

Introduced by: Martin at the Request of
the Borough Clerk
Date: 03/24/09
Hearing: 04/21/09
Action: Enacted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2009-17**

**AN ORDINANCE AMENDING KPB 7.10.010 TO PROVIDE FOR ASSEMBLY
APPROVAL OF RESTAURANT OR EATING PLACE LIQUOR LICENSES**

WHEREAS, the Alaska Administrative Code at 13 AAC 104.335 currently requires that in order for the Alcoholic Beverage Control Board to issue a restaurant or eating place license, the governing body of the municipality in which the licensed premises are to be located must "approve" the application; and

WHEREAS, borough code does not currently provide for "approval" of such applications; and

WHEREAS, in order to comply with this requirement it is appropriate to amend the borough code;

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

SECTION 1. That KPB 7.10.010 shall be amended as follows:

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. applications requesting the approval of the issuance or transfer of ownership of a restaurant or eating place license; or
 - 4.[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 beverage 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).
- C. After assembly review and action as provided in KPB 7.10.020, the borough clerk shall provide a letter to the Alcoholic Beverage Control Board informing it of the assembly's non-objection, approval, or protest, as appropriate.

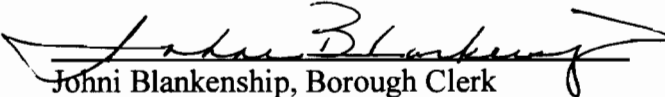
SECTION 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY OF APRIL, 2009.



Milli Martin, Assembly President

ATTEST:



Johni Blankenship, Borough Clerk

Yes: Fischer, Knopp, Long, Pierce, Smalley, Smith, Sprague, Superman, Martin
No: None
Absent: None