

Submitted by: XXXXX  
Prepared by: Municipal Clerk's Office and  
Assembly Counsel  
For reading: Month, Day, Year

**ANCHORAGE, ALASKA**  
**AO No. 2023-\_\_\_\_\_**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY REPEALING ANCHORAGE**  
2 **MUNICIPAL CODE SECTIONS 2.30.120, ACTION ON LIQUOR LICENSE**  
3 **APPLICATIONS, SECTION 2.30.125, STANDARDS GOVERNING ASSEMBLY**  
4 **PROTESTS, AND SECTION 2.30.130, COMPLIANCE WITH CONDITIONS OF**  
5 **ALCOHOLIC BEVERAGE LICENSE; AND AMENDING CHAPTER 2.30 TO ADD**  
6 **NEW SECTIONS 2.30.121, 2.30.122, 2.30.123, 2.30.124, AND 2.30.126; AND**  
7 **REPEALING SECTIONS 10.50.015, 10.50.020, 10.50.023 AND 10.50.040; AND**  
8 **ADDING NEW SECTIONS 10.50.016, 10.50.036, AND 10.50.037, IN ORDER TO**  
9 **CLARIFY AND SIMPLIFY EXISTING ALCOHOL LICENSE REVIEW PROCESSES.**

10  
11 **WHEREAS**, current code provisions for alcohol licensing are spread over three  
12 municipal titles, Title 2.30 – Assembly Procedures, Title 10.50 – Business  
13 Licenses and Regulations - Alcoholic Beverages, and Title 21 – Land Use  
14 Planning; and

15 **WHEREAS**, Senate Bill 9 (SB 9) was passed in the 32<sup>nd</sup> Legislature and signed  
16 into law on June 16, 2022, providing a comprehensive rewrite of AS Title 4, the  
17 state's statute regarding alcohol licensing and control; and

18 **WHEREAS**, SB 9 takes effect January 1, 2024, and regulations implementing this  
19 legislation are being prepared and released for public comment by the Alaska  
20 Alcohol Beverage Control Board, anticipated to be substantially complete and  
21 adopted by fall 2023; and

22 **WHEREAS**, the municipality as the local authority retains the power to protest,  
23 add conditions to licenses, and further regulate; and

24 **WHEREAS**, this ordinance represents the initial step in re-ordering, clarifying and  
25 simplifying current code; and

26 **WHEREAS**, following this ordinance, a future effort is anticipated to enact other  
27 policy changes as a result of state law changes and other potential improvements

1 to the code; now, therefore,

2 **THE ANCHORAGE ASSEMBLY ORDAINS:**

3  
4 **Section 1.** Anchorage Municipal Code section 2.30.120, section 2.30.130, section  
5 2.30.125, and section 2.30.135 are hereby repealed. In accordance with AMC section  
6 1.05.050B, a copy of the existing text of these sections is attached as Exhibit A.

7  
8 **Section 2.** Anchorage Municipal Code Chapter 2.30 is amended by adding new  
9 sections to read as follows:

10  
11 **2.30.121 Definitions**

12  
13 *AMCO* means the administrative office of the State of Alaska Alcohol and  
14 Marijuana Control Office.

15  
16 *ABC Board* means the appointed body that oversees and legislates alcohol  
17 licenses.

18  
19 *Application* means an application to issue, renew, transfer location, or transfer to  
20 another person, an alcoholic beverage license, an alcoholic beverage license with  
21 one or more endorsement, or an endorsement, or to protest the continued  
22 operation of a license.

23  
24 *Licensee* means the individual or entity who has been granted or issued a license.

25  
26 *Alcohol Special Land Use Permit* means the land use permit granted by the  
27 assembly or the Director of the Planning Department to allow the retail sale of  
28 alcoholic beverages at a specific location.

29  
30 *Condition(s)* means restrictions or provisions that must be adhered to or corrected  
31 prior to the lifting of a conditional protest or continued during the duration of the  
32 license period.

33  
34 *Clerk* means the Municipal Clerk or designee.

35  
36 *Licensed premises* means the specific place which must be clearly designated in a  
37 line drawing accompanying an application premises and any adjacent area under the  
38 control or management of the licensee including public right of way or...

