



City of Bethel, Alaska

Marijuana Advisory Committee Agenda

Special Meeting **April 28, 2016 – 6:15 p.m.** City Hall 300 State Highway

Maggie Ryan
Committee Chair
Term Expires 12/2017

Mary C. Nanuwak
Vice Committee Chair
Term Expires 12/2017

Kerri Fox
Committee Member
Term Expires 12/2017

Tom
Committee Member
Term Expires 12/2017

Pat Jennings
Committee Member
Term Expires 12/2017

Vacant

Zach Fansler
Council Rep
Term Expires 10/2016

Courtney Trammell
Alternate Committee Member
3 Year Term

Vacancy
Alternate Committee Member
3 Year Term

Ted Meyer
City Planner
Ex-Officio
Recorder
543-5306

I. CALL TO ORDER

II. ROLL CALL

III. PEOPLE TO BE HEARD – THREE MINUTES PER PERSON

IV. APPROVAL OF AGENDA

V. APPROVAL OF THE April 4, 2016 MEETING MINUTES

VI. UNFINISHED BUSINESS

- a. Review of statewide marijuana regulations
- b. Review and edits of City of Bethel's Draft Marijuana Ordinance.

VII. NEW BUSINESS

VIII. CITY PLANNER'S REPORT

IX. MEMBER COMMENTS

X. ADJOURNMENT

City of Bethel, Alaska

Marijuana Advisory Committee Minutes

April 4, 2016

Special Meeting

Bethel, Alaska

I. CALL TO ORDER:

A special meeting of the Marijuana Advisory Committee was held on April 4, 2016 at 6: 15 pm in the City Hall Council Chambers conference room, in Bethel, Alaska. Committee member Pat Jennings called the meeting to order at 6:25pm.

II. ROLL CALL:

Compromising a quorum, the following members were present for roll call: Kerri Fox, Courtney Trammell, Pat Jennings, and Tom McCallson. Maggie Ryan, Mary Nanuwak and Zach Fansler were absent. Also present was Ex-Officio member and recorder, Ted Meyer, Planning Director.

III. PEOPLE TO BE HEARD: None.

IV. APPROVAL OF AGENDA:

MOTION TO APPROVE THE AGENDA OF April 4, 2016

MOVED:	Kerri Fox	Motion to approve the agenda.
SECONDED:	Courtney Trammell	
VOTE ON MAIN MOTION		
All in favor 4 yes and 0 opposed		

V. APPROVAL OF THE MARCH 21, 2016 MEETING MINUTES:

MOVED:	Kerri Fox	Motion to approve the MINUTES.
SECONDED:	Courtney Trammell	
VOTE ON MAIN MOTION		
All in favor 4 yes and 0 opposed		

VI. UNFINISHED BUSINESS:

- A. Review and discussion of statewide Marijuana Regulations- State regulations and ordinances from other municipalities were discussed, and how some of them may fit with proposed Bethel regulations.
- B. City of Bethel Draft Marijuana Ordinance - The Committee continued to review and edit the Draft Marijuana Ordinance.

VII. NEW BUSINESS

VIII. CITY PLANNER'S REPORT

IX. MEMBER'S COMENTS: None

X. ADJOURNMENT

MOTION TO AJDOURN THE MEETING

MOVED:	Courtney Trammell	Motion to adjourn the meeting at 8:40 pm.
SECONDED:	Kerri Fox	
VOTE ON MAIN MOTION	All in favor 4 yes and 0 opposed	

The next meeting will be on April 28, 2016 at 6:15pm.

Maggie Ryan, Chairman

ATTEST:

Ted Meyer, Ex-officio/recorder

CITY OF BETHEL, ALASKA

Ordinance #15-32

AN ORDINANCE BY THE BETHEL CITY COUNCIL, ADDING BETHEL MUNICIPAL CODE ???, MARIJUANA

K300 Race Committee 3/21/16 4:48 PM
Deleted: REPEALING AND REPLACING
K300 Race Committee 3/21/16 4:48 PM
Deleted: 5.08
K300 Race Committee 3/21/16 4:48 PM
Deleted: ALCOHOLIC BEVERAGES

5.08.10 Definitions.
(17.38.900)

Put in state definition

- A. "Marijuana" means
- B. "Board" means the Marijuana Control Board established under AS ????
- C. "Intoxicated Person" means a person whose physical or mental conduct is substantially impaired as a result of the introduction of an alcoholic beverage and/or marijuana into the person's body and who exhibits those plain and easily observed or discovered outward manifestations of behavior commonly known to be produced by the overconsumption of alcoholic beverages and/or marijuana.
- D. "Licensed Premises" means any or all designated portions of a building or structure, rooms or enclosures in the building or structure, or real estate leased, used, controlled, or operated by a licensee in the conduct of business for which the licensee is licensed by the Board and the City at the specific address for which the license is issued.
- E. "Marijuana License" means any of the licenses or permits described in AS ????
- F. "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.
- G. "Person" means an individual, partnership, cooperative, association, joint venture, corporation, estate trust, business, receiver, or any entity, group or combination acting as a unit.
- H. "School" means the physical building and/or grounds of an educational facility operated either publicly or privately in which are taught subjects commonly taught in throughout the State of Alaska.

K300 Race Committee 3/21/16 4:49 PM
Comment: We need to change this to whatever everyone wants in here for the definition. Possible State Definitions?
K300 Race Committee 3/21/16 4:48 PM
Deleted: Alcoholic Beverages
K300 Race Committee 3/21/16 4:49 PM
Deleted: all spirituous, vinous, malt or other fermented or distilled whatever the origin, that is intended for human consumption as a beverage and that contains one-half of one (1) percent or more of alcohol by volume, whether produced commercially or privately.
K300 Race Committee 3/21/16 4:49 PM
Deleted: Alcoholic Beverage
K300 Race Committee 3/21/16 4:50 PM
Deleted: 04.06.010
K300 Race Committee 3/21/16 4:50 PM
Deleted: ABC
K300 Race Committee 3/21/16 4:51 PM
Deleted: Liquor
K300 Race Committee 3/21/16 4:51 PM
Deleted: 04.11.080
K300 Race Committee 3/21/16 4:59 PM
Comment: We need to change this to make it

Take out

5.08.020 Procedure for Administrative Review of License Applications.

- A. Upon receipt of notice from the Board of an application for the issuance, renewal, transfer of location or transfer to another person of a marijuana license for a license location in the City, the clerk shall as soon as practicable distribute copies of the notice to the city manager, the city council and the city attorney.
- B. The city manager shall immediately refer the application for review as follows:
 - 1. To the planning director or their designee to determine if the applicant has complied with the ~~Special Use provisions of BMC 16.20~~ conditional use provision of the Bethel Municipal Code;

K300 Race Committee 3/21/16 5:02 PM
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- 44 2. To the finance director or their designee to determine whether the licensee or
 45 license transferee is delinquent in paying to the City any tax, assessment,
 46 business license fee, or fee or charge for utility service for the business
 47 and/or affiliate (as defined in 3 AAC 304.990) that operates or will operate,
 48 under the marijuana license.
- 49 3. To the police and fire chiefs to determine whether, in their opinion there have
 50 been excessive calls for service, excessive numbers of convictions or arrests
 51 for unlawful activity at the license location, police or ambulance reports,
 52 reports of unlawful activity at the license location, or police, fire or ambulance
 53 dispatches to the license location.
- 54 C. The fire chief, police chief, planning director and finance director shall forward
 55 written statements to the city manager within fourteen (14) calendar days after
 56 the application was referred by the city manager.
- 57 D. The city manager shall provide a written report to the city council, with a copy to
 58 the applicant, listing any objections to the Board's issuance of the application.
 59 The city manager's report is due ~~not less than~~ within twenty (20) days ~~but not~~
 60 ~~more than thirty (30) days~~ after the date of receipt of notice from the city clerk.
- 61 E. An applicant who believes the city manager's report contains factual errors shall
 62 file a written protest outlining, with specific, the sections of the report believed to
 63 be factually incorrect. Such protest must be filed to the city manager not later
 64 than ten (10) calendar days after issuance of the city manager report.
- 65 F. The city manager shall investigate the applicant's protest and shall issue a
 66 written decision no later than ten (10) calendar days after receipt of the protest.
- 67 G. The city clerk shall place the matter of the application upon the city council
 68 agenda not less than thirty (30) and not more than forty (40) calendar days
 69 after the date of receipt from the Board;

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③
 change to
 "business"

business

70 **5.08.030 City Council Review of License.**

71 The city council shall determine whether to protest, recommend with conditions, or stay
 72 silent on the issuance, renewal or transfer of a marijuana license application and shall
 73 consider the following factors it believes are pertinent. Such factors shall include, but
 74 not be limited to:

K300 Race Committee 3/21/16 5:04 PM
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- 75 1. City records indicating whether the applicant and/or transferor is in violation
 76 of the city sales tax ordinances or regulations, has failed to comply with any
 77 of the filing, reporting or payment provisions of the city ordinances or
 78 regulations, or has any unpaid balance due on tax accounts for which the
 79 applicant and/or transferor is liable;
- 80 2. The character and public interests of the surrounding neighborhood;
- 81 3. Actual and potential law enforcement problems with supporting data;
- 82 ~~4. Whether the applicant can demonstrate prospective or continued compliance~~
 83 ~~with a liquor server awareness training program approved by the Board, such~~
 84 ~~as or similar to the program for techniques in alcohol management (T.A.M.);~~
- 85 5. The concentration of other licenses of the same and other types in the area;

- 86 6. ~~Whether the surrounding area experiences a high rate of alcohol abuse, crime~~
 87 ~~or accidents in which the abuse of alcohol is involved;~~
- 88 7. The adequacy of parking facilities;
- 89 8. The safety of ingress to and egress from the premises;
- 90 9. Compliance with state and local fire, health and safety codes;
- 91 10. The degree of control the licensee has or proposes to have over the conduct
 92 of the licensed business. In determining the applicant's demonstrated ability
 93 to maintain order and prevent unlawful conduct, the city council may consider
 94 police reports, the appearance of a readily identifiable pattern or practice of
 95 recurring violent acts or unlawful conduct on the licensed premises.
 96 testimony presented before the council, written comments, or other evidence
 97 deemed to be reliable and relevant to the purpose of this subsection;
- 98 11. Whether the applicant can demonstrate prospective or continued compliance 4
 99 with operations procedures for licensed premises set forth in BMC section
 100 5.08.110. *add back in ↓ - 4/4*
- 101 - 12. The proximity to a school or church, ~~senior citizen apartment~~
 102 ~~housing/facilities, alcohol or drug inpatient or outpatient treatment;~~
- 103 13. Any history of convictions of the applicants and affiliates of the applicants for:
- 104 (a) Any violation of AS Title 04;
- 105 (b) ~~Any violation of city ordinances;~~
- 106 14. ~~If application is made for the renewal or transfer of location or transfer of~~
 107 ~~ownership of a license, the City shall consider whether the operator has~~
 108 ~~engaged in a pattern of practices injurious to public health or safety, such as~~
 109 ~~providing alcohol to minors or intoxicated persons, committing serious~~
 110 ~~violations of state law relevant to public health or safety, or other actions~~
 111 ~~within the knowledge and control of the operator which place the public~~
 112 ~~health or safety at risk. In determining if a pattern or practices injurious to~~
 113 ~~public health or safety exists, the city council may consider criminal~~
 114 ~~convictions, credible proof of illegal activity even if not prosecuted, police~~
 115 ~~reports, testimony presented before the council, or other evidence deemed to~~
 116 ~~be reliable and relevant to the purpose of this subsection.~~
- 117 15. Any other factor the city council determines is relevant to a particular
 118 application.

K300 Race Committee 3/21/16 5:07 PM
 Comment: Is this the correct section?

119 **5.08.40 Council Action on Liquor License Applications.**

- 120 A. ~~At the date and time set for consideration of the proposed application, the city~~
 121 ~~council shall determine whether to protest the issuance, renewal, relocation or~~
 122 ~~transfer of a license.~~
- 123 B. ~~If a majority of the city council member wishes votes to protest the application, a~~
 124 ~~resolution shall be prepared and introduced at the next regularly scheduled~~
 125 ~~council meeting or earlier if necessary to meet the requirements of AS ????.~~

K300 Race Committee 3/21/16 5:07 PM
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- 126 C. At least seven (7) calendar days prior to the council meeting, the city clerk shall
 127 provide the applicant with:
 128 1. A copy of the proposed resolution; and
 129 2. Notice of the date and time when council will consider the resolution; and
 130 3. Notice the applicant will have an opportunity, pursuant to ~~????~~, to appear
 131 before the council to defend the application.
 132 D. A protest by the council under this section cannot be based in whole or in part
 133 on police reports or other written materials available to the City but which were
 134 not provided to the affected applicant before the public hearing on that protest.
 135 E. At the conclusion of the public hearing, and any deliberation of the council, the
 136 council may choose to:
 137 1. Pass the resolution protesting to the Board the issuance, transfer or
 138 renewal of the liquor license application; or
 139 2. Recommend the license be approved with conditions; or
 140 3. Take no action on the application.

K300 Race Committee 3/21/16 5:08 PM
 Deleted: 3 AAC 304.145(d)

141 **5.08.050 — Special Use Permit Required.**

142 ~~Unless exempt, any use that includes the retail sale or dispensing of alcoholic beverages~~
 143 ~~is permitted only by a special use permit as outlined in BMC section 16.20. The special~~
 144 ~~use requirement applies only to the retail sale or dispensing of alcoholic beverages and~~
 145 ~~not to related principal or accessory uses.~~

*Note:
 Regs ?
 see new state DCED*

146 **5.08.050 Recordkeeping required of all sellers.**

- 147 A. Premises licensed under ~~????~~ shall keep and preserve suitable records of all sales
 148 made by the seller and such other books or accounts as may be necessary to
 149 determine the amount of tax which it is obliged to collect, including records of the
 150 gross daily sales, together with invoices of purchases and sales, bills of lading, bills
 151 of sale or other pertinent records and documents as will substantiate and prove the
 152 accuracy of a tax return.
 153 B. "Suitable records of all sales made" as used in subsection A of this section shall
 154 mean at a minimum a daily "Z" or "Z-total" report or equivalent, for all businesses
 155 with a cash register (A "Z" or "Z-total" report is the report generated by the cash
 156 register at the end of each business day, which calculates, at least, the totals for
 157 each department key, total sales and total receipts – although some cash registers
 158 have more detailed "Z" or "Z-total" reports). Whatever records are kept must reflect
 159 the total daily purchases of taxable items. If no taxable sales are made on a
 160 business day, the records kept shall so reflect "zero" sales on that day. Records
 161 must also be kept to substantiate any claimed deductions or exclusions authorized
 162 by law. Records may be written, kept on microfilm, stored on data processing
 163 equipment or may be in any form that the City may readily examine.
 164 C. ~~Unless a specific, written exception has been granted by the finance director, with~~
 165 ~~the approval of the city manager All sellers within the City who sell marijuana must~~
 166 ~~have a cash register and must record each retail sale on a cash register that~~
 167 ~~provides, at a minimum, a daily "Z" or "Z-total" report, or equivalent as set forth in~~
 168 ~~subsection C of this section.~~

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- 169 D. Records shall be kept in a systematic manner conforming to accepted accounting
 170 methods and procedures. Such records include:
 171 1. The books of accounts ordinarily maintained by a prudent business person.
 172 Records and accounting information stored on computers or microfilm must be
 173 provided to the City in a readable form when requested by the City.
 174 2. Documents of original entry such as original source documents, pre-numbered
 175 sequential source documents, pre-numbered sequential receipts, cash register
 176 tapes, sales journals, invoices, job orders, contracts, or other documents of
 177 original entry that support the entries in the books of accounts;
 178 3. All schedules or working papers used to prepare gross and taxable sales results,
 179 including receipts or invoices showing exempt sales.
 180 E. Records must show:
 181 1. Gross receipts and amounts due from all taxable and exempt sales; and
 182 2. The total purchase price of all goods and other property purchased for sale,
 183 resale, consumption, or lease.
 184 F. Every seller shall preserve suitable records of sales for a period of three (3) years
 185 from the date of the return reporting such sales, and shall preserve for a period of
 186 three (3) years all invoices of goods and merchandise purchased for resale, and all
 187 such other books, invoices and records as may be necessary to accurately determine
 188 the amount of taxes which the seller was obliged to collect under this chapter.
 189 G. The City finance department may examine and audit any relevant books, papers,
 190 records, returns or memoranda of any seller, may require the attendance of any
 191 seller, or any officer or employee of a seller, at a meeting or hearing, with the
 192 finance director or his or her designee, and may require production of all relevant
 193 business records, in order to determine whether the seller has complied with this
 194 chapter.
 195

196 **5.08.060 — Restriction on Location of Alcohol Sales.**

- 197 A. ~~No beverage dispensary or package store licensee may sell or offer to sell any~~
 198 ~~alcoholic beverage within three hundred (300) feet of a church building or within~~
 199 ~~three hundred (300) feet of any school grounds.~~
 200 B. ~~No other type of premises licensed under AS 04.11.080 may sell or offer to sell~~
 201 ~~any alcoholic beverage in or within two hundred (200) feet of a church building,~~
 202 ~~school grounds, senior housing facility, or alcohol treatment facility.~~
 203 C. ~~For purposes of this section, distance shall be measured by the most direct route~~
 204 ~~of travel on the ground and shall be measured in the following manner:~~
 205 1. ~~From the main parking lot street entrance off of an established roadway of~~
 206 ~~the establishment from which alcoholic beverages are sold or offered for~~
 207 ~~sale;~~
 208 2. ~~In a straight line, regardless of obstructions, to the nearest public~~
 209 ~~sidewalk, walkway, street, road or highway by the nearest route;~~
 210 3. ~~To the main entrance of the church building, senior housing facility,~~
 211 ~~alcohol treatment facility or to the nearest portion of the school grounds.~~

212 **5.08.060 Conditional use permit required.**

⑤

500' ?
 add
 back in
 \$
 make 500!

K800 Race Committee 3/21/16 5:11 PM
 Comment: Do we want to reincorporate something like this?

213 | Unless exempt, any use that includes the retail sale or dispensing of marijuana is
214 | permitted only by a conditional use permit. The conditional use requirement applies
215 | only to the retail sale or dispensing of marijuana and not to related principal or
216 | accessory uses.

K300 Race Committee 3/21/16 5:12 PM

Deleted: alcoholic beverages

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217 | **5.08.070 Licensee Responsible for Employees' Actions on Premises.** *keep*

218 | A. A licensee may neither knowingly allow agents or employees to violate this
219 | chapter or AS Title 04 or regulations adopted thereunder, or to recklessly or with
220 | criminal or civil negligence fail to act in accordance with the duties prescribed
221 | under AS 04.21.030 with the result that an agent or employee of the licensee
222 | violates a law, regulation or ordinance.

223 | B. The licensee shall be responsible for all acts or omissions of the licensee's
224 | employees on the licensed premises. The licensee may be cited and prosecuted
225 | for all acts or omissions of employees which are committed on the licensed
226 | premises and which are in violation of this chapter; provided, however, that the
227 | prosecution of the licensee shall not prohibit the prosecution of the employee for
228 | acts or omissions committed by the employee in violation of any provision of this
229 | chapter.

K300 Race Committee 3/21/16 5:14 PM

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K300 Race Committee 3/21/16 5:14 PM

Deleted: or on a legal holiday recognized by the state under AS 44.12.010 with the exception of New Year's Day during which the establishment shall close at 1:00 a.m. by 3:00 a.m.

230 | **05.08.080 Hours and Days of Operation.** *change to 11am 9pm, 7 days/wk!*

231 | A. Premises licensed under ???? for the service and consumption of marijuana shall
232 | be closed for the sale, service and consumption of marijuana between the hours
233 | of ~~10:00 p.m.~~ ~~10:00 p.m.~~ and 11:00 a.m. Monday through Friday, and between
234 | the hours of ~~11:00 p.m.~~ ~~11:00 p.m.~~ and ~~11:30 a.m.~~ ~~11:00 a.m.~~ on Saturday or
235 | Sunday.

236 | B. All other retail premises licensed under ???? shall be closed for the sale of
237 | marijuana between the hours of ~~12:00~~ ~~11:00~~ p.m. and ~~12:00~~ ~~11:00~~ a.m. Monday
238 | through Friday, ~~between the hours of 2:00 a.m. and 3:00 p.m. on Saturday, and~~
239 | ~~between the hours of 2:00 a.m. and noon on Sunday.~~

240 | C. A person may not sell, offer for sale, give, furnish, deliver or consume an
241 | marijuana on premises licensed under ????? during the hours of closure set forth
242 | in this section.

243 | D. A licensee, an agent, or employee may not permit a person to consume
244 | marijuana on the licensed premises between the hours of closure set forth in this
245 | section.

246 | E. ~~A licensee, an agent, or employee may not permit a person to enter and a~~
247 | ~~person may not enter premises licensed under AS 04.11 during the hours of~~
248 | ~~closure set forth in this section. This subsection does not apply to common~~
249 | ~~carriers or to an employee of the licensee who is on the premises to prepare for~~
250 | ~~that day's or the next day's business.~~

251 | E. As authorized by ???? the sale of marijuana on State and/or City Election Days is
252 | not prohibited.

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K300 Race Committee 3/21/16 5:15 PM

Deleted: <#>Premises licensed under AS 04.11 may not sell alcoholic beverages during the opening of Cama-i Dance Festival to the closing of the Cama-i Dance Festival.

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Sarah 3/21/16 4:25 PM

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253 | **5.08.090 Obligation to Enforce Restrictions within Licensed Premises.**

254 | A licensee, their agent or employee may not permit the consumption of marijuana by
255 | any person within the licensed premises unless it is permitted by the license.

K300 Race Committee 3/21/16 5:16 PM
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256

257 | **5.08.100 Marijuana Server Training Course Requirement.**

⑦ Good
Let's run.

258 | A. A licensee, their agent or employee may not sell or dispense marijuana to the
259 | public prior to the successful completion of a marijuana awareness training
260 | program approved by the Board.

K300 Race Committee 3/21/16 5:17 PM
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261 | B. A licensee, their agent or employee who elects to take an approved program
262 | online, must have the examination proctored at the City of Bethel offices by a
263 | ~~duly appointed employee of the City.~~

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264 | C. Licensees, their agents and employee who sell or dispense marijuana must be
265 | able to show proof of completion of a marijuana awareness training program
266 | approved by the Board upon request by a peace officer, the city manager (or
267 | their designee) or the Board.

K300 Race Committee 3/21/16 5:18 PM
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K300 Race Committee 3/21/16 5:18 PM
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268 | **5.08.110 Operation of Licensed Premises.**

K300 Race Committee 3/21/16 5:18 PM
Comment: This seems like a section that we should probably cut.

269 | ✓ A. Except as otherwise provided in this section, the operations procedures set forth
270 | in subsection B of this section shall apply to all persons seeking the issuance,
271 | renewal or transfer of any license issued by the Board by virtue of AS Title ???
272 | and other applicable provisions of law allowing the sale or service of marijuana.
273 | Subsections ??? of this section shall not apply to persons seeking the issuance,
274 | transfer or renewal of licenses issued under AS Title ??? which do not authorize
275 | the sale or service of marijuana for consumption on the premises licensed.

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K300 Race Committee 3/21/16 5:19 PM
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276 | ✓ B. Persons seeking the issuance, transfer or renewal of licenses issued by the Board
277 | under AS Title ??? and other applicable provisions of law shall comply with the
278 | following operations procedures:

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K300 Race Committee 3/21/16 5:51 PM
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K300 Race Committee 3/21/16 5:19 PM
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279 | ~~Happy Hours. No licensee may:~~

280 | i. ~~Sell more than one (1) drink for the price of a single alcoholic drink,~~
281 | ~~or sell a drink with increased alcoholic content, or sell a multiple of~~
282 | ~~any number of drinks in a manner which has the effect of selling~~
283 | ~~more than one (1) drink for the price of a single drink.~~

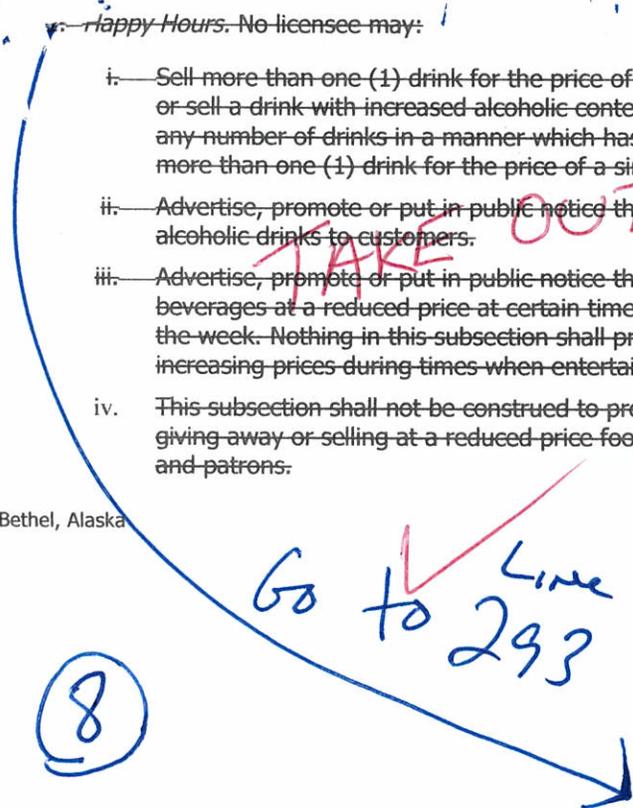
284 | ii. ~~Advertise, promote or put in public notice the giving of free~~
285 | ~~alcoholic drinks to customers.~~

286 | iii. ~~Advertise, promote or put in public notice the sale of alcoholic~~
287 | ~~beverages at a reduced price at certain times of the day or days of~~
288 | ~~the week. Nothing in this subsection shall prohibit a licensee from~~
289 | ~~increasing prices during times when entertainment is provided.~~

290 | iv. This subsection shall not be construed to prohibit licensees from
291 | giving away or selling at a reduced price food items to customers
292 | and patrons.

⑧

Go to Line 293



TAKE OUT!

1107
9

- 293 | 1. The City adopts Alaska Statutes 4.16.015, Pricing and marketing of marijuana.
- 294 | ✓ 2. *Public Transportation.* Licensees shall make available to their patrons access
- 295 | to means of public transportation ~~to~~ or permit patrons to make arrangements
- 296 | for transportation off the premises.
- 297 | ✓ 3. *Notice of Penalties.* Operators shall place, at conspicuous locations within
- 298 | licensed premises, a clear and legible sign describing applicable penalties for
- 299 | driving under the influence, and for service or sale of marijuana to minors or
- 300 | intoxicated persons.
- 301 | ✓ 4. *Compliance Determination.* In order to determine whether applicants seeking
- 302 | the issuance, renewal or transfer of marijuana licenses have complied with
- 303 | the provisions of this chapter, applicants shall, at the request of the City,
- 304 | submit to the city manager (or their designee) an marijuana licensee
- 305 | compliance form. Upon request, operators shall also provide the city manager
- 306 | with certificates from all current employees demonstrating that those
- 307 | employees have successfully completed a marijuana awareness training
- 308 | program such as the program for techniques in marijuana management as
- 309 | approved by the Board.
- 310 | ~~5. *Solicitation of Purchase of Alcoholic Beverages for Consumption by Employee.*~~
- 311 | ~~A person employed by a licensee shall not solicit or encourage any patron of~~
- 312 | ~~the licensed premises to purchase alcoholic beverages for consumption by the~~
- 313 | ~~employee or by any other employee. For the purposes of this subsection, the~~
- 314 | ~~term "employee" includes any contractual arrangement by which an individual~~
- 315 | ~~provides services to the licensee, whether compensation be in the form of~~
- 316 | ~~salary, commission, fee or otherwise.~~
- 317 | ✓ 6. *Warning Signs for impoundment and Forfeiture of Vehicles Seized Pursuant to*
- 318 | *an Arrest for or Charge of Driving Under the Influence or Refusal to Submit to*
- 319 | *Chemical Tests.* Upon adoption of a municipal code allowing for the forfeiture,
- 320 | operators shall display at conspicuous places in licensed premises two (2)
- 321 | signs warning that vehicles are seized in cases of driving under the influence
- 322 | or refusal to submit to chemical tests. One of these warning signs shall be at
- 323 | least eleven (11") inches by fourteen (14") inches in size, and must read, in
- 324 | lettering at least one-half (1/2") inch high and in contrasting colors or black
- 325 | and white, "DRIVE UNDER THE INFLUENCE—LOSE YOUR CAR." The sign
- 326 | described in the preceding sentence must carry a logo or illustration approved
- 327 | by the chief of police or their designee which shows an automobile being
- 328 | towed. The second warning sign shall be at least eleven (11") inches by
- 329 | fourteen (14") inches and must read, in letters at least one-quarter (1/4")
- 330 | inch high and in contrasting colors or black and white, "WARNING: IF YOU
- 331 | DRIVE UNDER THE INFLUENCE OR LET ANYONE DRIVE YOUR VEHICLE
- 332 | UNDER THE INFLUENCE, YOU WILL LOSE YOUR VEHICLE. The police SEIZE
- 333 | cars and trucks driven by intoxicated drivers. A vehicle will be IMPOUNDED
- 334 | for 30 days for the driver's first DUI offense. A vehicle will be FORFEITED if
- 335 | the driver has been convicted of DUI in the past ten (10) years."
- 336 | 7. *Warning signs required other.* The City adopts Alaska Statutes ????.

