

Introduced by: Glick,  
Skogstad, Walli  
Date: Oct. 8, 1985  
Hearing: Nov. 13, 1985  
Vote: 13 Yes, 3 No  
Action: Adopted

KENAI PENINSULA BOROUGH  
ORDINANCE 85-75 (ALTERNATE)

ADOPTING A POLICY GOVERNING LIQUOR LICENSE PROTESTS BY THE ASSEMBLY.

WHEREAS, Alaska Statute 4.11.480 allows a local governing body to protest the issuance, renewal, request for relocation or transfer to another person of a liquor license; and

WHEREAS, 15 Alaska Administrative Code 104.145(e) allows a local governing body to protest a liquor license application based upon a general public policy or facts that render the particular application objectionable to the local body; and

WHEREAS, 15 AAC 10.145(d) states that protests will not be considered arbitrary, capricious or unreasonable where the protest is made under an ordinance, resolution or statement of policy adopted by the local governing body before it considers an application; and

WHEREAS, it is desirable to have a definite liquor license policy that will put applicants on notice of Borough requirements;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That Title 7 of the Kenai Peninsula Borough Code of Ordinances is amended by adding a new Chapter 7.10 to read as follows:

Chapter 7.10

LIQUOR LICENSE PROTESTS

Sections:

7.10.010 Assembly review--Applications--Renewals

7.10.020 Assembly protest

7.10.010 Assembly review--Applications--Renewals. A. The assembly shall review applications submitted to the State Alcoholic Beverage Control Board concerning the sale of alcoholic beverages within the Borough in the following situations:

1. Applications for a new license; or

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2. Applications requesting approval of a relocation of the licensed premises; or
3. Other applications that fall under KPB 7.10.020.

B. The assembly shall not review applications submitted for a renewal by the same licensee of a license for the sale of alcoholic beverages within the Borough, where the location of the licensed premises also remains the same or where the licensed premises lies within a city in the Borough; unless the applicant falls under KPB 7.10.020(A)(1) or KPB 7.10.020(A)(2)(F).

7.10.020 Assembly protest. A. The assembly shall cause a protest to be filed with the State Alcoholic Beverage Control Board on any application submitted for a new license for the sale of alcoholic beverages, or any application requesting approval of a relocation of the licensed premises, or any application requesting approval of a transfer of a license to another person, within the Borough, in the following situations:

1. Where Borough records indicate that the applicant is in violation of the Borough sales and/or personal and real property tax ordinances and regulations; or
2. Applications for a new license or requesting approval of a relocation of the licensed premises in the following circumstances in areas of the Borough outside cities:
  - a. Where there is insufficient ingress and egress for traffic to the premises; or
  - b. Where the location of the premises would unduly interfere with the flow of traffic; or
  - c. Where the location of the premises would be within five hundred (500) feet of an already established school, playground or church; or
  - d. Where the existence or location of the premises would unduly interfere with or impact school operations; or
  - e. Where the existence or location of the premises is inconsistent with surrounding property uses; or
  - f. Where any other facts are presented that render the particular application objectionable to the assembly.

B. The assembly shall not cause a protest to be filed with the State Alcoholic Beverage Control Board on any application submitted for a renewal by the same licensee of a license for the sale of alcoholic beverages within the Borough where the location of the licensed premises remains the same; unless the applicant falls under KPB 7.10.020(A)(1) or KPB 7.10.020(A)(2)(F).

Section 2. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON  
THIS 3rd DAY OF December, 1985.

Betty J. Glick  
Assembly President

ATTEST:

Jeanne Bradley  
Borough Clerk

