

DENALI BOROUGH, ALASKA  
ORDINANCE NO. 07-16  
**VERSION A**

INTRODUCED BY: Assembly Member Teresa Hall

AN ORDINANCE CREATING DENALI BOROUGH CODE OF ORDINANCES TITLE 7,  
BUSINESS TAXES, LICENSES, AND REGULATIONS AND CREATING CHAPTER 7.05,  
TITLED LIQUOR LICENSES.

BE IT ENACTED by the Assembly of the Denali Borough, Alaska that:

Section 1 Classification. This ordinance is of a general and permanent nature.

Section 2 Purpose. The purpose of this ordinance is to create Title 7, to be titled Business Taxes, Licenses, and Regulations and to create Chapter 7.05 to the Denali Borough Code of Ordinances titled Liquor Licenses as follows:

**Chapter 7.05**  
**LIQUOR LICENCES**

Sections:

- 7.05.010 Cooperation with State Beverage Control Board
- 7.05.020 Licensing Procedure
- 7.05.030 Hours of Sale
- 7.05.040 Alcoholic Beverage Sales on Election Day
- 7.05.050 Clearing the Premises

**7.05.010 Cooperation with State Beverage Control Board**

It is the policy of the Denali Borough to cooperate with and aid the Alcoholic Beverage Control Board for the state of Alaska in determining the fitness of applicants requesting a transfer, renewal or issuance of a new liquor license.

**7.05.020 Licensing Procedure**

A Upon receipt of notice from the Alcoholic Beverage Control Board for the state of Alaska of the Board's receipt of an application or intent to approve the transfer, renewal or issuance of a new liquor license:

1. The borough mayor or his authorized agent shall investigate to determine if the borough has an interest which can be protected by protesting the approval of the application for transfer, renewal or issuance of a new liquor license by the state Board; and
2. Except as provided in subsection (A)(3) of this section, the borough clerk shall duly advertise and place the matter of the application upon the agenda for the next meeting of the borough assembly in order that citizens may express their desires as to whether or not the assembly should approve or protest the application or recommend that the license be issued, renewed, relocated or transferred with conditions. The applicant shall be allowed a reasonable opportunity to defend the application at the public hearing.

3. License renewals will be scheduled for public hearing only if the borough mayor or an assembly member determines that an interest of the borough can be protected by recommending conditions or protesting the application.

B. If the borough mayor determines that an interest of the borough can be protected by recommending conditions or protesting the granting of the application, he shall so inform the borough assembly.

C. Grounds for protesting an application include but are not limited to:

1. Whether the applicant is delinquent in payment of taxes of at least \$200.00 arising in whole or in part from the conduct of the licensed business;

2. Whether the applicant has complied with conditions imposed by the state Alcoholic Beverage Control Board;

3. Public health or safety, including pedestrian or vehicular traffic safety;

4. The character and public interests of the surrounding neighborhood;

5. The grounds specified in regulations of the state Alcoholic Beverage Control Board;

6. Any other factors the assembly in its discretion determines relevant to the public interest.

D. The assembly, after public hearing, shall determine by resolution if a protest to the application is to be lodged with the Board. If a protest is lodged, the assembly must set out its reasons in a written protest filed with the Board and copied to the applicant within 60 days of receipt from the Board of notice of filing the application. The reasons stated by the assembly must be logical grounds for opposing the application or continued operation of the license and have a reasonable basis in fact. The protest may be based upon facts that render the particular application objectionable to the assembly, or may be based upon a general public policy. If based on a general public policy, the policy must have a reasonable basis in fact, may not be contrary to law, and may not be patently inapplicable to the particular application being protested. If a protest is lodged, the borough mayor and borough attorney are authorized to use any document or evidence necessary to effectively advance the position of the borough at any hearing before the state Alcoholic Beverage Control Board.

E. The assembly may protest the continued operation of a license during the second year of the biennial license period by sending the Board and the licensee a protest and the reasons for the protest by January 31st of the second year of the license.

F. The assembly, after public hearing, may recommend that a license be issued, renewed, relocated, or transferred with conditions.

G. In addition to the right to protest, the assembly may notify the Alcoholic Beverage Control Board that the assembly has determined that a licensee has violated a provision of Title 4 of the Alaska Statutes or a condition imposed by the Board.

#### **7.05.030 Hours of Sale**

No person, firm or corporation may consume, sell, offer for sale, give, furnish or deliver upon or from an authorized license any intoxicating liquor on any licensed premises within the borough at any time or times between the lawful closing and opening times which are established as follows:

A. Opening Hours. Such establishments and premises shall not be open prior to 10:00 a.m. of every day in the calendar year, except as may be permitted by subsection (C) of this section.

B. Closing Hours. In accordance with AS.04.16.010 (d) A municipality may provide for additional hours of closure. Beverage dispensary establishments and premises shall be closed no later than the hour of 2:00 a.m. of every day in the calendar year.

**7.05.040 Alcoholic beverage sales on Election Day.**

In accordance with AS 04.16.070(b), the provisions of AS 04.16.070(a) do not apply within the Denali Borough, and alcoholic beverages may be sold, bartered, given, consumed or dispensed in a licensed premises on election day except within 200 feet of a polling place.

**7.05.050 Clearing the premises.**

A. Beverage dispensary establishments and premises shall be cleared of customers and patrons no later than 30 minutes after closing time; a 15-minute period shall similarly apply to retail liquor sales establishments. No intoxicating liquors shall be sold or dispensed during the respective clearing periods.

B. Except for the clearing periods set forth in subsection (A) of this section, no person shall be on any licensed premises between the lawful closing and opening time as established in DBC 7.05.030. This section shall not apply to bona fide employees of the licensed owner who are on the premises for the purpose of cleaning or preparing for the next day's business, or to persons remaining on the premises of a bona fide restaurant for the purpose of consuming food or nonalcoholic beverages. It shall similarly be unlawful for the person, partnership, corporation, or firm owning or managing the licensed premises to knowingly permit persons to remain beyond closing hours.

Section 3. Effective Date. This ordinance becomes effective upon adoption of the Denali Borough Assembly, signature of the Denali Borough Mayor.

DATE INTRODUCED: MAY 9, 2007

FIRST READING: JUNE 13, 2007

PUBLIC HEARING: JUNE 13, 2007

PASSED and APPROVED by the DENALI BOROUGH ASSEMBLY this XX day of XXX, 2007.

\_\_\_\_\_  
Mayor David M. Talerico

ATTEST: \_\_\_\_\_

Gail Pieknik, Borough Clerk

(Seal)

Ayes:

Noes:

Excused:

Absent: