

Submitted by: ASSEMBLY MEMBERS Traini and Honeman
Reviewed by: Municipal Clerk's Office
Prepared by: Assembly Counsel
For reading: May 24, 2011

CLERK'S OFFICE
APPROVED

Date:

6-14-11

ANCHORAGE, ALASKA
AO NO. 2011-66

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE SECTION 10.60.057 TO CLARIFY THE PROHIBITION
3 CONCERNING CONVICTION FOR A SEXUAL OFFENSE AND PROVIDING FOR
4 RETROACTIVE APPLICATION TO MARCH 29, 2011, THE EFFECTIVE DATE FOR
5 AO 2011-39.

6
7 WHEREAS, Ice Cream Vendors routinely serve ice cream and related products to
8 unaccompanied minors; and

9
10 WHEREAS, as with others in our community in immediate and routine proximity to
11 unaccompanied minors, AO 2011-39, effective March 29, 2011, requires a background
12 check as part of the application for an ice cream vendor license and prohibits conviction
13 for a sexual offense; and

14
15 WHEREAS, AS Chapter 11.41 provides a benchmark listing of sexual offenses,
16 and the intent of AMC 10.60.057E.1 is to identify, by type, the group of offenses
17 considered to be "sexual offenses" for purposes of ice cream truck vendor licensing; now,
18 therefore

19
20 THE ANCHORAGE ASSEMBLY ORDAINS:

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22 **Section 1.** Anchorage Municipal Code section 10.60.0057, Roving vendors—Licensing
23 requirements, is hereby amended to read as follows (*language showing no amendment is*
24 *set out for context only*):

25
26 **10.60.057 Roving vendors--Licensing requirements.**

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28 Applicants for a roving vendor license shall provide the following licensing
29 requirements to the municipal clerk's office prior to issuance of a license:

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31 *** **

32 E. An ice cream truck vendor, and any vendor selling ice cream on a roving
33 basis, shall request a Criminal Justice Information Report (background
34 check), to be mailed or faxed directly from the Department of Public Safety
35 to the Municipal Clerk's office.

- 36
37 1. The applicant shall have no conviction for any sexual offense from
38 any jurisdiction. For purposes of this prohibition, a sexual offense
39 includes the offenses named in [, AS DEFINED WITHIN] Article 4 of
40 Chapter 11.41 of the Alaska Statutes or identified by similar name or

elements under Anchorage municipal code or the law of another jurisdiction, and offenses included as a sexual offense under the law of another jurisdiction. [; AND]

2. If vending is from an ice cream truck, the applicant shall have no conviction for driving a motor vehicle while under the influence (DUI) under state or local law within the past 12 months, and no more than one such conviction within five years of the date of municipal license application.
3. The requirements and restrictions of this subsection shall apply to the applicant for the municipal roving vendor license and permit to sell ice cream, and any person selling ice cream on a roving basis under the applicant's municipal license. The applicant is responsible for ensuring that the background checks, required for each person operating an ice cream truck or selling ice cream on a roving basis on behalf of the licensee, are mailed or faxed directly from the Department of Public Safety to the Municipal Clerk's office.

The licensee shall be responsible for ensuring that all pertinent insurance policies, vehicle registrations, health permits, and licenses required by this section remain current and valid during the license year.

(Ord. No. 98-139(S-2), § 4, 10-1-98; 2011-39, § 4, 3-29-2011)

Section 2. This ordinance shall be retroactive as of March 29, 2011, upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 14th day of June, 2011.

V. Emma Hall
Vice Chair

ATTEST:

Salene S. Juntus
Municipal Clerk