

**CITY OF SELDOVIA
ORDINANCE 17-22
AMENDED**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA,
AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.04
GENERAL PROVISIONS, CHAPTER 5.08 PUBLIC SOLICITING AND VENDING AND
REPEALING CHAPTER 5.12 COIN-OPERATED MACHINES AND MUSIC BOXES**

WHEREAS, the Council of the City of Seldovia, at their meeting of April 26, 2017 approved a motion to REPEAL City of Seldovia business licenses and;

WHEREAS, further discussions regarding Title 5 revealed the need to make changes to Chapter 5.08 public soliciting and vending as City business licenses will no longer be required and;

WHEREAS, it is in the best interest to the City to remove laws from the code which are out of date such as coin-operated machines and music boxes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SELDOVIA:

SECTION 1. CLASSIFICATION. This ordinance is permanent in nature and shall become a part of the Municipal Code of the City of Seldovia.

SECTION 2. EFFECTIVE DATE. This ordinance becomes effective January 1, 2018.

SECTION 3. AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS BY REMOVING LANGUAGE IN STRIKEOUT ADDING LANGUAGE IN HIGHLIGHT TO READ AS FOLLOWS:

Chapters:

- 5.04 General Provisions
- 5.08 Public Soliciting and Vending
- 5.12 *Coin-Operated Machines and Music Boxes- repealed*
- 5.16 Explosives
- 5.20 Alcoholic beverages and Amusement Places

Chapter 5.04 General Provisions

Sections:

5.04.010 *License required. - repealed*

5.04.015 **State Laws Applicable.**

5.04.020 Forms kept by Clerk.

5.04.010 License required. ~~Every person, partnership, firm or corporation engaged in a business in the City, as defined under AS 43.70, will be licensed by paying five (5) dollars for a calendar year or part thereof.) (Ord. 74-11 Sec.~~

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1(part), 1974; Ord. 92-20; Ord. 99-05; Ord-10-08 Sec 1, 2010) *repealed (ord.17-22)*

5.04.015 State laws applicable.

Notwithstanding any provisions of this chapter, any peddler operating under any permit issued by the City 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.

5.04.020 Forms kept by Clerk. The City Clerk shall prepare or cause to be prepared forms of application and licenses **permits** to be used in accordance with this chapter. (Ord. 74-11 Sec. 1(part), 1974)

Chapter 5.08
Public Soliciting and Vending*

Sections:

5.08.010 *License--Required: repealed*

5.08.015 Definitions

5.08.020 *License--Application.-repealed*

5.08.025 Permit required – Exemptions.

5.08.030 *License--Issuance. -repealed*

5.08.035 Permit – Nontransferable.

5.08.040 *License Permit--Fees.*

5.08.050 *Exhibition of license- Permit*

* For statutory provisions regarding the Alaska Business License Act, see AS Chapter 43.70.

~~**5.08.010 License--Required.** All persons desiring to solicit funds or secure subscriptions for the payment thereof, on behalf of any religious, charitable, fraternal or eleemosynary corporation or organization of any kind; all persons desiring to engage in or carry on any business of peddling or hawking in or on the streets of the City, or at any public place therein; and all auctioneers, itinerant vendors and person, their principals and agents, engaged in a temporary or transient business of vending or selling merchandise, stocks or bonds, or other articles of commerce within the City, shall first obtain a nontransferable license so to do as hereinafter provided. It is unlawful for any person to engage in or carry on any of said businesses without first having obtained such licenses or having complied with the provisions of this chapter; provided that this section does not apply to orders taken by commercial travelers in the usual course of business, or to a bona fide sales of merchandise or goods by sample for future delivery. (Prior code Sec. 3(part)) *repealed (ord. 17-22)*~~

5.08.015 Definitions. For the purposes of this chapter the following shall mean: "Cottage Industry" means a business or manufacturing activity carried on in a person's home.

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"Temporary business" is a business or enterprise that is to be carried on for a period of less than 90 days per calendar year duration within the City.

"Transient or itinerant merchant" means any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the municipality or not, who engages in a temporary business of selling and delivering goods, and/or services, wares and merchandise within the City, and who, in furtherance of such purpose, peddles from door to door or hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad car, boat, any room in a hotel, lodging house, apartment, shop, or any street, alley, or other place within the municipality, for the exhibition and sale of such goods, wares and merchandise, and/or the performance of services, either privately or publicly. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer, provided the temporary business is conducted in conformance with SMC Title 18.

