



# City of Bethel, Alaska

## Marijuana Advisory Committee Agenda

Special Meeting **May 16, 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 McCallson  
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 May 2, 2016 MEETING MINUTES**
- VI. UNFINISHED BUSINESS**
  - a. Review and edit the latest draft of the City of Bethel's Marijuana Ordinance.
- VII. NEW BUSINESS**
- VIII. CITY PLANNER'S REPORT**
- IX. MEMBER COMMENTS**
- X. ADJOURNMENT**



---

# City of Bethel, Alaska

## Marijuana Advisory Committee Minutes

---

**May 2, 2016**

**Special Meeting**

**Bethel, Alaska**

---

**I. CALL TO ORDER:**

A special meeting of the Marijuana Advisory Committee was held on May 2, 2016 at 6: 15 pm in the City Hall Council Chambers conference room, in Bethel, Alaska. Committee Member Zach Fansler called the meeting to order at 6:26pm.

**II. ROLL CALL:**

Compromising a quorum, the following members were present for roll call: Kerri Fox, Tom McCallson, Courtney Trammell, and Zach Fansler. Committee Chair Maggie Ryan arrived a few minutes after roll call. Pat Jennings and Mary Nanuwak 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 May 2, 2016**

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

**V. APPROVAL OF THE April 28, 2016 MEETING MINUTES:**

<b>MOVED:</b>	Tom McCallson	Motion to approve the MINUTES.
<b>SECONDED:</b>	Courtney Trammell	
<b>VOTE ON MAIN MOTION</b>	All in favor 4 yes and 0 opposed	

**VI. UNFINISHED BUSINESS:**

- A. Review and discussion of statewide Marijuana Regulations- State regulations were referenced for proposed Bethel regulations.
- B. City of Bethel Draft Marijuana Ordinance - The Committee continued to review and fine-tune the Draft Marijuana Ordinance.

**VII. NEW BUSINESS**

Local Option- The group discussed the idea of putting the types of marijuana operations to be allowed, on the ballot in the next October election.



**VIII. CITY PLANNER'S REPORT**

**IX. MEMBER'S COMENTS:**

Tom McCallson expressed his satisfaction with the group in the progress they are making in developing the ordinance.

**X. ADJOURNMENT**

**MOTION TO AJDOURN THE MEETING**

<b>MOVED:</b>	Zach Fansler	Motion to adjourn the meeting at 8:24 pm.
<b>SECONDED:</b>	Tom McCallson	
<b>VOTE ON MAIN MOTION</b>	All in favor 5 yes and 0 opposed	

The next meeting will be on May 16, 2016 at 6:15pm.

\_\_\_\_\_  
Maggie Ryan, Chairman

ATTEST:

\_\_\_\_\_  
Ted Meyer, Ex-officio/recorder



## **More Language Regarding Inspections, Advertising, and info about an Operations Plan**

Below is more language regarding inspections and outdoor advertising from Aurora, CO. I already added language about inspections to the draft from 3 AAC 306.310(a)5 (in blue), but here is more info in case the draft needs to be padded.

I don't think outdoor advertising has been discussed, so I included it below just in case. Last is language regarding the requirement of an operations plan to ensure compliance with state and federal laws. I've seen this in at least two other muni codes. The Conditional Use Permit doesn't ask for this type of info, but maybe it could. At the very least, the op's plan asks for ID of the toxic/flammable substances used to process the pot.

### **Inspection.**

**701.1 Grant of Authorization.** By signing and submitting a license application, the owner of the premises certifies that the applicant has received permission from the property owner to allow inspections as may be required under state or local licensing law. In addition, the owner of the premises authorizes the local licensing authority, its designee, and the city's building official or the official's designee, to enter upon and inspect the premises upon presentation of official credentials. These inspections are part of the routine policy of inspection and enforcement of these regulations for the purpose of protecting the public safety, individuals operating and using the services of the retail marijuana establishment, and the adjoining properties and neighborhood. This rule shall not limit any inspection authority authorized under any other provision of law or regulation, including those of police, fire, building and code enforcement officials.

