

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 8.18 AND REPEALING 8.30.020 TO PROVIDE A UNIFORM PROCESS FOR REVIEWING MARIJUANA LICENSE APPLICATIONS

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment to Chapter 8.18 - Review of Liquor Licenses. Dillingham Municipal Code Chapter 8.18 is hereby amended to read as follows [new language **underlined and emboldened** and deleted text displayed in ~~strike-out font~~]:

Chapter 8.18
REVIEW OF LIQUOR **AND MARIJUANA** LICENSES

Sections:

- 8.18.010 Definitions.
- 8.18.020 Review of liquor license **and marijuana license** applications.
- 8.18.030 Consideration by council.
- 8.18.040 Local regulatory authority.**

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.~~

“Control office” means the State of Alaska Alcohol and Marijuana Control Office.

“License” means both liquor license and marijuana license unless otherwise specified or required by context.

~~“License location” means the lot or parcel, and structure, where a licensed premises (as defined in AS 04.21.080 and 3 AAC 306.990) would be located pursuant to a liquor license application that is subject to review under this chapter.~~

~~“Licensed premises” is defined as provided in AS 04.21.080.~~

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

“Marijuana license” means any license or permit authorized or governed by AS Chapter 17.38.

8.18.020 Review of liquor license applications.

A. Upon receiving notice from the ~~Board~~ **control office** of an application for the issuance, renewal, transfer of location or transfer to another person of a liquor license or marijuana 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) or 3 AAC 306.060, 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~~ **shall determine** whether any structure, or use of land or a structure, including parking requirements, at the license location **or proposed in the application** conforms to Title 18;
2. Finance office ~~to~~ **shall** 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~~ **shall** 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 **or at** the ~~subject property~~ **license location** describing the **license location** 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~~ **license location**.
2. At least two weeks prior to the date of the scheduled public hearing, the city planner shall mail a public notice announcing the **license location** owner, applicant, request, location of the proposed use and date of the public hearing to all property owners within five hundred feet of the **license location** 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.

8.18.030 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~~ **shall deliver the protest** to the ~~Board~~ **control office** with a copy of the application review form. The protest must be received by the ~~Board~~ **control office** within sixty days of the city having received notice of the application.

8.18.040 Local regulatory authority.

The city council is designated as the “local regulatory authority” as that term is used in AS Chapter 17.38 and any implementing legislation or rule-making.

Section 3. Repeal of 8.30.020. Dillingham Municipal Code Section 8.30.020 is hereby repealed.

Section 4. Effective Date. This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on May 13, 2021.

Alice Ruby, Mayor

[SEAL]

ATTEST:

Lori Goodell, City Clerk