

Title 6

BUSINESS TAXES, LICENSES, AND REGULATIONS

Chapters:

- 6.04 Alcoholic Beverages**
- 6.08 Peddlers and Itinerant Merchants**
- 6.10 Street and Sidewalk Vending**
- 6.12 Youth Dances**

Chapter 6.04**ALCOHOLIC BEVERAGES***

Sections:

- 6.04.010 Intoxicating liquor defined.
- 6.04.030 Assembly recommendation for license.
- 6.04.100 Hours of sale.
- 6.04.110 Election days.
- 6.04.120 Clearing the premises.
- 6.04.130 Penalty for violation.

6.04.010 Intoxicating liquor defined.

As used in this chapter, “intoxicating liquor” includes whiskey, brandy, rum, gin, wine, ale, porter, beer, and all other spirituous, vinous malt and other fermented or distilled liquors intended for human consumption and containing more than one percent alcohol by volume. [Ord. 340 § 5, 1975; prior code § 06.20.030.]

6.04.030 Assembly recommendation for license.

Any person seeking the recommendation of the assembly, prior to issuance of a license by the state, shall present to the assembly a copy of his application to the state for a license fully completed and executed, together with a current statement prepared by the borough clerk that any and all taxes, fees and assessments due to the borough by the applicant have been paid in full. [Ord. 213 § 5, 1968; prior code § 06.10.015.]

6.04.100 Hours of sale.

No person, firm or corporation may consume, sell, offer for sale, give, furnish or deliver upon or from an authorized license any intoxicating liquor on any licensed premises within the borough at any time or times between the lawful closing and opening times which are established as follows:

A. Opening Hours. Such establishments and premises shall not be open prior to 10:00 a.m. of every day in the calendar year, except as may be permitted by subsection (C) of this section.

B. Closing Hours. Beverage dispensary establishments and premises shall be closed no later than the hour of 2:00 a.m. of every day in the calendar year except when such closing hours would fall on Sundays and legal holidays; and retail liquor sales establishments (package liquor sales) and premises shall be closed no later than the hour of 3:00 a.m. of every day of the calendar year except when such closing hours would fall on Sundays and legal holidays. Closing hours falling on Sundays and legal holidays shall be no later than 3:00 a.m. for beverage dispensary establishments, and 4:00 a.m. for retail liquor sales establishments.

C. Opening Hours Extended. Upon application therefor, opening hours may be extended by special permit issued by the borough manager to permit licensed premises holding a club license (as defined by Alaska law) to open between the hours of 8:00 a.m. and 10:00 a.m. of any calendar day during those days when licensed premises may be otherwise open under Alaska law. The permit may be issued for only those days and the establishment may only be open for those days covered by the permit. Said special permit may be given only for special occasions in conjunction with a convention or similar activity. From

* For statutory provisions on alcoholic beverages, see AS Title 4; for provisions on municipal regulation of alcoholic beverages, see AS 04.21.010.

April 15th through September 30th, all package liquor stores may open at 8:00 a.m. to accommodate the charter and tourism industries. [Ord. 720 § 4, 2002; Ord. 464 § 4, 1984; Ord. 340 § 5, 1975; prior code § 06.20.010.]

6.04.110 Election days.

A. All licensees shall be prohibited to sell, give, barter, or exchange upon any licensed premises any intoxicating liquor, or to permit the consumption or removal of any intoxicating liquor upon or from a licensed premises during the hours of holding a national election, or state and municipal elections where a candidate for office appears on the ballot.

B. The borough rejects its right of local option conferred pursuant to AS 04.15.120. Liquor establishments shall not be allowed to remain open in accordance with the preceding code section during municipal elections whenever candidates are running for office. [Ord. 340 § 5, 1975; prior code § 06.20.012.]

6.04.120 Clearing the premises.

A. Beverage dispensary establishments and premises shall be cleared of customers and patrons no later than 30 minutes after closing time; a 15-minute period shall similarly apply to retail liquor sales establishments. No intoxicating liquors shall be sold or dispensed during the respective clearing periods.