~~**5.08.020 License--Application.** Application for such license shall be made in writing and filed with the City Clerk. The application shall contain the name and residence of the applicant; the business in which said applicant desires to engage; the length of time for which said license is desired; the names and kinds of articles for commodities which are to be peddled, hawked, vended or sold, and if the same be stocks or bonds, then a detailed description thereof or the organization for which funds will be solicited and its purposes; the name and address of the principal, if any, of the applicant; and if the license is desired for the business of auctioneer, itinerant vendor or other temporary or transient business the specific location for part or parts of the City where such business is to be conducted. (Prior code Sec. 3.005(a))~~ **repealed(ord. 17-22)**

5.08.025 Permit required – Exemptions.

It is unlawful for a cottage industry owner/operator, transient or itinerant merchant, as defined in SMC 5.08.010, to engage in business on City owned land without first obtaining a permit therefor in compliance with the provisions of this chapter. The permit allows for the sale of goods and services by cottage industry owners/operators, transient or itinerant merchants, as defined in SMC 5.08.010 on the City owned property which is located between the City of Seldovia Harbor Master's Office and Lollypop Park (legal description; T8S R 14W Sec 32 Seward Merdian SL Waterfront Resub No 1 Lot 1 Blk 10). The permit requirements of this chapter do not extend to 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, nor to activities conducted at conferences that cater to a specialized audience. 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" shall be exempt from this chapter. Food vendors within the City of Seldovia are

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subject to the provisions established in SMC Chapter 6.18 and 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.

~~**5.08.030-License--Issuance.** If it shall appear to the Clerk that the proposed solicitation or business is a legitimate one and will not constitute a nuisance, the license shall issue upon payment of the fee set forth below, and shall be valid for the period set forth in the application, not to exceed one year. In case any person or organization deems himself aggrieved by the provisions hereof, he may appeal the decision of the Clerk to the City Council. (Prior code Sec. 3.005(B))~~ *repealed (ord. 17-22)*

5.08.035- Permit – Nontransferable. No license issued under the provision of this chapter shall be used at any time by any person other than the one to whom it was issued.

~~**5.08.040-License--Fees.** The fees for such licenses shall be as follows:
A. For licenses permitting the solicitation of funds or the securing of subscriptions for the payment thereof on behalf of any religious, charitable, fraternal, or eleemosynary corporation or organization of any kind—ten dollars for each organization or corporation;~~ **Permit – Fees.** The fees for such a permit shall be one hundred dollars (\$ 100.00) per calendar year.

~~B. For a license permitting the engaging in or carrying on of any business of peddling or hawking on or in the streets of the City or at any public place therein—fifteen dollars for the first day and three dollars for each day thereafter, not to exceed one hundred dollars;~~

~~C. For a license permitting an auctioneer, itinerant vendor or person engaged in a temporary or transient business of vending or selling merchandise, stocks, bonds or other articles of commerce fifteen dollars for the first day and five dollars for each day thereafter not to exceed three hundred dollars. (Prior code Sec. 3.005(C))~~

~~**5.08.050 Exhibition of license--Permit.** Each person procuring a license *permit* as above set forth shall keep in his possession a copy of the license *permit* and shall exhibit it to any person upon demand. (Prior code Sec. 3.005(D))~~

Chapter 5.12 Coin-operated Machines and Music Boxes

Sections:

5.12.010 License required--Fee.—*repealed*

5.12.020 Operation without license--Penalty.—*repealed*

~~**5.12.010 License required--Fee.** Every person who maintains for use or permits the use of, on any place or premises occupied by him, a coin-operated amusement or musical device, shall first obtain from the City Clerk a license for the operation of such device. Separate licenses shall be required for each and every coin-operated amusement or musical device. Application for licenses shall be obtained from the City Clerk who shall be the licensing authority. Licenses shall be issued for a~~

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calendar year or the remainder thereof. The license fee for each such device shall be twenty five dollars a calendar year or part thereof. (Ord. 74-12 Sec. 1, 1974; prior code Sec. 3.010(part)) ~~-repealed (ord. 17-22)~~

5.12.020 Operation without license--Penalty. ~~Every person who so maintains for use, or permits the use of, on any place or premises occupied by him, coin-operated amusement or musical devices without first obtaining a license so to do as required by the provision of this chapter, shall be subject to the general penalty in Section 1.08.010 of this code. (Ord. 89-12, Prior code Sec. 3.010(A))~~ ~~-repealed (ord. 17-22)~~

ADOPTED by a duly constituted quorum of the City Council of the City of Seldovia, Alaska this 14 day of ~~July~~ 2017

ATTEST:


Heidi Geagel, City Clerk

APPROVED:


Dean Lent, Mayor



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