

Presented by: The Mayor
Introduced: 08/20/84
Drafted by: G.L.S.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1057

A RESOLUTION CLARIFYING THE ASSEMBLY POSITION REGARDING ITS NONOBJECTION TO THE ISSUANCE BY THE ALCOHOLIC BEVERAGE CONTROL BOARD OF PACKAGE STORE AND RESTAURANT OR EATING PLACE LICENSES AUTHORIZED BY LAW.

WHEREAS, Title 4 of the Alaska Statutes authorizes up to one alcoholic beverage license of each class for each 1,500 persons residing within a municipality, and

WHEREAS, the recent increase in the population of the City and Borough of Juneau permitted additional package store and restaurant or eating place licenses to be issued within the City and Borough of Juneau, and

WHEREAS, there were more applications for each class of license than there were newly authorized licenses, and

WHEREAS, the Alcoholic Beverage Control Board is required, by statute, to deny an application upon the objection of a municipality unless there is a finding that the objection is arbitrary, capricious, and unreasonable, and

WHEREAS, the Alcoholic Beverage Control Board has adopted regulations setting out standards and procedures to be used by municipalities in reviewing liquor license applications for objection, and

WHEREAS, prior to reviewing the applications for new package stores and for new restaurants or eating places, the assembly adopted the standards and procedures set out in Ordinance 84-50(rev.), and

WHEREAS, said standards were not drafted for the purpose of ranking various competing applications but, rather, for the purpose of determining which of the applications passed a threshold of acceptability, and

WHEREAS, the regulations adopted by the Alcoholic Beverage Control Board provide specifically for the method of determining which of competing applications are to be awarded, and

WHEREAS, the assembly, in directing the preparation of Ordinance 84-50 and in debating the ordinance prior to adoption, specifically considered whether to establish a more restrictive population standard for both package store licenses and for restaurant or eating place licenses and determined that the number should not exceed one of each type of license for each 1,500 persons within the municipality or such higher number as may be established by statute or by regulation and set this policy out by the adoption of CBJ 20.25.025(b)(5), and

WHEREAS, after a review of the applications for new package store and new restaurant or eating place licenses, and in light of the standards adopted by it, the assembly determined which of the applications did and did not pass the threshold of acceptability and indicated its objection and nonobjection to the applications as appropriate;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

1. That the assembly, by adoption of Ordinance Serial No. 84-50(rev.), has determined that the current state statutory standards of one license per 1,500 persons for package store licenses and for restaurant or eating place licenses is satisfactory to the city and borough.

2. That if the city and borough assembly gives its nonobjection to more package store or more restaurant or eating place license applications than there are licenses available the Alcoholic Beverage Control Board should use the drawing procedure established by it in its regulations to determine which of the qualifying and unobjected applications should be issued licenses.

Adopted this 20th day of August, 1984.



Mayor

Attest:



Clerk