

Introduced: 4/20/78  
Referred: Community &  
Regional Affairs

1 IN THE SENATE

BY THE COMMUNITY AND REGIONAL  
AFFAIRS COMMITTEE

2 CS SENATE BILL NO. 599

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to regulation of the sale of alcoholic  
7 beverages by municipalities."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 04.10.270 is repealed and re-enacted to read:

10 Sec. 04.10.270. LICENSE APPLICATIONS. (a) An application for a  
11 transfer, renewal or new license within a municipality shall be trans-  
12 mitted to the board. At the same time, a copy of the application shall  
13 be transmitted by the applicant

14 (1) to the city council, if the application is with respect  
15 to premises within a city;

16 (2) to the assembly of a unified municipality, if the applica-  
17 tion is with respect to premises within a unified municipality;

18 (3) to the borough assembly, if the application is with re-  
19 spect to premises within a borough outside a city.

20 (b) The board shall immediately transmit a copy of any application  
21 it receives to the governing body of the municipality. The governing  
22 body of the municipality shall have 30 days from receipt of the copy of  
23 the application from the applicant or board to disapprove the transfer,  
24 renewal or issuance of a new license. Not more than 20 nor less than 5  
25 days before expiration of the period allowed for disapproval, the  
26 governing body shall provide opportunity at a regular or special meeting  
27 for the receipt of public comments with respect to the license appli-  
28 cation.

29 (c) A license application may be disapproved by a municipality

1 under this section only if the governing body of the municipality has  
2 adopted an ordinance describing standards and criteria for review of  
3 licenses within the municipality and the disapproval of the governing  
4 body is based upon application of the standards of the ordinance to the  
5 premises which is the subject of the application. The standards and  
6 criteria for review adopted by a municipality under this subsection

7 (1) shall be uniform within a district or area of a municipi-  
8 pality, but may differ among districts or areas in order to meet the  
9 health, welfare or safety of residents of a district or area;

10 (2) may not be less stringent than the requirements of this  
11 title; and

12 (3) do not preclude review and approval or disapproval of  
13 license application on the basis of the municipality's comprehensive  
14 plan and zoning ordinances.

15 (d) No license application may be acted upon by the board for a  
16 period of 30 days following receipt of the application.

17 (e) A license application which is disapproved by the governing  
18 body of a municipality under this section may not be acted upon by the  
19 board.

20 \* Sec. 2. AS 04.10 is amended by adding a new section to read:

21 Sec. 04.10.445. LIMITATIONS ON SALES. (a) A municipality in  
22 which the sale of alcoholic beverages is authorized may, by ordinance,  
23 limit sales to nondistilled alcoholic beverages. An ordinance adopted  
24 under this subsection is not effective unless first approved by the  
25 voters at a regular or special election.

26 (b) An ordinance enacted by a municipality under (a) of this  
27 section limiting sales to nondistilled alcoholic beverages may be re-  
28 pealed. The repeal of an ordinance under this subsection is not effec-  
29 tive unless first approved by the voters at a regular or special elec-

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(c) For purposes of this title, a regular or special election conducted by a municipality under (a) of this section to approve an ordinance limiting sales of alcoholic beverages constitutes a "local option" election.

(d) In this section, "nondistilled alcoholic beverages" means beer and wine.

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