Presented by: The Manager
Presented: 5/19/2025
Drafted by: Law Department

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2025-10

An Ordinance Amending the Alcoholic Beverages Code Relating to the Purchase, Sale, Possession, or Consumption of Alcoholic Beverages.

WHEREAS, effective January 1, 2024, Senate Bill 9 (2022) reclassified many misdemeanor alcohol offenses in Title 4 of the Alaska Statutes as violations instead of misdemeanors and has authorized maximum monetary fines for certain infractions so that they can be disposed of without a court appearance; and

WHEREAS, the City and Borough of Juneau (CBJ) relevant chapter of code contains several sections that must be amended or repealed to be consistent with the new Title 4 Amendments and maximum monetary fine schedule; and

WHEREAS, the State of Alaska Department of Law prosecutes all offenses for those under the age of 18; and

WHEREAS, the Juneau Police Department issues infractions for minors consuming alcohol under the State of Alaska statutes rather than the CBJ's significantly outdated minor consuming code section, as the State is well-equipped and experienced at handling offenses involving minors.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Chapter. Chapter 20.25, Alcoholic beverages, is amended to read:

...

20.25.030 Sale to intoxicated persons.

(a) It is unlawful to give, barter or sell any intoxicating liquor, as defined in this chapter, to any intoxicated person; and, it is unlawful for any licensee or licensee's employee to permit the giving, selling, bartering or drinking of any intoxicating liquor within the premises covered by any license to any intoxicated person; nor shall the licensee permit the drinking of any intoxicating liquor by any person upon the premises covered by his or her license unless the same is permitted under the classification of his or her license.

(b) For the purposes of this title "intoxicated person" means a person whose physical or mental conduct is substantially impaired as a result of the introduction of an alcoholic beverage into his or her body and who exhibits those plain and easily observed or discovered outward manifestations of behavior commonly known to be produced by the over consumption of alcoholic beverages.

(c) A person who violates this section is guilty of an infraction of up to $500.00.

20.25.040 Licensed premises; entry of minors prohibited.

...

~~**State Law reference** — Access of underage person to licensed premises, AS 04.16.049.~~

20.25.050 Repealed and Reserved. ~~**Purchase by minors.**~~

~~(a) It is unlawful for any person under the age of 21 years to solicit the purchase of or in any other way to attempt to purchase or otherwise secure any intoxicating liquor, as herein defined.~~

~~(b) It is unlawful for any person to influence or attempt to influence the sale, giving, or serving of intoxicating liquor, including beer and wine, to a person under 21 years of age, by misrepresenting the age of the person, or to order, request, receive, or procure any licensee, employee, or other person, for the purpose of selling, giving, or serving the same to a person under 21 years of age.~~

~~(c) It is unlawful for any person under the age of 21 years to enter any premises licensed to sell intoxicating liquor and to offer or present to any licensee, or licensee's employee, a fraudulent or false certificate of birth or other written evidence of age, which is not actually the person's own, or who shall otherwise misrepresent his or her age, for the purpose of inducing the licensee or employee to sell, give, barter, serve, or furnish intoxicating liquor.~~

~~(d) Any licensee or licensee's employee who questions, or has reason to question, whether a person entering upon licensed premises, or ordering, purchasing, attempting to purchase, or otherwise procure or attempt to procure the serving or delivery of intoxicating liquor, has attained the age of 21 years, shall require the person to sign a statement that the person is over the age of 21 years. If a licensee, or employee, in good faith, secures a signed statement, he or she shall not be subject to prosecution under this chapter for violations pertaining to serving liquor to minors.~~

~~(e) Any licensee or licensee's employee who permits to remain upon licensed premises where intoxicating liquors are sold any person under the age of 21 years not in the company of that person's parent or legal guardian or spouse who has attained the age of 21 years, or sells, gives, or serves intoxicating liquor to any person under the age of 21 years, without~~

~~having procured the signature of the person upon a statement as herein provided, or who sells, gives, or serves intoxicating liquor to or permits the person to remain on licensed premises where intoxicating liquor is sold, is guilty of a misdemeanor.~~

~~(JCC § 5-8-5; Serial No. 84-32, § 3, 1984)~~

~~State Law reference—Purchase by or delivery to person under 21, AS 04.16.060.~~

20.25.055 Repealed and Reserved. ~~**Possession or consumption of alcoholic beverages by minors.**~~

~~(a) A person under the age of 21 years may not knowingly consume, possess or control alcoholic beverages except those beverages furnished:~~

~~(1) By a parent to the parent's child, by a guardian to the guardian's ward or by a person to the legal spouse of that person if the furnishing occurs off licensed premises; or~~

~~(2) By a licensed physician or nurse to a patient in the course of administering medical treatment.~~

