

CLERK'S OFFICE

APPROVED

Date: 1-23-01

Submitted by: Assemblymember SULLIVAN

Prepared by: Assembly Office

For reading: JANUARY 23, 2001

ANCHORAGE, ALASKA

AR NO. 2001- 19

**A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE MODIFYING THE
CONDITIONS OF RENEWAL FOR THE BEVERAGE DISPENSARY LIQUOR LICENSE
FOR ANNA'S PLACE**

WHEREAS, on May 31, 2000, the Anchorage Assembly passed AR 2000-160 as amended (see attached) which imposed conditions on the renewal of the license and waived its protest of the renewal; one of the conditions imposed requires Anna's Place to close at midnight on weekdays and 1:30 a.m. on Saturday and Sunday; and

WHEREAS, the Assembly and the owner of Anna's Place agree that so long as no alcohol is served after the hours of midnight on weekdays and 1:30 a.m. on Saturday and Sunday and the alcohol is placed in a locked storage area or cabinet, Anna's Place should be allowed to remain open for food service; and

WHEREAS, on August 15, 2000, the Assembly passed AR 2000-244 (see attached) which extended the hours under which Anna's Place could be open for business, but not sell alcohol; and

WHEREAS, the owners of Anna's Place have requested that the conditions be further modified by making the hours during which they can sell alcohol consistent with Municipal Code and consistent with the hours available to its competitors.

NOW, THEREFORE, the Anchorage Assembly resolves:

Section 1: AR 2000-160 (as amended) is amended to allow Anna's Place to be open for business and sell and serve alcohol as provided in Anchorage Municipal Code Section 10.50.010, *Closing hours for licensed premises* (see attached). AR 2000-244 is hereby repealed.

Section 2: That this resolution is effective immediately upon its passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 23 day of January, 2001.


Chair

ATTEST


Municipal Clerk

CLERK'S OFFICE
AMENDED AND APPROVED
Date:.....5-31-00

Submitted by: Assembly Chair
Von Gemmingen
Prepared by: Department of Law
For reading: May 31, 2000

ANCHORAGE, ALASKA
AR NO. 2000- 160(as amended)

A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE WAIVING PROTEST OF RENEWAL OF A BEVERAGE DISPENSARY LICENSE FOR ANNA'S PLACE AND RECOMMENDING IMPOSITION OF CONDITIONS ON RENEWAL OF THIS LICENSE BY THE ALCOHOLIC BEVERAGE CONTROL BOARD UNDER AS 04.11.480(c).

THE ANCHORAGE ASSEMBLY RESOLVES:

WHEREAS, according to the Bar Violations/Quarterly Reports and related materials submitted with AM 517-2000, Anna's Place has a significant and serious number of violations which, if unremedied, warrant protest of the renewal of this license. Those violations include allowing underage persons to enter and remain on the premises, allowing underage persons to purchase and consume alcohol, failing to control and police the parking area to prevent fights, failing to ensure employees have the required TAMS card, and serving alcohol to minors; and

WHEREAS under AS 04.11.480(c) the local governing body of the Municipality of Anchorage may recommend that a license be renewed with conditions imposed by the State of Alaska Alcoholic Beverage Control Board; and

WHEREAS, under state law, conditions recommended by a local governing body on the renewal of a beverage dispensary license shall be imposed by the Alcoholic Beverage Control Board unless the board finds the conditions are arbitrary, capricious, or unreasonable; and

WHEREAS, the licensee has agreed to apply within 6 months for an amendment to its conditional use permit to provide exterior lighting and landscaping.

WHEREAS, the petitioner has agreed to amend the conditional land use permit within the next six months.

THE ANCHORAGE ASSEMBLY RESOLVES

Section 1. That, subject to imposition of the operating conditions incorporated under Section 2 below, the Assembly does not protest renewal of this beverage dispensary license.

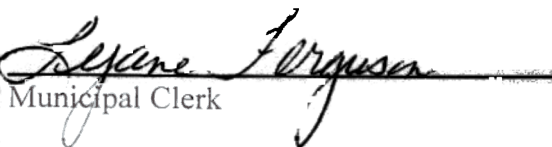
Section 2. That, as allowed by AS 04.11.480(c), the Assembly recommends that the State of Alaska Alcoholic Beverage Control Board imposed those operating conditions set out on Exhibit A attached hereto and incorporated by reference on renewal of this license.

Section 3. This resolution is effective immediately upon passage and approval

PASSED AND APPROVED by the Anchorage Assembly this 31st day of May, 2000.


Chair of the Assembly

ATTEST:


Municipal Clerk

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EXHIBIT A

ANNA'S PLACE

Operating Conditions Recommended by the Anchorage Assembly May 31, 2000

- A) All employees shall submit to retraining in an approved alcohol server course and submit proof of such retraining to the city clerk within thirty (30) days.
- B) Alcohol service shall cease thirty (30) minutes prior to closing.
- C) Thirty (30) minutes before the time the restaurant designation permit is no longer in effect by its express terms, the licensees shall check all identifications of all patrons who appear to be less than thirty (30) years of age who are on the premises and shall require those under the age of twenty-one (21) years who are unaccompanied minors as defined by title 4, to leave the premises prior to the time the restaurant designation permit is no longer in effect.
- D) At any time when Karoke or other entertainment is offered, the Licensee shall have on duty at the door at least one person who is trained in an approved alcohol server course to check identification and the condition of any person seeking to come on the licensed premises.
- E) The Licensee shall keep a log of all incidents on the licensed premises and make such log available to officers of the Anchorage Police Department and the Alcoholic Beverage Control Board upon request.
- F) The Assembly shall review the record of this Licensed establishment with a view to a possible protest of continued operations as provided in AS 04.11.480(a) on or before January 31, 2001 even though this license will not be considered for renewal again for another two (2) years under the biennial licensing practices of the ABC Board.
- G) Closing hours are midnight on weekdays and 1:30 a.m. on Saturday and Sunday.

CLERK'S OFFICE
APPROVED
Date: 8-15-00

Submitted by: Assembly Chair
Von Gemmingen
Prepared by: Department of Law
For reading: August 15, 2000

ANCHORAGE, ALASKA
AR NO. 2000-244

A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE MODIFYING THE CONDITIONS
OF RENEWAL FOR THE BEVERAGE DISPENSARY LIQUOR LICENSE FOR ANNA'S PLACE.

THE ANCHORAGE ASSEMBLY RESOLVES:

WHEREAS, on May 31, 2000, the Anchorage Assembly passed AR 2000-160 (as amended) which imposed conditions on the renewal of the license and waived its protest of the renewal. One of the conditions imposed requires Anna's Place to close at midnight on weekdays and 1:30 a.m. on Saturday and Sunday; and

WHEREAS, the Assembly and the owner of Anna's Place agree that so long as no alcohol is served after the hours of midnight on weekdays and 1:30 a.m. on Saturday and Sunday and the alcohol is placed in a locked storage area or cabinet, Anna's Place should be allowed to remain open for food service;

NOW THEREFORE,

Section 1. AR 2000-160 (as amended) is amended to require alcohol sales to cease by midnight on weekdays and 1:30 a.m. on Saturday and Sunday. All alcohol shall immediately therewith be locked in a storage area or cabinet. The closing hours mandated by AR 2000-160 (as amended) are hereby revoked.

Section 2. That this resolution is effective immediately upon its passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 15th day of August, 2000.

F. J. Von Gemmingen
Chair of the Assembly

ATTEST:

Lynne Ferguson
Municipal Clerk

10.50.010 Closing hours for licensed premises.

A. Premises licensed under AS 4.11.080 for the service and consumption of alcoholic beverages shall be closed for the sale, service and consumption of alcoholic beverages between the hours of 2:30 a.m. and 10:00 a.m. Monday through Friday, and between the hours of 3:00 a.m. and 10:00 a.m. on Saturday or Sunday or on a legal holiday recognized by the state under AS 44.12.010.

