

Submitted by: Chair of the Assembly at the  
Request of the Acting Mayor

Prepared by: Dept. of Law

For reading: June 23, 2009

CLERK'S OFFICE

APPROVED

ANCHORAGE, ALASKA

Date: \_\_\_\_\_

7-7-09

— AO No. 2009-82

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS  
2 8.75.010, 8.75.020, 10.05.025, AND 10.50.015 REGARDING ALCOHOLIC  
3 BEVERAGES; AND AMENDING SECTION 14.60.030, FINE SCHEDULE,  
4 ACCORDINGLY.  
5

6  
7  
8 **THE ANCHORAGE ASSEMBLY ORDAINS:**  
9

10 **Section 1.** Anchorage Municipal Code section 8.75.010 is amended to read as  
11 follows (*the remainder of the section is not affected and therefore not set out*):  
12

13 **8.75.010 Sale or furnishing of alcoholic beverages [LIQUOR] to**  
14 **certain persons prohibited.**  
15

- 16 A. It is unlawful for any person to knowingly sell, furnish, give or deliver  
17 any alcoholic beverage [LIQUOR] to anyone who is visibly intoxicated or  
18 who is under the age of 21 years.  
19  
20 B. The term "person" as used in this section does not include a parent as  
21 to the parent's [HIS] own child, a guardian as to the guardian's [HIS]  
22 ward, or a licensed physician or nurse in giving medical treatment.  
23  
24 C. The burden shall at all times be upon a licensee and the licensee's [HIS]  
25 employees to determine the age and sobriety of any patron. For [THE]  
26 purposes of this section, the term "licensee" means any person  
27 licensed under the law of the state to dispense or sell alcoholic  
28 beverages.  
29

30 \*\*\* \*\*

31 (GAAB 18.05.110; AO No. 86-110; AO No. 98-59(S), § 1, 5-19-98; AO No.  
32 2003-73, § 1, 4-22-03)  
33

34 **Section 2.** Anchorage Municipal Code section 8.75.020 is amended to read as  
35 follows:  
36

37 **8.75.020 Consuming alcoholic beverage in public place.**  
38

- 39 A. It is unlawful for any person to knowingly consume any alcoholic  
40 beverage when the person is:  
41  
42 1. On, in or upon any public place, except as permitted by  
43 ordinance, regulation, statute or permit; or

1  
2           **2. Outdoors on property adjacent to a public place, and without**  
3           **consent of the owner or person in control thereof.**  
4

5           [ON THE TRAVELED PORTION OF ANY PUBLIC STREET, SIDEWALK OR ALLEY, OR  
6           UPON THE GROUNDS OF ANY MUNICIPAL BUILDINGS, EXCEPT AS PERMITTED BY  
7           ORDINANCE OR REGULATION, OR IN ANY STORE OR ESTABLISHMENT DOING  
8           BUSINESS WITH THE PUBLIC AND NOT AUTHORIZED TO SELL ALCOHOLIC  
9           BEVERAGES FOR CONSUMPTION ON THE PREMISES, NOR SHALL ANY PERSON  
10          WHO OWNS, OPERATES, OR CONTROLS ANY SUCH UNAUTHORIZED STORE OR  
11          ESTABLISHMENT PERMIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES  
12          THEREIN.]  
13

14          B.    **For purposes of this section, “public place” means a place to which the**  
15          **public or a substantial group of persons has access and includes, but is**  
16          **not limited to, streets, highways, sidewalks, alleys, transportation**  
17          **facilities, parking areas, convention centers, sports arenas, schools,**  
18          **places of business or amusement, shopping centers, malls, parks,**  
19          **playgrounds, and hallways, lobbies, doorways and other portions of**  
20          **apartment houses and hotels not constituting rooms or apartments**  
21          **designed for actual residence.**  
22

23          C [B]. **This section shall not apply where consumption is authorized by a state**  
24          **permit or license, or authorized by a municipal permit or lease.**

