

LOCAL BEVERAGE CONTROL BOARD ("LBCB") **REGULATIONS FOR KMC CHAPTERS 4.02 AND 4.03**

Designated Receiving Sites

[Authority - KMC §4.02.020]

Common carriers who want to be "designated receiving sites" for alcohol imported into Kotzebue for delivery to the Kotzebue Alcoholic Beverage Delivery Site ("Delivery Site") must have facilities and procedures, including specific security requirements, in place which contain:

- (a) a summary of how alcoholic beverages shipped as freight will be received, processed and delivered to the Delivery Site;
- (b) a summary of how alcoholic beverages checked as baggage will be received, processed and delivered to the Delivery Site; and,
- (c) a summary of how undelivered freight and unclaimed baggage are handled.

Delivery Site/Package Store Hours of Operation

[Authority - KMC §§4.02.050 and 4.03.050]

The Delivery Site shall be open for the receipt of alcoholic beverages from common carriers at times and on days as established by the Delivery Site/Package Store Manager and approved by the LBCB, after consultation with the common carriers serving Kotzebue.

The Delivery Site shall be open for the delivery of alcoholic beverages to a Permittee on a schedule established by the Delivery Site/Package Store Manager and approved by the LBCB.

The Package Store shall be open for the purchase of alcoholic beverages to a Permittee on a schedule established by the Delivery Site/Package Store Manager and approved by the LBCB.

Daily Sale Limits at Package Store

[Authority - KMC §4.03.060]

Distilled Spirits:

An authorized individual Permittee may purchase no more than 750 ml of distilled spirits in any one business day at the Package Store. See, Table A, below.

Beer:

An authorized individual Permittee may purchase no more than 2.8125 gallons (30 12-ounce cans) of beer in any one business day at the Package Store. See, Table A, below.

Wine:

An authorized individual Permittee may purchase no more than three (3) liters of wine in any one business day at the Package Store. See, Table A, below.

Delivery Site Limits

[Authority - KMC §4.02.060]

The written-order importation limits, per calendar month, that an authorized, individual Permittee may order and pick up through the Delivery Site shall be those limits established by state law for beer and wine in Alaska Statute 04.11.150(g), provided, however, that the limit, per calendar month, that an authorized, individual Permittee may order and pick up through the Delivery Site for distilled spirits shall be no more than 4.5 liters of distilled spirits in any one calendar month through the Delivery Site. See, Table A, below.

Pre-Paid Keg Orders Through Package Store

[Authority - KMC §§4.03.060 and 4.03.070]

One full-size keg of beer (approximately 15.5 - 16 gallons) may be special-ordered on a fully pre-paid basis through the Package Store per calendar month, per individual Permittee. For purposes of this provision, a keg is defined as one-half (1/2) barrel keg, which is commonly known as a "full-size" keg and contains 15.5 to 16 gallons of beer, which produces approximately 165 to 170 12-ounce servings. In addition, pony kegs or one-sixth (1/6) barrel kegs may be special-ordered on a fully pre-paid basis through the Package Store. A one-quarter (1/4) barrel keg, which is commonly known as a "half keg" or "pony keg" contains eight (8) gallons of beer, which produces approximately 85 12-ounce servings. A one-sixth (1/6) barrel keg contains five (5) gallons of beer, which produces approximately 53 12-ounce servings. Up to two (2) half kegs/pony kegs or three (3) one-sixth (1/6) barrel kegs may be special-ordered on a fully pre-paid basis through the Package Store per calendar month, per individual Permittee. Kegs may not be ordered by written order for delivery to the Delivery Site, regardless of keg size.

The monthly keg purchases set out above are exceptions to the Daily Sale Limits set forth in Table A. However, an individual Permittee picking up a pre-paid keg at the Package Store on any given business day may not purchase other beer products on that same business day.

Proof Limit

[Authority - KMC §4.02.060(B)]

Distilled spirits sold at the Package Store shall contain no more than 50 percent alcohol by volume.

Delivery Site/Package Store Records

[Authority - KMC §4.02.080(D)]

Delivery Site and Package Store records created or maintained by the Delivery Site and Package Store for the purpose of monitoring the amount of alcoholic beverages received by an individual Permittee are strictly confidential and are not deemed to be public records except for use by law enforcement, as authorized by law, in matters involving violations of applicable local, state and federal law governing alcoholic beverages. Any request for these records by anyone other than a duly-authorized law enforcement agency shall be directed to the LBCB, which, in turn, shall consult with the City Attorney before responding to any such records requests.