~~(b) For purposes of this section:~~

~~(1) A person shall be considered to be consuming or to be in possession of an alcoholic beverage during the entire time that alcohol is present in any amount within that person's body; and~~

~~(2) It shall be prima facie evidence that alcohol is present in the body of any person who exhibits those plain and easily observed or discovered outward~~

~~manifestations of behavior commonly known to be produced by the consumption of alcohol.~~

~~(c) Upon finding that a juvenile is delinquent for violation of this section, the court may, after complying with the requirements of AS 47.10, order the minor committed to the state department of health and social services which may, to the extent permitted by AS 47.10, detain the minor in a juvenile facility for not more than 90 days. In addition to or in lieu of such detention the court may impose such other probation, supervision, restitution, placement, or other commitment as permitted by AS 47.10.~~

~~(Serial No. 93-38, § 2, 1993)~~

~~**State Law reference** – Similar provisions, AS 04.16.050.~~

20.25.057 Keg registration.

...

(d) *Offenses.*

(1) It is unlawful for any package store licensee, agent, or employee to sell or offer for sale kegs or other containers containing four gallons or more of alcoholic beverages to consumers who are not licensed under AS 04.16, if the kegs or containers are not identified in compliance with this chapter. A person who violates (d)(1) is guilty of an infraction of up to $250.00.

(2) It is unlawful for any person who is not licensed under AS 04.16, to possess, or be in control of a keg or other container containing four gallons or more of alcoholic beverages which is not identified in compliance with

this chapter. A person who violates (d)(2) is guilty of an infraction of $100.00.

(e) *Penalties.* Except as provided in AS 04.16.051 or in its section, a violation of any provision of this chapter is a Class A misdemeanor.

...

20.25.080 Public possession and consumption of intoxicating liquor.

...

(e) A person who violates this section is guilty of an infraction.

...

20.25.110 Hours of sale.

It is unlawful for any beverage dispensary, restaurant cafe, beer parlor, package liquor store, or other place licensed by the state to sell, dispense or serve intoxicating beverages, situated within the City and Borough, where intoxicating liquors of any kind whatsoever are sold or kept for sale or to be served or consumed on the premises, to sell, offer for sale, or permit to be sold, or delivered or served for consumption on the premises, any intoxicating liquors as defined in section 20.25.010, at any other times than between the lawful opening and closing times which are established as follows:

...

(3) A brewery, winery, or distillery retail licensee or an agent or employee of a brewery, winery, or distillery retail licensee may not permit a person to enter or remain on and a person may not enter or remain on a premises

licensed under this title between the hours of 9:30 p.m. and 9:00 a.m. each day, unless the person is:

(a) On the premises to conduct business with the licensee, agent, or employee, and the licensee, agent, or employee is in compliance with (a) and (b) of this section;

(b) An employee of the licensee who is on the premises to prepare for the next day's business; or

(c) Performing maintenance or improvements authorized by the licensee.

(4) A person who violates this section is guilty of an infraction of up to $250.00.

...

20.25.140 Criminal liability.

Any person violating the provisions of this chapter is guilty of a Class B misdemeanor except ~~that;~~ as provided for in the pertaining section.

~~(a) A violation of section 20.25.030, sale to intoxicated persons, is a Class A misdemeanor; and~~

~~(b) A violation of section 20.25.080, public possession and consumption of intoxicating liquor, is an infraction.~~

(Serial No. 85-56, § 7, 1985)

State Law reference— Penalties for violation of alcoholic beverage laws, AS 04.16.180.

Section 3. Amendment of Section. CBJC 03.30.058 Alcoholic beverage control fine schedule, is amended to read:

03.30.058 Alcoholic beverage control fine schedule.

Pursuant to sections 03.30.010—03.30.015 of this chapter, those of the following alcoholic beverage control offenses which are amenable to disposition without court appearance may be disposed of upon payment of the fines listed to the municipal clerk of the court. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed in the following schedule:

ALCOHOLIC BEVERAGE CONTROL FINE SCHEDULE

CBJ	Offense	No. of Offenses	Fine
20.25.030	Sale to intoxicated persons	Any	Up to $500.00
20.25.057(d)~~(3)~~	Keg registration ~~Failure to return keg~~	Any ~~1st~~	$100.00
		~~2nd within 3 years~~	~~200.00~~
		~~3rd and subsequent within 3 years~~	~~*MCA~~
20.25.080	Public possession and consumption	1st	$25.00
		2nd within one year	$50.00
		3rd & subseq. within one year	~~MCA~~ $75.00
20.25.110	Hours of sale	Any	Up to $250.00
All other	All other	Any	MCA

...

Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 9th day of June, 2025.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk