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## CHAPTER 4.08

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### CITY BUSINESS LICENSE

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4.08.05 – Business License Required

- A. For the privilege of engaging in business within the City of Adak, every business operating within the City of Adak is required to have a current City Business License. The business license shall be obtained before commencing or preparing to commence any business operations and must be renewed on or before January 1 each year.
- B. It shall be unlawful to engage in business in the City unless that business is licensed by the City under this Chapter, or unless otherwise exempted under this Chapter.
- C. The City will issue business licenses on a calendar year basis, based upon an initial application or an application for renewal by the previous year's licensee. The effective date of a license issued upon an application for renewal is the date of issuance by the City or January 1, whichever is later. The effective date of an initial license is the date of issuance by the City. (Ord. 01-2001-15, 2001; Ord. No. 09-4.08, 2009)

4.08.10 – Definitions

For the purposes of this chapter, the following words or phrases have the following meanings:

- 1. "Business" means every person, corporation, or other entity whether acting as principal or agent, engaging or offering to engage in a trade a service, profession, an activity or manufacturing or processing seafood with the goal of receiving a financial benefit in exchange for the provision of goods, services or other property.
- 2. "Property" means any item, equipment, or other material subject to ownership.
- 3. "Engaging in business within the City" means participating in any significant element of the making or performance of a sale or service or

the manufacturing or processing of seafood including, but not limited to offering or accepting an offer to buy or sell a good or service, delivery of or acceptance of any item sold or used in the manufacturing or processing of seafood.

4. "Sale" means the transfer of rights in property from a seller to a buyer and includes the sale of goods, renting of property, and sale of services.
5. "Sale of Services" means the transfer of a right to receive work and includes, but is not limited to, services provided by a barber shop, hotel, restaurant, automobile repair shop, laundry, telephone company, cable television company and the like; it does not include wages, salaries, or other payment for labor performed for an employer.
6. "Seller" means every person, corporation, or other entity whether acting as principal or agent, making sales at retail to a buyer.
7. "Within the City" means within the municipal boundaries of the City of Adak.

(Ord. 01-2001-15, 2001; Ord. No. 09-4.08, 2009)

#### 4.08.15 – Exemptions

The following retail businesses are not required to have a business license:

1. A business that makes casual and isolated sales not made in a regular course of business;
2. A business that makes individual sales of arts and crafts, and cured or smoked fish;
3. A business which is a subdivision of the federal, state, or city government;
4. An individual fisherman. (Ord. 01-2001-15, 2001)

#### 4.08.20 – Application Procedure

- A. Upon request, the City shall provide a business license application.
- B. The applicant shall:
  1. Completely fill out, to the satisfaction of the City, the application provided;
  2. Sign and date the application;
  3. Submit the completed application along with all application fees to the City Clerk.
- C. The City Clerk shall:
  1. Inspect the application to make sure that it is complete. Incomplete applications shall be returned immediately to the applicant.
  2. If the application is complete, review city records to determine if the applicant or anyone with an ownership interest of more than ten per cent (10%) in the applicant is delinquent in sales tax or utility charges assessed by the city. If the applicant or anyone with an ownership interest of more than ten per cent (10%) in the applicant is delinquent in sales tax or utility charges assessed by the city, forward the completed application for review to the city council together with a certification from the Clerk regarding the delinquency.

3. If the application has not been forwarded to the city council pursuant to subsection (2) above and there is no basis to deny the license under section 4.08.27(B), issue a business license to the applicant together with a receipt for the license fee.
4. If the application has been forwarded for action to the City Council, within thirty (30) days, the Clerk shall issue the business license unless the Clerk has been directed by the City Council not to issue the business license. (Ord. 01-2001-15, 2001; Ord. No. 09-4.08, 2009)

#### 4.08.25 – Council Privileges

The City Council shall reserve the right of review of any application forwarded to them by the City Clerk. The City Council may approve the application with or without conditions, including, but not limited to, the posting of security in form of surety bonds, letters of credit or certificates of deposit payable to the City. The City Council may deny the application. If the applicant is rejected by the City Council, written reason will be given to the applicant within thirty (30) days from the date the application is submitted. (Ord. 01-2001-15, 2001; Ord. No. 09-4.08, 2009)

#### 4.08.27 – Grounds For Issuance of License.

- A. No license may be issued or renewed until such time as the City has received a completed, signed application, and the license fee as established by the City Council.
- B. A business license shall be denied, suspended or revoked if the applicant or any person with an ownership interest greater than ten per cent (10%) in the applicant has:
  1. Failed to meet any qualifications of this Chapter, including but not limited to, payment of all application fees and/or penalties; or
  2. Falsified any statement or information provided on the application. Any misinformation presented on the application may be grounds for a denial or revocation, and may subject the applicant to criminal prosecution; or
  3. Failed to comply with any other City ordinances, laws or regulations applicable to the activity for which the license is requested, or to the business engaged in or to be engaged in by the applicant; or
  4. Failed to collect or remit sales tax in a timely manner and owes sales tax to the City as of the date of submission of the application and the delinquency has not been remedied; or
  5. Is not current on charges for Adak municipal utilities as of the date of application and the delinquency has not been remedied; or
  6. Has violated any provision of this Chapter within the previous calendar year. (Ord. No. 09-4.08, 2009)

4.08.28 - Appeal From Denial of License.

A. If the City Council or the City Clerk refuses to issue or renew a business license, the Clerk shall notify the applicant in writing, and shall deliver this notice either in person or by U.S. Mail, postage prepaid. The applicant may appeal the decision in writing to the Superior Court within thirty (30) days after the notice has been hand-delivered or placed in the U.S. Mail.

B. If the applicant appeals from a denial of a request for renewal of a business license, the Clerk shall issue a temporary license to the applicant. The temporary license will be in effect until the Superior Court issues a decision on appeal. (Ord. No. 09-4.08, 2009)

4.08.30 – Penalty

Any business violating any of the provisions of this chapter shall be fined \$100 for each offense for each month in violation of this Chapter. (Ord. 01-2001-15, 2001)

4.08.35 – License Expiration

All City business licenses will expire on December 31<sup>st</sup> of each year. (Ord. 01-2001-15, 2001; Ord. No. 09-4.08, 2009)