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### **20.30.020 Assembly review of license issuance, renewal, transfer, or continued operation.**

- (a) The assembly may protest the issuance, renewal, transfer, or continued operation of a marijuana establishment license as provided in state law. The protest shall cite any of the following criteria which the assembly determines to be pertinent:
- (1) Failure of the applicant to secure a local license or permit, or if the applicant is in violation of any applicable local license or permit;
  - (2) That the applicant has violated a provision of AS 17.38 or regulations adopted by the state, or a condition imposed by the marijuana control board on the licensee, or if issuance of the license would violate a provision of state law or regulations;
  - (3) The business operated under the license is, on the date the assembly considers the license, delinquent in the payment of any sales tax or penalty or interest on sales tax arising out of the operation of the licensed premises;
  - (4) There are delinquent property taxes or local improvement district assessments or penalty or interest thereon arising out of real or personal property owned in whole or in part by any person named in the application as an applicant or on the permit which is to be continued where such property is used, or is to be used, in whole or in part in the business conducted or to be conducted under the license;
  - (5) There is a delinquent charge or assessment owing the City and Borough by the licensee for a municipal service provided for the benefit of the business conducted under the license or for a service or an activity provided or conducted by the municipality at the request of or arising out of an activity of the business conducted under the license;
  - (6) The business operated or to be operated under the license is violating or would violate the zoning code of the City and Borough;
  - (7) The business operated under the license is, on the date the assembly considers the application, in violation of state or local fire, health, or safety codes. A criminal conviction of this violation is not a prerequisite for a protest under this section;
  - (8) The concentration of other marijuana establishment or alcohol licenses in the area;
  - (9) Any factor identified by state statute or regulation as appropriate grounds for a protest;
  - (10) Any other factor the assembly determines is generally relevant or is relevant to a particular application.
- (b) If the assembly or committee or a subcommittee thereof recommends protest of the issuance, renewal, transfer, or continued operation of a license it shall state the basis of the protest and the applicant shall be afforded notice and an opportunity to be heard at an abbreviated informal hearing before the assembly to defend the application. For the purposes of this subsection, notice shall be sufficient if sent at least ten days prior to the hearing by certified first class mail to the applicant's address identified on the state license application. At the conclusion of the hearing, the assembly decision to protest the application shall stand unless the majority of the assembly votes to withdraw the protest.

(Serial No. 2016-22(am), § 4, 8-22-2016)