- K300 Race Committee 3/21/16 5:20 PM
Comment: Once again not sure that we need this one in here.
- K300 Race Committee 3/21/16 5:51 PM
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- K300 Race Committee 3/21/16 5:21 PM
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- K300 Race Committee 3/21/16 5:21 PM
Comment: Not needed.
- K300 Race Committee 3/21/16 5:21 PM
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- Sarah 3/21/16 4:25 PM
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- K300 Race Committee 3/21/16 5:21 PM
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- K300 Race Committee 3/21/16 5:22 PM
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- K300 Race Committee 3/21/16 5:22 PM
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- K300 Race Committee 3/21/16 5:23 PM
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- K300 Race Committee 3/21/16 5:24 PM
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K300 Race Committee 3/21/16 5:24 PM
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337 | C. *Mandatory identification check in the retail sale of marijuana*: Licensee or
338 | licensee's employee or agent shall require any purchaser (and anyone
339 | accompanying the purchaser) of marijuana to produce a current government-
340 | issued identification with birth date and photograph for identification check prior
341 | to any on-premises sale. The purpose of the identification check is to verify age
342 | and eligibility to purchase marijuana. Failure to conduct the mandatory
343 | identification check required by this section is a violation of code and the licensee
344 | or licensee's employee or agent failing to conduct the mandatory identification
345 | check shall be subject to the civil penalty provisions of this chapter. For purposes
346 | of mandatory identification check required by this section:

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K300 Race Committee 3/21/16 5:52 PM
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- 347 | 1. "*Current government-issued*" means a state, federal or foreign government
348 | picture identification in force and effect for a specified period stated within
349 | the identification, when presented prior to expiration of the period stated. A
350 | state government identification with birth date and photograph issued by any
351 | state of the United States is included within the meaning of "current
352 | government-issued" if the period of validity is specified and the identification
353 | is presented prior to expiration of the period stated.
- 354 | 2. The subsequent invalidation of the identification as a bona fide government-
355 | issued identification does not invalidate the compliance.
- 356 | 3. An ongoing pattern of non-compliance with the mandatory identification
357 | check required by this code may result in review of the conditions of use or
358 | may result in the revocation of a special use permit previously approved by
359 | the city council. Action by the city council on licensee's special use permit
360 | under this section shall be in addition to any criminal or civil penalty
361 | applicable to the individual making the sale without performing the
362 | mandatory identification check.

363 | D. *Security Personnel*. ~~Package stores and bars shall have security personnel on~~
364 | ~~the premises at all times that the premises are open to the public.~~

365 | Each premises licensed under Alaska Statutes ????? Beverage dispensary license,
366 | shall employ at least one (1) person who shall be on duty between 8:00 p.m.
367 | and the closing hour of the licensed premises. This person shall not be the
368 | bartender on duty, and shall be on duty for the express purpose of maintaining
369 | order within the establishment and assuring compliance, by the clientele, with
370 | the provisions of this chapter.

K300 Race Committee 3/21/16 5:26 PM
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371 | E. *Security Cameras*. ~~At least two (2) twenty-four (24) hour time lapse security~~
372 | ~~cameras are required to be installed and properly maintained on the exterior of~~
373 | ~~the building at locations licensed to sell and/or store alcoholic beverages. At~~
374 | ~~least two (2) additional twenty four (24) hour time lapse security cameras are~~
375 | ~~required to be installed and properly maintained in the interior of the building at~~
376 | ~~all locations licensed to sell and/or store alcoholic beverages. At least one of the~~
377 | ~~interior cameras must be able to capture all sales transactions. All criminal and~~
378 | ~~suspicious activities recorded on the surveillance equipment must be reported to~~
379 | ~~law enforcement as soon as practicable. To the extent allowed by law, the~~

380 establishment operators may be required to provide any tapes or other recording
381 media from the security camera to the Police Department.

382 10 At least one (2) twenty-four (24) hour time lapsed security camera is required to be
383 installed and properly maintained in the interior of the building at all locations
384 licensed under Alaska Statutes ~~????~~. The cameras must be able to capture all
385 sales transaction. To the extent allowed by law, the establishment operators may
386 be required to provide any tapes or other recording media from the security
387 camera to the police department.

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Deleted: Package store license

388 F. Premises to be cleared Upon Closing. Upon closing, licensees shall clear the
389 marijuana establishment of all persons, other than necessary employees, within
390 fifteen (15) minutes after the closing hours.

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391 G. Age Limit Signs to be exhibited. All licensees shall cause to remain displayed
392 upon the premises and in the entrance to the premises of their establishments a
393 conspicuous sign in a prominent place visible from outside the establishment,
394 which shall in substance state: "No person under the age of 21 years permitted.
395 Any such person will be prosecuted to the full extent of the law." 11 Excepting that
396 licensed establishments regularly serving meals may modify the sign in
397 accordance with the provisions of this chapter and AS ~~????~~.

398 **5.08.120 Restrictions on Purchase and Sale of Marijuana:**

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399 12 A. A person licensed under AS ~~????~~ may not purchase, sell, or offer for sale an
400 alcoholic beverage unless the alcoholic beverage being purchased, sold, or
401 offered for sale was obtained from a person licensed under:

K300 Race Committee 3/21/16 5:31 PM

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Deleted: (Beverage Dispensary), 04.11.100 (Restaurant or Eating Place), 04.11.110 (Club License), or 04.11.150 (Package Store)

402 1. AS 04.11.160 (wholesale licenses) as a primary source of supply for the
403 alcoholic beverage being purchased, sold, or offered for sale;

404 2. AS 04.11.150 (package store) and the alcoholic beverage being purchased,
405 sold, or offered for sale was obtained from a person licensed under AS
406 04.11.160 (wholesale) as a primary source of supply; or

407 3. AS 04.11.130 (licensed brewery), 04.11.140 (licensed winery), or 04.11.170
408 (licensed distillery).

K300 Race Committee 3/21/16 5:34 PM

Comment: I don't think we need this section because it should all be covered in the state statutes. We may just need to adopt their code.

409 **5.08.130 Sale to Intoxicated Persons.**

410 A. A licensee, his agent or employee may not knowingly or negligently:

411 1. Sell, give or barter marijuana to an intoxicated person;
412 2. Allow another person to sell, give or barter marijuana to an intoxicated
413 person within the licensed premises;

414 3. Allow an intoxicated person to enter and remain within the licensed
415 premises or to consume marijuana within the licensed premises; or

416 4. Permit an intoxicated person to sell or serve marijuana.

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417 **5.08.140 Eviction of Patrons.**

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418 The licensee and employees of the licensee are expressly permitted to evict any person
419 suspected of being under the age of twenty-one (21) or intoxicated and failure of such
420 person to leave after oral request is unlawful and an offense on the part of that person.

421 **5.08.150 Open Container.**

422 A. It shall be unlawful to carry, transport or possess an open container of alcoholic
423 beverages on the public streets, sidewalks, alleys, parks, or other public places
424 throughout the city, except that an open container of alcoholic beverages may
425 be carried in a vehicle in a locked trunk or other secured location inaccessible to
426 the driver and passengers within the vehicle.

427 It shall be unlawful to consume, an open container of marijuana on the public
428 streets, sidewalks, alleys, parks, or other public places throughout the city. Open
429 container of marijuana may be carried in a vehicle in a locked truck or other
430 secured location inaccessible to the driver and passengers within the vehicle

431 B. Open containers are permitted on private residential property, with the consent
432 of the owner or legal occupant of the property.

433 **5.08.160 Transportation of Marijuana.**

Note: No Delivery Service

434 The transportation of marijuana by common carrier or commercial carrier within the
435 City of Bethel to a residential home or non-licensed marijuana facility is strictly
436 prohibited except as expressly authorized by AS ????.

437 **5.08.170 Inspection of premises.**

438 A. The premises of licensees authorized to sell or distribute marijuana shall be
439 easily accessible for inspection by police officers during all regular hours of the
440 transaction of business upon the premises, and at any other time with
441 reasonable notice by the officer.

442 B. The police department may inspect any premises with an marijuana license for
443 compliance with conditions on the license. Upon discovering a violation of such
444 conditions, the police department shall submit a written report of the violation to
445 the city clerk for review by the city council and provide a copy thereof to the
446 licensee.

447 C. If at any time there appears to be a readily identifiable pattern or practice of
448 recurring violent acts or unlawful conduct in a licensed premise, the City may
449 send notice of possible protest to the licensee that he or she must submit and
450 implement a plan for remedial action or be in jeopardy that a protest will be filed
451 to any renewal, transfer of location or transfer of ownership sought by the
452 licensee.

453 D. Upon receiving a report of conditions violation, the city council may:
454 1. Revoke the premise's conditional use permit;
455 2. Protest the issuance, renewal, transfer, relocation or continued operation of
456 the license;
457 3. Recommend imposition of conditions on the state marijuana license pursuant
458 to AS 04.11.480(c); or
459 4. Notify the Board that a licensee has violated conditions and request that an
460 accusation pursuant to AS 04.11.370 be brought against the licensee.
461
462
463

*Sale
3/21/16*

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Obligations of seller: Any person who sells or offers for sale kegs or other containers containing four (4) gallons or more of alcoholic beverages, or leases kegs or other containers capable of holding four (4) gallons or more of alcoholic beverage to consumers who are not licensed under AS 04.11 shall, prior to surrendering physical possession of the keg or other container:
Require the purchaser of the alcoholic beverages to sign a declaration and keg registration form for the keg or other container on a form approved by the chief of police. The form shall contain:
The name and address of the seller and the purchaser;
The type and identifying number of the identification presented by the purchaser pursuant to AS 04.21.050
A sworn statement, signed by the purchaser under penalty of perjury, stating that the purchaser is twenty-one (21) years of age or older; will not allow persons under twenty-one (21) years of age to consume the alcoholic beverages purchased pursuant to AS 04.16.051, will not remove or obliterate or allow the removal or obliteration of the temporary registration tag affixed to the keg or other container, and will return the keg to the [1]

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464 E. Prior to taking any of the actions listed in subsection c) of this section, the City
 465 shall give the permittee or licensee notice and an opportunity to be heard on the
 466 accusation(s) at a publicly noticed council meeting.

467 **5.08.190 Access for Enforcement.**

468 A. The public entrance of licensed marijuana establishments shall be open and
 469 unlocked before and after the closing hour of such establishment if there are any
 470 patrons in the establishment.

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471 B. Licensees of licensed marijuana establishments, their employees and all patrons
 472 in such establishments shall permit and aid the entry of any law enforcement
 473 officer during all hours of operation and at any other time when there are two or
 474 more persons in such licensed marijuana establishment.

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475 C. Lack of knowledge, lack of intent and absence from the premises shall not be
 476 defenses to any action brought under this section against any such employee in
 477 charge of such establishment or such licensee.

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478 ~~D. The following evidence shall constitute a prima facie case of violation of this~~
 479 ~~section in any action under this section against any such employee in charge of~~
 480 ~~such establishment or against any licensee:~~

481 ~~1. A law enforcement officer knocked heavily at the public entrance of a licensed~~
 482 ~~beverage dispensary or licensed alcoholic beverage establishment and such~~
 483 ~~entrance was not opened within one minute thereafter to permit his~~
 484 ~~entrance; plus~~

485 ~~2. Evidence of sound emanating from the licensed alcoholic beverage~~
 486 ~~establishment, heard by such officer, and his opinion that he concluded that~~
 487 ~~two or more persons were in such establishment.~~

488 E. Licensees shall provide the Police Chief with their current hours of operation. Any
 489 changes to the hours of operation shall be communicated, in writing, to the
 490 Police Chief, at least three (3) business days prior to the change being
 491 implemented.

492 **5.08.200 Marijuana Offenses.**

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493 A. Violation of any section of this chapter shall be an infraction.

494 B. The Bethel Police Department shall have the authority to write and serve
 495 citations for violations of the provisions of any portion of this chapter.

496 **5.08.210 Penalties.**

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
Premises Open during non-permissible hours	5.08.080A & B	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700

Premises Open during on non-permissible days	5.08.080A & B	No	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Selling, Offering for Sale, Giving, Furnishing, Delivering or Consuming marijuana on Premises during hours of Closure	5.08.080C	No	\$300
Allowing person to consume marijuana on premises during hours of closure	5.08.080D	No	\$300
Allowing non-employee onto premises during hours of closure	5.08.080E	No	\$300
Allowing consumption on premises in violation of license	5.08.090	No	\$500
Selling or dispensing marijuana prior to successful completion of a marijuana server awareness training program	5.08.100A	Yes	\$1,000
Allowing employee to sell or dispense marijuana prior to their successful completion of a marijuana server awareness training program	5.08.100A	Yes	\$1,000
Failure to show proof of successful completion of a marijuana server awareness training program	5.08.100C	Correctable	\$300
Violation of Happy Hour rules	5.08.110B1	No	\$300
Failure to provide access to means of public transportation to patrons or to arrange for transportation off premises	5.08.110B2	No	\$150 \$500
Failure to permit patron to arrange for transportation off premises	5.08.110B2	No	\$500
Failure to properly post clear and legible signs describing applicable penalties for DUI and for service of alcoholic beverages to minors or intoxicated persons	5.08.110B3	No	\$250
Failure to submit an marijuana beverage compliance form upon request	5.08.110B5	No	\$300
Solicitation by employee of the purchase of an alcoholic beverage for personal consumption by the employee	5.08.110B6	Yes	\$500

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- K300 Race Committee 3/21/16 5:42 PM
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- K300 Race Committee 3/21/16 5:43 PM
Comment: Not sure this is needed.
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- K300 Race Committee 3/21/16 5:43 PM
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- K300 Race Committee 3/21/16 5:43 PM
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Failure to post warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal.	5.08.110B7	No	\$250	Deleted: 5.08.110B6 ... [2]
Improper sized warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal.	5.08.110B7	No	\$150	Deleted: Solicitation by employee of the purchase of an alcoholic beverage for per ... [3] Deleted: 5.08.110B7 ... [4] Deleted: Failure to post warning signs for ... [5]
Failure to check identification of purchaser.	5.08.110C	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000.	Deleted: Improper sized warning signs f ... [6] Deleted: \$150 Deleted: 5.08.110C ... [7]
Acceptance of non-conforming identification for purchase of marijuana.	5.08.110C	Yes	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700.	Deleted: Failure to check identification of ... [8] Deleted: 1 st Offense: \$500 ... [9]
Failure to have security personnel on premises during hours of operation.	5.08.110D	No	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000.	Deleted: 5.08.110C ... [10] Deleted: Acceptance of non-conformin ... [11]
Failure to install or maintain security equipment.	5.08.110E	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000.	Deleted: 1 st Offense: \$150 ... [12] Deleted: Failure to have security perso ... [13]
Failure to report suspicious activity from security cameras to law enforcement.	5.08.110E	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700.	Deleted: 1 st Offense: \$500 ... [14] Deleted: 5.08.110E ... [15]
Interior camera not positioned to capture sales transactions.	5.08.110E	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000.	Deleted: Failure to install or maintain s ... [16] Deleted: 1 st Offense: \$500 ... [17] Deleted: 5.08.110E ... [18]
Failure to clear premises after closing.	5.08.110F	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700.	Deleted: Failure to report suspicious ac ... [19] Deleted: 1 st Offense: \$150 ... [20]
Failing to post age limit signs.	5.08.150	No	\$300	Deleted: Interior camera not positione ... [21] Deleted: 1 st Offense: \$500 ... [22]
Sale of marijuana improperly obtained.	5.08.120	Yes	\$700.	Deleted: Failure to clear premises after ... [23]
Sale of marijuana to an intoxicated person.	5.08.130	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000.	Deleted: Failing to post age limit signs ... [24] Deleted: Sale of alcoholic beverages ... [25] Deleted: \$700

Providing marijuana to an intoxicated person,	5.08.130	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Allowing another person to sell or provide alcohol to an intoxicated person,	5.08.130A2	Yes	1st Offense: \$500 2nd Offense: \$700 3rd & subsequent offenses: \$1,000
Allowing an intoxicated person to enter and remain within licensed premises,	5.08.130A3	Yes	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Permitting intoxicated person to consume marijuana within a licensed premise,	5.08.130A3	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Permitting an intoxicated person to sell or serve an marijuana,	5.08.130A4	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Carrying, transporting or possessing an open container in public,	5.08.150	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Transportation of marijuana by common carrier,	5.08.160	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Transportation of marijuana by commercial carrier,	5.08.160	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Failure to Require or complete keg registration form,	5.08.170	No	1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700
Incomplete keg registration form,	5.08.170	No	1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700
Failure to tag or improperly tagged keg,	5.08.170	No	1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700

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add for resale?

- Deleted: Sale of alcohol to an intoxicated person ... [26]
- K300 Race Committee 3/21/16 5:43 PM
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open container = a loaded pipe.

removal or damaging of tag on keg,	5.08.170,	No,	\$500,
failure to display keg registration form,	5.08.170,	No,	\$300,
failure to affix keg declaration form to keg,	5.08.170,	No,	\$300,
failure to retain keg declaration forms for one (1) year,	5.08.170,	No,	\$500,
failure to make premises easily accessible for inspection by police officers,	5.08.180A,	Yes,	\$700,
failure to maintain premises unlocked while patrons are on premises,	5.08.190A,	Yes,	\$1,000,
failure to permit or aid the entry of law enforcement during hours of operation,	5.08.190B,	Yes,	\$700,
failure to permit or aid the entry of law enforcement any time there are two (2) or more persons on the premises,	5.08.190B,	Yes,	\$700,

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Deleted: Failure to tag or improperly tagged keg ... [55]

K300 Race Committee 3/21/16 5:43 PM
Deleted: Removal or damaging of tag ... [56]

K300 Race Committee 3/21/16 5:43 PM
Deleted: Failure to display keg registration form ... [57]

K300 Race Committee 3/21/16 5:43 PM
Deleted: 5.08.170 ... [58]

K300 Race Committee 3/21/16 5:43 PM
Deleted: Failure to affix keg declaration form to keg ... [59]

K300 Race Committee 3/21/16 5:43 PM
Deleted: 5.08.170 ... [59]

K300 Race Committee 3/21/16 5:43 PM
Deleted: Failure to retain keg declaration forms for one (1) year ... [60]

K300 Race Committee 3/21/16 5:43 PM
Deleted: 5.08.180A ... [60]

K300 Race Committee 3/21/16 5:43 PM
Deleted: Failure to make premises easily accessible for inspection by police officers ... [61]

K300 Race Committee 3/21/16 5:43 PM
Deleted: 5.08.190A ... [61]

K300 Race Committee 3/21/16 5:43 PM
Deleted: Failing to maintain premises unlocked while patrons are on premises ... [62]

K300 Race Committee 3/21/16 5:43 PM
Deleted: 5.08.190B ... [62]

K300 Race Committee 3/21/16 5:43 PM
Deleted: Failure to permit or aid the entry of law enforcement during hours of operation ... [63]

K300 Race Committee 3/21/16 5:43 PM
Deleted: Failure to permit or aid the entry of law enforcement any time there are two (2) or more persons on the premises ... [63]

K300 Race Committee 3/21/16 5:45 PM
Deleted: SECTION 3. Effective Date. This Ordinance shall become effective upon passage by the City Council.

