codified in Homer City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this this ____ day of October, 2025.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

200 First Reading:
201 Public Hearing:
202 Second Reading:
203 Effective Date:

FAILED