

Introduced by:	Mayor
Date:	11/07/95
Hearing:	12/12/95
Action:	Enacted
Vote:	Unanimous

**KENAI PENINSULA BOROUGH
ORDINANCE 95-36**

**AN ORDINANCE AMENDING KPB 7.10 TO ALLOW FOR
ANNUAL LIQUOR LICENSE PROTESTS**

WHEREAS, Chapter 7.10 of the Code of Ordinances provides that the assembly shall cause a protest to be filed on applications for the renewal of liquor licenses where the applicant is not in compliance with borough tax ordinances or based on other facts rendering the application objectionable to the assembly; and

WHEREAS, at the time Chapter 7.10 was enacted liquor licenses were renewed annually; and

WHEREAS, on December 31, 1993 AS 04.11.270 was amended to provide for biennial renewal of liquor licenses; and

WHEREAS, AS 04.11.480 was amended, effective July 1, 1995, to allow municipalities to protest the continued operation of a license during the second year of the biennial license period; and

WHEREAS, amending the code to allow for such protests would once again enable the assembly to protest, when appropriate, the continuing operation of liquor licenses every year instead of every other year;

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

SECTION 1. KPB 7.10.010 is amended to read:

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, or the continued operation of a license during the second year of the biennial license period, within the borough in the following situations:

1. applications for a new license; or
2. applications requesting approval of a relocation of the licensed premises; or
3. other applications or continued operation of licenses for the second year of the

biennial license period that fall under Section 7.10.010.

B. The assembly shall not review either continued operations of licenses for the second year of the biennial license period or 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 sections 7.10.020(A)(1) or 7.10.020(A)(2)(f).

SECTION 2. KPB 7.10.020 (A) and (B) are amended to read:

7.10.020 Assembly protest.

A. The assembly shall cause a protest to be filed with the State Alcohol 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, or the continued operation of a license for the second year of the biennial license period, within the borough, in the following situations:

1. Where borough records indicate that the applicant and/or transferor is in violation of the borough sales, and/or personal and real property tax ordinances and regulations, has failed to comply with any of the filing, reporting or payment provisions of the borough ordinances or regulations, or has any unpaid balance due on tax accounts for which the applicant and/or transferor is liable. A protest shall not be filed for balances due secured by a payment agreement authorized by borough ordinances, as long as:

a. the applicant or transferor is in compliance with the payment agreement; and
b. the payment agreement requires payment in full by the end of the next license year; and
c. the applicant or transferor is involved in no more than two payment agreements within the prior five (5) years.

2. Where applications for a new license or request for approval of a relocation of the licensed premise includes one of the following circumstances in areas of the borough outside cities:

a. There is insufficient ingress and egress for traffic to the premises; or
b. The location of the premises would unduly interfere with the flow of traffic; or
c. The public entrance of the licensed premises would be within 500 feet by straight line measurement from the property line of an established school or church or the outer boundaries of a playground; or
d. The existence or location of the premises would unduly interfere with or impact school operations; or
e. The existence or location of the premises is inconsistent with surrounding property uses; or
f. 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 Alcohol Beverage Control Board for the continued operation of a license for the second year of the biennial license period, or on the application submitted for a renewal by the same licensee of the 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 Sections 7.10.020(A)(1) or 7.120.020(A)(2)(f).

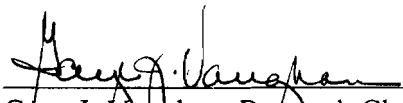
SECTION 3. That this ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 12th
DAY OF DECEMBER, 1995.**



Andrew P. Scalzi, Assembly President

ATTEST:



Gaye J. Vaughan, Borough Clerk