Identification Requirements

[Authority - KMC §§4.02.100(B)(3), 4.02.120, 4.03.080(B)(3) and 4.03.090]

In addition to the Permit issued by the City of Kotzebue each person must, also, present duly-issued, photo identification for purposes of picking up alcohol at the Delivery Site or purchasing alcoholic beverages at the Package Store. Acceptable duly-issued photo identification must be one of the following: (1) a current Alaska Driver's License; (2) valid, state-issued, Alaska Identification card; (3) U.S. Passport; or, (4) other duly-issued, government identification.

Voluntary "No Delivery List"/"No Sale List"

[Authority - KMC §§4.02.100(B)(10) and 4.03.080(B)(9)]

A resident of Kotzebue may place himself/herself on a voluntary "no delivery list" and/or "no sale list" for a minimum period of thirty (30) days. During this 30-day period, the "no delivery" and/or "no sale" request may not be rescinded or revoked by the individual and the individual's Permit shall be suspended during the voluntary, 30-day "no delivery/no sale" period. Any Delivery Site alcoholic beverages received for the individual during the voluntary, 30-day, "no delivery" period shall be forfeited pursuant to KMC §4.02.110. After the 30-day, minimum period, the resident may rescind or revoke his/her voluntary "no delivery" and/or "no sale" decision.

Violations of A.S. 04.11.010

[Authority - KMC §§4.02.100(B)(6) and 4.03.080(B)(5)]

The State of Alaska database for convictions under A.S. 04.11.010 shall be accessed and updated monthly, as allowed by Alaska law and regulations, by the designated City employee. New convictions shall be promptly entered into the Delivery Site/Package Store database and expired convictions shall be removed.

Court Orders/Conditions of Release

[Authority - KMC §§4.02.100(B)(7),(B)(8), 4.02.150 and 4.03.080(B)(6),(B)(7) and 4.03.120]

Court Orders requiring an individual to avoid consuming or possessing alcohol or conditions of release from custody, pending or while on probation or parole, that restrict an individual from consuming or possessing alcohol shall be entered into the Delivery Site/Package Store database by the designated City employee once such information is received from the Kotzebue Police Department. Every effort shall be made to accurately enter the data of such Court Orders and/or Conditions. Once the Court Order and/or Condition of Release is entered into the City's database, the restricted individual's Permit shall be revoked and no sale or delivery of alcohol may be made to such individual until a new Permit is obtained. However, the burden of showing that a Court Order and/or Condition is no longer in effect is upon the individual to whom the Order/Condition or criminal judgment applies. Failure on the part of the City to correctly enter the data shall not make the City liable for enforcement of any applicable Court Orders and/or Conditions of release.

Proof of Domicile

[Authority - KMC §§4.02.120(A) and (C)(2) and 4.03.090(A) and (C)(2)]

A person may have multiple residences, but only one domicile. Physical presence, alone, does not establish domicile. A person retains a domicile until it is abandoned. The City relies upon documents and circumstances such as, but not limited to, the following to determine if a person's domicile is in Kotzebue:

- (1) duration of physical presence in Kotzebue;
- (2) voter registration;
- (3) address on driver's license;
- (4) address on motor vehicle registration;
- (5) real property ownership in Kotzebue;
- (6) residential rental lease with name of tenant and landlord and contract information;
- (7) income tax returns;
- (8) current utility bills;
- (9) automobile insurance (showing where vehicle is garaged);
- (10) cellular telephone bill;
- (11) credit card statement; and/or
- (12) United States Postal Service confirmation of address change request.

Proof of domicile is determined on a case-by-case basis and the quality and quantum of proof of domicile may vary from case-to-case, but domicile in Kotzebue means that a person has established a permanent residence in Kotzebue and that Kotzebue is the place to which that person intends to return after any absence.

Non-Resident Package Store Permits

[Authority - KMC §4.03.090(G)]

Persons who are not residents of Kotzebue may purchase alcoholic beverages at the Package Store on such terms and conditions as established by the LCB and approved by the City Council. The daily limits for purchases at the Package Store shall apply to Non-Residents. Violations of KMC Chapter 4.03 by Non-Resident Permittee holders shall be handled as set forth in Table B, below.

Disabled Person's Permit

[Authority - KMC §§4.02.140(E) and 4.03.110(E)]

A person who is domiciled in Kotzebue and is one hundred percent disabled by virtue of the disability standards of the Social Security Act of the United States may apply for a disabled person's permit by submitting proof of one hundred percent disability from the Social Security Administration and proof from a physician that the disabled person is physically unable to leave his or her home or dwelling to come to the Delivery Site/Package Store. The disabled Permittee may designate one (1) qualified agent to pick up and/or purchase the disabled Permittee's alcoholic beverages from the Delivery Site and/or Package Store provided the disabled person's qualified agent has a valid Permit under Chapters 4.02 and 4.03 of the Kotzebue Municipal Code.