B. Except for the clearing periods set forth in subsection (A) of this section, no person shall be on any licensed premises between the lawful closing and opening time as established in WMC 6.04.100. This section shall not apply to bona fide employees of the licensed owner who are on the premises for the purpose of cleaning or preparing for the next day's business, or to persons remaining on the premises of a bona fide restaurant for the purpose of consuming food or nonalcoholic beverages. It shall similarly be unlawful for the person, partnership, corporation, or firm owning or managing the licensed premises to knowingly permit persons to remain beyond closing hours. [Ord. 340 § 5, 1975; prior code § 06.20.015.]

6.04.130 Penalty for violation.

Violation of all sections of this chapter shall be punishable as provided for in WMC 1.20.010. [Ord. 833 § 61, 2009; Ord. 464 § 6, 1984; Ord. 260 § 5, 1970; prior code § 06.10.050.]

Chapter 6.08**PEDDLERS AND ITINERANT MERCHANTS**

Sections:

- 6.08.010 Purpose.
- 6.08.020 Definitions.
- 6.08.030 License required.
- 6.08.040 Application.
- 6.08.050 Fee.
- 6.08.060 New license required after expiration of previous license.
- 6.08.070 Forms of application and license to be prepared.
- 6.08.080 Certain orders and sales excluded.
- 6.08.090 License inapplicable to dock facilities.
- 6.08.100 Service area only.

6.08.010 Purpose.

The assembly finds a condition exists and for many years has existed within the borough whereby the inhabitants and residents of the borough have had no adequate protection against irresponsible persons, firms, and corporations engaged in the borough in the business of auctioneers, canvassers, hawkers, peddlers, and itinerant merchants, traders, and vendors of stocks, bonds, real estate located outside of the state, insurance, magazines, books, pictures, photographs, jewelry, automobiles, vehicles, clothing, optical goods, goods, wares, and merchandise, and other articles of commerce within the municipality; and this chapter is enacted and enforced so as to protect, preserve, and promote the welfare, happiness, safety, and well-being of the inhabitants and residents of the borough.

6.08.020 Definitions.

As used in this chapter:

A. A “canvasser” or “solicitor” is defined as any individual, whether a resident of the borough or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not; provided, that such definition shall include any person who, for himself, or for another person, firm, or corporation hires, leases, uses, or occupies any building, structure, tent, boat, hotel room, lodging house, apartment, shop, or any other place within the borough for the sole purpose of exhibiting samples and taking orders for future delivery.

B. “Peddler” includes any person, whether a resident of the borough or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, or other vehicle or conveyance; and further provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of this chapter. “Peddler” includes “hawker” and “huckster.”

C. “Person” includes the singular and the plural and also means and includes any person, firm, or corporation, association, club, co-partnership or society, or any other organization.

D. A “transient merchant, itinerant merchant or itinerant vendor” is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the borough or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the borough, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, or boat, public room in hotels, lodging houses, apartments, shops, or any street, alley, or other place within the borough, for the exhibition and sale of such goods, wares and merchandise, either privately or at a public auction; provided, that such definition shall not be construed to include any person, firm, or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. 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.

6.08.030 License required.

It is unlawful for any person, firm, or corporation to engage in the business of auctioneer, canvasser, hawker, peddler, or itinerant merchant, trader and vendor, of and in the temporary or transient business of vending or selling stocks, bonds, real estate located outside of the state, insurance, magazines, books, pictures, photographs, jewelry, automobiles, vehicles, clothing, optical goods, goods, wares, merchandise, and other articles of commerce within the borough, without first having complied with the provisions of this chapter and having obtained a license so to do as provided in this chapter.

