

AN ORDINANCE AMENDING CHAPTER 9.20, ALCOHOLIC BEVERAGES, OF THE PALMER MUNICIPAL CODE:

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

Section 2. Severability. If any provisions of this ordinance, or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Chapter 9.20 shall be amended as follows:

III. OFFENSES AGAINST PUBLIC DECENCY

Chapter 9.20

ALCOHOLIC BEVERAGES\*

Sections:

- 9.20.010 Licensed premises closing hours.
- 9.20.020 Prohibited acts designated.
- 9.20.030 Personal liability.
- 9.20.040 Election day sales permitted.

9.20.010 Licensed premises closing hours. Licensed premises shall be closed for the sale, service and consumption of intoxicating liquor between the hours of five a.m. and eight a.m. each day.

9.20.020 Prohibited acts designated. It is unlawful:

A. For a person to barter or sell intoxicating liquor in a business premises that is not duly licensed, or consume intoxicants on such premises when the same are open to the public for business;

B. For a licensee or his employee or agent to permit a person to drink intoxicating liquor on a licensed premises not duly classified for the sale and consumption of hard or distilled liquor;

C. For a person to obstruct or deny reasonable access to the licensed premises during all business hours for law enforcement officers charged with the enforcement of this code;

D. For a licensee or his employee or agent to sell, attempt to sell, furnish, barter or permit to be consumed intoxicating liquor on licensed premises between five a.m. and eight a.m. each day;

E. For a person to give, barter, or sell intoxicating liquor to any person who, within the normal powers of observation, appears to be intoxicated. For the purposes of this chapter, a person appears to be intoxicated when he exhibits any symptom or symptoms that indicate substantial loss of control of physical or mental faculties, including, but not limited to, bloodshot eyes, slurred speech, clumsiness, drowsiness, heavy odor of alcoholic beverages or undue or abnormal excitation or suppression of the passions or feelings;

F. For a person to give, barter, or sell intoxicating liquor to a person under the age of twenty-one years;

G. For a person under the age of twenty-one years to enter or remain upon licensed premises unless he is accompanied by his parent, guardian or spouse who has attained the age of twenty-one years; however, a person eighteen years of age or older may enter and remain upon licensed premises in the course of his employment as a musician, entertainer, busboy or busgirl. In addition, a person under the age of twenty-one years may enter and remain upon licensed premises which is also recognized as a restaurant for the purpose of dining or dancing if accompanied by his or her parent or guardian, or by the parent or guardian of any other person under the age of twenty-one years also present, or by any other adult with the consent of the parent or guardian of the person under the age of twenty-one years;

H. For a person under the age of twenty-one years to solicit the purchase of, attempt to purchase or have possession of intoxicating liquor, or consume intoxicating liquor;

I. For a person under the age of twenty-one years to enter licensed premises and offer or present to a licensee or his employee or agent or a law enforcement officer a document or statement which does not represent the true age of such person;

J. For a person upon a licensed premises to refuse, upon demand of the person in charge of such premises or of a law enforcement officer, to produce identification sufficient to prove the age of that person is twenty-one years of age or older. For the purposes of this section, a state liquor identification card, a valid state driver's license or other identification card, when the card is made out or enclosed in plastic and contains a photograph of the license holder and a statement of his age or date of birth, is acceptable as proof of age;

K. For a person to influence or attempt to influence the selling, giving, or serving of intoxicating liquor to a person under the age of twenty-one years, or to order, request, receive or procure intoxicating liquor from any person for the purpose of selling, giving, or serving the intoxicating liquor to a person under the age of twenty-one years;

L. For a person in a licensed premises to induce, entice, or procure another to engage in any sexual conduct prohibited by the laws of the city, the state or the federal government;

M. For a licensee or his or her employee or agent to permit a person who violates subsection L of this section to remain upon the licensed premises. If the licensee or his or her employee or agent has actual or constructive knowledge of a violation of subsection L of this section he or she "permits" that person to remain if he or she fails to demand that that person leave the premises and, if the demand is refused, to notify the city police department. As used in this subsection, "constructive knowledge" means the awareness a licensee or his or her employee or agent could have through the exercise of diligence in the operation of the licensed premises.

N. For a person to remain upon the licensed premises after being demanded to leave the premises by the licensee, or his agent or employee;

O. For an agent or employee of the licensee, other than a person employed as a bartender, waitress or combination entertainer/waitress, to solicit, encourage or procure the purchase of intoxicating liquor on the licensed premises;

P. For a licensee or his employee or agent to permit intoxicating liquor sold for consumption on the premises to be removed from the premises;

Q. For a person to appear or be in a licensed premises in which intoxicating liquor is offered for sale or consumed on the premises costumed or dressed so that the genitalia or pubic area is wholly or substantially exposed to public view;

R. For a licensee or his or her employee or agent to authorize or permit a person to appear or be in a licensed premises in which intoxicating liquor is offered for sale or consumed on the premises costumed or dressed so that the genitalia or pubic area is wholly or substantially exposed to public view;

S. To consume intoxicating liquor on the public streets, alleys, parks and other public places unless specifically exempted in this chapter.

9.20.030 Personal liability. Every licensee is personally responsible for the conduct of his or her licensed premises and may be prosecuted for violations of this chapter committed by his or her employees or agents which occur on his or her licensed premises. This section shall not relieve the employee or agent of his or her personal liability.

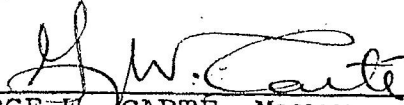
9.20.040 Election day sales permitted. As authorized by Alaska Statutes §04.16.070(b), it is provided that the provisions of Alaska Statutes §04.16.070(a) do not apply within the city, and licensed premises may give, barter, sell or dispose of intoxicating liquor on election day.

Section 4. Publication and Effective Date. This ordinance shall become effective immediately upon its adoption. Publication shall be by making copies available to the public, and further it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation and printing. Publication may also be made by posting a copy hereof on the City Hall bulletin board for a period of ten (10) days following its adoption. A notice of public hearing shall be given by such posting at least five (5) days before final passage.

First Reading: September 13, 1994

Public Hearing &  
Second Reading: September 27, 1994

Adopted by the City Council of the City of Palmer, Alaska,  
this 27th day of September, 1994.

  
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GEORGE W. CARTE, Mayor

  
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THOMAS C. SMITH  
City Clerk