

Vote: Holler, Massie, Menard, Metiva and Woodruff in favor; Larson opposed

**CITY OF WASILLA
ORDINANCE SERIAL NO. 08-15**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 6.16.010, DEFINITIONS, WMC 6.16.020, REVIEW OF LIQUOR LICENSE APPLICATIONS, WMC 6.16.030, WAIVER OF PROTEST, AND WMC 6.16.040, CONSIDERATION BY COUNCIL, TO PROVIDE FOR CITY ACTION ON APPLICATIONS TO RELOCATE A LIQUOR LICENSE INTO THE CITY THAT ARE SUBJECT TO CITY APPROVAL UNDER AS 04.11.400(m).

* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Amendment of section.** WMC 6.16.010, Definitions, is amended 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 **the** [ANY] lot or parcel, and structure, where a licensed premises [EITHER IS LOCATED, OR]would be located **pursuant to a liquor license application that is subject to review under this chapter** [UPON APPROVAL OF A TRANSFER OF LOCATION OF A LIQUOR LICENSE].

“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.

* **Section 3. Amendment of section.** WMC 6.16.020, Review of liquor license applications, is amended to read as follows:

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, **including without limitation an application to transfer a license**

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

to a license location in the city under AS 04.11.400(m), 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.

c. 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.

* **Section 4. Amendment of section.** WMC 6.16.030, Waiver of protest, is amended to read as follows:

6.16.030 Waiver of protest.

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

If, within twenty (20) business days after the referrals under Section 6.16.020 of a liquor license application that is subject to protest by the city under AS 04.11.480, the mayor finds that the referrals have resulted in no findings adverse to the liquor license application that have not been resolved, the mayor shall [CITY CLERK MAY]notify the Board that the city waives its right to protest the application. *

Section 5. Amendment of section. WMC 6.16.040, Consideration by council, is amended to read as follows:

6.16.040 Consideration by council.

A. [IF,] Within twenty (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 mayor [CITY CLERK]shall schedule [THE] each liquor license application for which the city has not waived its right to protest under Section 6.16.030 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; and

3. A summary of any unresolved findings adverse to the liquor license application that have resulted from the referrals under Section 16.16.020.

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. For a liquor license application that is subject to protest by the city under AS 04.11.480:

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

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

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

c [3]. Take no action on the application.

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

2 [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 **mayor** [CITY CLERK]shall notify the Board and the applicant in writing of the decision of the council and the reasons therefore.

3 [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 **mayor** [CITY CLERK]to notify the Board and the applicant of the rescission.

D. For one or more applications to relocate a liquor license to a license location in the city under AS 04.11.400(m):

1. After considering the applications, the city council may decide to:

a. Approve one or more of the applications with or without conditions;


or

b. Deny one or more applications.

2. The mayor shall notify the Board, the Matanuska-Susitna Borough, and the applicants in writing of the decision of the council and the reasons therefore.

* **Section 6. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on March 24, 2008.

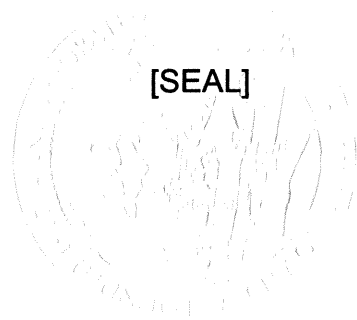


DIANNE M. KELLER, Mayor

ATTEST:



KRISTIE SMITHERS, MMC
City Clerk



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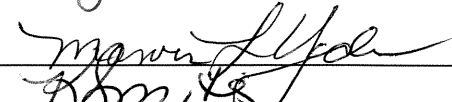
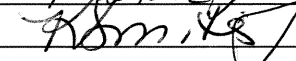


**CITY OF WASILLA
LEGISLATION STAFF REPORT**

RE: ORDINANCE SERIAL NO. 08-15, IN REGARD TO RELOCATING A LIQUOR LICENSE INTO THE CITY THAT ARE SUBJECT TO CITY APPROVAL UNDER AS 04.11.400(N) AND OTHER CHANGES TO THE LIQUOR LICENSE CODE.

Agenda of: March 10, 2008
Originator: Council Member Metiva

Date: February 25, 2008

Route to:	Department	Signature/Date
X	Police Chief Youth Court, Dispatch, Code Compliance	 2/23/08
X	Finance, Purchasing	
X	Deputy Administrator Planning, Economic Development, Human Resources	
X	City Clerk	

REVIEWED BY MAYOR DIANNE M. KELLER: 

FISCAL IMPACT: yes no Funds Available yes no

Account name/number:

Attachments: Proposed Ordinance

SUMMARY STATEMENT:

Ordinance Serial No. 08-15, sponsored by Council Member Metiva, is presented for consideration. This ordinance amends WMC 6.16. Liquor Licenses, by adding a provision for liquor licenses that transfer into City limits under AS 4.11.400(m).

Currently when the City receives notice from the ABC Board of an application for the issuance, renewal, or transfer of a liquor license for a license location in the city, administration reviews the application in accordance with WMC 6.16.020. If the Mayor finds that the application meets the requirements of WMC 6.16.020, the City waives its right to protest the application without concurrence of the Council.

Ordinance Serial No. 08-15, provides that all applications filed under AS 4.11.400(m) will be brought forward for Council consideration. The Council shall either approve one or more of the applications with or without conditions or deny one or more applications. If multiple applications are filed, the Council could approve all applications for transfer and allow the successor to be determined by the ABC Board and/or the Mat-Su Borough.

The public safety department will then notify the ABC Board and the Mat-Su Borough in writing of the decision of the Council (approved with our without conditions, or denied).