

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2021-12

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING UNALASKA CODE OF ORDINANCES CHAPTER 9.04, BUSINESS LICENSES AND REGULATIONS, TO CLARIFY THE DUE DATE FOR APPLICATIONS TO RENEW BUSINESS LICENSES AND TO ADD A LATE FEE

BE IT ENACTED BY THE UNALASKA CITY COUNCIL, as follows:

Section 1: Classification. This Ordinance is a Code Ordinance.

Section 2: Section 9.04.04, License Application; Generally, is hereby amended to read as follows [new language is underlined; and deleted language is ~~overstruck~~]:

§ 9.04.040 LICENSE APPLICATION; GENERALLY.

A person desiring to secure a license to engage in an activity regulated by this Chapter shall make written application to the City Clerk on forms provided by the City. The City Clerk may use different forms for temporary businesses; however, the application fee for a temporary business shall be the same as for other businesses subject to a right of refund set out in § 9.04.025. An applicant shall pay the applicable fee, as set out in the Schedule of Fees and Charges, before the City will process the application. The City Clerk shall not issue a license to a person who has had any license suspended or revoked by the City within a period of six (6) months prior to the date of the application. The City Clerk shall not issue a license for a temporary business for any person who intends to operate a business for forty-five (45) days or more for the calendar year.

Applications to renew business licenses and the applicable fee must be submitted to the City Clerk before 5:00 p.m. on December 31 each year. In the event December 31 falls on a weekend, the application to renew and the applicable fee will be considered timely if received before 5:00 p.m. on the first business day following December 31. Applications to renew and payment postmarked on or before December 31 are considered timely.

Section 3: Section 9.04.150 of the Unalaska Code of Ordinances is hereby amended to read as follows [new language is underlined; and deleted language is ~~overstruck~~]:

§ 9.04.150 LATE FEE AND PENALTIES.

(A) A person who fails to procure a license when required by this Chapter, or who fails to submit a timely application to renew a business license, shall be assessed a late fee as set out in the Schedule of Fees and Charges plus a penalty of twenty-five (25%) of the license fee due for each thirty (30)-day period of violation, or portion thereof, during which the person engages in

business without a license. ~~The~~ late fee and penalty shall be added to the license fee, and shall be in addition to any other penalty established by this Code.

(B) In addition to the late fee and penalty provided in subsection (A) above, any person violating this Chapter is guilty of a minor offense and may be subject to a penalty as provided by § 1.24.010.

Section 4: Effective Date. This ordinance shall take effect upon adoption.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on August 10, 2021.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Marjie Veeder, City Clerk
Through: Erin Reinders, City Manager
Date: July 27, 2021
Re: Ordinance 2021-12: Amending UCO 9.04, Business Licenses and Regulations, to clarify the due date for applications to renew business licenses and to add a late fee

SUMMARY: This ordinance amends UCO 9.04, indicating the business license fee is set out in the Schedule of Fees and Charges; clarifies the due date for applications to renew existing business licenses; and codifies the assessment of a late fee, previously set out only in the Schedule of Fees and Charges. Staff recommends adoption of Ordinance 2021-12.

PREVIOUS COUNCIL ACTION: UCO Section 9.04, Business Licenses, was almost completely rewritten in 2006 and adopted by Ordinance 2006-15. In 2016, a minor offense penalty was added for failure to obtain a business license as required by code. Earlier this year an exemption from the requirement of a business license was added with Ordinance 2021-05, so that remote sellers with no physical presence in Unalaska who have registered with the Alaska Remote Seller Sales Tax Commission are not required to obtain a city business license.

DISCUSSION: It is recommended that council adopt these “housekeeping” code amendments so that the rules are clear and available to everyone.

Application Fee: Clarifies that the business application fee is set out in the Schedule of Fees and Charges.

Due Date for Renewing Business Licenses: Code doesn’t specifically set out the due date for applications to renew business licenses and it would be helpful to have this in code for enforcement purposes.

Late Fee: The proposed ordinance specifies that the late fee is set out in the Schedule of Fees and Charges, and when the late fee is assessed. The amount of the late fee is not codified, nor is the business license fee. These amounts will continue to be set by the Schedule of Fees and Charges.

ALTERNATIVES: Council may choose to adopt this ordinance or not; or to amend it before adoption.

FINANCIAL IMPLICATIONS: None.

LEGAL: This ordinance has been reviewed and approved by the City Attorney.

STAFF RECOMMENDATION: Staff recommends adoption of Ordinance 2021-12.

PROPOSED MOTION: I move to schedule Ordinance 2021-12 for public hearing and second reading on August 10, 2021.

CITY MANAGER COMMENTS: I support adoption of Ordinance 2021-12.

ATTACHMENTS: None.