497
498 *Editor Note regarding amendments: The penalty section was amended de-facto after the
499 adopted motion to strike the relevant section(s). LS 10-29-15
500
501

CITY OF BETHEL, ALASKA

Ordinance #16-??

AN ORDINANCE BY THE BETHEL CITY COUNCIL, ADDING MARIJUANA TO
THE BETHEL MUNICIPAL CODE

5.08.10 Definitions. 

(1) "board" means the Alcoholic Beverage Control Board established by AS 04.06;

(2) "consumer" means a person 21 years of age or older who purchases marijuana or marijuana products for personal use by persons 21 years of age or older, but not for resale to others;

(3) "consumption" means the act of ingesting, inhaling, or otherwise introducing marijuana into the human body;

(4) "local government" means both home rule and general law municipalities, including boroughs and cities of all classes and unified municipalities;

(5) "local regulatory authority" means the office or entity designated to process marijuana establishment applications by a local government;

(6) "marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; "marijuana" does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products;

(7) "marijuana accessories" means any equipment, products, or materials of any kind which are used, intended for use, or

35 designed for use in planting, propagating, cultivating, growing,
36 harvesting, composting, manufacturing, compounding,
37 converting, producing, processing, preparing, testing, analyzing,
38 packaging, repackaging, storing, vaporizing, or containing
39 marijuana, or for ingesting, inhaling, or otherwise introducing
40 marijuana into the human body;

41 (8) "marijuana cultivation facility" means an entity registered to
42 cultivate, prepare, and package marijuana and to sell marijuana
43 to retail marijuana stores, to marijuana product manufacturing
44 facilities, and to other marijuana cultivation facilities, but not to
45 consumers;

46 (9) "marijuana establishment" means a marijuana cultivation
47 facility, a marijuana testing facility, a marijuana product
48 manufacturing facility, or a retail marijuana store;

49 (10) "marijuana product manufacturing facility" means an entity
50 registered to purchase marijuana; manufacture, prepare, and
51 package marijuana products; and sell marijuana and marijuana
52 products to other marijuana product manufacturing facilities and
53 to retail marijuana stores, but not to consumers;

54 (11) "marijuana products" means concentrated marijuana
55 products and marijuana products that are comprised of
56 marijuana and other ingredients and are intended for use or
57 consumption, such as, but not limited to, edible products,
58 ointments, and tinctures;

59 (12) "marijuana testing facility" means an entity registered to
60 analyze and certify the safety and potency of marijuana;

61 (13) "retail marijuana store" means an entity registered to
62 purchase marijuana from marijuana cultivation facilities, to
63 purchase marijuana and marijuana products from marijuana
64 product manufacturing facilities, and to sell marijuana and
65 marijuana products to consumers;

66 (14) "unreasonably impracticable" means that the measures
67 necessary to comply with the regulations require such a high

68 investment of risk, money, time, or any other resource or asset
69 that the operation of a marijuana establishment is not worthy of
70 being carried out in practice by a reasonably prudent
71 businessperson.

- 72 A. "Intoxicated Person" means a person whose physical or mental conduct is
73 substantially impaired as a result of the introduction of an alcoholic beverage
74 and/or marijuana into the person's body and who exhibits those plain and easily
75 observed or discovered outward manifestations of behavior commonly known to
76 be produced by the overconsumption of alcoholic beverages and/or marijuana.
- 77 B. "Licensed Premises" means any or all designated portions of a building or
78 structure, rooms or enclosures in the building or structure, or real estate leased,
79 used, controlled, or operated by a licensee in the conduct of business for which
80 the licensee is licensed by the Board and the City at the specific address for
81 which the license is issued.
- 82 C. "Marijuana License" means any of the licenses or permits described in AS ????
- 83 D. "Person" means an individual, partnership, cooperative, association, joint
84 venture, corporation, estate trust, business, receiver, or any entity, group or
85 combination acting as a unit.

OPEN CONTAINERS
TAKEN OUT
2

86 **5.08.020 Procedure for Administrative Review of License Applications.**

- 87 A. Upon receipt of notice from the Board of an application for the issuance,
88 renewal, transfer of location or transfer to another person of a marijuana license
89 for a license location in the City, the clerk shall as soon as practicable distribute
90 copies of the notice to the city manager, the city council and the city attorney.
- 91 B. The city manager shall immediately refer the application for review as follows:
92 1. To the planning director or their designee to determine if the applicant has
93 complied with the conditional use provision of the Bethel Municipal Code;
94 2. To the finance director or their designee to determine whether the licensee or
95 license transferee is delinquent in paying to the City any tax, assessment,
96 business license fee, or fee or charge for utility service for the business
97 and/or affiliate (as defined in 3 AAC 304.990) that operates or will operate,
98 under the marijuana license.
99 3. To the police and fire chiefs to determine whether, in their opinion there have
100 been excessive calls for service, excessive numbers of convictions or arrests
101 for unlawful activity at the license location, police or ambulance reports,
102 reports of unlawful activity at the license location, or police, fire or ambulance
103 dispatches to the license location.
- 104 C. The fire chief, police chief, planning director and finance director shall forward
105 written statements to the city manager within fourteen (14) calendar days after
106 the application was referred by the city manager.
- 107 D. The city manager shall provide a written report to the city council, with a copy to
108 the applicant, listing any objections to the Board's issuance of the application.
109 The city manager's report is due within twenty (20) days after the date of receipt
110 of notice from the city clerk.

- 111 E. An applicant who believes the city manager's report contains factual errors shall
112 file a written protest outlining, with specific, the sections of the report believed to
113 be factually incorrect. Such protest must be filed to the city manager not later
114 than ten (10) ~~calendar~~ **business** days after issuance of the city manager report. (3)
115 F. The city manager shall investigate the applicant's protest and shall issue a
116 written decision no later than ten (10) ~~calendar~~ **business** days after receipt of
117 the protest.
118 G. The city clerk shall place the matter of the application upon the city council
119 agenda not less than thirty (30) and not more than forty (40) calendar days
120 after the date of receipt from the Board;

121 **5.08.030 City Council Review of License.**

122 The city council shall determine whether to protest, recommend with conditions, or stay
123 silent on the issuance, renewal or transfer of a marijuana license application and shall
124 consider the following factors it believes are pertinent. Such factors shall include, but
125 not be limited to:

- 126 1. City records indicating whether the applicant and/or transferor is in violation
127 of the city sales tax ordinances or regulations, has failed to comply with any
128 of the filing, reporting or payment provisions of the city ordinances or
129 regulations, or has any unpaid balance due on tax accounts for which the
130 applicant and/or transferor is liable;
- 131 2. The character and public interests of the surrounding neighborhood;
- 132 **3. Actual law enforcement problems with supporting data;**
- 133 4. The concentration of other licenses of the same and other types in the area;
- 134 5. The adequacy of parking facilities;
- 135 6. The safety of ingress to and egress from the premises;
- 136 7. Compliance with state and local fire, health and safety codes;
- 137 8. The degree of control the licensee has or proposes to have over the conduct
138 of the licensed business. In determining the applicant's demonstrated ability
139 to maintain order and prevent unlawful conduct, the city council may consider
140 police reports, the appearance of a readily identifiable pattern or practice of
141 recurring violent acts or unlawful conduct on the licensed premises.
142 testimony presented before the council, written comments, or other evidence
143 deemed to be reliable and relevant to the purpose of this subsection;
- 144 9. Whether the applicant can demonstrate prospective or continued compliance
145 with operations procedures for licensed premises set forth in BMC section
146 5.08.110.
- 147 10. The proximity to a school or ~~church, senior citizen apartment~~ **add** (4)
148 **back in ??? housing/facilities,** alcohol or drug inpatient or outpatient
149 treatment;
- 150 11. Any history of convictions of the applicants and affiliates of the applicants for:

- 151 (a) Any violation of AS Title 04;
152 12. Any other factor the city council determines is relevant to a particular
153 application.

154 **5.08.40 Council Action on Marijuana License Applications.**

- 155 A. If a city council member wishes votes to protest the application, a resolution
156 shall be prepared and introduced at the next regularly scheduled council meeting
157 or earlier if necessary to meet the requirements of AS **????**.
158 B. At least seven (7) calendar days prior to the council meeting, the city clerk shall
159 provide the applicant with:
160 1. A copy of the proposed resolution; and
161 2. Notice of the date and time when council will consider the resolution; and
162 3. Notice the applicant will have an opportunity, pursuant to **????**, to appear
163 before the council to defend the application.
164 C. A protest by the council under this section cannot be based in whole or in part
165 on police reports or other written materials available to the City but which were
166 not provided to the affected applicant before the public hearing on that protest.
167 D. At the conclusion of the public hearing, and any deliberation of the council, the
168 council may choose to:
169 1. Pass the resolution protesting to the Board the issuance, transfer or
170 renewal of the liquor license application; or
171 2. Recommend the license be approved with conditions; or
172 3. Take no action on the application.

173 ~~**5.08.050 Special Use Permit Required.**~~

174 5.08.050 Recordkeeping required of all sellers.