Fees, Charges and Storage Limits for Delivery Site

[Authority - KMC §4.02.160]

The following fees, charges and storage limits are set for use of the Delivery Site:

- \$50 Non-refundable Permit Application Fee (Delivery Site/Package Store)
- \$25 Non-refundable Annual Renewal Fee for Permit (Delivery Site/Package Store)
- \$25 Non-refundable Lost Permit Replacement Fee (Delivery Site/Package Store)
- \$25 Delivery Site Pick-up Fee
- \$20 Daily Delivery Site Storage Fee (after expiration of minimum permitted delivery time)

Fees for Non-Resident Permits

[Authority - KMC §4.03.090(G)]

The following fees are established for Non-Resident Permits at the Package Store:

- \$10 10-day Non-Resident Permit
- \$20 30-day Non-Resident Permit
- \$30 90-day Non-Resident Permit
- \$40 180-day Non-Resident Permit

Prices, Fees and Charges for Package Store

[Authority - KMC §4.03.130]

Permit fees for the Package Store are set out above for the annual Permit and renewal of the annual Permit. All other prices, fees and charges shall be set by the Delivery Site/Package Store Manager with approval by the LBCB.

Penalties for Violations

[Authority - KMC §§4.02.170 and 4.03.140]

Penalties for violations of Chapters 4.02 and 4.03 are set forth in Table "B," below.

TABLE "A"

Type of Alcohol	Daily Limit at Package Store
Distilled Spirits	750 ml
Beer	2.8125 Gallons
Wine	3 Liters

WRITTEN ORDER IMPORTATION LIMITS PER CALENDAR MONTH THROUGH DELIVERY SITE [Alaska Statute 04.11.150(g) and Resolution No. 11-41]	
4.5 Liters of Liquor	6 Bottles @ 750 ml each
24 Liters of Wine	16 Bottles @ 1.5 Liters each
12 Gallons of Beer	128 12-ounce cans/bottles 4 1/4 Cases @ 30 per case 5 1/3 Cases @ 24 per case 10 2/3 Cases @ 12 per case 21 1/3 Six-Packs

PERSONAL DAILY IMPORTATION LIMITS FOR PERSONS TRAVELING TO KOTZEBUE¹ [Alaska Statute 04.16.125(b)(1)]
1 Liter of Liquor
2 Liters of Wine
1 Gallon of Beer (10 2/3 12-ounce Cans/Bottles)

¹ These daily amounts, or less, do not have to go through the City-Owned Delivery Site.

TABLE "B"

SECTION VIOLATED	Fine for first violation more than 2 years after a prior violation of this chapter; 120- day Permit suspension	Fine for any violation within 2 years following a prior violation of this chapter; 2 year Permit suspension
4.02.060(A) Importation Limits	\$500	\$1,000
4.02.060(B) Alcohol Percentage	\$500	\$1,000
4.02.070(B) Personal Importation	\$500	\$1,000
4.02.070(C) Improper Transfer	\$500	\$1,000
4.02.100(B) Delivery Conditions	\$500	\$1,000
4.02.100(D) Unauthorized Receipt	\$500	\$1,000
4.02.120(F) False Statements	\$500	\$1,000
4.02.140(A) Permittee Unauthorized Use	\$500	\$1,000
4.02.140(B) Failure to Prevent Unauthorized Use	\$500	\$1,000
4.02.140(C) Using Another's Permit	\$500	\$1,000
4.02.140(F) Altering Permit	\$500	\$1,000
4.02.140(G) Copying Permit	\$500	\$1,000
4.02.140(H) Improper Use of Permit	\$500	\$1,000
4.03.060 Violation of Daily Limits	\$500	\$1,000
4.03.080(B) Delivery Conditions	\$500	\$1,000

TABLE "B" (continued)

4.03.080(D) Unauthorized Purchase	\$500	\$1,000
4.03.090(F) False Statements	\$500	\$1,000
4.03.110(A) Permittee Unauthorized Use	\$500	\$1,000
4.03.110(B) Failure to Prevent Unauthorized Use	\$500	\$1,000
4.03.110(C) Using Another's Permit	\$500	\$1,000
4.03.110(F) Altering Permit	\$500	\$1,000
4.03.110(G) Copying Permit	\$500	\$1,000
4.03.110(H) Improper Use of Permit	\$500	\$1,000

Penalty for Violations by Non-Resident Permit Holders

A Non-Resident Package Store Permittee who violates any of the provisions of KMC Chapter 4.03 shall have his/her Permit permanently revoked, shall be fined \$1,000 and shall not be eligible to apply for another Non-Resident Package Store Permit.