



CITY OF WASILLA

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COUNCIL MEMORANDUM

NO. 92-127

FROM: City Clerk

DATE: November 25, 1992

SUBJECT: Business License/Sales Tax Code

At the Public Hearing on Ordinance Serial No. 92-40, CPA's McMahon and Bushnell pointed out what they felt were problems in Ordinance Serial No. 92-40.

The first problem pointed out is correct. I had drafted Ordinance Serial No. 92-40 using the original Ordinance Serial No. 92-29 as the base. In the process of changing to the substitute, the part of 6.50.130 that I proposed to delete was already taken out.

The second problem was that contradictory language existed between 9.04.010(B) and the current Section 9.04.01(A). Since there is no current Section 9.04.01(A) I assume the authors meant 9.04.010. I don't see any conflicting wording in these sections. Currently when a business has more than one location we simply ask the business to keep the original at their main or headquarters site and to post a copy at other locations.

The third problem is that the authors feel that 9.040.020(C) should be part of the Sales Tax Code rather than the Business License Code. Since there is no Section 9.040.020(C) I assume the authors meant 9.04.020(C). After review with Administration our opinion is that it should be in both Code Sections and Ordinance Serial No. 92-40 Substitute reflects this.

1. I don't agree with the conclusions regarding bonding.
2. The City Penalty Code, Chapter 1.24 reads essentially the same as 6.50.220 so I don't see a conflict.
3. Existing Section 9.04.010 requires a business first purchase a license before doing business and is not being changed. Section 9.04.020 deals with renewals only and basically provides a one month grace period for continuing businesses.

The Code sections would read as follows after adoption of Ordinance Serial No. 92-40 (Substitute)

Sales Tax Code

6.50.050 Exemptions - The tax levied shall not apply to the following: ...

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6.50.130 Business License - Required. All sellers shall secure a City Business License as otherwise required in Chapter 9.04 of this Code in connection with doing business in the City. Before issuing or renewing a business license to a seller, the City may require the applicant to post a bond, furnish a statement of net worth, or furnish additional security to insure the full and prompt payment of taxes to be collected under this Chapter when in the judgement of the City Mayor it is in the interest of the City to do so. (Ord. 92-29 §3, 1992)

Business License Code

9.04.010 License Requirements

A. For the privilege of engaging in business in the City of Wasilla, a person shall first apply to do so, and pay the license fee provided in §.040 of this chapter. A license issued to a firm for a particular line of business covers all its operations in the City of Wasilla in the line of business regardless of the number of its establishments.

B. The City business license must be prominently displayed at the place of business of every seller; any seller who has no regular place of business shall display such license upon request. Any such license must be at the location named in said license. If the business is continued at the same location but there is a change in its form of organization, such as from a single proprietorship to a partnership or a corporation, the admission or withdrawal of a partner, or any other change, the seller making such change shall surrender his old City business license to the City for cancellation. The successor seller is required to file a new application for a City business license, and, upon receipt of a proper application properly executed, a new City business license will be issued to such successor seller. When there is a change of location for the seller's place of business, a new business license is required showing the new address. (Ord. W76-L-1 §1, 1976)

9.04.020 Renewal and Duration

A. Application for renewal of a license and payment of the initial fee shall be made before February 1 of each year.

B. No license may be issued for a period extending beyond the end of the calendar year in which it is issued.

C. Before issuing or renewing a business license to a seller, the City may require the applicant to post a bond, furnish a statement of net worth, or furnish additional security to insure the full and prompt payment of sales taxes to be collected under chapter 6.50 when in the judgement of the City Mayor or Manger it is in the interest of the City to do so. The Business license of any seller is automatically suspended when such seller fails to remit delinquent sales taxes, penalty and interest within thirty days after notice of delinquency is given or mailed. It is unlawful for a seller to engage in sales without a current City business license or to engage in sales when such license is suspended. (Ord. W76-L-1 §2 & 3 1976: Ord. 92-40 §3 1992)

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9.04.030 Regulatory Provisions

A person engaging in a business subject to licensing provisions of a regulatory nature must, in addition to filing a regular application required by this chapter, comply with any other or additional regulatory provisions before being entitled to a license. (Ord. W76-L-1 §4 1976)

9.04.040 Fee

Effective January 1, 1984, the license fee for each business shall be Twenty-five Dollars (\$25.00) for the calendar year or any part thereof. (Ord. W76-L-1 §5 1976: Ord. W77-L-1 §2 1977: Ord. 81-10 §2 1981: Ord. 83-25 1983)

9.04.050 City Clerk-Regulations.

The City Clerk may, with the approval of the Council, promulgate regulations necessary to determine and collect fees imposed and to otherwise enforce the provisions of this chapter. (Ord. W76-L-1 §7 1976)

9.04.060 Unlawful Attempts.

It is unlawful for a person to (1) willfully evade the licensing provisions of this chapter; (2) failure to make an application for license or fail to keep or produce any record required hereunder or by regulation; (3) to defraud the City or evade payment of the fee; or (4) aide or abet another in an attempt to evade payment of the fee. (Ord. W76-L-1 §8 1976)

9.04.070 Falsifying Returns.

It is unlawful for an executive officer or agent of a corporation or agent of a person to make or permit to be made for his principal a false return or false statement in answer to an inquiry from the City Clerk with intent to evade the payment of the fee or to comply with the provisions of this chapter. (Ord. W76-L-1 §9 1976)

9.04.080 Criminal Prosecution-Penalties.

A person who violates any provision of this chapter, or any regulation adopted pursuant thereto, is subject to the City's penalty code. (Ord. W76-L-1 §10 1976)

9.04.090 Prosecution-Witness-Immunity.

In a prosecution for a violation under this chapter, no person otherwise competent as a witness is privileged to refuse to testify on the grounds that this testimony may incriminate him. However, no indictment or prosecution shall afterwards be brought against the witness on account of an offense or transaction concerning which he testifies as a witness. In a prosecution under this chapter, the City Attorney may, with the consent of the City Council, compromise the case by accepting from the defendant a sum of not less than the fee, penalties and interest provided in §.040, .080 and costs of such prosecution. (Ord. W76-L-1 §11 1976)

9.04.100 Alaska Statutes Procedures.


In this chapter, unless the context otherwise requires and insofar as applicable, the definitions set forth in Alaska Statutes Section 43.70.110 shall be used, together with the procedures, powers, rules and regulations set out in or adopted by virtue of Alaska

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Statutes Sections 43.05.040, 43.05.090 and 43.70.020 as now in effect or hereafter amended or adopted, so that the City Clerk shall be empowered to use such procedures, powers, rules and regulations which are hereby incorporated by reference and have effect as though fully set out herein, unless or until the City Clerk, with Council approval, adopts specific regulations in place of them conformable with this chapter. (Ord. W76-L-1 §12 1976)



Erling P. Nelson, CMC
City Clerk

EPN/mdh