**701.2 Initial Inspection.** The local licensing authority will inspect all retail marijuana establishments prior to issuance of a license, to verify that the facilities are constructed and can be operated in accordance with the application submitted and the requirements of these regulations and the ordinance. The initial inspection shall occur after the retail marijuana establishment is ready for operation, but no marijuana or marijuana products will be allowed on the premises until the inspection is complete and a license is issued.

**701.3 Regular Inspections.** At a minimum, the local licensing authority shall perform regular inspections on a quarterly basis during the first year following licensure, and on a yearly basis prior to license renewal following the first year of operation.

**701.4 Random Inspections.** The regular licensing inspection procedures described shall not prevent the local licensing authority from inspecting retail marijuana establishments at random intervals and without advance notice.

**701.5 Building Plans.** A copy of the building plans must be retained on the licensed premises at all times. The licensee must also maintain a floor plan, including depictions of limited access areas and security camera placement.

701.6 Inspection of Records. Upon request, the licensee or business manager on duty shall retrieve and provide any relevant business records pertaining to the inspection, including but not limited to, security camera recordings, marijuana inventory manifests, and copies of invoices and receipts. The city may require any licensee to furnish such information as it considers necessary for the proper administration of these regulations.

**Outdoor Advertising Generally Prohibited.** Except as otherwise provided in this rule, it shall be unlawful for any Retail Marijuana Establishment to engage in Advertising that is visible to members of the public from any street, sidewalk, park or other public place, including Advertising utilizing any of the following media: any billboard or other outdoor general Advertising device; any sign mounted on a vehicle, any hand-held or other portable sign; or any handbill, leaflet or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property without the consent of the property owner.

### **Operations Plan**

Each retail marijuana cultivation facilities, retail marijuana product manufacturing facilities, and retail marijuana testing facilities shall submit to the City:

- (1) A plan that specifies all means to be used for extracting, heating, washing, or otherwise changing the form of the marijuana plant or for testing any marijuana or marijuana product, including a verification that such plan is in compliance with all applicable federal, state, and local laws and regulations governing ventilation and safety measures for each such process;
- (2) A report from a certified industrial hygienist verifying that the plan submitted pursuant to subsection (1) and the improvements to be constructed adequately protects the facility and adjacent properties and persons, and complies with all applicable federal, state, and local laws and regulations;
- (3) A description of all toxic, flammable, or other materials regulated by a federal, state, or local government that will be used, kept, or created at the facility, the quantities and location of such materials, and the manner in which such materials will be stored; and
- (4) A description of the processes used to extract or distill marijuana derivatives from their source and the processes used to incorporate marijuana derivatives into all retail marijuana products produced, including a verification that such processes are in compliance with all applicable federal, state, or local laws or regulations.
- 5) A plan for ventilation of a retail marijuana establishment that describes the ventilation systems that will be used to prevent any odor of marijuana off the premises of the establishment must be submitted to the City. For retail marijuana cultivation facilities, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises.

1  
2  
3  
4  
5  
6  
7  
8

# CITY OF BETHEL, ALASKA

## Ordinance #16-??

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

#### 5/16/16 DRAFT

9 **5.08.10 Definitions.**

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

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

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

16 (D) "Intoxicated Person" means a person whose physical or mental conduct is  
17 substantially impaired as a result of the introduction of an alcoholic beverage and/or  
18 marijuana into the person's body and who exhibits those plain and easily observed or  
19 discovered outward manifestations of behavior commonly known to be produced by the  
20 overconsumption of alcoholic beverages and/or marijuana.

21 (E) "Licensed Premises" means any or all designated portions of a building or structure,  
22 rooms or enclosures in the building or structure, or real estate leased, used, controlled,  
23 or operated by a licensee in the conduct of business for which the licensee is licensed  
24 by the Board and the City at the specific address for which the license is issued.

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

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

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

37 (I) "marijuana accessories" means any equipment, products, or materials of any kind  
38 which are used, intended for use, or designed for use in planting, propagating,

39 cultivating, growing, harvesting, composting, manufacturing, compounding, converting,  
40 producing, processing, preparing, testing, analyzing, packaging, repackaging, storing,  
41 vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing  
42 marijuana into the human body;

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

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

49 (L) "Marijuana License" means any of the licenses or permits described in AS ????