25          [THE MAYOR IS AUTHORIZED TO DESIGNATE PUBLIC AREAS AND PLACES, IN  
26          ADDITION TO THOSE SPECIFIED IN SUBSECTION A. OF THIS SECTION, IN WHICH  
27          THE CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED, AND TO CAUSE  
28          SIGNS TO BE POSTED IN SUCH AREAS OR PLACES ADVISING MEMBERS OF THE  
29          PUBLIC OF THE PROHIBITION].  
30

31          D [C]. Violation of this section shall be punished by a fine of not more than  
32          **\$100.00 [75].**  
33

34          E [D]. As an alternative to the remedies, procedures and penalties provided in  
35          this Title and Section 1.45.010, a violation of this section may be  
36          charged as a civil violation subject to and prosecuted in accordance  
37          with Title 14 and in such case shall be punishable by a civil penalty in  
38          accordance with Chapter 14.60.  
39

40          (GAAB 18.05.010.GG; AO No. 225-76; AO No. 98-59(S), § 1, 5-19-98)

41  
42          **State law references:** Authority to regulate, AS 4.21.010; definition of public  
43          place AS 11.81.900(b).  
44

45          **Section 3.** Anchorage Municipal Code section 10.05.025 is amended to read as  
46          follows *(the remainder of the section is not affected and therefore not set out)*:  
47

48               **10.05.025 Penalties and remedies.**  
49

50          A.    Except as provided in subsection B. of this section, any person who  
51          violates any provision of this title, the terms, conditions, or provisions of

1 any license issued under this title, or any municipal regulation issued  
 2 under this title shall, upon conviction, be subject to a fine of not more  
 3 than \$1,000.00 for each offense.  
 4

- 5 B. Any person who violates the provisions of Chapter 10.60 or  
 6 subsections 10.50.015.G., H., I., J., or R. [AND Q.] shall upon conviction  
 7 be subject to a fine of not more than \$500.00 [\$300.00] for each  
 8 offense.  
 9

10 \*\*\* \*\*

11  
 12 (AO No. 80-131; AO No. 83-182; AO No. 87-74(S), 6-30-87; AO No. 93-  
 13 167(S-1), § 9, 4-13-94; AO No. 96-105, § 1, 8-6-96; AO No. 2005-83(S), § 2,  
 14 1-1-06)  
 15

16 **Section 4.** Anchorage Municipal Code section 10.50.015 is amended to read as  
 17 follows:  
 18

19 **10.50.015 Prohibited acts.**  
 20

21 It is unlawful:  
 22

- 23 A. For a person to barter or sell alcoholic beverages in a business  
 24 premises that is not licensed by the state alcoholic beverage control  
 25 board.  
 26  
 27 B. For a licensee or the licensee's [HIS] employee or agent to permit a  
 28 person to consume an alcoholic beverage [DRINK INTOXICATING LIQUOR]  
 29 on licensed premises not classified for sale and consumption of that  
 30 alcoholic beverage [HARD OR DISTILLED LIQUOR] by the board.  
 31  
 32 C. For a licensee or the licensee's [HIS] employee or agent to sell, attempt  
 33 to sell, furnish, barter or permit to be consumed alcoholic beverages in  
 34 any premises licensed under AS 4.11.080 for the service and  
 35 consumption of alcoholic beverages between the hours of 2:30 a.m.  
 36 and 10:00 a.m. Monday through Friday, or between the hours of 3:00  
 37 a.m. and 10:00 a.m. on Saturday or Sunday or on a legal holiday  
 38 recognized by the state under AS 44.12.010.  
 39  
 40 D. For a licensee or the licensee's [HIS] employee, agent or any person in  
 41 licensed premises to sell, attempt to sell, furnish, barter or permit to be  
 42 consumed alcoholic beverages in any [OTHER RETAIL] premises licensed  
 43 under AS 4.11.080 [4.21.010] for the sale, but not consumption on the  
 44 premises, of alcoholic beverages between the hours of 1:00 a.m. and  
 45 10:00 a.m. each Monday through Friday, or between the hours of 2:00  
 46 a.m. and 10:00 a.m. on Saturday, or between the hours of 2:00 a.m.  
 47 and noon on Sunday.  
 48  
 49 E. For a licensee, the licensee's [HIS] employee, agent or any person in  
 50 licensed premises to give, barter or sell alcoholic beverages to any

1 person who, within the normal powers of observation, appears to be  
2 intoxicated. For the purposes of this section, a person appears to be  
3 intoxicated when the person [HE] exhibits any symptom that indicates  
4 substantial loss of control of physical or mental facilities, including but  
5 not limited to bloodshot eyes, slurred speech, clumsiness, drowsiness,  
6 heavy odor of alcoholic beverages or undue or abnormal excitation or  
7 suppression of the passions or feelings.

8  
9 F. For a licensee, the licensee's [HIS] employee, agent or any person in  
10 licensed premises to give, barter or sell alcoholic beverages to a  
11 person under 21 years of age.

12  
13 G. For a person under the age of 21 years to enter or remain upon  
14 licensed premises unless [HE IS] accompanied by the person's [HIS]  
15 parent, guardian or spouse who has attained the age of 21 years.  
16 However, a person 18 years of age or older may enter and remain  
17 upon licensed premises in the course of the person's [HIS] employment  
18 as a musician, entertainer or busboy. In addition, a person under the  
19 age of 21 years may enter and remain upon licensed premises also  
20 recognized as a restaurant for the purpose of dining or dancing if  
21 accompanied by the person's [HIS] parent or guardian, or by the parent  
22 or guardian of any other minor also present, or by any other adult with  
23 the consent of the minor's parents or guardian.

24  
25 H. For a person under 21 years of age to solicit the purchase, to attempt  
26 to purchase or to possess alcoholic beverages.

27  
28 I. For a person under 21 years of age to enter a licensed premises and  
29 offer or present to a licensee or the licensee's [HIS] employee or agent  
30 or a law enforcement officer a document or statement which does not  
31 represent the true age of the person under 21 years of age.

32  
33 J. For a person upon licensed premises to refuse, upon demand of the  
34 person in charge of such premises or of a law enforcement officer, to  
35 produce identification sufficient to prove the age of that person is 21  
36 years of age or older. For the purposes of this section, a state  
37 identification card issued under AS 18.65.310, a valid Alaska driver's  
38 license or other identification card, when the card is made of or  
39 enclosed in plastic and contains a photograph of the license holder and  
40 a statement of the person's [HIS] age or date of birth, is acceptable as  
41 proof of age.

42  
43 K. For a licensee, the licensee's [HIS] employee, agent or any person in  
44 licensed premises to influence or attempt to influence the selling, giving  
45 or serving of intoxicating liquor to a person under 21 years of age, or to  
46 order, request, receive or procure alcoholic beverages from any person  
47 for the purpose of selling, giving or serving the alcoholic beverages to a  
48 person under 21 years of age.

- 1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47
- L. For a licensee or the licensee's [HIS] employee or agent to permit a person who violates subsection M of this section to remain upon the licensed premises. If the licensee or the licensee's [HIS] employee or agent has actual or constructive knowledge of a violation of subsection M of this section, the licensee [HE] "permits" that person to remain if the licensee [HE] fails to demand that that person leave the premises, and, if the demand is refused, to notify the municipal police department or state troopers. As used in this subsection, the term "constructive knowledge" means the awareness a licensee or the licensee's [HIS] employee or agent could have through the exercise of diligence in the operation of the licensed premises.
- M. For a person in licensed premises to induce, entice or procure another to engage in any sexual conduct prohibited by this Code, the state or the United States.
- N. For a person to remain upon the licensed premises after being demanded to leave the premises pursuant to subsection L of this section.
- O. For an agent or employee of the licensee, other than a person employed as a bartender, waitress, or combination entertainer and waitress, to solicit, encourage or procure the purchase of alcoholic beverages on the licensed premises.
- P. For a licensee or the licensee's [HIS] employee or agent to permit alcoholic beverages sold for consumption on the premises to be removed from the premises.
- Q. For a licensee, or the licensee's employee or agent, to allow any person to consume alcoholic beverages while on any area of real property under the licensee's authority or control that is not part of the "designated premises" for consumption as defined by AS 04.21.080(b).
- R [Q]. To consume alcoholic beverages on the public streets, alleys, parks or other places open to the public [AND OTHER PUBLIC PLACES] unless permitted by municipal ordinance or regulation or a license issued under AS 04.11.080.
- S [R]. For a licensee to employ in the licensed business in any capacity which involves the sale or dispensing of alcoholic beverages to the public, any person who has not, prior to the commencement of employment, successfully completed a liquor server awareness training program approved by the state alcoholic beverage control board as provided by Sections 2.30.125.B and 10.50.035.B.6.

I [S]. For a licensee, the licensee's [HIS employee or agent to engage in, promote, or in any other way operate any system whereby any person shall be entitled to receive, with or without compensation, or as a gift, prize or gratuity any alcoholic beverages based upon a specified number of prior or current purchases.

(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 5.** Anchorage Municipal Code section 14.60.030 is amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**14.60.030                      Fine schedule.**

The fine schedule under this chapter is as follows:

TABLE INSET:

<u>Code Section</u>	<u>Offense</u>	<u>Penalty/Fine</u>
***	***	***
[8.05.010	SALE OR DELIVERY OF ALCOHOL TO DESIGNATED PERSONS	300.00
8.05.080	CONSUMING LIQUOR IN PUBLIC	100.00
8.05.120J	SLEEPING IN PUBLIC WHILE INTOXICATED	150.00
8.05.150	DRUNK ON A ROADWAY	300.00]
***	***	***
<u>8.75.010</u>	<u>Sale or furnishing of alcohol to certain persons</u>	<u>up to 500.00</u>
<u>8.75.020</u>	<u>Consuming alcoholic beverages in a public place</u>	<u>up to 100.00</u>
<u>8.75.030</u>	<u>Intoxicated persons on roadway</u>	<u>up to 500.00</u>
***	***	***

(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), §

3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07; AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07)

**Section 6.** This ordinance shall be effective thirty (30) days after passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 7<sup>th</sup> day of July, 2009.

Debbie Osslander  
Chair of the Assembly

ATTEST:

Barbara S. Juvant  
Municipal Clerk

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2009-82

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE  
 SECTIONS 8.75.010, 8.75.020, 10.05.025, AND 10.50.015 REGARDING  
 ALCOHOLIC BEVERAGES; AND AMENDING SECTION 14.60.030, FINE  
 SCHEDULE, ACCORDINGLY.

Sponsor: ACTING MAYOR  
 Preparing Agency: Department of Law  
 Others Impacted: Anchorage Police Department

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>					
(In Thousands of Dollars)					
	FY09	FY10	FY11	FY12	FY13
<b>Operating Expenditures</b>					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
<b>TOTAL DIRECT COSTS:</b>	\$ -	\$ -	\$ -	\$ -	\$ -
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
<b>FUNCTION COST:</b>	\$ -	\$ -	\$ -	\$ -	\$ -
<b>REVENUES:</b>					
<b>CAPITAL:</b>					
<b>POSITIONS: FT/PPT and Temp</b>					

**PUBLIC SECTOR ECONOMIC EFFECTS:**

The ordinance does not require any additional expenditures or commitment of resources. There is too much uncertainty surrounding enforcement efforts to predict any increase in revenue due to citations. It is not expected to have any material economic effect on the public sector.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

The ordinance may require package stores and alcohol dispensary licensees to increase resources to monitor the areas under their control but not part of licensed premises. This effect is expected to be minimal.

Prepared by: Dept. of Law

Telephone: 343-4545



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 383-2009

Meeting Date: June 23, 2009

1 **From: ACTING MAYOR**

2  
3 **Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE**  
4 **SECTIONS 8.75.010, 8.75.020, 10.05.025, AND 10.50.015**  
5 **REGARDING ALCOHOLIC BEVERAGES; AND AMENDING**  
6 **SECTION 14.60.030, FINE SCHEDULE, ACCORDINGLY.**  
7

8 The administration proposes several amendments to the Anchorage Municipal Code  
9 (AMC) designed to increase safety for citizens and visitors to the city. This  
10 ordinance addresses alcohol consumption in public. The two companion "safer city"  
11 ordinances concern panhandling and abatement of illegal campsites as public  
12 nuisances.

13  
14 Currently, the Code section prohibiting alcohol consumption in a public place only  
15 applies to public streets, sidewalks, the grounds of municipal buildings, stores and  
16 businesses not licensed to sell alcohol for consumption. This ordinance is intended  
17 to enlarge the class of areas where alcohol consumption is prohibited to include all  
18 public places and areas where members of the public have access to gather or pass  
19 through, and all areas privately owned and open to the public which do not have an  
20 alcohol beverage license. The ordinance prohibits consumption in parking lots or  
21 sidewalks on private properties, and in areas of real property that are not part of the  
22 "designated premises" under a liquor license. Private property not open to the  
23 public is not covered by the prohibition, except for outdoor areas of such private  
24 properties adjacent to public places when the person consuming an alcoholic  
25 beverage does not have consent of the owner or manager. State statute (AS  
26 04.21.010(a)) authorizes municipalities to adopt ordinances governing the  
27 consumption of alcohol as long as the ordinance is not inconsistent with Title 4 of  
28 the Alaska Statutes. The proposed ordinance is consistent with state law.  
29

30 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**  
31 **AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 8.75.010, 8.75.020,**  
32 **10.05.025, AND 10.50.015 REGARDING ALCOHOLIC BEVERAGES; AND**  
33 **AMENDING SECTION 14.60.030, FINE SCHEDULE, ACCORDINGLY.**  
34

35 Prepared by: Dept. of Law  
36 Approved by: Rob Heun, Police Chief  
37 Concur: James N. Reeves, Municipal Attorney  
38 Concur: Michael K. Abbott, Municipal Manager  
39 Respectfully submitted: Matt Claman, Acting Mayor

**Content ID:** 007866**Type:** Ordinance - AO

**Title:** AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 8.75.010, 8.75.020, 10.05.025, AND 10.50.015 REGARDING ALCOHOLIC BEVERAGES; AND AMENDING SECTION 14.60.030, FINE SCHEDULE, ACCORDINGLY.

**Author:** westoverf**Initiating Dept:** Legal**Description:** AO AMENDING AMC 8.75.010, 8.75.020, 10.05.025, & 10.50.015 RE ALCOHOL; & AMEND 14.60.030 FINE SCHEDULE**Keywords:** Alcohol, fine schedule, consumption in public**Date Prepared:** 6/16/09 3:37 PM**Director Name:** James N. Reeves**Assembly Meeting Date:** 6/23/09**Public Hearing Date:** 7/7/09

<b>Workflow Name</b>	<b>Action Date</b>	<b>Action</b>	<b>User</b>	<b>Security Group</b>	<b>Content ID</b>
Clerk_Admin_SubWorkflow	6/19/09 11:10 AM	Exit	Joy Maglaqui	Public	007866
MuniMgrCoord_SubWorkflow	6/19/09 11:10 AM	Approve	Joy Maglaqui	Public	007866
MuniManager_SubWorkflow	6/19/09 11:10 AM	Approve	Joy Maglaqui	Public	007866
Finance_SubWorkflow	6/19/09 11:03 AM	Approve	Sharon Weddleton	Public	007866
OMB_SubWorkflow	6/19/09 10:53 AM	Approve	Bruce Holmes	Public	007866
Legal_SubWorkflow	6/16/09 4:00 PM	Approve	Rhonda Westover	Public	007866
AllOrdinanceWorkflow	6/16/09 3:58 PM	Checkin	Rhonda Westover	Public	007866

*Admission -*

CONSENT AGENDA - INTRODUCTION