

Postponed indefinitely 6/6/06

ANCHORAGE, ALASKA

AO No. 2006-61

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 2.30.120 AND
2 21.15.030 TO PROVIDE FOR EXPIRATION OF A CONDITIONAL USE FOR AN ALCOHOL
3 LICENSE AFTER CESSATION OF THE BUSINESS.
4

5
6 THE ANCHORAGE ASSEMBLY ORDAINS:
7

8 **Section 1.** Anchorage Municipal Code section 2.30.120 is amended by adding a new subsection to
9 read as follows (*the remainder of the section is not affected and therefore not set out*):
10

11 **2.30.120** **Action on liquor license applications.**
12

13 *** *** ***
14

15 C. A conditional use granted by the assembly for the retail sale or dispensing of alcoholic
16 beverages shall expire sixty (60) days after cessation of the business operation associated
17 with the license to sell alcoholic beverages. A pending application on file with the
18 Alcoholic Beverage Control Board to transfer the liquor license, or to install a new liquor
19 license on the premises, is required to obtain a new conditional use permit from the
20 Municipality.
21

22 [*The code revisor shall renumber the remaining subparagraphs.]
23

24 *** *** ***
25

26 (AO No. 93-139(S-1), § 1, 7-1-94; AO No. 2000-72, § 1, 7-25-00; AO No. 2005-30, § 1, 3-8-05)

27 *Charter references:* Powers of municipality, § 3.01; legislation, art. X.

28 *Cross references:* Alcoholic beverages, Ch. 10.50; land use planning, Tit. 21.

29 *State law references:* Alcoholic beverages, AS 4.11.480--4.11.506, 4.21.010; protests regarding
30 licenses, AS 4.11.480; power to regulate, AS 29.35.080.
31

32 **Section 2.** Anchorage Municipal Code section 21.15.030 is hereby amended to read as follows (*the*
33 *remainder of the section is not affected and therefore not set out*):
34

35 **21.15.030** **Approval of site plans and conditional uses.**
36

37 *** *** ***
38

39 J. Abandonment of conditional use.
40

*** *** ***

2. A conditional use granted by the assembly under section 21.50.160 [,
PERTAINING TO USES INVOLVING THE SALE OF ALCOHOLIC
BEVERAGES,] shall expire sixty (60) [120] days after cessation of the business
operation associated with [THE REMOVAL OF] the license to sell alcoholic
beverages [FROM THE PREMISES, UNLESS THERE IS AN]. A pending
application on file with the Alcoholic Beverage Control Board to transfer the
liquor license, or to install a new liquor license on the premises, is required to
obtain a new conditional use permit from the Municipality.

(GAAB 21.05.060, 21.05.080; AO No. 77-355; AO No. 78-231; AO No. 79-34; AO No. 79-214;
AO No. 82-22(S); AO No. 82-49; AO No. 84-70; AO No. 85-21; AO No. 85-72; AO No. 85-91,
10-1-85; AO No. 86-19; AO No. 86-155; AO No. 87-121, 11-27-87; AO No. 88-5(S); AO No.
94-62, § 1, 4-12-94; AO No. 95-129, § 5, 3-12-96; AO No. 2004-6, § 1, 10-1-03; AO No. 2004-
108(S), § 1, 10-26-04; AO No. 2005-19, § 1, 3-1-05)

Section 3. This ordinance shall be effective immediately upon passage and approval by the
Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2006.

Chair of the Assembly

ATTEST:

Municipal Clerk

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 266-2006

Meeting Date: April 18, 2006

1 **From:** PAMELA JENNINGS, Assembly Member

2
3 **Subject:** AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
4 SECTIONS 2.30.120 AND 21.15.030 TO PROVIDE FOR EXPIRATION OF
5 A CONDITIONAL USE FOR AN ALCOHOL LICENSE AFTER
6 CESSATION OF THE BUSINESS.
7

8 When a liquor business ceases operation, with no intent to reopen at that location, the
9 conditional use permit associated with that location should expire sixty (60) days from the date
10 of closure.
11

12 Under current law, a conditional use permit for a liquor establishment remains with the property
13 so long as the liquor license is valid. If the liquor license is not in force with respect to the
14 property, the conditional use permit expires one hundred twenty (120) days after the removal of
15 the license, unless there is an application on file with the ABC Board for a new license.
16 However, a property owner/licensee may apply for an annual waiver from the ABC Board,
17 allowing the liquor license to remain active as long as the licensee operates at least thirty (30)
18 days each calendar year, up to a maximum of three (3) years.
19

20 Thus, a liquor establishment may be closed for eleven (11) months each year, and still maintain
21 an active license as long as the license is operated for thirty (30) days each year. This waiver
22 provision in alcohol beverage licensing law allows a licensee to sell or transfer the liquor license
23 months, or even years, down the road, and under current municipal law, the new
24 owner/transferee is not required to apply for a new conditional use permit.
25