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

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

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

60 (P) "Person" means an individual, partnership, cooperative, association, joint venture,  
61 corporation, estate trust, business, receiver, or any entity, group or combination acting  
62 as a unit.

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

67 (R) "unreasonably impracticable" means that the measures necessary to comply with  
68 the regulations require such a high investment of risk, money, time, or any other  
69 resource or asset that the operation of a marijuana establishment is not worthy of being  
70 carried out in practice by a reasonably prudent businessperson.

#### 71 **5.08.020 Procedure for Administrative Review of License Applications.**

72 A. Upon receipt of notice from the Board of an application for the issuance,  
73 renewal, transfer of location or transfer to another person of a marijuana license  
74 for a license location in the City, the clerk shall as soon as practicable distribute  
75 copies of the notice to the city manager, the city council and the city attorney.

- 76 B. The city manager shall immediately refer the application for review as follows:  
77 1. To the planning director or their designee to determine if the applicant has  
78 complied with the conditional use provision of the Bethel Municipal Code;  
79 2. To the finance director or their designee to determine whether the licensee or  
80 license transferee is delinquent in paying to the City any tax, assessment,  
81 business license fee, or fee or charge for utility service for the business  
82 and/or affiliate (as defined in 3 AAC 304.990) that operates or will operate,  
83 under the marijuana license.  
84 3. To the police and fire chiefs to determine whether, in their opinion there have  
85 been excessive calls for service, excessive numbers of convictions or arrests  
86 for unlawful activity at the license location, police or ambulance reports,  
87 reports of unlawful activity at the license location, or police, fire or ambulance  
88 dispatches to the license location.
- 89 C. The fire chief, police chief, planning director and finance director shall forward  
90 written statements to the city manager within fourteen (14) calendar days after  
91 the application was referred by the city manager.
- 92 D. The city manager shall provide a written report to the city council, with a copy to  
93 the applicant, listing any objections to the Board's issuance of the application.  
94 The city manager's report is due within twenty (20) days after the date of receipt  
95 of notice from the city clerk.
- 96 E. An applicant who believes the city manager's report contains factual errors shall  
97 file a written protest outlining, with specific, the sections of the report believed to  
98 be factually incorrect. Such protest must be filed to the city manager not later  
99 than ten (10) calendar days after issuance of the city manager report.
- 100 F. The city manager shall investigate the applicant's protest and shall issue a  
101 written decision no later than ten (10) business days after receipt of the protest.
- 102 G. The city clerk shall place the matter of the application upon the city council  
103 agenda not less than thirty (30) and not more than forty (40) calendar days  
104 after the date of receipt from the Board;

105 **5.08.030 City Council Review of License.**

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

- 110 1. City records indicating whether the applicant and/or transferor is in violation  
111 of the city sales tax ordinances or regulations, has failed to comply with any  
112 of the filing, reporting or payment provisions of the city ordinances or  
113 regulations, or has any unpaid balance due on tax accounts for which the  
114 applicant and/or transferor is liable;
- 115 2. The character and public interests of the surrounding neighborhood;
- 116 3. Actual law enforcement problems with supporting data;
- 117 4. The concentration of other licenses of the same and other types in the area;
- 118 5. The adequacy of parking facilities;

- 119 6. The safety of ingress to and egress from the premises;
- 120 7. Compliance with state and local fire, health and safety codes;
- 121 8. The degree of control the licensee has or proposes to have over the conduct
- 122 of the licensed business. In determining the applicant's demonstrated ability
- 123 to maintain order and prevent unlawful conduct, the city council may consider
- 124 police reports, the appearance of a readily identifiable pattern or practice of
- 125 recurring violent acts or unlawful conduct on the licensed premises.
- 126 testimony presented before the council, written comments, or other evidence
- 127 deemed to be reliable and relevant to the purpose of this subsection;
- 128 9. Whether the applicant can demonstrate prospective or continued compliance
- 129 with operations procedures for licensed premises set forth in BMC section
- 130 5.08.110.
- 131 10. The proximity to a school, licensed day care, alcohol/ drug inpatient or
- 132 outpatient treatment center;
- 133 11. Any history of convictions of the applicants and affiliates of the applicants
- 134 for:
- 135 (a) Any violation of AS Title 04;
- 136 12. Any other factor the city council determines is relevant to a particular
- 137 application.
- 138

