

Anchorage, Alaska
AO 2003-126

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
ANCHORAGE MUNICIPAL CODE SECTION 10.50.050 KEG OR CONTAINER
REGISTRATION**

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1: Anchorage Municipal Code Section 10.50.050 is amended 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 **seven** [FOUR] gallons or more of an alcoholic beverage to consumers who are not licensed under AS 04.11 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 **an** [A] approved form [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 **an approved temporary tag with a unique identifier** [A PROPERLY COMPLETED AND SIGNED REGISTRATION DECLARATION AND RECEIPT FORM, WHICH MAY ALSO SERVE AS THE PURCHASER'S RECEIPT,] to all containers of **seven** [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 **form** [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
2 Upon return of the keg or other container, the seller shall note the date of return and
3 the initials of the person who accepts the return on the copy of the completed and
4 signed registration [DECLARATION AND RECEIPT] form which shall be retained on
5 the licensed premises.
6

7 B. Obligations of purchaser. Any person who purchases or leases kegs or other
8 containers holding seven [FOUR] gallons or more of an alcoholic beverage shall:
9

- 10 1. Complete and sign a registration [DECLARATION AND RECEIPT] form
11 for the keg or other container on a form provided by the seller pursuant to
12 subsection (A)(1) of this section;
13
14 2. Provide identification pursuant to AS 04.21.050;
15
16 3. Be of legal age to purchase, possess, or use alcoholic beverages;
17
18 4. Not allow any person under the age of 21 to consume the beverage except as
19 provided by AS 04.16.051;
20
21 5. Not remove, obliterate, or allow to be removed or obliterated, the temporary
22 tag [COPY OF THE COMPLETED AND SIGNED REGISTRATION
23 DECLARATION AND RECEIPT FORM] attached to the keg or container as
24 required under subsection (A) [(C)] of this section;
25
26 6. [RETURN THE KEG OR OTHER CONTAINER TO THE PLACE OF
27 PURCHASE NO LATER THAN THE DATE INDICATED ON THE CONTAINER
28 IDENTIFICATION REQUIRED UNDER SUBSECTION (C) OF THIS SECTION;
29 AND]
30
31 7. [NOT MOVE, KEEP, OR STORE THE KEG OR ITS CONTENTS, EXCEPT
32 FOR TRANSPORTING TO AND FROM THE DISTRIBUTOR, AT ANY PLACE
33 OTHER THAN THAT PARTICULAR ADDRESS OR ADDRESSES DECLARED
34 ON THE COMPLETED AND SIGNED REGISTRATION DECLARATION AND
35 RECEIPT FORM.]
36

37 C. Identification of containers.
38

- 39 1. A keg registration [DECLARATION AND RECEIPT] form provided by licensees
40 and approved by the Anchorage Police Department shall be properly
41 completed by the licensee for sales and leases of kegs or other containers
42 holding seven [FOUR] or more gallons of an alcoholic beverage for off-
43 premises consumption, and shall contain:
44

- a. The name [AND ADDRESS] of the seller;
- b. The name [AND ADDRESS] of the purchaser;
- c. The type and **identifying** [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 **temporary registration tag** [DECLARATION AND RECEIPT FORM] affixed to the keg or other container, and will return the keg **within the time constraints set by the seller** [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 **return date specified by the seller** [PARTICULAR ADDRESS OR ADDRESSES WHERE THE ALCOHOLIC BEVERAGES WILL BE CONSUMED, AND THE DATE OR DATES ON WHICH IT WILL BE CONSUMED]; and
- f. **The unique identifier of the temporary tag attached to the keg or container as required under subsection (A) of this section** [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 **seven** [FOUR] gallons or more of alcoholic beverages to consumers who are not licensed under AS 04.11, if the kegs or containers are not identified in compliance with this **Section** [CHAPTER].
2. It is unlawful for any person who is not licensed under AS 04.11, to possess, or be in control of a keg or other container containing **seven** [FOUR] gallons or

more of alcoholic beverages which is not identified in compliance with this **Section or to alter or remove the temporary tag affixed by the seller pursuant to subsection (A)(1) of this section** [CHAPTER].