B. All other retail premises licensed under AS 4.11.080 shall be closed for the sale of alcoholic beverages between the hours of 1:00 a.m. and 10:00 a.m. Monday through Friday, and between the hours of 2:00 a.m. and 10:00 a.m. on Saturday, and between the hours of 2:00 a.m. and noon on Sunday.
(CAC 6.08.010; AO No. 81-35(S); AO No. 81-197)

10.50.015 Prohibited acts.

It is unlawful:

- A. For a person to barter or sell alcoholic beverages in a business premises that is not licensed by the state alcoholic beverage control board.
- B. For a licensee or his employee or agent to permit a person to drink intoxicating liquor on licensed premises not classified for sale and consumption of hard or distilled liquor by the board.
- C. For a licensee or his employee or agent to sell, attempt to sell, furnish, barter or permit to be consumed alcoholic beverages in any premises licensed under AS 4.11.080 for the service and consumption of alcoholic beverages between the hours of 2:30 a.m. and 10:00 a.m. Monday through Friday, or between the hours of 3:00 a.m. and 10:00 a.m. on Saturday or Sunday or on a legal holiday recognized by the state under AS 44.12.010.
- D. For a licensee, his employee, agent or any person in licensed premises to sell, attempt to sell, furnish, barter or permit to be consumed alcoholic beverages in any other retail premises licensed under AS

4.21.010 between the hours of 1:00 a.m. and 10:00 a.m. each Monday through Friday, or between the hours of 2:00 a.m. and 10:00 a.m. on Saturday, or between the hours of 2:00 a.m. and noon on Sunday.

- E. For a licensee, his employee, agent or any person in licensed premises to give, barter or sell alcoholic beverages to any person who, within the normal powers of observation, appears to be intoxicated. For the purposes of this section, a person appears to be intoxicated when he exhibits any symptom that indicates substantial loss of control of physical or mental facilities, including but not limited to bloodshot eyes, slurred speech, clumsiness, drowsiness, heavy odor of alcoholic beverages or undue or abnormal excitation or suppression of the passions or feelings.
- F. For a licensee, his employee, agent or any person in licensed premises to give, barter or sell alcoholic beverages to a person under 21 years of age.
- G. For a person under the age of 21 years to enter or remain upon licensed premises unless he is accompanied by his parent, guardian or spouse who has attained the age of 21 years. However, a person 18 years of age or older may enter and remain upon licensed premises in the course of his employment as a musician, entertainer or busboy. In addition, a person under the age of 21 years may enter and remain upon licensed premises also recognized as a restaurant for the purpose of dining or dancing if accompanied by his parent or guardian, or by the parent or guardian of any other minor also present, or by any other adult with the consent of the minor's parents or guardian.
- H. For a person under 21 years of age to solicit the purchase, to attempt to purchase or to possess alcoholic beverages.
- I. For a person under 21 years of age to enter a licensed premises and offer or present to a licensee or his employee or agent or a law enforcement officer a doc-

**Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
AGENDA DOCUMENT CONTROL SHEET**

Apr 2001 - 19

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED <i>1-19-01</i>
	<i>Modifying the Conditions of Renewal For the Beverage Dispensary Liquor License for Anna's Place</i>	INDICATE DOCUMENTS ATTACHED
		<i>AR, attachments</i>
2	DEPARTMENT NAME <i>Assembly</i> <small>Assembly</small>	DIRECTOR'S NAME <i>Fay Von Gemmingen</i>
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER <i>4751</i>
4	COORDINATED WITH AND REVIEWED BY	INITIALS
	DATE	
	Mayor	
	Heritage Land Bank	
	Merrill Field Airport	
	Municipal Light & Power	
	Port of Anchorage	
	Solid Waste Services	
	Water & Wastewater Utility	
	Municipal Manger	
	Cultural & Recreational Services	
	Employee Relations	
	Finance, Chief Fiscal Officer	
	Fire	
	Health & Human Services	
	Office of Management and Budget	
	Management Information Services	
	Police	
	Planning, Development & Public Works	
	Development Services	
	Facility Management	
	Planning	
	Project Management & Engineering	
	Street Maintenance	
	Traffic	
	Public Transportation Department	
	Purchasing	
	Municipal Attorney	
	Municipal Clerk	
	Other	
5	SPECIAL INSTRUCTIONS/COMMENTS	
	<i>For Action</i>	
	<i>Addendum</i>	
	<i>T.C. G.</i>	
6	ASSEMBLY MEETING DATE <i>1-23-01</i>	7
		PUBLIC HEARING DATE REQUESTED <i>—</i>

M.C.A.
 2001 JAN 19 AM 11:59
 CLERK'S OFFICE