

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2017-02

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 8 – HEALTH AND SAFETY BY THE ADDITION OF A NEW CHAPTER PROVIDING A PROCESS FOR REVIEWING LIQUOR LICENSE APPLICATIONS

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment to Title 8. That Dillingham Municipal Code Title 8 – Health and Safety is hereby amended by the addition of a new Chapter 8.18 Liquor Licenses.

Chapter 8.18
REVIEW OF LIQUOR LICENSES

Sections:

- 8.18.010 Definitions.
- 8.18.020 Review of liquor license applications.
- 8.18.030 Waiver of protest.
- 8.18.040 Consideration by council.

8.18.010 Definitions.

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

“Board” means the Alaska Alcoholic Beverage Control Board.

“License location” means the lot or parcel, and structure, where a licensed premises would be located pursuant to a liquor license application that is subject to review under this chapter.

“Licensed premises.” Defined as provided in AS 04.21.080.

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

8.18.020 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 to a license location in the city under AS 04.11.400(m), the city shall refer the application for review to the planning office, finance office and police department within three working days. Comments will be documented on the City’s Liquor License Application Review form.

1. Planning office to assure whether any structure, or use of land or a structure, including parking requirements, at the license location conforms to Title 18 of this code;
 2. Finance office to determine whether the business operated under the license is, or persons named on the application are, delinquent in the payment of any of the following:
 - a. Sales tax or penalty and interest on sales tax arising from the operation of the business conducted under the license;
 - b. Property taxes; penalties or interest on real or personal property applied to the business operated under the license;
 - c. Charges for a utility service provided for the benefit of the business conducted under the license;
 - d. Both state and city business license are current; and
 3. 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.
- B. New and transfer licenses will be scheduled for a public hearing before the City Council. The planning office will be responsible for overseeing that the public is notified as follows:
1. The applicant shall post a public notice sign on the subject property describing the owner, applicant, request, and date of the public hearing. The sign shall be at least twenty-four inches in width by thirty-six inches in height, with lettering at least one inch in height. The sign shall be visible from the highest traveled public right-of-way adjacent to the property.
 2. At least two weeks prior to the date of the scheduled public hearing, the city planner shall mail a public notice announcing the owner, applicant, request, location of the proposed use and date of the public hearing to all property owners within five hundred feet of the subject property boundary; and
 3. At least two weeks prior to the date of the scheduled public hearing, the city planner shall publish notice of the time and place of the hearing in the manner required by Section 2.08.020.
- C. The Liquor License Application Review form will be reviewed by the Code Review Committee meeting for a recommendation to the City Council.

8.18.040 Consideration by council.

If the Council decides to protest the issuance, renewal or transfer of a license it shall state the basis of the protest and must be sent to the Board with a copy of the Application Review form. The protest must be received by the Board within sixty days of the city having received notice of the application.

Section 3. Effective Date. This ordinance is effective upon passage.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on
3/2/17


Alice Ruby, Mayor

ATTEST:

[SEAL]


Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: March 2, 2017

Attachment to:

Ordinance No. 2017-02 / Resolution No. _____

Subject:

AMENDING TITLE 8 – HEALTH AND SAFETY BY THE ADDITION OF A NEW CHAPTER PROVIDING A PROCESS FOR REVIEWING LIQUOR LICENSE APPLICATIONS



City Manager: Recommend Approval

Signature: Rose Doera

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

-An advertisement for a Public Hearing on Ordinance No. 2017-02 will be scheduled to appear in the February 23 edition of the Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing.

Summary Statement:

This ordinance was introduced at the January 19, 2017 Council meeting, scheduled for a public hearing February 2, 2017, and rescheduled the public hearing to March 2, 2017 Council meeting.

This ordinance was vetted through the Code Review Committee beginning in 2015, and over time as events presented themselves evolved into a formal review process that is being recommended for adoption by the Council. The proposed ordinance provides an outline for the review of all types of liquor license applications: renewals, new, and transfers, that are presented to the City.

Attachment to: 2017-02 / Resolution No. _____
Ordinance No. _____

Summary Statement continued:

Route to	Department Head	Date
X	Finance Director	
X	City Clerk	