

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, and  
5 section 2.30.135 are hereby repealed. In accordance with AMC section 1.05.050B, a  
6 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 *Special Land Use Permit* means the land use permit granted by the assembly or  
27 the Director of the Planning Department to allow the retail sale of alcoholic  
28 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 designated premises and any adjacent area under the  
37 control or management of the licensee.

38  
39 **2.30.122 Assembly review and action on state alcohol license**  
40 **applications.**

41  
42 A. Assembly authority. The assembly, as the local governing body of the  
43 Municipality of Anchorage, is authorized by the state to protest an alcohol license  
44 application. For purposes of this chapter, the term "application" shall include an  
45 application to issue, renew, transfer location, or transfer to another person, an  
46 alcoholic beverage license, an alcoholic beverage license with one or more

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

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

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

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

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

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

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

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

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

47 | b. **Recommend Conditions.** Amend the proposed resolution to

1 include facts and findings to support the request for conditions to  
2 be placed on the license with or without endorsement(s) by the  
3 ABC Board. Conditions placed by the ABC Board are valid for the  
4 current licensing period only and a public hearing must be held  
5 prior to requesting conditions be placed for the following licensing  
6 period.  
7

8 c. *Protest Continued Operation.* No later than January 31 of the  
9 second year in the biennial license year, amend the proposed  
10 resolution to include facts and findings to support the protest of  
11 the continued operation of the license with or without  
12 endorsement(s), or an endorsement to the ABC Board.  
13

14 d. *Protest Application.* Amend the proposed resolution to include  
15 facts and findings to support the protest of the application to the  
16 ABC Board.  
17

18 **2.30.123 Standards governing assembly review of state alcohol**  
19 **license applications.**  
20

21 A. The assembly shall consider whether the proposed application meets  
22 standards set forth in this subsection, as follows:  
23

- 24 1. *General requirements.* Whether all certifications of compliance from  
25 municipal departments have been received as required by AMC  
26 10.10.020.  
27
- 28 2. *Public comments.* Whether comments have been received regarding the  
29 application from the public or the corresponding Community Council.  
30
- 31 3. *Payment of taxes, fees, and fines.* Whether the applicant is delinquent in  
32 payment in full of accounts owed to the municipality.  
33
  - 34 a. When application is made for transfer of ownership of a license  
35 the assembly shall consider whether the municipality has  
36 received either payment or adequate security, as described in  
37 subsection D of this section, for the payment of any debts or  
38 taxes, including any estimated taxes for the current year arising  
39 from the conduct of the licensed business.  
40
- 41 4. *Security for payment of taxes, fees and fines.* For the purposes of  
42 subsection C of this section, adequate security for the payment of debts  
43 and taxes may be in the form of:  
44
  - 45 a. Escrowed funds sufficient to pay the taxes, fees and fines  
46 claimed and any escrow fees;  
47

- 1 b. Actual payment of debts and taxes claimed; or  
2  
3 c. A guarantee agreement in accordance with this subsection. Any  
4 guarantee agreement under this subsection shall be in writing,  
5 shall be signed by the transferor, transferee and municipality, and  
6 must include:  
7  
8 i. Acknowledgment and acceptance of responsibility by the  
9 transferee for the debts and taxes due to the municipality;  
10  
11 ii. Recognition of the municipality as the beneficiary of the  
12 agreement; and  
13  
14 iii. Recognition of the municipality's remedies for breach of  
15 the agreement including:  
16  
17 (A). A civil suit for enforcement of the agreement.  
18  
19 (B). Protest of a subsequent renewal for nonpayment of  
20 taxes arising from conduct of the licensed business or  
21 breach of the guarantee agreement; and  
22  
23 (C). Any other remedies or claims that the municipality  
24 might have asserted against the transferor.  
25  
26 d. Release of guarantee. Upon payment of all taxes, fees and fines  
27 due the municipality pursuant to the written guarantee  
28 agreement, the municipality shall execute a written release of  
29 guarantee.  
30

31 **2.30.124 Standards governing assembly protests to state alcoholic**  
32 **beverage control board.**  
33

34 A. In the exercise of its powers to protest an application, the assembly shall  
35 consider whether the proposed license meets all factors and standards set  
36 forth in this subsection, as follows:  
37