139 **5.08.40 Council Action on Marijuana License Applications.**

- 140 A. If a city council member wishes to protest the application, a resolution shall be
- 141 prepared and introduced at the next regularly scheduled council meeting or
- 142 earlier if necessary to meet the requirements of 3 AAC 306.060.
- 143 B. At least seven (7) calendar days prior to the council meeting, the city clerk shall
- 144 provide the applicant with:
- 145 1. A copy of the proposed resolution; and
- 146 2. Notice of the date and time when council will consider the resolution
- 147 **(BMC)**; and
- 148 3. Notice the applicant will have an opportunity, pursuant to **(BMC)** to
- 149 appear before the council to defend the application.
- 150 C. A protest by the council under this section cannot be based in whole or in part
- 151 on police reports or other written materials available to the City but which were
- 152 not provided to the affected applicant before the public hearing on that protest.
- 153 D. At the conclusion of the public hearing, and any deliberation of the council, the
- 154 council may choose to:
- 155 1. Pass the resolution protesting to the Board the issuance, transfer or
- 156 renewal of the liquor license application; or
- 157 2. Recommend the license be approved with conditions; or
- 158 3. Take no action on the application.

159 **5.08.050 Recordkeeping required of all sellers.**

- 160
- 161 A. Premises licensed under **(BMC)** shall keep and preserve suitable records of all sales
- 162 made by the seller and such other books or accounts as may be necessary to
- 163 determine the amount of tax which it is obliged to collect, including records of the
- 164 gross daily sales, together with invoices of purchases and sales, bills of lading, bills
- 165 of sale or other pertinent records and documents as will substantiate and prove the
- 166 accuracy of a tax return.
- 167 B. "Suitable records of all sales made" as used in subsection A of this section shall
- 168 mean at a minimum a daily "Z" or "Z-total" report or equivalent, (A "Z" or "Z-total"
- 169 report is the report generated by the cash register at the end of each business day,
- 170 which calculates, at least, the totals for each department key, total sales and total
- 171 receipts – although some cash registers have more detailed "Z" or "Z-total" reports).
- 172 Whatever records are kept must reflect the total daily purchases of taxable items. If
- 173 no taxable sales are made on a business day, the records kept shall so reflect "zero"
- 174 sales on that day. Records must also be kept to substantiate any claimed
- 175 deductions or exclusions authorized by law. Records may be written, stored on data
- 176 processing equipment, or may be in any form that the City may readily examine.
- 177 C. All sellers within the City who sell marijuana must have a cash register and must
- 178 record each retail sale on a cash register that provides, at a minimum, a daily "Z" or
- 179 "Z-total" report, or equivalent.
- 180 D. Records shall be kept in a systematic manner conforming to accepted accounting
- 181 methods and procedures. Such records include:
- 182 1. The books of accounts ordinarily maintained by a prudent business person.
- 183 Records and accounting information stored on computers must be provided to
- 184 the City in a readable form when requested by the City.
- 185 2. Documents of original entry such as original source documents, pre-numbered
- 186 sequential source documents, pre-numbered sequential receipts, cash register
- 187 tapes, sales journals, invoices, job orders, contracts, or other documents of
- 188 original entry that support the entries in the books of accounts;
- 189 3. All schedules or working papers used to prepare gross and taxable sales results,
- 190 including receipts or invoices showing exempt sales.
- 191 E. Records must show:
- 192 1. Gross receipts and amounts due from all taxable and exempt sales; and
- 193 2. The total purchase price of all goods and other property purchased for sale,
- 194 resale, consumption, or lease.
- 195 F. Every seller shall preserve suitable records of sales for a period of three (3) years
- 196 from the date of the return reporting such sales, and shall preserve for a period of
- 197 three (3) years all invoices of goods and merchandise purchased for resale, and all
- 198 such other books, invoices and records as may be necessary to accurately determine
- 199 the amount of taxes which the seller was obliged to collect under this chapter.
- 200 G. The City finance department may examine and audit any relevant books, papers,
- 201 records, returns or memoranda of any seller, may require the attendance of any
- 202 seller, or any officer or employee of a seller, at a meeting with the finance director
- 203 or his or her designee, and may require production of all relevant business records,
- 204 in order to determine whether the seller has complied with this chapter.

