

Requested by: City Clerk
Introduced: December 13, 2004
Public Hearing: January 10, 2005
Amended: January 10, 2005
Adopted: January 10, 2005

Vote: Ewing, O'Neil, Sande & Straub in favor; Cox opposed

**CITY OF WASILLA
ORDINANCE SERIAL NO. 05-06(AM)**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL ADOPTING WASILLA MUNICIPAL
CODE CHAPTER 6.16, LIQUOR LICENSES.**

WHEREAS, it is in the best interest of the City of Wasilla and its residents, and of the holders of liquor licenses in the City, that the City codify its process for reviewing liquor license applications.

NOW THEREFORE, BE IT ENACTED by the Wasilla City Council:

* **Section 1. Classification.** Section 2 of this ordinance is of a general and permanent nature and shall become a part of the Wasilla Municipal Code. Section 3 of this ordinance is non-code.

* **Section 2. Adoption of chapter.** Chapter 6.16, Liquor Licenses, is hereby adopted to read as follows:

6.16.010 Definitions.

The following words and phrases, when used in this chapter, shall have the meanings set forth in this section:

“Board” means the Alaska Alcoholic Beverage Control Board.

“License location” means any lot or parcel, and structure, where a licensed premises either is located, or would be located upon approval of a transfer of location of a liquor license.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

“Licensed premises” is defined as provided in AS 04.21.080(12).

“Liquor license” means any of the licenses or permits described in AS 04.11.080.

6.16.020 Review of liquor license applications.

A. Upon receiving notice from the Board of an application for the issuance, renewal, transfer of location or transfer to another person of a liquor license for a license location in the city, the city shall refer the application for review:

1. By the planning office to determine whether any structure, or use of land or a structure, at the license location does not conform to Title 16 of this Code, or the terms and conditions of any rezoning, planning commission approval, or administrative approval granted for the license location under Title 16 of this Code. The planning office shall notify the applicant in writing of any nonconformity that it finds. In response to the notice, the applicant may either:

a. provide evidence satisfactory to the mayor that the nonconformity has been corrected, or

b. provide a plan for correction of the nonconformity satisfactory to the mayor, with security satisfactory to the mayor for the performance of the plan.

2. By the finance department to determine whether the licensee or license transferee is delinquent in paying to the city any tax, assessment, business license fee, or fee or charge for utility service, or to the Matanuska-Susitna Borough any real property tax, for the business that operates, or will operate, under the liquor license. The finance department shall notify the applicant in writing of any delinquency that it finds. In response to the notice, the applicant may either:

a. provide evidence satisfactory to the mayor that the delinquent amount has been paid, or

b. provide a plan for paying the delinquent amount satisfactory to the mayor, with security satisfactory to the mayor for the payment of the delinquent amount.

3. By the police department to determine whether, in the opinion of the chief of police, there has been an excessive number of convictions or arrests for unlawful activity at the license location, police reports of unlawful activity at the license location, or police dispatches to the license location. The police department shall notify the applicant in writing of any adverse finding under this subsection.

6.16.030 Waiver of protest.

If, within 20 business days after the referrals under Section 6.16.020, the mayor finds that the referrals have resulted in no findings adverse to the liquor license application that have not been resolved, the city clerk may notify the board that the city waives its right to protest the application.

6.16.040 Consideration by council.

A. If, within 20 business days after the referrals under Section 6.16.020, the mayor finds that there are unresolved findings adverse to the liquor license application, the city clerk shall schedule the application for consideration by the city council at a city council meeting, and send written notice to the applicant. The notice shall include the following information:

1. The date and time of the meeting at which the council will consider the application, and

2. A statement that the applicant may appear before the council at the meeting to defend the application.

B. Before taking action on a liquor license application under this section, the city council shall provide the applicant an opportunity to make a presentation in defense of the application.

C. After considering the application, the city council may decide to:

1. Protest the application under AS 04.11.480(a);

2. Recommend conditions on which the application should be granted under AS 04.11.480(c); or

3. Take no action on the application.

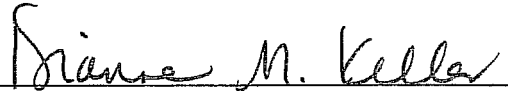
D. If the city council protests an application or recommends conditions on which the application should be granted, the city council shall state on the record the reasons for its decision, and the city clerk shall notify the board and the applicant in writing of the decision of the council and the reasons therefor.

E. If the city council finds that the basis for its decision to protest an application, or to recommend conditions on which an application should be granted, no longer exists, the city council may rescind its decision and direct the city clerk to notify the board and the applicant of the rescission.

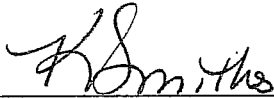
* Section 3. Repeal of council policy. Council Policy 95-03, Liquor License Renewals and Transfers, is repealed in its entirety.

* **Section 4. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on January 10, 2005.


DIANNE M. KELLER, Mayor

ATTEST:


KRISTIE SMITHERS, MMC
City Clerk

[SEAL]



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

RE: ⁰⁶ORDINANCE SERIAL NO. 05-08: ADOPTING WASILLA MUNICIPAL CODE
CHAPTER 6.16, LIQUOR LICENSES.

Agenda of: December 13, 2004

Date: December 1, 2004

Originator: Jamie Newman, Deputy Clerk ^(IN)

Route to:	Department	Signature/Date
x	Police Chief and Code Compliance	<i>[Signature]</i> 12/1/04
	Recreational and Cultural Services Library, Museum	
x	Public Works and Planning	<i>[Signature]</i> 12/1/04
X	Finance *signature required	<i>[Signature]</i> 12/1/04
X	Clerk	<i>[Signature]</i>

REVIEWED BY MAYOR DIANNE M. KELLER: *Dianne M. Keller*

FISCAL IMPACT: yes\$ or no

Funds Available yes no

Account name/number:

Attachments:

SUMMARY STATEMENT: We are proposing to codify the process for reviewing liquor license applications.

Sections 6.16.020.A.1 and A.2: provides for the planning and finance department review of an application, and provides for administrative resolution of any problems that the reviews uncover.

Because protesting a liquor license is a rather drastic measure, we propose to have a process for resolving problems administratively where the possibility of a protest may motivate the applicant to be cooperative. And because a determination whether to accept any administrative resolution of a license issue is an executive decision, the mayor is ultimately responsible for that determination. Of course, if a particular resolution is not acceptable to the mayor, the council still may consider whether that resolution would provide an acceptable alternative to a protest of the application.

Section 6.16.020.A.3: provides for review by the Police Department. Police department review of liquor license applications is required in many communities, but if the Council does not wish for such a review, the subsection can be deleted, through an amendment made from the floor.

Section 6.16.030: provides for the process if the mayor finds that there are unresolved findings adverse to approving the liquor license application. It provides an opportunity for the applicant to address the council. If the council wishes to protest the application, the council shall state on the record the reasons for its decision.