39  
40 **2.30.122 Assembly review and action on state alcohol license**  
41 **applications.**

42  
43 A. Assembly authority. The assembly, as the local governing body of the  
44 Municipality of Anchorage, is authorized by the state to protest an alcohol license  
45 application. For purposes of this chapter, the term "application" shall include an  
46 application to issue, renew, transfer location, or transfer to another person, an

**Commented [HML1]:** Hi Dee and Mandy,

During the CEDC Meeting today, Planning had an opportunity to review the Clerk's Office's draft AO on alcohol licensing regs. Planning recommends making one change. We suggest adding the word "alcohol" to special land use permit in the definitions and the 2 other places in the draft AO. That way the regs will match up with AMC 21.03.040, Alcohol Special Land Use Permit. We appreciate the opportunity to review. You did an excellent job of reformatting and clarifying the alcohol license regs.

Thank you,  
Francis

**Commented [HML2]:** Use State def.

**Commented [HML3R2]:** 04.21.080?? The definition of "licensed premises" in the case of a pending license application encompasses the premises for which the license may be issued.

**Commented [HML4]:** Added language to address update to right of way allowance??

1 alcoholic beverage license, an alcoholic beverage license with one or more  
2 endorsements, or an endorsement, or to protest the continued operation of a  
3 license. The protest shall be upheld by the Alcoholic Beverage Control (ABC)  
4 Board unless it is found to be arbitrary, capricious, or unreasonable.

5  
6 B. *Receipt of notice of application.* Upon receipt by the municipal clerk (clerk) of  
7 notice from the Alcohol and Marijuana Control Office (AMCO) of the filing of an  
8 alcohol license application, the assembly may protest the application, or waive its  
9 right to protest. The assembly waives its right to protest if the Assembly fails to  
10 protest within the time designated by the state.  
11

12 1. *Waiver.* The clerk may prepare a memorandum for the assembly's  
13 approval stating its non-objection or waiver of the right to protest. If there  
14 is no request for a protest or a hearing from an assembly member or the  
15 relevant community council, and all certifications of compliance required  
16 from municipal departments have been received.

17  
18 2. *Protest.* The assembly shall act on state alcohol license applications by  
19 resolution with grounds for protest specified. The clerk shall prepare a  
20 proposed resolution and send it to the applicant and to the community  
21 council involved at least ten days prior to the date set for assembly  
22 action. The assembly shall schedule and conduct a public hearing  
23 before exercising its right to protest the application.

24  
25 a. A protest by the assembly under this section cannot be based in  
26 whole or in part on police reports or other written materials available  
27 to the municipality but which were not provided to the affected  
28 owner or operator before the public hearing on that protest.

29  
30 b. The prohibition against ex-parte communication does not apply to  
31 the assembly's decision whether to protest an application until such  
32 time as a protest has been filed with the ABC Board.

33  
34 c. A motion to reconsider may not be made regarding the  
35 assembly's action on whether to protest an application.

36  
37 3. *Public Hearings.* The assembly shall give the applicant a reasonable  
38 opportunity to defend the application being conditionally protested or  
39 protested. Notice of public hearing required under this section shall be  
40 published at least seven days in advance. After holding a public hearing,  
41 the assembly may:

42  
43 a. *Conditional Protest.* Conditionally protest the application to the  
44 ABC Board pending completion of items listed in the resolution.  
45 Conditional protests may be lifted by the clerk upon confirmation  
46 that all items have been addressed.  
47

Commented [HML5]: Ask Dean about making this C. to fix 3.c. below.

Commented [HML6]: Constant wants a description paragraph about protests. (Check with Chris for details.)

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b. *Recommend Conditions.* Amend the proposed resolution to include facts and findings to support the request for conditions to be placed on the license with or without endorsement(s) by the ABC Board. Conditions placed by the ABC Board are valid for the current licensing period only and a public hearing must be held prior to requesting conditions be placed for the following licensing period.

c. *Protest Continued Operation.* No later than January 31 of the second year in the biennial license year, amend the proposed resolution to include facts and findings to support the protest of the continued operation of the license with or without endorsement(s), or an endorsement to the ABC Board.

d. *Protest Application.* Amend the proposed resolution to include facts and findings to support the protest of the application to the ABC Board.