- 175 A. Premises licensed under **????** shall keep and preserve suitable records of all sales
176 made by the seller and such other books or accounts as may be necessary to
177 determine the amount of tax which it is obliged to collect, including records of the
178 gross daily sales, together with invoices of purchases and sales, bills of lading, bills
179 of sale or other pertinent records and documents as will substantiate and prove the
180 accuracy of a tax return.
181 B. "Suitable records of all sales made" as used in subsection A of this section shall
182 mean at a minimum a daily "Z" or "Z-total" report or equivalent, for all businesses
183 with a cash register (A "Z" or "Z-total" report is the report generated by the cash
184 register at the end of each business day, which calculates, at least, the totals for
185 each department key, total sales and total receipts – although some cash registers
186 have more detailed "Z" or "Z-total" reports). Whatever records are kept must reflect
187 the total daily purchases of taxable items. If no taxable sales are made on a
188 business day, the records kept shall so reflect "zero" sales on that day. Records
189 must also be kept to substantiate any claimed deductions or exclusions authorized
190 by law. Records may be written, ~~kept on microfilm~~, stored on data processing
191 equipment or may be in any form that the City may readily examine.

- 192 C. All sellers within the City who sell marijuana must have a cash register and must
193 record each retail sale on a cash register that provides, at a minimum, a daily "Z" or
194 "Z-total" report, or equivalent as set forth in subsection C of this section.
195 D. Records shall be kept in a systematic manner conforming to accepted accounting
196 methods and procedures. Such records include:
197 1. The books of accounts ordinarily maintained by a prudent business person.
198 Records and accounting information stored on computers or microfilm must be
199 provided to the City in a readable form when requested by the City.
200 2. Documents of original entry such as original source documents, pre-numbered
201 sequential source documents, pre-numbered sequential receipts, cash register
202 tapes, sales journals, invoices, job orders, contracts, or other documents of
203 original entry that support the entries in the books of accounts;
204 3. All schedules or working papers used to prepare gross and taxable sales results,
205 including receipts or invoices showing exempt sales.
206 E. Records must show:
207 1. Gross receipts and amounts due from all taxable and exempt sales; and
208 2. The total purchase price of all goods and other property purchased for sale,
209 resale, consumption, or lease.
210 F. Every seller shall preserve suitable records of sales for a period of three (3) years
211 from the date of the return reporting such sales, and shall preserve for a period of
212 three (3) years all invoices of goods and merchandise purchased for resale, and all
213 such other books, invoices and records as may be necessary to accurately determine
214 the amount of taxes which the seller was obliged to collect under this chapter.
215 G. The City finance department may examine and audit any relevant books, papers,
216 records, returns or memoranda of any seller, may require the attendance of any
217 seller, or any officer or employee of a seller, at a meeting or hearing, with the
218 finance director or his or her designee, and may require production of all relevant
219 business records, in order to determine whether the seller has complied with this
220 chapter.

5

222 **5.08.060 — Restriction on Location of Marijuana Sales. April 4 edit- KEEP &**
223 **MAKE 500 FEET???**

- 224 ~~A. No beverage dispensary or package store licensee may sell or offer to sell any~~
225 ~~alcoholic beverage within three hundred (300) feet of a church building or within~~
226 ~~three hundred (300) feet of any school grounds.~~
227 ~~B. No other type of premises licensed under AS 04.11.080 may sell or offer to sell~~
228 ~~any alcoholic beverage in or within two hundred (200) feet of a church building,~~
229 ~~school grounds, senior housing facility, or alcohol treatment facility.~~
230 ~~C. For purposes of this section, distance shall be measured by the most direct route~~
231 ~~of travel on the ground and shall be measured in the following manner:~~
232 ~~1. From the main parking lot street entrance off of an established roadway of~~
233 ~~the establishment from which alcoholic beverages are sold or offered for~~
234 ~~sale;~~
235 ~~2. In a straight line, regardless of obstructions, to the nearest public~~
236 ~~sidewalk, walkway, street, road or highway by the nearest route;~~

237 3. ~~To the main entrance of the church building, senior housing facility,~~
238 ~~alcohol treatment facility or to the nearest portion of the school grounds.~~

239 **5.08.060 Conditional use permit required.**

240 Unless exempt, any use that includes the retail sale or dispensing of marijuana is
241 permitted only by a conditional use permit. The conditional use requirement applies
242 only to the retail sale or dispensing of marijuana and not to related principal or
243 accessory uses.

244 **5.08.070 Licensee Responsible for Employees' Actions on Premises.**

- 245 A. A licensee may neither knowingly allow agents or employees to violate this
246 chapter or AS Title 04 or regulations adopted thereunder, or to recklessly or with
247 criminal or civil negligence fail to act in accordance with the duties prescribed
248 under AS 04.21.030 with the result that an agent or employee of the licensee
249 violates a law, regulation or ordinance.
- 250 B. The licensee shall be responsible for all acts or omissions of the licensee's
251 employees on the licensed premises. The licensee may be cited and prosecuted
252 for all acts or omissions of employees which are committed on the licensed
253 premises and which are in violation of this chapter; provided, however, that the
254 prosecution of the licensee shall not prohibit the prosecution of the employee for
255 acts or omissions committed by the employee in violation of any provision of this
256 chapter.

257 **05.08.080 Hours and Days of Operation.**

258 (6A) A. Premises licensed under ???? for the service and consumption of marijuana shall
259 be closed for the sale, service and consumption of marijuana between the hours
260 of 9:00 p.m. and 11:00 a.m., seven days per week
261

262 **B. All other retail premises licensed under ???? shall be closed for the sale**
263 **of marijuana between the hours of 11:00 p.m. and 11:00 a.m. ??????** (6B)

264 C. A person may not sell, offer for sale, give, furnish, deliver or consume an
265 marijuana on premises licensed under ????? during the hours of closure set
266 forth in this section.

267 D. A licensee, an agent, or employee may not permit a person to consume
268 marijuana on the licensed premises between the hours of closure set forth in this
269 section.

270 E. As authorized by ???? the sale of marijuana on State and/or City Election Days is
271 not prohibited.

272 **5.08.090 Obligation to Enforce Restrictions within Licensed Premises.**

273 A licensee, their agent or employee may not permit the consumption of marijuana by
274 any person within the licensed premises unless it is permitted by the license.

275

① GOOD

276 **5.08.100 Marijuana Server Training Course Requirement.**

- 277 A. A licensee, their agent or employee may not sell or dispense marijuana to the
- 278 public prior to the successful completion of a marijuana awareness training
- 279 program approved by the Board.
- 280 B. Licensees, their agents and employee who sell or dispense marijuana must be
- 281 able to show proof of completion of a marijuana awareness training program
- 282 approved by the Board upon request by a peace officer, the city manager (or
- 283 their designee) or the Board.

284 **5.08.110 Operation of Licensed Premises.**

285 A. Except as otherwise provided in this section, the operations procedures set forth

286 in subsection B of this section shall apply to all persons seeking the issuance,

287 renewal or transfer of any license issued by the Board by virtue of AS Title ???

288 and other applicable provisions of law allowing the sale or service of marijuana.

289 Subsections ??? of this section shall not apply to persons seeking the issuance,

290 transfer or renewal of licenses issued under AS Title ??? which do not authorize

291 the sale or service of marijuana for consumption on the premises licensed.

292 B. Persons seeking the issuance, transfer or renewal of licenses issued by the Board

293 under AS Title ???? and other applicable provisions of law shall comply with the

294 following operations procedures:

- 295 ⑧ 1. *Public Transportation.* Licensees shall make available to their patrons access
- 296 to means of public transportation ~~to~~ or permit patrons to make arrangements
- 297 for transportation off the premises.
- 298 2. *Notice of Penalties.* Operators shall place, at conspicuous locations within
- 299 licensed premises, a clear and legible sign describing applicable penalties for
- 300 driving under the influence, and for service or sale of marijuana to minors or
- 301 intoxicated persons.
- 302 3. *Compliance Determination.* In order to determine whether applicants seeking
- 303 the issuance, renewal or transfer of marijuana licenses have complied with
- 304 the provisions of this chapter, applicants shall, at the request of the City,
- 305 submit to the city manager (or their designee) an marijuana licensee
- 306 compliance form. Upon request, operators shall also provide the city manager
- 307 with certificates from all current employees demonstrating that those
- 308 employees have successfully completed a marijuana awareness training
- 309 program such as the program for techniques in marijuana management as
- 310 approved by the Board.
- 311 4. *Warning Signs for impoundment and Forfeiture of Vehicles Seized Pursuant to*
- 312 *an Arrest for or Charge of Driving Under the Influence or Refusal to Submit to*
- 313 *Chemical Tests.* Upon adoption of a municipal code allowing for the forfeiture,
- 314 operators shall display at conspicuous places in licensed premises two (2)
- 315 signs warning that vehicles are seized in cases of driving under the influence
- 316 or refusal to submit to chemical tests. One of these warning signs shall be at
- 317 least eleven (11") inches by fourteen (14") inches in size, and must read, in

318 lettering at least one-half (1/2") inch high and in contrasting colors or black
319 and white, "DRIVE UNDER THE INFLUENCE—LOSE YOUR CAR." The sign
320 described in the preceding sentence must carry a logo or illustration approved
321 by the chief of police or their designee which shows an automobile being
322 towed. The second warning sign shall be at least eleven (11") inches by
323 fourteen (14") inches and must read, in letters at least one-quarter (1/4")
324 inch high and in contrasting colors or black and white, "WARNING: IF YOU
325 DRIVE UNDER THE INFLUENCE OR LET ANYONE DRIVE YOUR VEHICLE
326 UNDER THE INFLUENCE, YOU WILL LOSE YOUR VEHICLE. The police SEIZE
327 cars and trucks driven by intoxicated drivers. A vehicle will be IMPOUNDED
328 for 30 days for the driver's first DUI offense. A vehicle will be FORFEITED if
329 the driver has been convicted of DUI in the past ten (10) years."

