

Introduced by: Borough Assembly
Requested by: Borough Assembly
Drafted by: Borough Clerk
Introduced: 02/21/2008
Public Hearing: 03/20/2008
Adopted: 03/20/2008

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2008-16**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS
CHAPTER 5.01 LIQUOR LICENSES
SECTION 5.01.030 NEW LICENSE AND TRANSFER PROCEDURE**

WHEREAS, this ordinance will clarify KIBC section 5.01.030 based on attorney's review that a transfer from one person to another of a liquor license is considered a request for a new liquor license; and

NOW, THEREFORE BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH that

Section 1: This ordinance is of a general and permanent nature and shall become a part of the Kodiak Island Borough Code of Ordinances;

Section 2: Title 5 *Business Licenses and Regulations*, Chapter 5.01 *Liquor Licenses*, Section 5.01.030 *New License and Transfer Procedure* is hereby amended as follows:

5.01.030 New license and transfer procedure.

A. Upon receipt of notice from the Alcoholic Beverage Control Board of the board's receipt of an application or intent to approve the transfer or issuance of a new liquor license:

1. the clerk shall investigate to determine if the borough has an interest which can be protected by protesting the approval of the application for transfer or issuance of a new liquor license;

2. the clerk shall check with the state troopers on the number of trouble reports at the place of business;

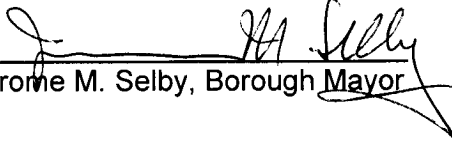
3. the clerk shall duly advertise and place the matter of the application upon the agenda for the next meeting of the assembly in order that citizens may express their desires as to whether or not the assembly should approve or protest the transfer or issuance of the liquor license; and

4. the notice of intent to establish a new liquor license or transfer of location of an existing license shall be mailed to each landowner within one thousand five hundred feet (1,500') of the proposed location by the clerk. **A transfer from one person to another of a liquor license, even if the location stays the same, shall be considered a request for a new liquor license by the Kodiak Island Borough.** The applicant shall pay a fee based upon the cost of the notice and application processing costs to the borough.

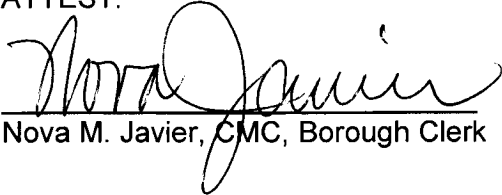
B. The assembly, after public hearing, shall determine by motion if a protest to the application is to be lodged with the Alcoholic Beverage Control Board. If a protest is lodged, the manager and attorney are authorized to use any document or evidence necessary to effectively advance the position of the borough at any hearing before the Alcoholic Beverage Control Board.

ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS TWENTIETH DAY OF MARCH, 2008

KODIAK ISLAND BOROUGH


Jerome M. Selby, Borough Mayor

ATTEST:


Nova M. Javier, CMC, Borough Clerk