**2.30.123 Standards governing assembly review of state alcohol license applications.**

A. The assembly shall consider whether the proposed application meets standards set forth in this subsection, as follows:

1. *General requirements.* Whether all certifications of compliance from municipal departments have been received as required by AMC 10.10.020.
2. *Public comments.* Whether comments have been received regarding the application from the public or the corresponding Community Council.
3. *Payment of taxes, fees, and fines.* Whether the applicant is delinquent in payment in full of accounts owed to the municipality.
  - a. When application is made for transfer of ownership of a license the assembly shall consider whether the municipality has received either payment or adequate security, as described in subsection D of this section, for the payment of any debts or taxes, including any estimated taxes for the current year arising from the conduct of the licensed business.
4. *Security for payment of taxes, fees and fines.* For the purposes of subsection C of this section, adequate security for the payment of debts and taxes may be in the form of:
  - a. Escrowed funds sufficient to pay the taxes, fees and fines claimed and any escrow fees;

**Commented [HML7]:** Dean wants this is a separate location.

**Commented [HML8]:** Chris Schutte suggested looking at Juneau code re license criteria ideas.

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- b. Actual payment of debts and taxes claimed; or
- c. A guarantee agreement in accordance with this subsection. Any guarantee agreement under this subsection shall be in writing, shall be signed by the transferor, transferee and municipality, and must include:
  - i. Acknowledgment and acceptance of responsibility by the transferee for the debts and taxes due to the municipality;
  - ii. Recognition of the municipality as the beneficiary of the agreement; and
  - iii. Recognition of the municipality's remedies for breach of the agreement including:
    - (A). A civil suit for enforcement of the agreement.
    - (B). Protest of a subsequent renewal for nonpayment of taxes arising from conduct of the licensed business or breach of the guarantee agreement; and
    - (C). Any other remedies or claims that the municipality might have asserted against the transferor.
- d. Release of guarantee. Upon payment of all taxes, fees and fines due the municipality pursuant to the written guarantee agreement, the municipality shall execute a written release of guarantee.

**2.30.124 Standards governing assembly protests to state alcoholic beverage control board.**

A. In the exercise of its powers to protest an application, the assembly shall consider whether the proposed license meets all factors and standards set forth in this subsection, as follows:

1. *Concentration and land use.* Whether the location of the requested license will negatively impact the community through an increase in the concentration of uses involving the sale or service of alcoholic beverages within the area affected and will conform to the separate standards of Title 21.
2. *Operations procedures.* Whether the applicant can demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in section 10.50.

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3. *Public health and safety.* Whether the operator:
- a. demonstrates the ability to maintain order and prevent unlawful conduct in the licensed premises; or
  - b. has a pattern of prior violations of state and or practices harmful to public health or safety, such as providing alcohol to minors or intoxicated persons; or
  - c. has taken or authorized other actions that pose substantial risks to public health or safety.
4. The assembly may consider police reports, criminal convictions, credible proof of illegal activity even if not prosecuted, testimony presented before the assembly, written comments submitted by the licensee, public, or Community Council prior to or during the public hearing, or other evidence deemed to be reliable and relevant to the purpose of this subsection.

B. *Notice of possible protest.* If at any time there appears to be a readily identifiable pattern or practice of recurring violent acts or unlawful conduct in a licensed premises, at the request of an assembly member, the clerk shall notify the licensee that they must submit to the clerk's office and implement a plan for remedial action. The clerk shall submit the plan as an information memorandum for the assembly's review and send the AIM to the anchorage police department and the corresponding Community Council and the ABC Board. Upon review of the next license application filed by the license, the assembly shall consider:

- 1. Whether a plan has been submitted.
- 2. The reasonableness of any plan that has been submitted; and
- 3. The diligence and effectiveness of the licensee in implementing remedial measures.

**2.30.126 Report of violations of conditions of alcohol licenses.**

- A. Upon receiving a report of conditions violation, the assembly may:
- 1. Revoke the premise's alcohol special land use permit.
  - 2. Protest the license application.
  - 3. Recommend to the ABC Board imposition of conditions on the license with or without endorsement(s) or the endorsement; or

1  
2 4. Notify the ABC Board that a licensee has violated conditions and  
3 request that an accusation be brought against the licensee.  
4

5 B. Prior to taking any of the actions listed in subsection A. of this section, the  
6 assembly shall give the permittee or licensee notice and an opportunity to be  
7 heard on the accusation(s) in accordance with section 2.30.122.  
8

9 **Section 3.** Anchorage Municipal Code section 10.50 is hereby amended to add  
10 new chapters to read as follow:  
11