- 38 1. *Concentration and land use.* Whether the location of the requested  
39 license will negatively impact the community through an increase in the  
40 concentration of uses involving the sale or service of alcoholic  
41 beverages within the area affected and will conform to the separate  
42 standards of Title 21.  
43  
44 2. *Operations procedures.* Whether the applicant can demonstrate  
45 prospective or continued compliance with operations procedures for  
46 licensed premises set forth in section 10.50.  
47

1           3. *Public health and safety.* Whether the operator:  
2

- 3           a. demonstrates the ability to maintain order and prevent unlawful  
4           conduct in the licensed premises; or  
5  
6           b. has a pattern of prior violations of state and or practices harmful  
7           to public health or safety, such as providing alcohol to minors or  
8           intoxicated persons; or  
9  
10          c. has taken or authorized other actions that pose substantial risks to  
11          public health or safety.  
12

13          4. The assembly may consider police reports, criminal convictions, credible  
14          proof of illegal activity even if not prosecuted, testimony presented  
15          before the assembly, written comments submitted by the licensee,  
16          public, or Community Council prior to or during the public hearing, or  
17          other evidence deemed to be reliable and relevant to the purpose of this  
18          subsection.  
19

20          B. *Notice of possible protest.* If at any time there appears to be a readily  
21          identifiable pattern or practice of recurring violent acts or unlawful conduct in a  
22          licensed premises, at the request of an assembly member, the clerk shall  
23          notify the licensee that they must submit to the clerk's office and implement a  
24          plan for remedial action. The clerk shall submit the plan as an information  
25          memorandum for the assembly's review and send the AIM to the anchorage  
26          police department and the corresponding Community Council and the ABC  
27          Board. Upon review of the next license application filed by the license, the  
28          assembly shall consider:  
29

- 30           1. Whether a plan has been submitted.  
31  
32           2. The reasonableness of any plan that has been submitted; and  
33  
34           3. The diligence and effectiveness of the licensee in implementing  
35           remedial measures.  
36

37          **2.30.126      Report of violations of conditions of alcohol licenses.**  
38

39          A. Upon receiving a report of conditions violation, the assembly may:  
40

- 41           1. Revoke the premise's special land use permit.  
42  
43           2. Protest the license application.  
44  
45           3. Recommend to the ABC Board imposition of conditions on the license  
46           with or without endorsement(s) or the endorsement; or  
47

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

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

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

10  
11 **10.50.001 Definitions**  
12

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

15 **10.50.005 Actions by the clerk**  
16

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

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

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

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

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

42 ii. Comments from residents; and  
43

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

46 b. Requests received on or before October 15 in the form of a  
47 community council resolution will be accepted by the clerk under

1 this section and a public hearing will be scheduled.

- 2
- 3 c. Public hearings scheduled by the clerk, on behalf of the
- 4 assembly, shall be submitted to the assembly by resolution and
- 5 include the community council resolution.
- 6
- 7 d. Holders of licenses for which a public hearing has been
- 8 scheduled shall be notified by the clerk of the request for a public
- 9 hearing and provided a copy of the community council resolution.

10

11 **10.50.006 Compliance with conditions of alcohol licenses.**

12

13 **A. Action by the Clerk:**

14

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

23 **B. Action by the Chief of Police:**

24

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



1 prosecution.

- 2
- 3 3. Upon request by a licensee at any time and payment of a research
- 4 fee set out on a uniform schedule promulgated by the municipal
- 5 manager, licensees shall be entitled to receive a compilation of
- 6 police incident reports pertaining to the requesting establishment,
- 7 non-confidential reports and file materials pertaining to incidents still
- 8 in the possession of the chief, and a disposition report on each
- 9 incident referred to the municipal attorney for prosecution.

10

11 **Section 3.** Anchorage Municipal Code section 10.50.010 is deleted in its

12 entirety and replaced with the following new section:

13

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

15

16 A. Hours of Operation:

- 17
- 18 1. Service and consumption: Premises licensed by the State for the
- 19 service and consumption of alcoholic beverages shall be closed for
- 20 the sale, service and consumption of alcoholic beverages between
- 21 the hours of 2:30 a.m. and 10:00 a.m. Monday through Friday, and
- 22 between the hours of 3:00 a.m. and 10:00 a.m. on Saturday or
- 23 Sunday or on a legal holiday recognized by the state under AS
- 24 44.12.010.
- 25
- 26 2. Retail sales: All other premises licensed by the State for retail sales
- 27 shall be closed for the sale of alcoholic beverages between the hours
- 28 of 1:00 a.m. and 10:00 a.m. Monday through Friday, and between
- 29 the hours of 2:00 a.m. and 10:00 a.m. on Saturday, and between the
- 30 hours of 2:00 a.m. and noon on Sunday.

31

32 B. Extended Hours of Operation: The following premises may remain open

33 between the hours of 3:00 a.m. and 4:00 a.m. on Saturday or Sunday or on a

34 legal holiday recognized by the state under AS 44.12.010:

- 35
- 36 1. Restaurant Endorsement: Premises licensed by the State provided
- 37 the licensee possesses a valid restaurant endorsement from the
- 38 Board or,
- 39
- 40 2. Bar Safety Hour Permit: Premises licensed by the State provided the
- 41 licensee possesses a valid bar safety hour permit under section
- 42 10.50.035D.
- 43
- 44 a. Licensed premises with a Title 21 special land use permit
- 45 requiring closure prior to 3:00 a.m. are not eligible for a bar
- 46 safety hour permit under this section.
- 47

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

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

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

26 C. ALL OTHER RETAIL PREMISES LICENSED UNDER AS 4.11.080 SHALL  
 27 BE CLOSED FOR THE SALE OF ALCOHOLIC BEVERAGES BETWEEN  
 28 THE HOURS OF 1:00 A.M. AND 10:00 A.M. MONDAY THROUGH FRIDAY,  
 29 AND BETWEEN THE HOURS OF 2:00 A.M. AND 10:00 A.M. ON  
 30 SATURDAY, AND BETWEEN THE HOURS OF 2:00 A.M. AND NOON ON  
 31 SUNDAY.]  
 32

33 (CAC 6.08.010; AO No. 81-35(S); AO No. 81-197; AO No. 2013-42, § 1, 4-11-13;  
 34 AO No. 2013-86(S), § 2, 8-6-13)  
 35

36 **Section 4.** Anchorage Municipal Code section 10.50.015, section  
 37 10.50.020, section 10.50.023, and all of section 10.50.035 except for subsection  
 38 10.50.035D (Bar Safety Hour Permit) are hereby repealed. In accordance with  
 39 AMC section 1.05.050B, a copy of the existing text of these sections is attached as  
 40 Exhibit B. Anchorage Municipal Code subsection 10.50.035D (Bar Safety Hour  
 41 Permit) is renumbered and amended in Section 9.  
 42

43 **Section 5.** Anchorage Municipal Code Chapter 10.50 is amended by adding  
 44 a new section to read as follows:  
 45

46 **10.50.016 Prohibited acts.**  
 47

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

3  
4 **Section 6.** Anchorage Municipal Code 10.50.025 is hereby amended to  
5 read as follows:

6  
7 **10.50.025 Sales on election day.**

8  
9 The provisions of AS 04.16.070(a) do not apply in the municipality, and alcoholic  
10 beverages may be given, sold or bartered in licensed premises on election day.  
11 (CAC 6.08.070)

12  
13 **Editor's Note: This subsection shall sunset following state expiration on**  
14 **12/31/2023.**

15  
16 **Section 7.** Anchorage Municipal Code 10.50.030 is amended to read as  
17 follows:

18  
19 **10.50.030 Standards governing assembly protests to alcoholic**  
20 **beverage control board.**

21  
22 The procedure and standards for assembly protests regarding issuance of  
23 alcoholic beverage licenses is in section[s] 2.30.[120 AND 2.30.125].]

24  
25 **Section 8.** Anchorage Municipal Code Chapter 10.50 is amended by adding  
26 a new section to read as follows:

27  
28 **10.50.036 Operation of licensed premises.**

29  
30 A. Mandatory identification check in the retail sale of alcoholic beverages:  
31 Licensee or licensee's employee or agent shall require any purchaser of  
32 alcoholic beverages at any package store to produce a current government-  
33 issued identification with birth date and photograph for identification check  
34 prior to any on-premises sale. The purpose of the identification check is to  
35 verify age and eligibility to purchase alcoholic beverages. Failure to conduct  
36 the mandatory identification check required by this section is a violation of  
37 code and the licensee or licensee's employee or agent failing to conduct the  
38 mandatory identification check shall be subject to the civil penalty provisions  
39 of AMC 10.05.020, in addition to any express criminal penalties provided for  
40 under chapter 8.35[75]. Civil citations issued under this section are subject to  
41 appeal to the administrative hearing office pursuant to AMC 3.60.035. For  
42 purposes of mandatory identification check required by this section:

- 43  
44 1. "Current government-issued" means a state, federal or foreign  
45 government picture identification in force and effect for a specified  
46 period stated within the identification, when presented prior to  
47 expiration of the period stated. A state government identification with

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

5  
 6 2. The subsequent invalidation of the identification as a bona fide  
 7 government-issued identification does not invalidate the compliance.

8  
 9 3. An ongoing pattern of non-compliance with the mandatory  
 10 identification check required by this code may result in assembly  
 11 review of the conditions of use or under the procedures in AMCR  
 12 21.05, may result in the revocation of a special land use previously  
 13 approved by the assembly. Action by the assembly on licensee's  
 14 special land use under this section shall be in addition to any criminal  
 15 or civil penalty applicable to the individual making the sale without  
 16 performing the mandatory identification check.

17  
 18 4. This section 10.50.035 and section 21.03 are not intended to create,  
 19 transfer, or support civil liability to any party for the action or  
 20 inactions of a person who purchases alcohol from a licensed  
 21 establishment, with or without compliance by the licensee or its  
 22 agents or employees, with the conditions of operation adopted under  
 23 municipal code as special land use standards.

24  
 25 (AO No. 85-128(S); AO No. 86-58; AO No. 89-17; AO No. 95-84(S-1), § 20, 5-27-  
 26 95; AO No. 95-202, § 1, 11-14-95; AO No. 2001-51, § 1, 2-27-01; AO No. 2011-  
 27 55(S-1), § 1, 7-1-11; AO No. 2013-42, § 3, 4-11-13; AO No. 2013-86(S), § 3, 8-6-  
 28 13; AO No. 2014-95, § 1, 8-5-14; AO No. 2015-93, § 1, 8-25-15 ; AO No. 2016-  
 29 96(S) , § 1, 8-23-16; AO No. 2017-92 , § 1, 6-27-17)

30  
 31 **Section 9.** Anchorage Municipal Code subsection 10.50.035D is amended  
 32 to read as follows:

33  
 34 **10.50.037[35D] Bar safety hour program**

35  
 36 **A[D]. Bar Safety Hour Program:** Premises licensed by the State[UNDER  
 37 AS 4.11] for the service and consumption of alcoholic beverages may apply  
 38 for a bar safety hour permit, and if granted, may remain open for persons to  
 39 consume food or nonalcoholic beverages between the hours of 3:00 a.m. and  
 40 4:00 a.m. on Saturday or Sunday or on a legal holiday recognized by the state  
 41 under AS 44.12.010, subject to the following:

42  
 43 1. *Application and renewal:* Licensees seeking a bar safety hour permit  
 44 or to renew a permit shall submit to the clerk:

45  
 46 a. All information required by the clerk on the bar safety hour  
 47 permit application or renewal application.

1  
2 b. An application fee of \$50.00. The application fee is  
3 nonrefundable.  
4

5 2. *Requirements and restrictions:* The following requirements and  
6 restrictions apply to licensees operating with a bar safety hour  
7 permit, in addition to other requirements and restrictions specified for  
8 licensees in state or local law:  
9

10 a. The bar safety hour permit shall be displayed publicly on the  
11 premises in the same manner as the license and the restaurant  
12 endorsement issued by the ABC Board.  
13

14 b. Premises interior lighting shall be maintained at full brightness  
15 during the bar safety hour.  
16

17 c. Entertainment and music of any kind are prohibited during the  
18 bar safety hour.  
19

20 d. No alcoholic beverages may be sold, served or consumed  
21 during the bar safety hour.  
22

23 3. *Procedures to approve, deny, or for suspension, revocation or*  
24 *restriction of bar safety hour permit:* Except as provided by  
25 subsections 3.b. and 3.e. below, no decision to suspend, revoke or  
26 otherwise limit or restrict a current bar safety hour permit granted  
27 under this section shall be effective until the person holding such  
28 permit is first given an opportunity to be heard. A decision to deny an  
29 application for a bar safety hour permit or to approve a permit  
30 application with restrictions as authorized in this subsection shall be  
31 effective at the time of the decision, but subject to an administrative  
32 hearing to review the decision. Administrative hearings under this  
33 subsection shall be conducted by the clerk, or as designated, the  
34 administrative hearing officer, pursuant to chapter 3.60.  
35

36 a. Application review and approval. Upon receipt of a complete  
37 application, the clerk will:  
38

39 i. Verify the licensee is in good standing with the ABC Board.  
40

41 ii. Consult with the Anchorage Police Department for  
42 certification that it is appropriate for the applicant to  
43 receive a bar safety hour permit, and  
44

45 iii. Issue a bar safety hour permit to applicants certified and  
46 meeting the requirements of the application. The clerk may  
47 impose restrictions on the use of the licensed premises in

1 addition to the restrictions required by subsection D.2. An  
2 applicant aggrieved by additional restrictions may request  
3 a hearing to review the imposition of additional restrictions  
4 in accordance with subsection 3.c.  
5

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

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

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

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

44 e. This section shall not apply to, nor shall it be construed to  
45 supersede, any specific provision of this title already permitting  
46 or requiring administrative or quasi-judicial hearings to determine  
47 the specific rights and privileges of any individual or to review

1 the legality, appropriateness or wisdom of administrative action  
2 permitted in this title.

- 3  
4 4. *Review of bar safety hour permits:* The clerk will report to the  
5 assembly only if violations of the bar safety hour occur, or annually,  
6 whichever comes first. Information regarding any notices of violations  
7 issued by the ABC Board involving unlawful sale, service or  
8 consumption of alcoholic beverages after 3:00 a.m. on Saturday,  
9 Sunday, or legal holidays recognized by the state under AS  
10 44.12.010, issued to licensees with bar safety hour permits, shall be  
11 included in the reports.  
12
- 13 5. *Restaurant endorsements:* Nothing in this section requires a premise  
14 licensed by the State[UNDER AS 4.11] for the service and  
15 consumption of alcoholic beverages that holds a current restaurant  
16 endorsement to obtain a bar safety hour permit in order to remain  
17 open and serve food or nonalcoholic beverages between the hours  
18 of 3:00 a.m. and 4:00 a.m. on Saturday, Sunday, or legal holidays  
19 recognized by the state under AS 44.12.010.  
20
- 21 6. *Enforcement:* Officers of the Anchorage Police Department shall  
22 have the authority to write and serve civil citations for violations of  
23 the provisions of sections 10.50.010 and 10.50.035.  
24
- 25 7. *Expiration and renewal:* The bar safety hour permit is non-  
26 transferable and shall expire 12 months after the date of issuance,  
27 unless renewed prior to expiration or terminated earlier due to  
28 revocation. When a renewal application is received at least 30 days  
29 before expiration of that permit, the clerk may, prior to completion of  
30 application renewal and certification, temporarily renew that permit  
31 for no more than 60 days past its expiration date, provided that the  
32 clerk has no reason to believe the applicant is not qualified to receive  
33 the permit renewal. A renewal application received after expiration of  
34 the existing permit must be submitted as a new application.  
35

36 (AO No. 85-128(S); AO No. 86-58; AO No. 89-17; AO No. 95-84(S-1), § 20, 5-27-  
37 95; AO No. 95-202, § 1, 11-14-95; AO No. 2001-51, § 1, 2-27-01; AO No. 2011-  
38 55(S-1), § 1, 7-1-11; AO No. 2013-42, § 3, 4-11-13; AO No. 2013-86(S), § 3, 8-6-  
39 13; AO No. 2014-95, § 1, 8-5-14; AO No. 2015-93, § 1, 8-25-15 ; AO No. 2016-  
40 96(S) , § 1, 8-23-16; AO No. 2017-92 , § 1, 6-27-17)

41  
42 **Section 10.** Anchorage Municipal Code 10.50.040 is hereby repealed. In  
43 accordance with AMC section 1.05.050B, a copy of the existing text of these  
44 sections is attached as Exhibit C.  
45

46 **Section 11.** Anchorage Municipal Code 10.50.060 is amended to read as  
47 follows:

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

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

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

**Section 12.** This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Chair of the Assembly

ATTEST:

\_\_\_\_\_  
Clerk