

Sec AO 2011-55(5-1)

Submitted by: ASSEMBLY CHAIR TRAINI AND ASSEMBLY
MEMBERS HONEMAN AND GUTIERREZ

Prepared by: Assembly Counsel

For reading: April 12, 2011

**ANCHORAGE, ALASKA
AO NO. 2011-55**

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE CODE SECTIONS 10.50.035, 21.50.160, AND 21.50.500 TO REQUIRE IDENTIFICATION CHECK IN THE RETAIL SALE AND SERVICE OF ALCOHOLIC BEVERAGES AT A RESTAURANT OR EATING PLACE, AT ANY PREMISES LICENSED AS A BEVERAGE DISPENSARY, AND IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES BY A PACKAGE LIQUOR STORE, WITH SPECIFIC REFERENCE TO APPLICABILITY OF 1.45.010; ESTABLISHING IDENTIFICATION CHECK AS A CONDITION OF USE AND STANDARD FOR SITE PLAN APPROVAL FOR CERTAIN USES RELATED TO ALCOHOLIC BEVERAGES; AND ESTABLISHING IMMEDIATE EFFECTIVE DATES FOR LAND USE CONDITIONAL PERMITS AND SITE PLAN APPROVALS IN CURRENT USE FOR THESE DESIGNATED USES.

WHEREAS, pursuant to AMC 21.50.160, the Assembly retains approval authority for all conditional land use permits involving the retail sale or service of alcoholic beverages; and

WHEREAS, administrative site plan review for use related to the sale and service of beer and wine for consumption on the licensed premises of a restaurant or eating place is governed under AMC 21.50.500, and subject to requirements imposed by the Assembly; and

WHEREAS, the Assembly finds that the sale of alcoholic beverages to underage patrons can be significantly curbed by mandatory identification check; and

WHEREAS, the Assembly finds that the sale of alcoholic beverages to patrons made ineligible because of a court-imposed legal ban related to dangerous or abusive past behavior can be curbed by mandatory identification check; and

WHEREAS, mandatory identification check has been resoundingly endorsed by Anchorage voters on Proposition 11 in the April 5, 2011 municipal election; and

WHEREAS, it is in the public's best interest to minimize the sale of alcoholic beverages to underage patrons and those made ineligible by dangerous and bad actions related to the consumption of alcohol; and

WHEREAS, the same rule should apply to all retail package liquor stores, bars, and restaurants serving alcoholic beverages; and

WHEREAS, the Assembly takes action related to the sale of alcoholic beverages within the Municipality of Anchorage as a matter of protecting public safety; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 10.50.035 is hereby amended to read as follows (*unaffected subsections are not set out*):

10.50.035 Operation of licensed premises.

A. Except as otherwise provided in this subsection, the operations procedures set forth in subsection B of this section shall apply to all persons seeking the issue, renewal or transfer of any license issued by the state alcoholic beverage control board by virtue of AS Title 4 and other applicable provisions of law allowing the sale or service of alcoholic beverages. Subsections B.1 and B.5 of this section shall not apply to persons seeking the issue, transfer or renewal of licenses issued under AS Title 4 which do not authorize the sale or service of alcoholic beverages for consumption on the premises licensed. Subsection C of this section shall apply to these uses:

1. Use related to the sale and service of beer and wine for consumption on the licensed premises of a restaurant or eating place, subject to site plan approval;
2. Use subject to conditional use approval for premises with a beverage dispensary license;
3. Use subject to conditional use approval for the retail sale of alcoholic beverages by a package liquor store.

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C. Mandatory identification check in the retail sale or service of alcoholic beverages: Current government-issued identification with birth date and photograph shall be required for all on-premise sale or service of alcoholic beverages by a restaurant or eating place, any establishment holding a beverage dispensary license, and any package liquor store. Violation of mandatory identification check under this section shall be subject to the general penalty provisions of AMC 1.45.010. For purposes of mandatory identification check required by this section:

1. "Current government-issued" means a state, federal or foreign government picture identification in force and effect for a specified period stated within the identification, when presented prior to expiration of the period stated.
2. The subsequent invalidation of the identification as a bona fide government-issued identification does not invalidate the retail establishment's compliance.

3. In addition to any other specific or general penalty provided by code, non-compliance with mandatory identification check may be grounds to review conditions of use or revoke a conditional use previously approved by the Assembly.

(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 2. Anchorage Municipal Code section 21.50.160 is hereby amended to read as follows (*unaffected subsections are not set out*):

21.50.160 Conditional use standards -- Uses involving sale of alcoholic beverages.

- D. The assembly may, in connection with approval of a conditional use permit under this section, impose such special terms and conditions or modify existing conditions governing operation of that license as are in the public interest, and are consistent with the purposes of this title. Mandatory identification check as described in 10.50.035 shall be deemed in immediate effect as a condition of use for all licensed beverage dispensary conditional use approvals and in all package liquor store conditional use approvals in current use as of _____, 2011.

(GAAB 21.05.060; AO No. 77-355; AO No. 82-170; AO No. 85-21; AO No. 87-62; AO No. 93-143(S-3), § 1, 5-10-94; AO No. 2005-35, § 1, 3-14-06; AO No. 2007-121(S-1), § 14, 10-23-07)

Section 3. Anchorage Municipal Code section 21.50.500 is hereby amended to read as follows (*unaffected subsections are not set out*):

21.50.500 Site plan review standards—Restaurant or eating place alcoholic beverage license use.

- A. Administrative site plan review.

1. Restaurant or eating place alcoholic beverage license use standards. A restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is exempt from the conditional use requirements of 21.50.160 and may be reviewed under this section, provided the principal and accessory uses are permitted non-residential uses. The standards in 21.50.020 and mandatory identification check in 10.50.035 shall apply. Mandatory identification check in 10.50.035 shall be deemed in immediate effect for all administrative site plan approvals in

current use under this section as of _____, 2011. Requirements imposed by the assembly when acting on the beer and wine license shall apply. Administrative review under this section is available only after assembly approval of the restaurant or eating place license for beer and wine.

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(AO No. 2007-121(S-1), § 15, 10-23-07)

Section 4. Anchorage Municipal Code subsection 21.10.015 notwithstanding, alcohol-related use is reserved to the Assembly. This ordinance does not require Planning and Zoning Commission review and shall become effective _____ upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2011.

Chair

ATTEST:

Municipal Clerk