12 **10.50.001 Definitions**  
13

14 Definitions set forth in Title 2.30.120 are hereby incorporated by reference.  
15

16 **10.50.005 Actions by the clerk**  
17

18 *A. Compliance Determination:* In determining whether applications have  
19 complied with the provisions of this chapter, the clerk shall compile all  
20 department reviews received determining whether the proposed activity or  
21 business complies with the specific laws or municipal regulations administered  
22 by the municipal departments referenced in 10.10.020. and submit them to the  
23 assembly with the application in the form of a resolution or memorandum. All  
24 comments received to the clerk's office from the public or Community Council  
25 shall be submitted with the application as well as any enforcement actions if  
26 applicable.  
27

28 *B. Renewals:* On or before September 1 of each year, the clerk shall notify all  
29 community councils of alcohol licenses located within their boundaries that will  
30 be reviewed for renewal during the following year and advise councils they  
31 may request a public hearing before the assembly.  
32

33 1. Requests for a public hearing before the assembly shall be made by no  
34 later than October 15 of that same year and shall be submitted to the  
35 clerk's office.  
36

37 a. Requests should be in the form of a community council resolution  
38 with grounds for the public hearing request including, but not  
39 limited to:  
40

41 i. Total votes in favor and opposed to the resolution;  
42

43 ii. Comments from residents; and  
44

45 iii. Photographs, videos, data, or other documentation.  
46

47 b. Requests received on or before October 15 in the form of a

1 community council resolution will be accepted by the clerk under  
2 this section and a public hearing will be scheduled.

- 3
- 4 c. Public hearings scheduled by the clerk, on behalf of the
- 5 assembly, shall be submitted to the assembly by resolution and
- 6 include the community council resolution.
- 7
- 8 d. Holders of licenses for which a public hearing has been
- 9 scheduled shall be notified by the clerk of the request for a public
- 10 hearing and provided a copy of the community council resolution.
- 11

12 **10.50.006 Compliance with conditions of alcohol licenses.**

13

14 A. Action by the Clerk:

- 15
- 16 1. The clerk will provide to the Anchorage Police Department all
- 17 conditions imposed on the alcohol special land use permit and the
- 18 license to the Anchorage Police Department.
- 19
- 20 2. At any time, the clerk may, on behalf of the assembly, notify the ABC
- 21 Board that a licensee has violated assembly or board-imposed
- 22 conditions on a license.
- 23

24 B. Action by the Chief of Police:

- 25
- 26 1. The police department may inspect any premises with an alcohol
- 27 license for compliance with conditions on the license.
- 28
- 29 a. Upon discovering a violation of such conditions, the police
- 30 department may submit a written report of the violation to the
- 31 clerk's office for review by the assembly and the clerk shall
- 32 provide a copy of the report to the licensee and the ABC Board.
- 33
- 34 2. If the chief determines operation of a license poses a demonstrated
- 35 risk to public order, at any time the chief of police may prepare and
- 36 submit to the assembly or the public safety committee a compilation
- 37 of non-confidential police incident reports relating to the licensed
- 38 premises.
- 39
- 40 a. At a minimum, the compilation shall describe the dates, the
- 41 relevant case number, and a brief summary of each incident
- 42 reported.
- 43
- 44 b. Licensees shall be provided in advance of the meeting copies of
- 45 all non-confidential documents pertaining to such incidents in the
- 46 possession of the chief, and from the department of law a report
- 47 showing the disposition of all matters described in those reports



1 which have been referred to the municipal attorney for  
2 prosecution.

- 3  
4 3. Upon request by a licensee at any time and payment of a research  
5 fee set out on a uniform schedule promulgated by the municipal  
6 manager, licensees shall be entitled to receive a compilation of  
7 police incident reports pertaining to the requesting establishment,  
8 non-confidential reports and file materials pertaining to incidents still  
9 in the possession of the chief, and a disposition report on each  
10 incident referred to the municipal attorney for prosecution.  
11

12 **Section 34.** Anchorage Municipal Code section 10.50.010 is deleted in its  
13 entirety and replaced with the following new section:

14 **10.50.010 Closing hours for licensed premises.**

15  
16  
17 A. Hours of Operation:

- 18  
19 1. Service and consumption: Premises licensed by the State for the  
20 service and consumption of alcoholic beverages shall be closed for  
21 the sale, service and consumption of alcoholic beverages between  
22 the hours of 2:30 a.m. and 10:00 a.m. Monday through Friday, and  
23 between the hours of 3:00 a.m. and 10:00 a.m. on Saturday or  
24 Sunday or on a legal holiday recognized by the state under AS  
25 44.12.010.  
26  
27 2. Retail sales: All other premises licensed by the State for retail sales  
28 shall be closed for the sale of alcoholic beverages between the hours  
29 of 1:00 a.m. and 10:00 a.m. Monday through Friday, and between  
30 the hours of 2:00 a.m. and 10:00 a.m. on Saturday, and between the  
31 hours of 2:00 a.m. and noon on Sunday.  
32

33 B. Extended Hours of Operation: The following premises may remain open  
34 between the hours of 3:00 a.m. and 4:00 a.m. on Saturday or Sunday or on a  
35 legal holiday recognized by the state under AS 44.12.010:

- 36  
37 1. Restaurant Endorsement: Premises licensed by the State provided  
38 the licensee possesses a valid restaurant endorsement from the  
39 Board or,  
40  
41 2. Bar Safety Hour Permit: Premises licensed by the State provided the  
42 licensee possesses a valid bar safety hour permit under section  
43 10.50.035D.  
44  
45 a. Licensed premises with a Title 21 alcohol special land use  
46 permit requiring closure prior to 3:00 a.m. are not eligible for a  
47 bar safety hour permit under this section.

1  
2 [A. PREMISES LICENSED UNDER AS 4.11.080 FOR THE SERVICE AND  
3 CONSUMPTION OF ALCOHOLIC BEVERAGES SHALL BE CLOSED FOR  
4 THE SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES  
5 BETWEEN THE HOURS OF 2:30 A.M. AND 10:00 A.M. MONDAY  
6 THROUGH FRIDAY, AND BETWEEN THE HOURS OF 3:00 A.M. AND 10:00  
7 A.M. ON SATURDAY OR SUNDAY OR ON A LEGAL HOLIDAY  
8 RECOGNIZED BY THE STATE UNDER AS 44.12.010, EXCEPT THAT THE  
9 FOLLOWING PREMISES MAY REMAIN OPEN BETWEEN THE HOURS OF  
10 3:00 A.M. AND 4:00 A.M. ON SATURDAY OR SUNDAY OR ON A LEGAL  
11 HOLIDAY RECOGNIZED BY THE STATE UNDER AS 44.12.010 ("BAR  
12 SAFETY HOUR"):

- 13  
14 1. PREMISES LICENSED UNDER AS 4.11.080 PROVIDED THE  
15 LICENSEE POSSESSES A VALID RESTAURANT DESIGNATION  
16 PERMIT FROM THE STATE ALCOHOLIC BEVERAGE CONTROL  
17 (ABC) BOARD; OR,  
18  
19 2. PREMISES LICENSED UNDER AS 4.11.080 PROVIDED THE  
20 LICENSEE POSSESSES A BAR SAFETY HOUR PERMIT UNDER  
21 SECTION 10.50.035 D.  
22

23 B. LICENSED PREMISES WITH A TITLE 21 CONDITIONAL USE PERMIT  
24 REQUIRING CLOSURE PRIOR TO 3:00 A.M. ARE NOT ELIGIBLE FOR A  
25 BAR SAFETY HOUR PERMIT UNDER THIS SECTION.  
26

27 C. ALL OTHER RETAIL PREMISES LICENSED UNDER AS 4.11.080 SHALL  
28 BE CLOSED FOR THE SALE OF ALCOHOLIC BEVERAGES BETWEEN  
29 THE HOURS OF 1:00 A.M. AND 10:00 A.M. MONDAY THROUGH FRIDAY,  
30 AND BETWEEN THE HOURS OF 2:00 A.M. AND 10:00 A.M. ON  
31 SATURDAY, AND BETWEEN THE HOURS OF 2:00 A.M. AND NOON ON  
32 SUNDAY.]  
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34 (CAC 6.08.010; AO No. 81-35(S); AO No. 81-197; AO No. 2013-42, § 1, 4-11-13;  
35 AO No. 2013-86(S), § 2, 8-6-13)  
36

37 **Section 54.** Anchorage Municipal Code section 10.50.015, section  
38 10.50.020, section 10.50.023, and all of section 10.50.035 except for subsection  
39 10.50.035D (Bar Safety Hour Permit) are hereby repealed. In accordance with  
40 AMC section 1.05.050B, a copy of the existing text of these sections is attached as  
41 Exhibit B. Anchorage Municipal Code subsection 10.50.035D (Bar Safety Hour  
42 Permit) is renumbered and amended in Section 9.  
43

44 **Section 65.** Anchorage Municipal Code Chapter 10.50 is amended by adding  
45 a new section to read as follows:  
46

47 **10.50.016 Prohibited acts.**

A. It is unlawful for licensees, agents, or employees to violate provisions of Anchorage Municipal Penal Code 8.35.416 and AS Title 4.

**Section 76.** Anchorage Municipal Code 10.50.025 is hereby amended to read as follows:

**10.50.025 Sales on election day.**

The provisions of AS 04.16.070(a) do not apply in the municipality, and alcoholic beverages may be given, sold or bartered in licensed premises on election day. (CAC 6.08.070)

**Editor's Note: This subsection shall sunset following state expiration on 12/31/2023.**

**Section 78.** Anchorage Municipal Code 10.50.030 is amended to read as follows:

**10.50.030 Standards governing assembly protests to alcoholic beverage control board.**

The procedure and standards for assembly protests regarding issuance of alcoholic beverage licenses is in section[s] 2.30.[120 AND 2.30.125].]

**Section 89.** Anchorage Municipal Code Chapter 10.50 is amended by adding a new section to read as follows:

**10.50.036 Operation of licensed premises.**

A. Mandatory identification check in the retail sale of alcoholic beverages: Licensee or licensee's employee or agent shall require any purchaser of alcoholic beverages at any package store to produce a current government-issued identification with birth date and photograph for identification check prior to any on-premises sale. The purpose of the identification check is to verify age and eligibility to purchase alcoholic beverages. Failure to conduct the mandatory identification check required by this section is a violation of code and the licensee or licensee's employee or agent failing to conduct the mandatory identification check shall be subject to the civil penalty provisions of AMC 10.05.020, in addition to any express criminal penalties provided for under chapter 8.35[75]. Civil citations issued under this section are subject to appeal to the administrative hearing office pursuant to AMC 3.60.035. For purposes of mandatory identification check required by this section:

1. "Current government-issued" means a state, federal or foreign government picture identification in force and effect for a specified period stated within the identification, when presented prior to

1 expiration of the period stated. A state government identification with  
 2 birth date and photograph issued by any state of the United States is  
 3 included within the meaning of "current government-issued" if the  
 4 period of validity is specified and the identification is presented prior  
 5 to expiration of the period stated.  
 6

- 7
- 8 2. The subsequent invalidation of the identification as a bona fide  
 9 government-issued identification does not invalidate the compliance.  
 10
- 11 3. An ongoing pattern of non-compliance with the mandatory  
 12 identification check required by this code may result in assembly  
 13 review of the conditions of use or under the procedures in AMCR  
 14 21.05, may result in the revocation of an alcohol special land use  
 15 previously approved by the assembly. Action by the assembly on  
 16 licensee's alcohol special land use permit under this section shall be  
 17 in addition to any criminal or civil penalty applicable to the individual  
 18 making the sale without performing the mandatory identification  
 19 check.  
 20
- 21 4. This section 10.50.035 and section 21.03 are not intended to create,  
 22 transfer, or support civil liability to any party for the action or  
 23 inactions of a person who purchases alcohol from a licensed  
 24 establishment, with or without compliance by the licensee or its  
 25 agents or employees, with the conditions of operation adopted under  
 26 municipal code as alcohol special land use standards.

27 (AO No. 85-128(S); AO No. 86-58; AO No. 89-17; AO No. 95-84(S-1), § 20, 5-27-  
 28 95; AO No. 95-202, § 1, 11-14-95; AO No. 2001-51, § 1, 2-27-01; AO No. 2011-  
 29 55(S-1), § 1, 7-1-11; AO No. 2013-42, § 3, 4-11-13; AO No. 2013-86(S), § 3, 8-6-  
 30 13; AO No. 2014-95, § 1, 8-5-14; AO No. 2015-93, § 1, 8-25-15 ; AO No. 2016-  
 31 96(S) , § 1, 8-23-16; AO No. 2017-92 , § 1, 6-27-17)  
 32

33 **Section 910.** Anchorage Municipal Code subsection 10.50.035D is amended  
 34 to read as follows:  
 35

36 **10.50.037[35D] Bar safety hour program**  
 37

38 **A[D].** Bar Safety Hour Program: Premises licensed by the State[UNDER  
 39 AS 4.11] for the service and consumption of alcoholic beverages may apply  
 40 for a bar safety hour permit, and if granted, may remain open for persons to  
 41 consume food or nonalcoholic beverages between the hours of 3:00 a.m. and  
 42 4:00 a.m. on Saturday or Sunday or on a legal holiday recognized by the state  
 43 under AS 44.12.010, subject to the following:  
 44

- 45 1. *Application and renewal:* Licensees seeking a bar safety hour permit  
 46 or to renew a permit shall submit to the clerk:  
 47

- 1 a. All information required by the clerk on the bar safety hour  
2 permit application or renewal application.
- 3
- 4 b. An application fee of \$50.00. The application fee is  
5 nonrefundable.
- 6
- 7 2. *Requirements and restrictions:* The following requirements and  
8 restrictions apply to licensees operating with a bar safety hour  
9 permit, in addition to other requirements and restrictions specified for  
10 licensees in state or local law:  
11
- 12 a. The bar safety hour permit shall be displayed publicly on the  
13 premises in the same manner as the license and the restaurant  
14 endorsement issued by the ABC Board.
- 15
- 16 b. Premises interior lighting shall be maintained at full brightness  
17 during the bar safety hour.
- 18
- 19 c. Entertainment and music of any kind are prohibited during the  
20 bar safety hour.
- 21
- 22 d. No alcoholic beverages may be sold, served or consumed  
23 during the bar safety hour.
- 24
- 25 3. *Procedures to approve, deny, or for suspension, revocation or*  
26 *restriction of bar safety hour permit:* Except as provided by  
27 subsections 3.b. and 3.e. below, no decision to suspend, revoke or  
28 otherwise limit or restrict a current bar safety hour permit granted  
29 under this section shall be effective until the person holding such  
30 permit is first given an opportunity to be heard. A decision to deny an  
31 application for a bar safety hour permit or to approve a permit  
32 application with restrictions as authorized in this subsection shall be  
33 effective at the time of the decision, but subject to an administrative  
34 hearing to review the decision. Administrative hearings under this  
35 subsection shall be conducted by the clerk, or as designated, the  
36 administrative hearing officer, pursuant to chapter 3.60.  
37
- 38 a. Application review and approval. Upon receipt of a complete  
39 application, the clerk will:  
40
- 41 i. Verify the licensee is in good standing with the ABC Board.
- 42
- 43 ii. Consult with the Anchorage Police Department for  
44 certification that it is appropriate for the applicant to  
45 receive a bar safety hour permit, and  
46
- 47 iii. Issue a bar safety hour permit to applicants certified and

1 meeting the requirements of the application. The clerk may  
2 impose restrictions on the use of the licensed premises in  
3 addition to the restrictions required by subsection D.2. An  
4 applicant aggrieved by additional restrictions may request  
5 a hearing to review the imposition of additional restrictions  
6 in accordance with subsection 3.c.  
7

8 iv. If a completed application is denied, the clerk shall inform  
9 the applicant in writing of the decision and the reasons for  
10 it, and of the right to request a hearing to review the denial  
11 in accordance with subsection 3.c.  
12

13 b. Summary suspension or restriction. Except as provided in  
14 subsection 3.e. below, the clerk may, without prior warning,  
15 notice or hearing, suspend or otherwise restrict any bar safety  
16 hour permit granted under this section, if such action is  
17 necessary to eliminate an immediate and substantial danger to  
18 the public health, safety and welfare. Suspensions or restrictions  
19 ordered by the clerk under this subsection shall be effective  
20 immediately upon service of a notice thereof in compliance with  
21 the Alaska Rules of Court. Within five days following service of a  
22 notice of suspension or imposition of restrictions under this  
23 section, the licensee shall be given an opportunity to be heard  
24 on the legality or appropriateness of that action, pursuant to  
25 chapter 3.60. At the conclusion of the hearing, the clerk may  
26 revoke, suspend, restrict or reinstate the bar safety hour permit  
27 affected.  
28

29 c. Except as provided by subsections 3.b. and 3.e., upon written  
30 request by a person aggrieved by an administrative decision to  
31 deny, restrict, suspend or revoke a bar safety hour permit under  
32 this title, no later than 20 days following that decision, the clerk  
33 or designee shall conduct a hearing to review the legality or  
34 appropriateness of that decision. The hearing shall occur no  
35 later than ten days following service of the request on the clerk  
36 and shall be conducted in accordance with chapter 3.60.  
37

38 d. Hearings before the clerk under this section may be conducted  
39 by a designated administrative hearing officer. If the clerk elects  
40 to refer the matter to an administrative hearing officer, the  
41 hearing officer shall conduct the hearing and prepare findings  
42 and conclusions. These findings and conclusions must be  
43 forwarded to the clerk for adoption, rejection or modification and  
44 issuance of a final order or decision by the clerk.  
45

46 e. This section shall not apply to, nor shall it be construed to  
47 supersede, any specific provision of this title already permitting

or requiring administrative or quasi-judicial hearings to determine the specific rights and privileges of any individual or to review the legality, appropriateness or wisdom of administrative action permitted in this title.

4. *Review of bar safety hour permits:* The clerk will report to the assembly only if violations of the bar safety hour occur, or annually, whichever comes first. Information regarding any notices of violations issued by the ABC Board involving unlawful sale, service or consumption of alcoholic beverages after 3:00 a.m. on Saturday, Sunday, or legal holidays recognized by the state under AS 44.12.010, issued to licensees with bar safety hour permits, shall be included in the reports.

5. *Restaurant endorsements:* Nothing in this section requires a premise licensed by the State[UNDER AS 4.11] for the service and consumption of alcoholic beverages that holds a current restaurant endorsement to obtain a bar safety hour permit in order to remain open and serve food or nonalcoholic beverages between the hours of 3:00 a.m. and 4:00 a.m. on Saturday, Sunday, or legal holidays recognized by the state under AS 44.12.010.

6. *Enforcement:* Officers of the Anchorage Police Department shall have the authority to write and serve civil citations for violations of the provisions of sections 10.50.010 and 10.50.035.

7. *Expiration and renewal:* The bar safety hour permit is non-transferable and shall expire 12 months after the date of issuance, unless renewed prior to expiration or terminated earlier due to revocation. When a renewal application is received at least 30 days before expiration of that permit, the clerk may, prior to completion of application renewal and certification, temporarily renew that permit for no more than 60 days past its expiration date, provided that the clerk has no reason to believe the applicant is not qualified to receive the permit renewal. A renewal application received after expiration of the existing permit must be submitted as a new application.

(AO No. 85-128(S); AO No. 86-58; AO No. 89-17; AO No. 95-84(S-1), § 20, 5-27-95; AO No. 95-202, § 1, 11-14-95; AO No. 2001-51, § 1, 2-27-01; AO No. 2011-55(S-1), § 1, 7-1-11; AO No. 2013-42, § 3, 4-11-13; AO No. 2013-86(S), § 3, 8-6-13; AO No. 2014-95, § 1, 8-5-14; AO No. 2015-93, § 1, 8-25-15 ; AO No. 2016-96(S) , § 1, 8-23-16; AO No. 2017-92 , § 1, 6-27-17)

**Section 4911.** Anchorage Municipal Code 10.50.040 is hereby repealed. In accordance with AMC section 1.05.050B, a copy of the existing text of these sections is attached as Exhibit C.

1 **Section ~~4112~~.** Anchorage Municipal Code 10.50.060 is amended to read as  
2 follows:

3  
4 **10.50.060 Fees for review of licensee applications for State permits.**

5  
6 [THE HOLDER OF A BEVERAGE DISPENSARY L]Licensees applying for a  
7 [CATERER'S ]permit from the State[UNDER AS 4.11.230, OR A NONPROFIT  
8 ORGANIZATION APPLYING FOR A SPECIAL EVENT PERMIT UNDER AS  
9 4.11.240, BOTH ]which are exempt from [CONDITIONAL]alcohol special land use  
10 requirements pursuant to section 21.50.160G., shall request written approval from  
11 the police department as required by statute. The police department shall charge a  
12 fee of \$75.00 for each application.

13  
14 (AO No. 2010-81(S-1), § 11, 12-7-10, eff. 1-1-11)

15  
16 **Section ~~4213~~.** This ordinance shall be effective immediately upon passage and  
17 approval by the Assembly.

18  
19  
20 PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of  
21 \_\_\_\_\_, 2023.

22  
23  
24  
25 \_\_\_\_\_  
26 Chair of the Assembly

27 ATTEST:

28  
29  
30 \_\_\_\_\_  
31 Clerk

32  
33