

1st Reading: February 14, 2022
2nd Reading: February 28, 2022

Presented By: Mayor Handeland

Action Taken:

Yes

No

Abstain

**CITY OF NOME
ORDINANCE NO. O-22-02-08**

**AN ORDINANCE AMENDING CHAPTER 3.05 TO INCLUDE PROHIBITIONS ON THE
SALE OF ALCOHOL, INCLUDING LIMITING HOURS OF SALE, AND TO REQUIRE
SECURITY 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 amends both the hours during which alcohol may be sold and imposes other 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 NCO §3.05.040. Section 3.05.040 of the Code of Ordinances of Nome, Alaska is hereby amended to read as follows (deletions are overstruck and new language is underlined):

3.05.040 Hours of Sale.

(a) No person may consume, sell, offer for sale, give, furnish or deliver from an authorized licensee of a package store license any intoxicating liquor on any such licensed package store premises except between the hours of one ten p.m. and seven p.m. eleven a.m. on Mondays through Saturdays, and between the hours of ten p.m. and one p.m. on Sundays.

(b) No person may consume, sell, offer for sale, give, furnish or deliver from an authorized licensee of any type of license provided in AS 04.11.080(1) through (6) and (8) through (20), any intoxicating liquor on any such licensed premises between the hours of two a.m. and ten a.m. on Mondays through Fridays, three a.m. and ten a.m. on Saturdays, and three a.m. and one p.m. on Sundays.

(c) The exception to subsections (a) and (b) of this section shall be from the day the first dog team arrives in the city from the Iditarod Dog Sled Race until the day of the Iditarod Banquet, from the first day of the Iditarod Basketball Tournament until the day of the Iditarod Basketball Banquet, from the first day of the Iditarod Dart Tournament and

Iditarod Pool Tournament until the day of the Iditarod Dart and Iditarod Pool Tournament Championship Game, and on New Year's Eve, when liquor establishments except package store license holders are authorized to remain open until five a.m. on the following day; provided, however, that no exception period described above shall exceed five days in total. On the Sunday of the Bering Sea Open Golf Tournament and on the Sunday known as "Super Bowl Sunday," liquor establishments described in subsection (b) of this section are authorized to open at ten a.m.

(d) The council may provide by resolution for other exceptions to subsection (b) of this section; provided, however, that no exception period under this section shall exceed five days in total. Exceptions authorized under this provision expire upon completion of any exception period. Permanent exceptions must be adopted by ordinance.

Section 4. Amendment of NCO Chapter 3.05. Chapter 3.05 of the Code of Ordinances of Nome, Alaska is hereby amended with the addition of a new Section 3.05.055 to read as follows:

3.05.055 Security personnel required.

Every package store licensed under AS 4.11.150 shall employ at least one person whose primary purpose is to ensure order and compliance with the provisions of this chapter. The person shall be on duty during any hours the store is open for business. The person may perform limited functions in addition to security but may not be an employee whose primary purpose is store operation or serving customers. Security personnel must patrol the outside of the package store at least hourly.

Section 5. 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 6. 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 | \$ |
| 3.05.055 | Failure to utilize security | \$ |

Section 7. Effective Date. This ordinance is effective thirty days (30) 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