

**CITY OF WASILLA
ORDINANCE SERIAL NO. 09-28**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 4.04.110, SALE OF LIQUOR ON ELECTION DAY, SPECIFICALLY TO ALLOW THE SALE, BARTER, GIVING, CONSUMPTION OR DISPOSAL OF ALCOHOLIC BEVERAGES ON ALL ELECTION DAYS.

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 4.04.110, Sale of Liquor on Election Day, is hereby amended to read as follows:

The provisions of A.S. 04.16.070 that prohibit the sale, barter, giving, consumption or disposal of alcoholic beverages within licensed premises on a **state or municipal** [CITY] Election Day until the polls have closed, do not apply in the city.

Section 3. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on April 13, 2009.


VERNE E. RUPRIGHT, Mayor

ATTEST:

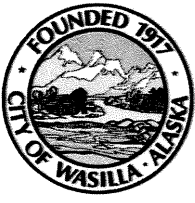


KRISTIE SMITHERS, MMC, City Clerk

[SEAL]

VOTE: Hall, Harris, Holler, Larson and Woodruff in favor. Cox opposed.

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



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

**RE: AMENDING WMC 4.04.110, SALE OF LIQUOR ON ELECTION DAY,
SPECIFICALLY TO ALLOW THE SALE, BARTER, GIVING, CONSUMPTION OR
DISPOSAL OF ALCOHOLIC BEVERAGES ON ALL ELECTION DAYS.**

Agenda of: March 23, 2009

Date: March 3, 2009

Originator: Kristie Smithers, City Clerk and Thomas Klinkner, City Attorney

Route to:	Department	Signature/Date
X	Police Chief	<i>[Signature]</i> 3/4/09
X	Chief Financial Officer	<i>[Signature]</i> 3/5/09
X	Deputy Administrator	<i>[Signature]</i>
X	City Clerk	<i>[Signature]</i>

REVIEWED BY MAYOR VERNE E. RUPRIGHT: *[Signature]*

FISCAL IMPACT: yes\$ or no Funds Available yes no

Account name/number:

Attachments:

SUMMARY STATEMENT:

Alaska Statute (AS) 04.16.070(a) prohibits sales of alcohol on Election Day, and AS 04.16.070(b) permits a municipality to create an exception to that prohibition for sales on Election Days within the municipality.

Tom Klinkner, City Attorney, had a municipal client in another city that posed the question whether the exception to AS 04.16.070(a) in that City's code covered state, as well as, City election days. In researching the issue, he discovered that currently Wasilla Municipal Code 4.04.110 only applies to City election days.

We believe the intent of WMC 4.04.110 should apply to State, as well as, City and Borough election days; the proposed ordinance allows for this.