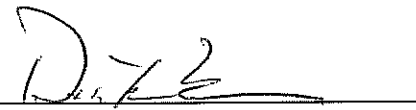
- E. Penalties. Except as provided in AS 04.16.051, a person who violates any provision of **Section 10.50.050** [THIS CHAPTER] shall be **subject to a civil penalty** [GUILTY OF A MISDEMEANOR AND SHALL BE SUBJECT TO A FINE] of not less than \$75.00 and not more than \$300.00 for each offense as follows:

Violation	Short Title		Fine
10.50.050D.1.	Keg or Container Identification – Seller		
		First Offense	\$ 75.00
		Second Offense	\$150.00
		Third and Subsequent Offenses	\$300.00
10.50.050D.2.	Keg or Container Identification – Purchaser		
		First Offense	\$ 75.00
		Second Offense	\$150.00
		Third and Subsequent Offenses	\$300.00


State law references: **Licensing, AS 04.11; Proof of Age, AS 04.21.050;** [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 ~~October 1, 2003.~~ January 1, 2004

PASSED AND APPROVED by the Anchorage Assembly this 30th day of September, 2003.


Chair

ATTEST:


Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2003-126

Title: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
AMENDING ANCHORAGE MUNICIPAL CODE SECTION 10.50.050 KEG
OR CONTAINER REGISTRATION

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					
TOTAL DIRECT COSTS:	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					
PUBLIC SECTOR ECONOMIC EFFECTS:	\$ -	\$ -	\$ -	\$ -	\$ -

There are no short-term economic effects anticipated. Expected long-term economic effects include a reduction in societal costs related to underage alcohol consumption (i.e. reduction in teenage pregnancy and in teenage crimes associated with alcohol consumption).

PRIVATE SECTOR ECONOMIC EFFECTS:

There are no short-term economic effects anticipated. Expected long-term economic effects include a reduction in societal costs related to underage alcohol consumption (i.e. reduction in teenage pregnancy and in teenage crimes associated with alcohol consumption).

Prepared by:

Peggy Davis
Utility Analyst

Telephone: 343-4763

Approved by:

Director, Budget and Legislative Services

Date:



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

AM NO. 700-2003

Meeting Date: August 27, 2003

From: Chair Traini

Subject: **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 10.50.050, KEG OR CONTAINER REGISTRATION**

The purpose of this ordinance is to amend the requirements of AMC Section 10.50.050 to address implementation concerns expressed by the Great Northern Brewer's Club, representatives of the micro brewery industry, Municipal Legal Department staff, retailers, and law enforcement.

The following concerns and suggestions expressed at the July 11, 2003 worksession have been addressed in this revision:

- Reflect standard retail keg/container size of seven gallons.
- Change the language to require "approved temporary tag" instead of "declaration registration and receipt form."
- Delete the APD notification requirement.
- Use the sample Keg Register form supplied by Brown Jug, Inc. as a guideline for the retail registration form requirement.
- Add a provision to address kegs/containers returned with altered or removed registration tags.
- Delete the requirement to return kegs/containers within 48 hours.
- Change the effective date to October 1, 2003 to allow time for additional worksessions and public hearing to address changes.
- Correct penalty references per communication from Municipal Legal Department staff.

Revising the new section to reflect concerns of the business community and the Municipality will ensure successful and effective implementation.

Approval of this ordinance is recommended.

Respectfully submitted,

Prepared by:

Dick Traini
Dick Traini
Chair

Peggy Davis
Peggy Davis
Utility Analyst, BLS Office

Reviewed by:

Elvi Gray-Jackson
Elvi Gray-Jackson
Director, Budget and Legislative Services

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

AO 2003-126

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED	
	AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTION 10.50.050 KEG OR CONTAINER REGISTRATION	August 20, 2003	
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM	
2	DEPARTMENT NAME	DIRECTOR'S NAME	
	Assembly	Dick Traini, Chair	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER	
	Peggy Davis	343-4763	
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 Manager		
	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		
	<input checked="" type="checkbox"/> Municipal Clerk		
	<input checked="" type="checkbox"/> Other - Assembly Counsel		
5	Special Instructions/Comments		
	<i>Special Meeting 8/27/03 - Introduction</i>		
6	ASSEMBLY HEARING DATE REQUESTED	7	PUBLIC HEARING DATE REQUESTED
	August 27, 2003		<i>9/23/03</i>

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