

1st Reading: February __, 2022
2nd Reading: February __, 2022

Presented By: Mayor Handeland

Action Taken:
Yes ____
No ____
Abstain ____

**CITY OF NOME
ORDINANCE NO. O-22-02-11**

**AN ORDINANCE AMENDING CHAPTER 3.05 TO INCLUDE PROHIBITIONS ON THE SALE
OF ALCOHOL AT PACKAGE STORES**

WHEREAS, the City of Nome ("City") has experienced a growing issue of intoxicated individuals and individuals consuming alcohol in its public places; and,

WHEREAS, the City has considered the impact on local businesses, first responders and local healthcare facilities; and,

WHEREAS, the City recognizes that those who are abusing alcohol congregate near package liquor stores, creating disturbances to local businesses, residents, and visitors; and,

WHEREAS, in an effort to reduce the harm caused by alcohol consumption and abuse, the Council imposes limitations on the amount of alcohol which can be purchased, which is expected to reduce access to alcohol and curb excess consumption; and,

WHEREAS, stricter restrictions on the amount of distilled spirits reduces the amount of alcohol available to any one person, which is expected to reduce the nuisances and harm caused by consumption of distilled alcohol with its higher alcohol content; and,

WHEREAS, state law permits cities to restrict alcohol sales as long as the restrictions do not conflict with Title 4 of the Alaska State Statutes; and,

WHEREAS, state law allows cities discretion to regulate hours of sales of alcohol;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE NOME COMMON COUNCIL:

Section 1. Classification. This is a Code ordinance.

Section 2. Amendment of NCO §3.05.030. Section 3.05.030 of the Code of Ordinances of Nome, Alaska is hereby amended to read as follows (new language is underlined):

3.05.030 Prohibitions

(a) All laws and regulations of the state of Alaska regarding licensed alcoholic beverage sales, service, distribution, and consumption apply within the city of Nome unless otherwise stated, except that the city of Nome has not adopted the local option pursuant to AS 04.11.491.

(b) It is unlawful to carry or transport an open container of intoxicating liquor on the public streets, alleys, parks or other public places, except that an open container of intoxicating liquor may be carried in a vehicle in a locked trunk or other secured location inaccessible to drivers and passengers of the vehicle.

(c) It is unlawful to consume intoxicating liquor on the public streets, alleys, parks or other public places, except as otherwise provided in NCO Section 3.05.070.

(d) A package store licensee, an agent, or employee may not permit a person to purchase more than 750 milliliters of distilled spirits in one day. A package store shall maintain a record of customers purchasing distilled spirits and the amount purchased each day. Upon request, the store shall furnish the record to the city for inspection. A record under this section will not be retained by the City, other than as evidence of a violation of this chapter, nor shall such a record be used for any reason other than monitoring compliance with requirements of this chapter.

(e) No person may purchase more than one 750 milliliter container or bottle of distilled spirits, or the equivalent, per day in the City.

(f) A package store licensee, an agent, or employee may not sell distilled spirits in a container larger than 750 milliliters.

Section 3. Amendment of Section 3.05.080. Section 3.05.080 of the Code of Ordinances of Nome, Alaska is hereby amended to add a new definition of “distilled spirits” to read as follows (new language is underlined):

“Distilled spirits” means all intoxicating liquors containing more than twenty-one percent of alcohol by volume.

Section 4. Amendment of Section 1.20.040. Section 1.20.040 of the Code of Ordinances of Nome, Alaska is hereby amended to include the following addition to the fine schedule:

NCO Section	<u>Offense</u>	<u>Penalty/Fine</u>
3.03.050(d)	Sale in excess of one bottle of distilled spirits	\$
3.03.050(e)	Sale of distilled spirits in excess of one liter	\$

Section 5. Effective Date. This ordinance is effective thirty (30) days from passage and sunsets two hundred and ten (210) days from passage.

APPROVED and SIGNED the ____ day of _____, 2022.

JOHN K. HANDELAND, Mayor

ATTEST:

BRYANT HAMMOND, City Clerk