

Submitted by: ASSEMBLY MEMBER FLYNN
Prepared by: Assembly Counsel
For reading: September 15, 2009

ANCHORAGE, ALASKA
AO NO. 2009-108

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 10.50, ALCOHOLIC BEVERAGES, PROVIDING FOR AN EXTENDED CLOSING SAFETY HOUR PROGRAM ON A LIMITED BASIS FOR CERTAIN PREMISES LICENSED BY THE STATE ALCOHOLIC BEVERAGE CONTROL BOARD, SETTING THE REGISTRATION FEE, PENALTIES AND CORRECTIVE ACTION FOR PROGRAM VIOLATION.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 10.50.010 is hereby amended to read as follows:

10.50.010 Closing hours for licensed premises.

A. Premises licensed under AS 4.11.080 for the service and consumption of alcoholic beverages shall be closed for the sale, service and consumption of alcoholic beverages between the hours of 2:30 a.m. and 10:00 a.m. Monday through Friday, and between the hours of 3:00 a.m. and 10:00 a.m. on Saturday or Sunday or on a legal holiday recognized by the state under AS 44.12.010.

1. Extended closing exception for consumption during safety hour: If the licensee is a registered participant in the Municipality's voluntary extended closing safety hour program, it is not unlawful for the licensed premises to remain open for a safety hour to permit completion of consumption of no more than one alcoholic drink per patron if the requirements of the extended closing safety hour program are fully met and patron consumption is in compliance with the following requisite conditions:

- a. There shall be no service of alcoholic beverages during the safety hour. Receipt by a patron constitutes service and time of patron receipt shall be time of service.
- b. Registered participant under the extended closing safety hour program shall mean a licensee accepted for participation and duly registered with the Municipal Clerk, in good standing and not suspended from participation.
- c. One alcoholic drink under the extended closing safety hour program shall mean one single serving of:

i. Beer, not to exceed 16 ounces; or

ii. Wine, not to exceed 5 ounces; or

iii. Mixed drink, not to exceed 1 ounce of liquor.

d. Service shall be completed within lawful hours prior to 2:30 a.m. Monday through Friday, or within lawful hours prior to 3:00 a.m. Saturday or Sunday or a legal holiday recognized by the state under AS 44.12.010.

e. Premises interior lighting shall be maintained at full brightness by the registered participant licensee until closing beginning no later than 2:30 a.m. Monday through Friday, and no later than 3:00 a.m. on Saturday, Sunday, and legal holidays recognized by the state under AS 44.12.010.

f. No entertainment or music is permitted during the safety hour.

g. All consumption shall stop and the premises shall be closed for consumption of alcoholic beverages by no later than 3:30 a.m. Monday through Friday and by no later than 4:00 a.m. on Saturday, Sunday, and legal holidays recognized by the state under AS 44.12.010.

h. Participation is subject to any restrictions or conditions imposed by the conditional use.

i. Participation is limited to 15 licensed premises within the municipality.

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(CAC 6.08.010; AO No. 81-35(S); AO No. 81-197)

Section 2. Anchorage Municipal Code section 10.50.015 is hereby amended to read as follows:

10.50.015 Prohibited acts.

It is unlawful:

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C. For a licensee or the licensee's [HIS] employee or agent to sell, attempt to sell, furnish, barter or permit to be consumed alcoholic beverages in any premises licensed under AS 4.11.080 for the service and consumption of alcoholic beverages between the hours of 2:30 a.m. and 10:00 a.m. Monday

through Friday, or between the hours of 3:00 a.m. and 10:00 a.m. on Saturday or Sunday or on a legal holiday recognized by the state under AS 44.12.010.

1. Safety Hour Program consumption exception: If the licensee is a registered participant in the Municipality's voluntary extended closing safety hour program and the licensee meets all program requirements under AMC 10.50.010A.1, it is not unlawful for the registered participant licensee or the registered participant licensee's employee or agent to permit completion of consumption of no more than one alcoholic drink by a patron during a safety hour.
2. Safety Hour Program violations: It is unlawful for a licensee or the licensee's employee or agent to violate the restrictions of the extended closing safety hour program, or to permit the consumption of alcoholic beverages in violation of program requirements under section 10.50.010 or section 10.50.015. In addition to any penalties provided by law, corrective action shall be as follows:
 - a. First offense: 15-day mandatory suspension from the program with reinstatement at completion of suspension period upon payment of \$1,500 reinstatement fee.
 - b. Second offense: Permanent suspension from the program with no opportunity for reinstatement.

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(CAC 6.08.020; AO No. 81-35(S); AO No. 81-197; AO No. 85-170; AO No. 92-32;
AO No. 96-49, § 1, 3-5-96)

Section 3. Anchorage Municipal Code section 10.50.035 is hereby amended by adding a new subsection B.9 to read as follows:

10.50.035 Operation of licensed premises.

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B. Persons seeking the issue, transfer or renewal of licenses issued by the state alcoholic beverage control board under AS Title 4 and other applicable provisions of law shall comply with the following operations procedures:

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9. Extended closing safety hour: Operators seeking to participate in the Municipality's voluntary extended closing safety hour program shall submit to the Municipal Clerk:

- a. All information required by the Municipal Clerk on the safety hour program application and include a certification demonstrating at least 10-day advance written notice to the Anchorage Police Department.
- b. Payment of a conditional use fee of \$50.00 with the application.
- c. A new application prior to assembly action regarding the issuance, renewal, transfer of ownership, or transfer of location of an alcoholic beverage license, and include the required Anchorage Police Department certification. Participation is subject to any restrictions or conditions imposed by the conditional use.

(AO No. 85-128(S); AO No. 86-58; AO No. 89-17; AO No. 95-84(S-1), § 20, 5-27-95; AO No. 95-202, § 1, 11-14-95; AO No. 2001-51, § 1, 2-27-01)

Section 4. Anchorage Municipal Code section 10.50.040 is hereby amended to read as follows:

10.50.040 Application fees for conditional use permits for uses involving sale, service or consumption.

Applicants for conditional use permits required under Title 21 allowing the sale, service or consumption of alcoholic beverages shall pay the same fees as required of other applicants for conditional use permits under municipal regulations promulgated under Section 21.10.040. Applicants seeking to participate in the Municipality's voluntary extended closing safety hour program for licensed premises shall submit a program application fee of \$50.00 to the Municipal Clerk with the complete application.

(AO No. 93-140(S), § 1, 2-1-94)

Section 5. The Municipality's voluntary extended closing safety hour program for licensed premises shall terminate on November 15, 2010 unless extended by ordinance. If the Assembly fails to reauthorize the voluntary extended closing hour program for licensed premises on or before November 15, 2010, this AO 2009-108 shall sunset and be automatically repealed without any action of the Assembly. The municipal Code Revisor shall note this provision in code publication and make all revisions necessary upon repeal.

Section 6. This ordinance shall become effective thirty days after its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this ____ day of
____, 2009.

Chair

ATTEST:

Municipal Clerk