205  
206  
207  
208  
209

**5.08.060 License Restrictions**

210 **A. The City of Bethel adopts 3ACC.010 A and B, which states the Board will not**  
211 **issue a** marijuana establishment license if the licensed premises will be located within 500  
212 feet of a school ground, a recreation or youth center, a building in which religious services  
213 are regularly conducted, or a correctional facility. The distance specified in this subsection  
214 must be measured by the shortest pedestrian route from the public entrance of the building  
215 in which the licensed premises would be located to the outer boundaries of the school  
216 ground, the outer boundaries of the recreation or youth center, the main public entrance of  
217 the building in which religious services are regularly conducted, or the main public entrance  
218 of the correctional facility. This section does not prohibit the renewal of an existing  
219 marijuana establishment license or the transfer of an existing marijuana establishment  
220 license to another person if the licensed premises were in use before the school ground,  
221 recreation or youth center, the building in which religious services are regularly conducted,  
222 or the correctional facility began use of a site within 500 feet. If an existing marijuana  
223 establishment license for premises located within 500 feet of a school ground, a recreation  
224 or youth center, a building in which religious services are regularly conducted, or a  
225 correctional facility is revoked or expires, the board will not issue another marijuana  
226 establishment license for the same premises unless the school ground, the recreation or  
227 youth center, the building in which religious services are regularly conducted, or the  
228 correctional facility no longer occupies the site within 500 feet.  
229 B. The board will not issue a marijuana establishment license if the licensed premises will  
230 be located in a liquor license premises.

231  
232

**5.08.070 Conditional use permit required.**

233 Unless exempt, all marijuana establishments including but not limited to cultivation,  
234 manufacturing, testing, dispensing, and retail are permitted only by a Conditional Use  
235 Permit.

236 **5.08.080 Licensee Responsible for Employees' Actions on Premises.**

237 A. A licensee may neither knowingly allow agents or employees to violate this  
238 chapter or **AS Title 04???** or regulations adopted thereunder, or to recklessly or  
239 with criminal or civil negligence fail to act in accordance with the duties  
240 prescribed under **AS 04.21.030???** with the result that an agent or employee  
241 of the licensee violates a law, regulation or ordinance.

242 The licensee shall be responsible for all acts or omissions of the licensee's employees on  
243 the licensed premises. The licensee may be cited and prosecuted for all acts or  
244 omissions of employees which are committed on the licensed premises and which are in  
245 violation of this chapter; provided, however, that the prosecution of the licensee shall  
246 not prohibit the prosecution of the employee for acts o omissions committed by the  
247 employee in violation of any provision of this chapter.

248

249 **5.08.090 Hours and Days of Operation.**

250 A. Premises licensed for the sales, service and consumption of marijuana shall be  
251 closed between the hours of 9:00 p.m. and 11:00 a.m., seven days per week.

252 B. A person may not sell, offer for sale, give, furnish, deliver or consume marijuana  
253 on premises licensed under **Code ???** during the hours of closure set forth in this  
254 section.

255 C. A licensee, an agent, or employee may not permit a person to consume  
256 marijuana on the licensed premises between the hours of closure set forth in this  
257 section.

258 **5.08.100 Obligation to Enforce Restrictions within Licensed Premises.**

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

261 **5.08.110 Marijuana Handler Permit**

262 A. Pursuant to 3 AAC 306.700 A and D, a marijuana establishment and each licensee,  
263 employee, or agent of the marijuana establishment who sells, cultivates, manufactures,  
264 tests, or transports marijuana or a marijuana product, or who checks the identification of a  
265 consumer or visitor, must obtain a marijuana handler permit from the board before being  
266 licensed or beginning employment at a marijuana establishment.

267 B. A licensee, employee, or agent of a marijuana establishment shall keep the marijuana  
268 handler permit card in that person's immediate possession or a valid copy on file on the  
269 premises at times when on the licensed premises of the marijuana establishment.

270 C. Pursuant to 3 AAC 306.530. a marijuana product manufacturing facility, including a  
271 marijuana concentrate manufacturing facility, shall ensure that each licensee,  
272 employee, or agent who is required or permitted to be physically present on the  
273 licensed premises at any time:

274 (1) obtains a marijuana handler permit as provided in 3 AAC 306.700 before being  
275 present or employed at the marijuana product manufacturing facility's licensed  
276 premises; and

277 (2) has the marijuana handler permit card in the person's immediate possession, or a  
278 valid copy on file on the premises, at all times while on the marijuana product  
279 manufacturing facility's licensed premises.

280

281 **5.08.120 Operation of Licensed Premises.**

282 A. Except as otherwise provided in this section, the operations procedures set forth  
283 in subsection B of this section shall apply to all persons seeking the issuance,  
284 renewal or transfer of any license issued by the Board by virtue of **AS ???** and  
285 other applicable provisions of law allowing the sale or service of marijuana.  
286 **Subsections ???** of this section shall not apply to persons seeking the

287 issuance, transfer or renewal of licenses issued under **AS ???** which do not  
288 authorize the sale or service of marijuana for consumption on the premises  
289 licensed.

290 B. Persons seeking the issuance, transfer or renewal of licenses issued by the Board  
291 under AS Title ??? and other applicable provisions of law shall comply with the  
292 following operations procedures:

293 1. *Public Transportation.* Licensees shall make available to their patrons access  
294 to means of public transportation ~~to~~ or permit patrons to make arrangements  
295 for transportation off the premises.

296 2. *Notice of Penalties.* Operators shall place, at conspicuous locations within  
297 licensed premises, a clear and legible sign describing applicable penalties for  
298 driving under the influence, and for service or sale of marijuana to minors or  
299 intoxicated persons.

300 3. *Compliance Determination.* In order to determine whether applicants seeking  
301 the issuance, renewal or transfer of marijuana licenses have complied with  
302 the provisions of this chapter, applicants shall, at the request of the City,  
303 submit to the city manager (or their designee) an marijuana licensee  
304 compliance form. Upon request, operators shall also provide the city manager  
305 with certificates from all current employees demonstrating that those  
306 employees have successfully completed a marijuana awareness training  
307 program such as the program for techniques in marijuana management as  
308 approved by the Board.

309 4. *Warning Signs for impoundment and Forfeiture of Vehicles Seized Pursuant to*  
310 *an Arrest for or Charge of Driving Under the Influence or Refusal to Submit to*  
311 *Chemical Tests.* Upon adoption of a municipal code allowing for the forfeiture,  
312 operators shall display at conspicuous places in licensed premises two (2)  
313 signs warning that vehicles are seized in cases of driving under the influence  
314 or refusal to submit to chemical tests. One of these warning signs shall be at  
315 least eleven (11") inches by fourteen (14") inches in size, and must read, in  
316 lettering at least one-half (1/2") inch high and in contrasting colors or black  
317 and white, "DRIVE UNDER THE INFLUENCE—LOSE YOUR CAR." The sign  
318 described in the preceding sentence must carry a logo or illustration approved  
319 by the chief of police or their designee which shows an automobile being  
320 towed. The second warning sign shall be at least eleven (11") inches by  
321 fourteen (14") inches and must read, in letters at least one-quarter (1/4")  
322 inch high and in contrasting colors or black and white, "WARNING: IF YOU  
323 DRIVE UNDER THE INFLUENCE OR LET ANYONE DRIVE YOUR VEHICLE  
324 UNDER THE INFLUENCE, YOU WILL LOSE YOUR VEHICLE. The police SEIZE  
325 cars and trucks driven by intoxicated drivers. A vehicle will be IMPOUNDED  
326 for 30 days for the driver's first DUI offense. A vehicle will be FORFEITED if  
327 the driver has been convicted of DUI in the past ten (10) years."

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

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

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

355 D. *Security Personnel.*

356 Each premises licensed for consumption, shall employ at least one (1) person  
357 who shall be on duty during open business hours. This person shall not be the  
358 budtender on duty, and shall be on duty for the express purpose of maintaining  
359 order within the establishment and assuring compliance, by the clientele, with  
360 the provisions of this chapter.