6.08.040 Application.

No person, firm, or corporation shall engage in the business of auctioneer, canvasser, hawker, peddler, or itinerant merchant, trader and vendor of and in the temporary or transient business of vending or selling stocks, bonds, real estate located outside of the state, insurance, magazines, books, pictures, photographs, jewelry, automobiles, vehicles, clothing, optical goods, goods, wares, merchandise, and other articles of commerce within the municipality without first making and filing an application in writing with the director of finance for a license to engage in such business or businesses, which application shall be filed with said director at least seven days before such applicant shall be authorized to begin to do business within the municipality. The application shall be sworn to by the applicant, and shall state the name and the residence of the applicant, the business in which the applicant desires to engage, the length of time for which said license is desired, and the name of kind of such article or commodity which is intended to be sold, vended, hawked, or peddled, and the name and address of the principal, if any, of the applicant. If the applicant desires to sell, vend, hawk, or peddle stocks or bonds, the application shall also contain the name and address of the principal office, both within and without the state, of the association, corporation, company, or other concern by whom or in whose name such stocks or bonds are issued, and an itemized financial statement such as is required to be furnished by foreign corporation when registering in the state, and a statement showing the actual assets and liabilities thereof, and a statement showing the nature and kind of such stocks and bonds, and how and in what order, if at all, secured or preferred for payments. In addition to the foregoing facts, the application shall contain an appointment and designation by the applicant of the director of finance or, at the applicant’s option, of a permanent resident of the municipality to act as agent for the applicant, upon whom service of summons in such action or actions, that may be brought, may be made if the applicant after due diligence cannot be found within the borough; provided, if the applicant shall exercise the option to appoint a resident other than the director of finance, he shall also file the written consent of such resident to act as such agent.

6.08.050 Fee.

A. Upon the filing of the application the director of finance, if the application is in proper form, shall approve it and shall issue a license to the applicant authorizing the applicant to begin business within not less than seven days after the date of the filing of the application, upon the payment to the director of

finance by the applicant of the sum of \$2.00 for a license for one day, or the sum of \$10.00 for a license for one week, or the sum of \$20.00 for a license for one month, or the sum of \$30.00 for a license of three months, or the sum of \$50.00 for a license for six months, or the sum of \$100.00 for a license for one year.

B. The fee structures as provided in this section shall be waived for any person:

1. Who is a full-time student in an institution of higher education and is under the age of 23; and
2. Who is under the age of 18.

6.08.060 New license required after expiration of previous license.

No person, firm, or corporation shall continue in any of said businesses after the expiration of the term of the license so issued to such applicant without first having applied for and obtained a new license for such further term that applicant desires to continue in said business, which new license shall be applied for in the same manner and issued only upon the same terms as hereinabove provided for the original license.

6.08.070 Forms of application and license to be prepared.

The director of finance shall prepare or cause to be prepared forms of applications and licenses to be used in accordance with this chapter.

6.08.080 Certain orders and sales excluded.

This chapter shall not apply to orders taken by commercial travelers in the usual course of business or to sales by producers of farm and dairy products, or to the sale of moccasins or other curios by natives, or to the sale of fish or other marine products; nor shall this chapter apply to vendors of religious leaflets and books whose primary purpose is the dissemination of religious ideas as an exercise of the religion of the vendor, or to unpaid solicitors for national or local charitable and/or community service organizations operated not for profit.

6.08.090 License inapplicable to dock facilities.

No license issued pursuant to this chapter authorizes any such applicant, transient merchant, itinerant merchant, itinerant vendor, peddler, canvasser or solicitor, or any other person, to engage in any such businesses or activities upon the borough's dock facilities under the jurisdiction of the port, and any license issued pursuant to this chapter shall clearly so state. Any violation of this section is a misdemeanor, and violators shall be punished as provided in Chapter 1.20 WMC.

6.08.100 Service area only.

The provisions of this chapter are applicable only in the service area defined in WMC 1.06.040. [Ord. 833 § 21, 2009.]

Chapter 6.10

STREET AND SIDEWALK VENDING

Sections:

- 6.10.010 Street and sidewalk vending – Permit required.
- 6.10.020 Street and sidewalk vending permit.
- 6.10.030 Exemptions.
- 6.10.040 Service area only.

6.10.010 Street and sidewalk vending – Permit required.

A. No person may engage in the business of vending food on any street or sidewalk, except as authorized by a valid street and sidewalk vending permit, issued pursuant to WMC 6.10.020, or as provided in WMC 6.10.030.