330 5. Warning signs required other. The City adopts Alaska Statutes ?????.

331 C. *Mandatory identification check in the retail sale of marijuana:* Licensee or
332 licensee's employee or agent shall require any purchaser (and anyone
333 accompanying the purchaser) of marijuana to produce a current government-
334 issued identification with birth date and photograph for identification check prior
335 to any on-premises sale. The purpose of the identification check is to verify age
336 and eligibility to purchase marijuana. Failure to conduct the mandatory
337 identification check required by this section is a violation of code and the licensee
338 or licensee's employee or agent failing to conduct the mandatory identification
339 check shall be subject to the civil penalty provisions of this chapter. For purposes
340 of mandatory identification check required by this section:

- 341 1. "*Current government-issued*" means a state, federal or foreign government
342 picture identification in force and effect for a specified period stated within
343 the identification, when presented prior to expiration of the period stated. A
344 state government identification with birth date and photograph issued by any
345 state of the United States is included within the meaning of "current
346 government-issued" if the period of validity is specified and the identification
347 is presented prior to expiration of the period stated.
- 348 2. The subsequent invalidation of the identification as a bona fide government-
349 issued identification does not invalidate the compliance.
- 350 3. An ongoing pattern of non-compliance with the mandatory identification
351 check required by this code may result in review of the conditions of use or
352 may result in the revocation of a special use permit previously approved by
353 the city council. Action by the city council on licensee's special use permit
354 under this section shall be in addition to any criminal or civil penalty
355 applicable to the individual making the sale without performing the
356 mandatory identification check.

357 C. *Security Personnel.*

358 Each premises licensed under Alaska Statutes ????? Beverage dispensary
359 license, shall employ at least one (1) person who shall be on duty between 8:00
360 p.m. and the closing hour of the licensed premises. This person shall not be the

361 bartender on duty, and shall be on duty for the express purpose of maintaining
362 order within the establishment and assuring compliance, by the clientele, with
363 the provisions of this chapter.

40

364 D. **Security Cameras. ALL DELETED!!!**

365 E. Premises to be cleared Upon Closing. Upon closing, licensees shall clear the
366 marijuana establishment of all persons, other than necessary employees, within
367 fifteen (15) minutes after the closing hours.

368 F. Age Limit Signs to be exhibited. All licensees shall cause to remain displayed
369 upon the premises and in the entrance to the premises of their establishments a
370 conspicuous sign in a prominent place visible from outside the establishment,
371 which shall in substance state: "No person under the age of 21 years permitted.
372 Any such person will be prosecuted to the full extent of the law."

(11) a deleted sentence here.

373 **5.08.130 Sale to Intoxicated Persons.**

(12) 5.08.130 WAS TAKEN OUT!

- 374 A. A licensee, his agent or employee may not knowingly or negligently:
- 375 1. Sell, give or barter marijuana to an intoxicated person;
 - 376 2. Allow another person to sell, give or barter marijuana to an intoxicated
377 person within the licensed premises;
 - 378 3. Allow an intoxicated person to enter and remain within the licensed
379 premises or to consume marijuana within the licensed premises; or
 - 380 4. Permit an intoxicated person to sell or serve marijuana.

381 **5.08.140 Eviction of Patrons.**

382 The licensee and employees of the licensee are expressly permitted to evict any person
383 suspected of being under the age of twenty-one (21) or intoxicated and failure of such
384 person to leave after oral request is unlawful and an offense on the part of that person.

385 **5.08.150 Open Container.**

386 It shall be unlawful to consume, an open container of marijuana on the public
387 streets, sidewalks, alleys, parks, or other public places throughout the city. Open
388 container of marijuana may be carried in a vehicle in a locked truck or other
389 secured location inaccessible to the driver and passengers within the vehicle

390 A. Open containers are permitted on private residential property, with the consent
391 of the owner or legal occupant of the property.

392 **5.08.160 Transportation of Marijuana.**

393 The transportation of marijuana by common carrier or commercial carrier within the
394 City of Bethel to a residential home or non-licensed marijuana facility is strictly
395 prohibited except as expressly authorized by AS ????.

396 **5.08.170 Inspection of premises.**

397
398 A. The premises of licensees authorized to sell or distribute marijuana shall be
399 easily accessible for inspection by police officers during all regular hours of the
400 transaction of business upon the premises, and at any other time with
401 reasonable notice by the officer.

- 402
- 403 B. The police department may inspect any premises with an marijuana license for
- 404 compliance with conditions on the license. Upon discovering a violation of such
- 405 conditions, the police department shall submit a written report of the violation to
- 406 the city clerk for review by the city council and provide a copy thereof to the
- 407 licensee.
- 408
- 409 C. If at any time there appears to be a readily identifiable pattern or practice of
- 410 recurring violent acts or unlawful conduct in a licensed premise, the City may
- 411 send notice of possible protest to the licensee that he or she must submit and
- 412 implement a plan for remedial action or be in jeopardy that a protest will be filed
- 413 to any renewal, transfer of location or transfer of ownership sought by the
- 414 licensee.
- 415 D. Upon receiving a report of conditions violation, the city council may:
- 416 1. Revoke the premise's conditional use permit;
- 417 2. Protest the issuance, renewal, transfer, relocation or continued operation of
- 418 the license;
- 419 3. Recommend imposition of conditions on the state marijuana license pursuant
- 420 to AS 04.11.480(c); or
- 421 4. Notify the Board that a licensee has violated conditions and request that an
- 422 accusation pursuant to AS 04.11.370 be brought against the licensee.
- 423 E. Prior to taking any of the actions listed in subsection c) of this section, the City
- 424 shall give the permittee or licensee notice and an opportunity to be heard on the
- 425 accusation(s) at a publicly noticed council meeting.

426 **5.08.190 Access for Enforcement.**

- 427 A. The public entrance of licensed marijuana establishments shall be open and
- 428 unlocked before and after the closing hour of such establishment if there are any
- 429 patrons in the establishment.
- 430 B. Licensees of licensed marijuana establishments, their employees and all patrons
- 431 in such establishments shall permit and aid the entry of any law enforcement
- 432 officer during all hours of operation and at any other time when there are two or
- 433 more persons in such licensed marijuana establishment.
- 434 C. Lack of knowledge, lack of intent and absence from the premises shall not be
- 435 defenses to any action brought under this section against any such employee in
- 436 charge of such establishment or such licensee.
- 437 D. Licensees shall provide the Police Chief with their current hours of operation. Any
- 438 changes to the hours of operation shall be communicated, in writing, to the
- 439 Police Chief, at least three (3) business days prior to the change being
- 440 implemented.

441 **5.08.200 Marijuana Offenses.**

- 442 A. Violation of any section of this chapter shall be an infraction.
- 443 B. The Bethel Police Department shall have the authority to write and serve
- 444 citations for violations of the provisions of any portion of this chapter.

445 **5.08.210 Penalties.**

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
Premises Open during non-permissible hours	5.08.080A & B	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Premises Open during on non-permissible days	5.08.080A & B	No	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Selling, Offering for Sale, Giving, Furnishing, Delivering or Consuming marijuana on Premises during hours of Closure	5.08.080C	No	\$300
Allowing person to consume marijuana on premises during hours of closure	5.08.080D	No	\$300
Allowing consumption on premises in violation of license	5.08.090	No	\$500
Selling or dispensing marijuana prior to successful completion of a marijuana server awareness training program	5.08.100A	Yes	\$1,000
Allowing employee to sell or dispense marijuana prior to their successful completion of a marijuana server awareness training program	5.08.100A	Yes	\$1,000
Failure to show proof of successful completion of a marijuana server awareness training program	5.08.100C	Correctable	\$300
Failure to provide access to means of public transportation to patrons <u>or to arrange for transportation off premises</u>	5.08.110B2	No	\$150 -\$500
Failure to <u>properly</u> post-signs .	5.08.110B3	No	\$250
Failure to submit an marijuana beverage compliance form upon request	5.08.110B5	No	\$300
Failure to post warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal	5.08.110B7	No	\$250

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Violation of Happy Hour Rule - Taken out

Improper sized warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal	5.08.110B7	No	\$150
Failure to check identification of purchaser	5.08.110C	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Acceptance of non-conforming identification for purchase of marijuana	5.08.110C	Yes	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Failure to install or maintain security equipment	5.08.110E	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Interior camera not positioned to capture sales transactions	5.08.110E	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Failure to clear premises after closing	5.08.110F	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Failing to post age limit signs	5.08.150	No	\$300
Sale of marijuana improperly obtained	5.08.120	Yes	\$700
Sale of marijuana to an intoxicated person	5.08.130	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Providing marijuana to an intoxicated person	5.08.130	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Allowing an intoxicated person to enter and remain within licensed premises	5.08.130A3	Yes	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Permitting intoxicated person to consume marijuana within a licensed premise	5.08.130A3	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000

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Failure to have security taken out

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Permitting an intoxicated person to sell or serve an marijuana	5.08.130A4	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Carrying, transporting or possessing an open container in public	5.08.150	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Transportation of marijuana by common carrier for resale	5.08.160	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Transportation of marijuana by commercial carrier	5.08.160	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Failure to make premises easily accessible for inspection by police officers	5.08.180A	Yes	\$700
Failing to maintain premises unlocked while patrons are on premises	5.08.190A	Yes	\$1,000
Failure to permit or aid the entry of law enforcement during hours of operation	5.08.190B	Yes	\$700
Failure to permit or aid the entry of law enforcement any time there are two (2) or more persons on the premises	5.08.190B	Yes	\$700

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**Editor Note regarding amendments: The penalty section was amended de-facto after the adopted motion to strike the relevant section(s). LS 10-29-15*