

CLERK'S OFFICE

APPROVED

Date: 1-28-03

Submitted by: Chair Traini

Prepared by: Department of Assembly

For reading: January 14, 2003

Anchorage, Alaska  
AO 2003-8

AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 10.50, ALCOHOLIC BEVERAGES, TO REQUIRE REGISTRATION OF KEGS OR OTHER CONTAINERS CAPABLE OF HOLDING FOUR OR MORE GALLONS OF AN ALCOHOLIC BEVERAGE AND OFFERED FOR SALE OR LEASE TO CONSUMERS WHO ARE NOT LICENSED UNDER AS 04.16.

THE ANCHORAGE ASSEMBLY ORDAINS

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

10.50.050 Keg or Container Registration.

A. Obligations of seller. Any person who sells, leases, or offers for sale or lease, kegs or other containers holding four gallons or more of an alcoholic beverage to consumers who are not licensed under AS 04.16 shall, prior to surrendering physical possession of the keg or other container:

1. Require the purchaser of the alcoholic beverage to sign a registration declaration and receipt for the keg or other container on a form approved by the Municipality of Anchorage Chief of Police and which meets the requirements set forth under subsection (C) of this section;
2. Require the purchaser to provide identification pursuant to AS 04.21.050
3. Affix a properly completed and signed registration declaration and receipt form, which may also serve as the purchaser's receipt, to all containers of four gallons or more of an alcoholic beverage prior to surrendering possession or control thereof to a consumer;
4. Retain a copy of the completed and signed registration declaration and receipt, which shall be retained on the licensed premises for a period of one year and shall be available for inspection and copying by any peace officer or Alcohol Beverage Control Board investigator or agent;
5. Within two days of the purchase, send one copy of the completed and signed registration declaration and receipt to the Anchorage Police Department; and

1 6. Upon return of the keg or other container, the seller shall note the date of return  
2 and the initials of the person who accepts the return on the copy of the  
3 completed and signed registration declaration and receipt form which shall be  
4 retained on the licensed premises.

5  
6 **B. Obligations of purchaser.** Any person who purchases or leases kegs or other  
7 containers holding four gallons or more of an alcoholic beverage shall:

8  
9 1 Complete and sign a registration declaration and receipt form for the keg  
10 or other container on a form provided by the seller pursuant to subsection  
11 (A)(1) of this section;

12  
13 2. Provide identification pursuant to AS 04.21.050;

14  
15 3. Be of legal age to purchase, possess, or use alcoholic beverages;

16  
17 4. Not allow any person under the age of 21 to consume the beverage except as  
18 provided by AS 04.16.051;

19  
20 5. Not remove, obliterate, or allow to be removed or obliterated, the copy of the  
21 completed and signed registration declaration and receipt form attached to the  
22 keg or container as required under subsection (C) of this section;

23  
24 6. Return the keg or other container to the place of purchase no later than the  
25 date indicated on the container identification required under subsection (C) of  
26 this section; and

27  
28 7. Not move, keep, or store the keg or its contents, except for transporting to and  
29 from the distributor, at any place other than that particular address or  
30 addresses declared on the completed and signed registration declaration and  
31 receipt form.

32  
33 **C. Identification of containers.**

34  
35 1 A keg registration declaration and receipt form provided by licensees and  
36 approved by the Anchorage Police Department shall be properly completed by  
37 the licensee for sales and leases of kegs or other containers holding four or  
38 more gallons of an alcoholic beverage for off-premises consumption, and shall  
39 contain:

40  
41 a. The name and address of the seller;

42  
43 b. The name and address of the purchaser;

44

- c. The type and serial number of the identification presented by the purchaser pursuant to AS 04.21.050;
- d. A sworn statement, signed by the purchaser under penalty of perjury, stating that the purchaser is 21 years of age or older; will not allow persons under 21 years of age to consume the alcoholic beverages purchased except as provided by AS 04.16.051, will not remove or obliterate or allow the removal or obliteration of the registration declaration and receipt form affixed to the keg or other container, and will return the keg to the seller no later than 48 hours after the consumption date or dates listed on the completed and signed registration declaration and receipt form;
- e. The particular address or addresses where the alcoholic beverages will be consumed, and the date or dates on which it will be consumed; and
- f. A warning that it is illegal to obscure or remove the completed and signed registration declaration and receipt form and that possession of a keg or other container which is capable of holding four or more gallons of an alcoholic beverage, other than on the seller's premises, without a properly completed registration declaration and receipt form affixed thereon shall be a violation of this Chapter.

**D. Offenses.**

- 1 It is unlawful for any package store licensee, agent, or employee to sell or offer for sale kegs or other containers containing four gallons or more of alcoholic beverages to consumers who are not licensed under AS 04.16, if the kegs or containers are not identified in compliance with this Chapter.
2. It is unlawful for any person who is not licensed under AS 04.16, to possess, or be in control of a keg or other container containing four gallons or more of alcoholic beverages which is not identified in compliance with this Chapter.


- E. Penalties.** Except as provided in AS 04.16.051, a person who violates any provision of this Chapter shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$75.00 and not more than \$300.00 for each offense as follows:

Violation	Short Title	Fine
10.50.05D.1.	Keg or Container Identification – Seller	
	First Offense	\$ 75.00
	Second Offense	\$150.00
	Third and Subsequent Offenses	\$300.00
10.50.05D.2.	Keg or Container Identification – Purchaser	
	First Offense	\$ 75.00
	Second Offense	\$150.00
	Third and Subsequent Offenses	\$300.00

State law references: Municipal regulation, AS 04.21.010; Furnishing or delivery of alcoholic beverages to persons under the age of 21, AS 04.16.051.

Section 2: That this ordinance shall take effect April 1, 2003.

PASSED AND APPROVED by the Anchorage Assembly this 28<sup>th</sup> day of January, 2003.

  
Chair

ATTEST:

  
Municipal Clerk

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2003-8

Title: AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 10.50, ALCOHOLIC BEVERAGES, TO REQUIRE REGISTRATION OF KEGS OR OTHER CONTAINERS CAPABLE OF HOLDING FOUR OR MORE GALLONS OF AN ALCOHOLIC BEVERAGE AND OFFERED FOR SALE OR LEASE TO CONSUMERS WHO ARE NOT LICENSED UNDER AS 04.16.

Sponsor: Chair Traini

Preparing Agency: Department of Assembly

Others Impacted: Police Department, Private Sector Retailers, Private Sector Consumers

**CHANGES IN EXPENDITURES AND REVENUES:**

(In Thousands of Dollars)

	<u>FY03</u>	<u>FY04</u>	<u>FY05</u>	<u>FY06</u>	<u>FY07</u>
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
<b>TOTAL DIRECT COSTS:</b>	\$ -	\$ -	\$ -	\$ -	\$ -
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
<b>FUNCTION COST:</b>	\$ -	\$ -	\$ -	\$ -	\$ -
<b>REVENUES:</b>					

**POSITIONS: FT/PT and Temp**

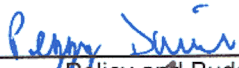
**PUBLIC SECTOR ECONOMIC EFFECTS:**                   \$ -                   \$ -                   \$ -                   \$ -

The Ordinance requires initial approval of the Keg Registration Declaration form by the Chief of Police. The Chief may either design a standard form to be used by all licensees or may individually approve each form submitted. Since the Anchorage Police Department will receive copies of all Registration Declarations issued, APD support staff may notice a minimal increase in incoming mail for the Department. It is estimated that the minimal cost of staff time will be more than offset by the benefits and cost savings to the Department as a result of the program. Our law enforcement officials will have the necessary information to trace alcoholic beverage purchases consumed by youth and hold the adult purchasers responsible. This ordinance will act as a deterrent to adult purchasers who might otherwise provide minors with alcohol and, as a result, assist in reducing problems related to underage drinking.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

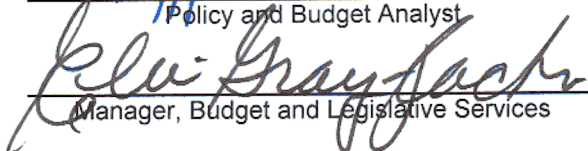
Since most retailers already record the name and address of keg purchasers and maintain records of purchases, there should be no significant impact to the retail industry. Additional minimal costs include the cost of mailing a copy of each Registration Declaration to the Anchorage Police Department. Costs incurred by the public sector in general are limited to violations of the ordinance. The estimated cost savings and benefits to the community are substantial since this ordinance will act as a deterrent for alcohol consumption by youth and thereby substantially reduce the societal costs of problems related to underage drinking including: driving under the influence; violence; crime; and situations involving sex while consuming alcohol which can lead to date rape, sexually transmitted diseases, and unplanned pregnancies.