B. Permits are required for each calendar year and are valid for operations from May 1st through September 30th.

C. No more than 10 permits may be issued and valid for vending during any calendar year. [Ord. 474 § 4, 1985.]

6.10.020 Street and sidewalk vending permit.

A. Applications to vend on a street or sidewalk will be accepted by the finance director, or his designee, beginning January 1st of each calendar year, in such form as he may prescribe. Permits shall be issued on a first-come, first-served basis. Applications shall be accompanied by a nonrefundable filing fee of \$25.00. Upon issuance of a permit, the permittee shall pay a permit fee of \$50.00 per month for each month or fraction thereof of the permit period applied for, payable on the first day of each month of the permit period. The application shall include a description of any vending cart or vending vehicle used in the business.

B. Each permittee must obtain at least \$500,000 of public liability insurance naming the borough as an additional insured. Prior to beginning operation, a permittee must provide the borough with a broker's certificate of insurance including provisions for notification to the borough if the policy is modified, cancelled or terminated.

C. A vehicle from which vending takes place is subject to parking and traffic regulations applicable to all other vehicles.

D. Vending carts may be located on public street parking spaces; provided, that the size, location, and operation of the cart will not create a safety hazard.

E. Vending carts may be located on public sidewalks; provided, that (1) the vending cart does not cause significant disruption of pedestrian traffic; (2) the vending cart does not block the view by pedestrians of advertising on a building or of goods displayed in a window of a business, unless the owner of the vending cart has obtained the permission of the affected business; or (3) the size, location, and operation of the vending cart will not create a safety hazard.

F. A vending cart may not exceed 15 square feet in plan area as measured squaring of all projections such as handles, wheels, and shelves. An umbrella or awning may be added, but its open diameter or length shall not interfere with the safe and convenient use of public sidewalks by pedestrians.

G. A vending cart shall be of such size and nature or so equipped that it may be moved quickly and easily by one person.

H. The permittee or his designee shall personally attend the vending cart while it is on a street or sidewalk.

I. The permit issued under this section shall be prominently displayed on the cart whenever the cart is on a street or sidewalk and shall be prominently displayed on any vehicle during the times the vehicle is used for vending.

J. The permittee shall obtain and display as necessary all permits and licenses required by the state.

K. Permittee must maintain the areas of operation in a neat and sanitary condition at all times.

L. A permittee, agent, employee, or designee may not engage in verbal advertisement, i.e., hawking, while vending on a street or sidewalk.

M. Vending permits may not be assigned or transferred.

N. Vending permits may be denied or revoked by the finance director or, in the absence of the finance director, by the borough clerk for violation of this section or upon the determination that the operation of the permittee is causing a safety hazard or a significant disruption of pedestrian or vehicular traffic. The permittee shall be given an opportunity to be heard by the finance director or in the absence of the finance director, by the borough clerk, before any denial or revocation. A person whose permit is denied or revoked by the finance director or in the absence of the finance director, by the borough clerk, may appeal to the borough manager. [Ord. 474 § 4, 1985.]

6.10.030 Exemptions.

A. A permit is not required for occasional sidewalk vending by charitable and/or nonprofit organizations, such as 4th of July queen candidates, softball teams, and school activities. This section does not exempt charitable and/or nonprofit organizations from obtaining permits and licenses required by the state.

B. A charitable and/or nonprofit organization shall be required to vend in such a manner as to not interfere with the safe and convenient use of public sidewalks by pedestrians. [Ord. 474 § 4, 1985.]

6.10.040 Service area only.

The provisions of this chapter are applicable only in the service area defined in WMC 1.06.040. [Ord. 833 § 22, 2009.]

Chapter 6.12

YOUTH DANCES

Sections:

- 6.12.010 License – Required.
- 6.12.020 License – Application.
- 6.12.030 License – Bond or insurance.
- 6.12.040 License – Application fee.
- 6.12.050 License – Time limit for application.
- 6.12.060 License – Issuance standards.
- 6.12.070 License – Fee.
- 6.12.080 Duties of licensee.
- 6.12.090 Service area only.

