

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-19

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA
PROPOSING TO CLARIFY THE SITKA GENERAL CODE BY AMENDING
TITLE 10 PUBLIC PEACE, SAFETY AND MORALS AT SECTIONS 10.44.010 LIQUOR
REGULATIONS DEFINITION A, 10.44.020 SCOPES OF PROVISIONS,
10.44.030 LICENSE REQUIRED, 10.44.060 PERSONS FORBIDDEN TO HAVE
LIQUOR, AND 10.84.010 DEFINITIONS

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. **PURPOSE.** As found in Alaska Statute 29.25.050, the municipal clerk is responsible for ensuring that the municipal code is kept current. Sitka's municipal clerk sought legal analysis from Code Publishing Company for a review of the Sitka General Code for state and federal constitutional issues and apparent conflicts. These clarifying changes are derived from that review and further analysis.

Sections 10.44.010 and 10.84.010 are updated to a current state definition of alcoholic beverage. Section 10.44.020 updates the 1973 provisions to reflect current state wording. The state reference used in Section 10.44.030 has been repealed and replaced. The stricken phrase in Section 10.44.060 is not defined or referenced in municipal or state law.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the following section of the Sitka General Code is hereby amended to read as follows:

Title 10
PUBLIC PEACE, SAFETY AND MORALS

IV. Offenses Against Public Decency
10.44 Liquor Regulations

Section

10.44.010 Definitions.

A. Whenever the term "intoxicating liquor" is used, it **means an alcoholic beverage that is a spirituous, vinous, malt, or other fermented or distilled liquid, whatever the origin, that is intended for human consumption as a beverage and that contains one-half of one percent or more of alcohol by volume, whether produced commercially or privately; (AS 4.21.080(b)(1))** shall be deemed to include whiskey, rum, gin, wine, ale, porter, beer, hoochinnoo, and all spirituous, vinous, malt and other fermented or distilled liquors having an alcoholic content of more than one percent of alcohol by volume; and "beer" includes ale and porter; and "hard and distilled liquor" includes all intoxicating liquors except beer and wine;

10.44.020 Scope of provisions.

The provisions contained herein shall apply to all places where liquor of any description as herein defined is manufactured, offered for sale, sold, vended, bartered or furnished.

10.44.030 License required.

Alaska Statute Section 04.11.010 ~~04.10.020~~ designating a classification of licenses is incorporated herein and made a part hereof, and the sale of hard or distilled liquor, including wine and beer by any person, firm or corporation is prohibited anywhere except under and by virtue of a license secured from the Director of the Alcoholic Beverage Control Board, and the sale, barter or consumption of intoxicating liquor, including wine and beer, on any premises not covered by a license under the classifications in Section 10.44.010 is prohibited. (Ord. 73-59 § 3 (part), 1973.)

10.44.060 Persons forbidden to have liquor.

It is unlawful to give, barter or sell any intoxicating liquors including beer and wine to any person under the age of twenty-one years or, to any intoxicated person, ~~or to any habitual drunkard~~; and it is unlawful for any licensee to permit giving, bartering, selling or drinking of any intoxicating liquor within the premises covered by any license to or by any of the forbidden classes nor shall such licensee permit the drinking of hard or distilled liquors by such person or persons upon the premises covered by his license.

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**VIII. Offenses By or Against Minors
Chapter 10.84 Liquor Regulations**


10.84.010 Definitions.

The terms "intoxicating liquor" and "alcoholic beverages" as used hereafter are interchangeable and are defined as a spirituous, vinous, malt, or other fermented or distilled liquid, whatever the origin, that is intended for human consumption as a beverage and that contains one-half of one percent or more of alcohol by volume, whether produced commercially or privately. ~~any fermented or distilled liquor, wine, beer, or other beverage, containing more than one percent alcohol by volume.~~

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5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 14th day of April, 2015.


Matthew Hunter, Deputy Mayor

ATTEST:

A handwritten signature in cursive script that reads "Sara Peterson". The signature is written in black ink and is positioned above a horizontal line.

Sara Peterson, CMC
Deputy Municipal Clerk