

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 3-8-05

Submitted by: Assemblymember **TESCHE**
Prepared by: Department of Assembly
For reading: February 15, 2005

ANCHORAGE, ALASKA
AO NO. 2005-30

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **ANCHORAGE MUNICIPAL CODE SECTION 2.30.120 PERTAINING TO ASSEMBLY**
3 **ACTION ON LIQUOR LICENSE APPLICATIONS.**
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5
6 THE ANCHORAGE ASSEMBLY ORDAINS:

7
8 **Section 1.** Anchorage Municipal Code section 2.30.120 is amended to read as follows:
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10 **2.30.120 Action on liquor license applications.**

11
12 A. Before acting on an application for a new liquor license or transfer of location of
13 an existing liquor license for which a conditional use permit is required under Title 21,
14 the assembly shall first conduct a public hearing under Section 21.15.005.
15

16 B. Separate votes shall be taken and recorded on whether the assembly will protest
17 the issuance or transfer of location of a liquor license, and on the question of whether to
18 approve the terms and conditions of a conditional use permit for that use under Title 21.
19 Six affirmative votes of the assembly are required to protest the issuance or transfer of
20 location of a license under AS 4.11.480, and six affirmative votes are required to create a
21 conditional use permit required under Title 21 for uses involving the retail sale or service
22 of alcoholic beverages.
23

24 C. On or before September 1 of each year, the municipal clerk shall notify all
25 community councils of liquor licenses located within their boundaries that will be
26 reviewed for renewal during the following year, and advise councils they may request a
27 public hearing before the assembly on any renewal within their boundaries. Requests for
28 an assembly resolution as provided in subsection D of this section made by a community
29 council under this section shall be made by no later than October 15 of that same year,
30 and shall be submitted to the assembly as part of its packet before action is taken on those
31 renewals. Holders of licenses for which a public hearing has been requested shall also be
32 notified by the municipal clerk of the request for a public hearing.
33

1 **D. If the chief determines continued operation of a license poses a demonstrated**
2 **risk to public order, a**[A]t any time the chief of police may prepare and submit to the
3 **assembly public safety committee a memorandum with such supporting documentation as**
4 **is determined appropriate requesting an informal meeting of the committee and a licensee**
5 **to discuss concerns the chief may have over the operation of the license. Licensees**
6 **invited to appear informally before the committee shall be given copies of the chief's**
7 **memorandum and supporting documentation with sufficient advance notice of the**
8 **meeting that will enable them to respond to the memorandum or to propose appropriate**
9 **corrective actions. After meeting with the chief and the licensee involved, the committee**
10 **may recommend corrective measures and/or introduction of a formal resolution stating**
11 **grounds for protest authorized under this section, or other appropriate action.**

12
13 **E. For law enforcement purposes** ~~At his discretion and at any time, the chief may~~
14 **submit to the entire assembly or its public safety committee a compilation of non-**
15 **confidential police incident reports relating to licensed premises for which renewal of a**
16 **license required under AS 4.11 has been or will likely be requested. At a minimum, the**
17 **compilation shall describe the dates, the relevant case number, and a brief summary of**
18 **each incident reported. Licensees invited to appear informally before the public safety**
19 **committee under D of this section, or subject to formal revocation proceedings upon**
20 **introduction of a resolution under F of this section, shall be provided in advance of the**
21 **informal meeting of the public safety committee or formal assembly hearing, copies of all**
22 **non-confidential documents pertaining to such incidents in the possession of the chief,**
23 **and from the department of law a report showing the disposition of all matters described**
24 **in those reports which have been referred to the municipal attorney for prosecution. Upon**
25 **request by a licensee at any time and payment of a research fee set out on a uniform**
26 **schedule promulgated by the municipal manager, licensees shall be entitled to receive a**
27 **compilation of police incident reports pertaining to the requesting establishment, non-**
28 **confidential reports and file materials pertaining to incidents still in the possession of the**
29 **chief, and a disposition report on each incident from the municipal attorney.**

30
31 **F.[D.]** Upon introduction of a resolution sponsored by at least three members of the
32 **assembly, with grounds for protest specified, and with at least 21 [14] days' notice to the**
33 **licensee and to the community council involved, the assembly shall schedule and conduct**
34 **a public hearing before exercising or waiving its right to**

- 35
36 1. Protest the issuance, renewal, relocation, transfer or continued operation of
37 an alcoholic beverage license under AS 4.11.480; or
38
39 2. Recommend imposition of conditions on a license under AS 04.11.480(c);
40 or
41
42 3. Notify the alcoholic beverage control board that a licensee has violated

assembly or board imposed conditions on an alcoholic beverage license.

4. Notice of public hearing required under this section shall be published at least seven days in advance in a newspaper of general circulation within the municipality.

G.[E.] In the exercise of its right to determine whether to protest issuance, relocation, transfer, continued operation or renewal of any liquor license, the assembly may elect to take any of the actions listed in subsection F [D] of this section unless permanent terms and conditions set by the assembly and communicated in writing to the state alcoholic beverage control board are imposed by the board. A protest by the assembly under this section cannot be based in whole or in part on police reports or other written materials available to the municipality but which were not provided to the affected owner or operator before the public hearing on that protest.

H. The prohibition against ex parte communication does not apply to the assembly's decision whether to protest issuance of a new license, renewal or transfer of an existing license, transfer of ownership, or issue of a duplicate license until such time as a notice of appeal of a protest has been filed with the State of Alaska Alcoholic Beverage Control Board.

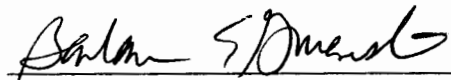
(AO No. 93-139(S-1), § 1, 7-1-94; AO No. 2000-72, § 1, 7-25-00)

Section 2. All other sections of this ordinance shall take effect upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 8th day of March, 2005.


Chair

ATTEST:


Municipal Clerk

AM 108-2005