

**ORDINANCE NO. 6022, AS AMENDED**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE  
SECTION 14-178 TO CLARIFY THE CITY'S REQUIREMENTS FOR  
DOWNTOWN LIQUOR LICENSE APPROVALS**

**WHEREAS**, Fairbanks General Code Section 14-178 addresses the City Council's review of issuance, renewal, and transfer of liquor licenses and needs to be updated.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**Section 1.** Fairbanks General Code Chapter 14, Article V, Sec. 14-178(b), is repealed and reenacted as follows:

**Sec. 14-178. City council review of license issuance, renewal or transfer.**

(b) City Council protests:

**Mandatory:** The council will protest the issuance, transfer or renewal of a license if it determines any of the following conditions exist:

- (1) The business operated under the license is, on the date the city council considers the application, delinquent in the payment of any sales tax or hotel/motel tax or penalty or interest on such taxes arising out of the operation of the licensed premises.
- (2) There are delinquent property taxes or local improvement district assessments or penalty or interest arising out of real or personal property owned in whole or in part by any person named in the application as an applicant where such property is used, or is to be used, in whole or in part, in the business conducted or to be conducted under the licenses.
- (3) There is a delinquent charge or assessment owing the city by licensee for a municipal service provided for the benefit of the business conducted under the license or for a service or an activity provided or conducted by the city at the request of or arising out of an activity of the business conducted under the license.
- (4) The business is for locations within the downtown Fairbanks area bounded by Barnette Street, extended from the north bank of the Chena River to Gaffney Road, east on Gaffney to Noble Street, north on Noble to Sixth Avenue, east on Sixth Avenue to Hall Street, north on Hall Street across the Wendell Street Bridge to Minnie Street, west on Minnie to Illinois

Street, then south on Illinois to the point of beginning. The only alcoholic beverage license applications for new licenses or transfer of existing licenses to locations within the boundaries specified in this subsection which the city will not protest are those that are for a “restaurant or eating place license” as defined under Alaska Statute 04.11.100(e). This subpart does not apply to license renewals for establishments in operation within the described area on the effective date of this ordinance.

Optional: The council may protest the issuance, transfer or renewal of a license if it determines any of the following conditions exist:

- (1) If the application is for the issuance of a package store license or a restaurant or eating place license and after the issuance there would be more than one license of the type for which the application is made for each 1,500 people, or fraction, residing within the city, or such higher number of people as may be established by state statute or regulation for such licenses.
- (2) The business to be operated under the license would violate the zoning code of the borough and/or increase the density of more than three beverage dispensary licenses within a two block radius of a zoned residential neighborhood. A beverage dispensary license applicant for initial transfer of the same who wishes to be located in an area zoned as commercial must conform to this requirement.

**Section 2.** That the effective date of this ordinance will be the ~~30th day of July 2016.~~

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**John Eberhart, City Mayor**

AYES: Matherly, Cleworth, Rogers, Gatewood  
NAYS: Huntington, Pruhs  
ABSENT: None  
ADOPTED: July 25, 2016

**Mayor’s VETO filed on July 28, 2016. The City Council had the opportunity to override the veto at the Regular Meeting of August 8, 2016, and did not do so.**

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, CMC, City Clerk

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Paul Ewers, City Attorney



**CITY OF FAIRBANKS**  
**MEMORANDUM**

**RECEIVED**  
JUL 28 2016  
CITY CLERKS OFFICE

To: City Clerk, Danyielle Snider  
From: Mayor John Eberhart  
Subject: Veto of Ordinance No. 6022, As Amended  
Date: July 28, 2016

Pursuant to Charter Sec. 4.2, I hereby veto Ordinance No. 6022, As Amended. My concerns with the Ordinance include its expansion of the restricted area and the "restaurant or eating place license" requirements or provisions in subsection 4. The Ordinance may be seen as an impediment to business and economic development, particularly in the core area of our city.

For the above and other reasons, I veto Ordinance No. 6022, As Amended.

A handwritten signature in blue ink, appearing to read "John Eberhart".

cc: Jeff Jacobson, Chief of Staff