

Title 5

Business Licenses and Regulations

Chapters:

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

Chapter 5.04 General Provisions

Sections:

- 5.04.010 License required.
- 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. 1(part), 1974; Ord. 92-20; Ord. 99-05; Ord 10-08 Sec 1, 2010)

5.04.020 Forms kept by Clerk. The City Clerk shall prepare or cause to be prepared forms of application and licenses 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.
- 5.08.020 License--Application.
- 5.08.030 License--Issuance.
- 5.08.040 License--Fees.
- 5.08.050 Exhibition of license.

* 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))

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))

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))

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;

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. Each person procuring a license as above set forth shall keep in his possession a copy of the license 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.

5.12.020 Operation without license--Penalty.

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 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))

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))

Chapter 5.16 Explosives

Sections:

5.16.010 Permit required.

5.16.020 Storage prohibited.

5.16.030 Coast Guard regulations adopted.

5.16.040 Shipment handling.

5.16.050 Violation--Penalty.

5.16.010 Permit required. No class-A explosives, detonators or fuses shall be handled, transported or used within the City by any person without first obtaining a permit. Application for permits may be obtained from the Chief of Police who is designated as the issuing authority. The Chief of Police shall condition any permit issued upon such terms as he may deem appropriate with the approval of the mayor. No permit shall extend beyond twenty-four hours and the permit fee of five dollars shall accompany each application. (Prior code Sec. 3.015(part))

5.16.020 Storage prohibited. No permit shall be issued for and there shall be no class-A explosives, detonators or fuses stored within the incorporated limits of the City. (Prior code Sec. 3.015(A))

5.16.030 Coast Guard regulations adopted. The regulations of the United States Coast Guard shall at all times be complied with, and this chapter incorporated by reference and makes applicable to all person owning or handling explosives the safety measures specified by the Coast Guard in 46 CFR 146-149 as though they were set forth in full. (Prior code Sec. 3.015(B))

5.16.040 Shipment handling. The handling of class-A explosives in the port by any common carrier or private carrier shall be limited to twenty tons at any one shipment; and shall be transported from the carrier by lighter and not over the dock nor stored in a dock warehouse at any time. (Prior code Sec. 3.015(C))

5.16.050 Violation--Penalty. Violation of any of the provisions of this chapter or the safety code adopted herein shall be shall be punishable by the general penalty codified at Chapter 1.08. (Ord. 89-12, Ord. 74-13 Sec. 1, 1974: prior code Sec. 3.015(part))

Chapter 5.20 Alcoholic Beverages and Amusement Places*

Sections:

- 5.20.020 Retail liquor sales--Hours.
- 5.20.030 Number of licenses approved.
- 5.20.040 Carrying unsealed containers.
- 5.20.050 Entertainment premises--Hours.
- 5.20.060 Licensed premises--Closing hours--Designated.
- 5.20.070 License premises--Closing hours—Extension permitted on certain days.

* For statutory provisions authorizing a city to regulate the sale and place of sale of alcoholic beverages, see AS Sec. 29.35.080 and see generally AS Ch. 4.16. For the penalty provisions applicable to the violation of ordinances dealing with alcoholic beverages, see generally AS Ch. 4.16.

- 5.20.080 Licensed premises--Hours for consuming intoxicating liquor.
- 5.20.090 Consuming intoxicating liquor on licensed premises prohibited during certain hours.
- 5.20.100 Licensed premises--Attendance prohibited during certain hours--Exceptions.
- 5.20.110 Permitting persons on licensed premises prohibited--Exceptions.
- 5.20.120 Permitting persons under the age of 21 years on licensed premise.

5.20.020 Retail liquor sales--Hours. All retail liquor stores, person, persons, firm or corporation having for sale any intoxicating liquor, including beer or wine, by the bottle, can, package or other container, shall close their place of business to the public and make no sale, barter, gift or loan of such intoxicants after the hour of twelve midnight on week nights until the hour of eight a.m. the following day, and two a.m. on Sunday morning until eight a.m. on Sunday morning with the exception that from Memorial Day in May through the day after Labor Day in September; the closing hours will be two a.m. until the hour of eight a.m. seven days a week. (Ord 90-02, Resol. 87-6, 1987; Special Election 6/27/87)

5.20.030 Number of licenses approved. Pursuant to AS 04.01.440, and subject to the approval of the Alcoholic Beverage Commission, the number of beverage dispensary licenses within the City of Seldovia is increased to four. (Ord 90-02, Ord. 3.025 (part), 1965)