26 Since the impact of alcohol sales may have a negative impact on the social and economic
27 viability of a neighborhood, any change in operation should require a new conditional use
28 permit application. This change to Anchorage Municipal Code accomplishes that objective.
29 With this ordinance, a conditional use permit granted by the Assembly expires sixty (60) days
30 after cessation of the business operation associated with the license, and requires a new
31 owner/transferee to obtain a new conditional use permit.
32
33
34

35 Respectfully submitted,
36 Pamela Jennings, Assembly Member
37

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

AO 2006-61

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED
	AMEND AMC 2.30.120 AND 21.15.030 TO PROVIDE	4/12/06
	FOR EXPIRATION OF A CONDITIONAL USE FOR AN	
	ALCOHOL LICENSE AFTER CESSATION OF THE	Indicate Documents Attached
	BUSINESS	<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	Anna Fairclough, Chair
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER
	Susan Lutz - Assembly Counsel's Office	343-4572
4	COORDINATED WITH AND REVIEWED BY	INITIALS
	Mayor	
	Municipal Clerk	
	Municipal Attorney	
	Employee Relations	
	Municipal Manager	
	Cultural & Recreational Services	
	Fire	
	Health & Human Services	
	Merrill Field Airport	
	Municipal Light & Power	
	Office of Management and Budget	
	Police	
	Port of Anchorage	
	Public Works	
	Solid Waste Services	
	Transit	
	Water & Wastewater Utility	
	Executive Manager	
	Community Planning & Development	
	Finance, Chief Fiscal Officer	
	Heritage Land Bank	
	Management Information Services	
	Property & Facility Management	
	Purchasing	
	Other	
5	Special Instructions/Comments	
	Addendum - Introduction	
6	ASSEMBLY HEARING DATE REQUESTED	7
	4/18/06	
	PUBLIC HEARING DATE REQUESTED	
	5/23/06	

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 CLERK'S OFFICE
 H.O.A.





MUNICIPALITY OF ANCHORAGE
ASSEMBLY INFORMATION MEMORANDUM
NO. AIM 60-2006

Meeting Date: May 23, 2006

From: Assemblymember Jennings

Subject: Summary of Economic Effects for AO 2006-61

Attached to this memo is the Summary of Economic Effects for AO 2006-61, regarding AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 2.30.120 AND 21.15.030 TO PROVIDE FOR EXPIRATION OF A CONDITIONAL USE FOR AN ALCOHOL LICENSE AFTER CESSATION OF THE BUSINESS.

Prepared By: Steven B. King, Utility Budget Analyst

Reviewed By: Barbara E. Gruenstein and Guadalupe Marroquin

Submitted By: Assemblymember

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

An ordinance of the Anchorage Municipal Assembly AN ORDINANCE
AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 2.30.120 AND
21.15.030 TO PROVIDE FOR EXPIRATION OF A CONDITIONAL USE FOR AN
ALCOHOL LICENSE AFTER CESSATION OF THE BUSINESS.

AO Number: 2006-61

Title:

Sponsor: Assemblymember Jennings

Preparing Agency: Assembly

Others Impacted: Planning

CHANGES IN EXPENDITURES AND REVENUES:

(In Thousands of Dollars)

	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>	<u>FY10</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 substantial public sector effects associated with this ordinance.

PRIVATE SECTOR ECONOMIC EFFECTS:

There are no substantial private sector effects associated with this ordinance.

Prepared by: Steven B. King, Utility Budget Analyst
Reviewed by: Barbara Gruenstein and Guadalupe Marroquin

Telephone: 343-4714
Telephone: 343-4311 and 343-4376

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

AIM 60-2006

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT SUMMARY OF ECONOMIC EFFECTS FOR AO 2006-61	DATE PREPARED 5/1/06
		Indicate Documents Attached <input type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input checked="" type="checkbox"/> AIM
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Dan Sullivan, Chair
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Steven B. King - Utility Budget Analyst	HIS/HER PHONE NUMBER 343-4714
4	COORDINATED WITH AND REVIEWED BY	INITIALS
	Mayor	
	Municipal Clerk	
	Municipal Attorney	
	Employee Relations	
	Municipal Manager	
	Cultural & Recreational Services	
	Fire	
	Health & Human Services	
	Merrill Field Airport	
	Municipal Light & Power	
	Office of Management and Budget	
	Police	
	Port of Anchorage	
	Public Works	
	Solid Waste Services	
	Transit	
	Water & Wastewater Utility	
	Executive Manager	
	Community Planning & Development	
	Finance, Chief Fiscal Officer	
	Heritage Land Bank	
	Management Information Services	
	Property & Facility Management	
	Purchasing	
	Other	
5	Special Instructions/Comments	
	NEW PUBLIC HEARING	
6	ASSEMBLY HEARING DATE REQUESTED 5/23/06	7 PUBLIC HEARING DATE REQUESTED 5/23/06

2006 MAY -1 PM 1:48
 CLERK'S OFFICE