

**ORDINANCE NO. 5959**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE  
SECTIONS 14-176 REGARDING OPEN CONTAINER OF ALCOHOLIC  
BEVERAGES**

**WHEREAS**, the City Council codified rules regarding possession of alcoholic beverages, codified at Fairbanks General Code Section 14-176; and

**WHEREAS**, current Fairbanks North Star Borough Code Section 9.12.030 has similar rules concerning possession of alcoholic beverages; and

**WHEREAS**, the Fairbanks community desires consistency in the enforcement rules related to open consumption and carrying of alcoholic beverages.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS**, as follows [new text shown in **underline bold** font; deleted text in ~~strikethrough~~ font]:

**Sec. 14-176. ~~Open Containers~~ Alcohol Offenses**

(a) **Open Container Prohibited**~~Limited~~. It shall be unlawful to carry, transport or possess an open container of alcoholic beverages on the public streets, sidewalks, alleys, parks, or other public places throughout the city; except that an open container of alcoholic beverages may be carried in a vehicle in a locked trunk or other secured location inaccessible to the driver and passengers within the vehicle.

(b) *Open containers defined*. "Open containers" means any original container or package without the Internal Revenue Service strip stamp intact upon such container or package; any container or package that has been opened at least once since purchase or manufacture; or any container or package containing **an** alcoholic beverage other than the original container or package.

(c) *Exceptions*. Open containers are permitted in areas outside the downtown area if the area is under borough or state control and if alcohol consumption is authorized by borough ordinance or state statute, including, but not limited to, parks and ball fields; or in situations **outside the downtown area** in which **a gathering of people on private residential property, with the consent of the** ~~an owner, or legal occupant of the property, or a gathering of people, outside the downtown area held with the consent of the owner or legal occupant of the premises on private residential property,~~ extends onto public areas immediately adjacent to the ~~host's~~ property.

**(d) Possession prohibited. No person may possess any alcoholic beverage in any park or other area open to the public where alcoholic beverages are prohibited.**

**(e) ~~(d)~~ Downtown area described. "Downtown area" means the area of the city bounded by Cowles Street from First Avenue south to Airport Way, Airport Way east to the Steese Expressway, the Steese Expressway north to Third Street, Third Street west to Minnie Street, Minnie Street west to Illinois Street, Illinois Street south to Phillips Field Road, Phillips Field Road west to Pioneer Road, then south on a line extended from the intersection of Pioneer Road and Phillips Field Road across the Chena River to First Avenue, and then east on First Avenue to Cowles Street.**

**(f) ~~(e)~~ Proxy-buying prohibited. A person violates this section if that person purchases and/or provides alcoholic beverages to another knowing that there is a substantial probability that the recipient of the alcoholic beverages will violate subsection (a).**

**(g) ~~(f)~~ Penalty. A person convicted under subsection (a), (d), or (f) of this section shall be fined not more than \$300.00 for the first offense, and not more than \$500.00 for each subsequent offense.**



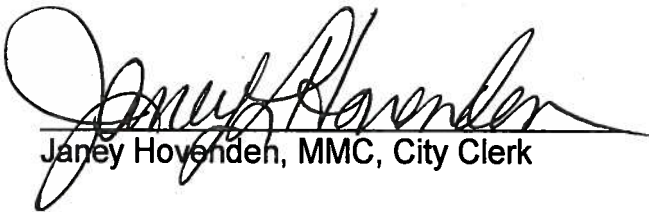
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**John Eberhart, City Mayor**

AYES: Pruhs, Gatewood, Staley, Cleworth, Matherly, Walley  
NAYS: None  
ABSENT: None  
ADOPTED: November 03, 2014

ATTEST:

APPROVED AS TO FORM:



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Janey Hovenden, MMC, City Clerk



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Paul J Ewers, City Attorney