5.20.040 Carrying unsealed containers. It is unlawful for any person or persons to carry on or about his, her or their person in a public place, any bottle, can, package or other container of whatsoever description containing intoxicating liquor, including beer or wine, if the seal at the mouth of the bottle or container is broken, removed, or if such container has no seal, or if such can, bottle or other container is open in such a manner as to permit or allow drinking therefrom. (Ord 90-02, Prior code Sec. 9.020)

5.20.050 Entertainment premises--Hours. All dances, dance halls and all other public places of amusement or entertainment shall be closed and such public entertainment or amusement cease at the hour of twelve midnight of each night of the week save Saturday when such places may remain open and amuse or entertain until the hour of two Sunday morning with the exception that from Memorial Day in May through the day after Labor Day in September; the closing hours will be two a.m. seven days a week. (Ord 90-02, Prior code Sec. 9.015)

5.20.060 Licensed premises--Closing hours--Designated. No person shall sell, offer for sale, give, furnish or deliver any intoxicating liquor on any licensed premises between the hours of twelve a.m. (12:00) and eight a.m. (08:00) Monday through Friday or two a.m. (02:00) and eight a.m. (08:00) on Saturdays or Sundays. *Exception is as follows: during the time period of Memorial Day in May through the day after Labor Day in September, those closing hours will be two a.m. (02:00) to eight a.m. (08:00) 7 days a week, whereas no person shall sell, offer for sale, give, furnish or deliver any intoxicating liquor on any licensed premises.* (Ord 90-02, Ord. 76-1 Sec. 2, 1976, Ord. 14-03, 2013)

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5.20.070 Licensed premises--Closing hours--Extension permitted on certain days. The hours set forth in Section 5.20.060 shall apply, except such closing hours shall be extended from twelve midnight until four a.m. on January 1st, and July 5th of each year. (Ord 90-02, Ord. 76-1 Sec. 7, 1976)

5.20.080 Licensed premises--Hours for consuming intoxicating liquor. No person shall consume any intoxicating liquor on any licensed premises between the hours of twelve midnight and eight of the following morning on weekdays and between the hours of two a.m. and eight a.m. of Sunday morning, with the exception of the extended closing hours provided by Section 5.20.060 and Section 5.20.070. (Ord 90-02, Ord. 76-1 Sec. 5, 1976)

5.20.090 Consuming intoxicating liquor on licensed premises prohibited during certain hours. No licensee shall permit any person to consume intoxicating liquor on his licensed premises between the hours of twelve midnight and eight of the following morning on weekdays and between the hours of two a.m. and eight a.m. of Sunday morning with the exception of the extended closing hours provided by Section 5.20.060 and Section 5.20.070. (Ord 90-02, Ord. 76-1 Sec. 6, 1976)

5.20.100 Licensed premises--Attendance prohibited during certain hours--Exceptions. No person shall be on any licensed premises between the hours of twelve midnight and eight of the following morning on weekdays and between the hours of two a.m. and eight a.m. of Sunday morning with the exception of the extended closing hours provided by Section 5.20.060 and Section 5.20.070. This section shall not apply to *bona fide* employees of the licensee who are on the premises for the specific purpose of 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. (Ord 90-02, Ord. 76-1 Sec. 3, 1976)

5.20.110 Permitting persons on licensed premises prohibited--Exceptions. No licensee shall permit any person to be on his licensed premises between the hours of twelve midnight and eight of the following morning on weekdays and between the hours of two a.m. and eight a.m. of Sunday morning with the exception of the extended closing hours provided by Section 5.20.060 and Section 5.20.070. This section shall not apply to *bona fide* employees of the licensee who are on the premises for the specific purpose of preparing for the next day's business, or to person remaining on the premises of a *bona fide* restaurant for the purpose of consuming food or nonalcoholic beverages. (Ord 90-02, Ord.76-1 Sec. 4, 1976)

5.20.110 Permitting persons under the age of 21 years on licensed premise. No licensee shall permit a minor, any person under the age of 21 years, to enter or remain on his licensed premises where alcoholic beverages are sold after the hour of six p.m. except that they may enter for the purpose of consuming food wherein a restaurant or cafe is the owner of the license, or they are accompanied by a spouse. (Ord. 90-02, Ord.90-01)