Prepared by:

  
Policy and Budget Analyst

Telephone: 343-4763

Approved by:

  
Manager, Budget and Legislative Services

Date:

1-10-03



**MUNICIPALITY OF ANCHORAGE**  
**ASSEMBLY MEMORANDUM**  
**AM NO. 49 -2003**

**Meeting Date: January 14, 2003**

**From:** Chair Traini

**Subject:** AO 2003-8 REGISTRATION OF KEGS OR OTHER CONTAINERS CAPABLE OF HOLDING FOUR OR MORE GALLONS OF ALCOHOLIC BEVERAGE AND OFFERED FOR SALE OR LEASE TO CONSUMERS WHO ARE NOT LICENSED UNDER AS 04.16.

Beer kegs are often the main source of alcohol at parties where underage drinking occurs. Requiring registration of beer kegs enables police to identify and penalize adults who purchase kegs for parties where underage youth consume the alcohol. Without keg registration, it becomes extremely difficult for law enforcement officials to trace the purchase and hold the adult purchaser responsible.

The objectives of a keg registration ordinance include:

- Reducing problems related to underage drinking such as: driving under the influence; violence; crime; and situations involving sex while consuming alcohol which can lead to date rape, sexually transmitted diseases, and unplanned pregnancies.
- Encouraging and supporting the enforcement of laws governing underage consumption and possession by providing law enforcement with a tool to trace individuals who provide alcohol to minors.
- Encouraging retailers to always obtain proper identification when selling a keg.
- Acting as a deterrent to those over 21 years of age who might otherwise provide minors with alcohol.

Keg registration legislation has been adopted in 14 states and is a policy intended to reduce the availability of alcoholic beverages to underage youth without penalizing the beer industry or retailers. The keg registration requirement is not likely to create an overburden of paperwork on the retail industry since most retailers already record the name and address of keg purchasers.

The proposed keg registration ordinance requires the purchaser to provide specific information in the form of a sworn affidavit which also states the alcohol will not be consumed by underage youth.

Approval of AO 2003-8 is recommended.

Respectfully submitted,

*Dick Traini*  
Dick Traini  
Chair

Prepared by:

*Peggy Davis*  
Peggy Davis  
Policy and Budget Analyst, BLS

Reviewed by:

*Elvi Gray-Jackson*  
Elvi Gray-Jackson  
Manager, Budget and Legislative Services



Municipality of Anchorage  
MUNICIPAL CLERK'S OFFICE  
**Agenda Document Control Sheet**

*Ad 2003-8*

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

<b>1</b>	<b>SUBJECT OF AGENDA DOCUMENT</b>  An Ordinance Amending AMC Chapter 10.50, Alcoholic Beverages, to require registration of kegs or other containers capable of holding four or more gallons of alcoholic beverage and offered for sale or lease to consumers who are not licensed under AS 04.16	<b>DATE PREPARED</b>  January 10, 2003
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM
<b>2</b>	<b>DEPARTMENT NAME</b> Assembly	<b>DIRECTOR'S NAME</b> Greg Moyer
<b>3</b>	<b>THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY</b> Peggy Davis	<b>HIS/HER PHONE NUMBER</b> 343-4763
<b>4</b>	<b>COORDINATED WITH AND REVIEWED BY</b>	<b>INITIALS</b>
	<b>Mayor</b> Heritage Land Bank Merrill Field Airport Municipal Light & Power Port of Anchorage Solid Waste Services Water & Wastewater Utility	
	<b>Municipal Manager</b> 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	
	<b>Municipal Attorney</b>	
	<input checked="" type="checkbox"/> <b>Municipal Clerk</b>	
	<input checked="" type="checkbox"/> <b>Other - Assembly Counsel</b>	
<b>5</b>	<b>Special Instructions/Comments</b>  <div style="text-align: right;"> <i>Adendum -</i>  <i>Introducer -</i> </div> <div style="text-align: right; color: red;">       2003 JAN 10 PM 1:55        CLERK'S OFFICE     </div>	
<b>6</b>	<b>ASSEMBLY HEARING DATE REQUESTED</b> <i>1/14/03</i>	<b>PUBLIC HEARING DATE REQUESTED</b> <i>1/21/03</i>