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APPROVED

Date: 9-24-02

Submitted by: Assembly Members
Fairclough and Trainor
Prepared by: Department of Law
For reading: September 10, 2002

ANCHORAGE, ALASKA
AO NO. 2002- 137

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 10.50 TO
ADD A NEW SECTION AUTHORIZING CIVIL ACTIONS BY LICENSEES
REGARDING ACQUISITION BY OR DELIVERY OF ALCOHOLIC BEVERAGES TO
PERSONS UNDER 21 YEARS OF AGE.

THE ANCHORAGE ASSEMBLY ORDAINS

Section 1. Anchorage Municipal Code Chapter 10.50 is hereby amended by adding a
new section 10.50.023 to read as follows:


10.50.023 **Civil action by licensee regarding purchase by or delivery of
alcohol to persons under 21 years of age.**

A In addition to any other penalty provided by law, the following persons
shall be liable in a civil action to the licensee for a civil penalty of
\$1,000.00, court costs, and reasonable attorney's fees under the Alaska
Rules of Civil Procedure, Rule 82, for the following unlawful acts:

- 1 A person under 21 years of age who solicits another to purchase
an alcoholic beverage from a licensee, in violation of AS 04.16.060
or subsection 10.50.015H.; or
2. A person who orders, purchases or receives an alcoholic beverage
from a licensee, or an agent or employee of the licensee, for the
purpose of selling, giving, or serving to a person under 21 years of
age, in violation of AS 04.16.060 or subsection 10.50.015K.

Section 2. This ordinance shall take effect immediately upon passage and approval by
the Anchorage Municipal Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 24th day of
September, 2002.


Chair

ATTEST


Municipal Clerk

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MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 812-2002

Meeting Date: September 10, 2002

From: Assembly Members Fairclough and Traini

Subject: Ordinance No 2002- 137; **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 10.50 TO ADD A NEW SECTION AUTHORIZING CIVIL ACTIONS BY LICENSEES REGARDING ACQUISITION BY OR DELIVERY OF ALCOHOLIC BEVERAGES TO PERSONS UNDER 21 YEARS OF AGE.**

The attached ordinance provides for a civil penalty targeting not only persons under 21 years of age who solicit an adult to acquire or purchase alcoholic beverages from an alcoholic beverage licensee, but also adults who purchase alcoholic beverages from a licensee for persons under 21 years of age. This civil penalty ordinance is similar to Anchorage Municipal Code section 10.50.020, which allows alcohol beverage licensees to bring a civil action against persons under 21 years of age who enter the licensee's marked premises.

Although criminal penalty provisions exist in Anchorage Municipal Code section 10.50.015 for such unlawful acts, the civil penalty provisions can be used by the licensee against violators without requiring police action. The civil penalty provisions will help offset the costs to the licensee for making third party arrests, and will encourage other licensees to participate in eradicating these unlawful acts.

Your approval of the attached ordinance is recommended and encouraged.

Respectfully submitted,


Anna Fairclough
Assembly Member

Prepared by:


William Greene
Municipal Attorney