6.12.010 License – Required.

A. No person or organization shall hold a dance to which minors under 18 years of age are admitted without first obtaining a license as provided in this chapter except as set forth in subsection (B) of this section.

B. Dances held in the school facilities which have approval of the school administration and that have responsible adult chaperones approved by the school administration shall not be required to obtain a license as provided in this chapter. [Ord. 466 § 4, 1985; Ord. 208 § 5, 1967; prior code § 44.20.010.]

6.12.020 License – Application.

Application for licenses issued under this chapter shall be submitted to the chief of police and shall state the following:

- A. The name and address of the applicant;
- B. The location of the proposed dance;
- C. Names and addresses of all chaperones;
- D. Names and addresses of all entertainers or other employees;
- E. That the applicant agrees to hold the borough harmless of any liability which the applicant may incur as a result of holding a dance pursuant to the provisions of this chapter;
- F. Such other information as the chief of police shall find reasonably necessary to effectuate the purpose of this chapter and to arrive at a fair determination of whether its terms have been complied with. [Ord. 208 § 5, 1967; prior code § 44.20.015.]

6.12.030 License – Bond or insurance.

For reasonable cause, the chief of police may require any application for a license under this chapter to be accompanied by a bond executed by a surety company qualified to do business in the state in the penalty sum of \$1,000, conditioned upon the payment by the licensee of any and all final judgments for injuries or damages resulting to persons or property arising out of the operation of any dance. Such bond shall run to the borough for the benefit of any person who may receive injuries and for benefit of any person who may claim redress for property damage resulting from the operation of such dance. Such bond shall remain in full force and effect for the full period of time for which the license is effective. A

liability insurance policy issued by an insurance company authorized to do business in the state conforming to the requirements of this section may be permitted in lieu of a bond. [Ord. 208 § 5, 1967; prior code § 44.20.020.]

6.12.040 License – Application fee.

There shall be no application fee. [Ord. 208 § 5, 1967; prior code § 44.20.025.]

6.12.050 License – Time limit for application.

The applicant must submit the completed application for the proposed dance at least three days prior to the requested date. The chief of police shall act upon the application no later than two days after its presentation. [Ord. 208 § 5, 1967; prior code § 44.20.030.]

6.12.060 License – Issuance standards.

The chief of police shall issue a license under this chapter when he finds the following:

A. That the applicant and all employees and chaperones are of good moral character and capable of conducting the proposed dance in a manner consistent with public safety and good morals;

B. That the bond or insurance policy as may be required by this chapter has been procured;

C. That the requirements of this chapter and of all other governing laws and ordinances have been met. [Ord. 208 § 5, 1967; prior code § 44.20.035.]

6.12.070 License – Fee.

A license shall be issued to a successful applicant under this chapter after payment to the borough clerk of a license fee of \$5.00. [Ord. 208 § 5, 1967; prior code § 44.20.040.]

6.12.080 Duties of licensee.

A licensee under this chapter shall comply with the following requirements and standards of operation:

A. Maintain Good Order. The licensee shall maintain good order upon the premises where any dance is conducted and loitering shall not be permitted in or about the entrances to or exits from such dance.

B. Hours of Operation. The licensee shall not conduct a dance during the hours of curfew. Extension of the curfew hours may be granted by approval of the borough manager, provided:

1. The licensee is an adult; and

2. The licensee submits in writing the curfew extension requested with the dance application form, as provided in WMC 6.12.050. In no event shall the curfew hour be extended past 1:00 a.m.

C. Chaperones. Adult chaperones of good moral character must be constantly on the premises.

D. Intoxicating Liquors. No person upon the premises where a dance is being conducted shall have in his possession or under his control, or offer to give to another to drink, any intoxicating liquors nor shall the licensee, chaperones or employees permit such conduct. [Ord. 399 § 5, 1980; Ord. 208 § 5, 1967; prior code § 44.20.045.]

6.12.090 Service area only.

The provisions of this chapter are applicable only in the service area defined in WMC 1.06.040. [Ord. 833 § 23, 2009.]