361 E. *Video surveillance.*

- 362 1. Pursuant to 3 AAC 306.720., a marijuana establishment shall install and maintain a video  
363 surveillance and camera recording system as provided in this section. The video system must cover  
364 (a) each restricted access area and each entrance to a restricted access area within the licensed  
365 premises;  
366 (b) each entrance to the exterior of the licensed premises; and  
367 (c) each point-of-sale area.
- 368 2. At a marijuana establishment, a required video camera must be placed in a way that produces a  
369 clear view adequate to identify any individual inside the licensed premises, or within 20 feet of each  
370 entrance to the licensed premises. Both the interior and the exterior of each entrance to the facility  
371 must be recorded by a video camera.
- 372 3. Any area where marijuana is grown, cured, or manufactured, or where marijuana

373 waste is destroyed, must have a camera placement in the room facing the primary entry door, and in  
374 adequate fixed positions, at a height that will provide a clear, unobstructed view of the regular  
375 activity without a sight blockage from lighting hoods, fixtures, or other equipment, in order to allow  
376 for the clear and certain identification of any person and activity in the area at all times.

377 4. Surveillance recording equipment and video surveillance records must be housed in a locked and  
378 secure area or in a lock box, cabinet, closet or other secure area that is accessible only to a marijuana  
379 establishment licensee or authorized employee, and to law enforcement personnel including a peace  
380 officer or an agent of the board. A marijuana establishment may use an offsite monitoring service and  
381 offsite storage of video surveillance records if security requirements at the offsite facility are at least  
382 as strict as onsite security requirements as described in this section.

383 5. Each surveillance recording must be preserved for a minimum of 40 days, in a format that can be  
384 easily accessed for viewing. All recorded images must clearly and accurately display the time and  
385 date, and must be archived in a format that does not permit alteration of the recorded image, so that  
386 the images can readily be authenticated. After 40 days, a marijuana establishment may erase video  
387 recordings, unless the licensee knows or should know of any pending criminal, civil, or  
388 administrative investigation for which the video recording may contain relevant information.  
389

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

393 G. *Age Limit Signs to be exhibited.* All licensees shall cause to remain displayed upon  
394 the premises and in the entrance to the premises of their establishments a conspicuous  
395 sign in a prominent place visible from outside the establishment, which shall in  
396 substance state: "No person under the age of 21 years permitted. Any such person will  
397 be prosecuted to the full extent of the law."  
398

#### 399 **5.08.130 Sale to Intoxicated Persons.**

- 400 A. A licensee, his agent or employee may not knowingly or negligently:
- 401 1. Sell, give or barter marijuana to an intoxicated person;
  - 402 2. Allow another person to sell, give or barter marijuana to an intoxicated  
403 person within the licensed premises;
  - 404 3. Allow an intoxicated person to enter and remain within the licensed  
405 premises or to consume marijuana within the licensed premises; or
  - 406 4. Permit an intoxicated person to sell or serve marijuana.
- 407

#### 408 **5.08.140 Eviction of Patrons.**

409 The licensee and employees of the licensee are expressly permitted to evict any person  
410 suspected of being under the age of twenty-one (21) or intoxicated and failure of such  
411 person to leave after oral request is unlawful and an offense on the part of that person.  
412

#### 413 **5.08.150 Open Container.**

414 A. It shall be unlawful to consume, an open container of marijuana on the public  
415 streets, sidewalks, alleys, parks, or other public places throughout the city. Open

416 container of consumable marijuana may be carried in a vehicle in a locked truck or  
417 other secured location inaccessible to the driver and passengers within the vehicle  
418 B. Open containers are permitted on private residential property, with the consent of  
419 the owner or legal occupant of the property. *(Note: see 17.38.020 for Patty*  
420 *review)*

421 **5.08.160 Transportation of Marijuana.**

422 A. **Pursuant to 3 AAC 306.310(a)(5)**, a licensed, retail marijuana store may only sell  
423 marijuana or marijuana product to a consumer who is physically present on the licensed  
424 premises.

425 B. The transportation of marijuana by common carrier or commercial carrier within the  
426 City of Bethel to a residential home or non-licensed marijuana facility is strictly  
427 prohibited.

428 **5.08.170 Inspection of premises.**

429  
430 **(3 AAC 306.725)**  
431 **A. A marijuana establishment or an applicant for a marijuana establishment**  
432 **license under this section shall, upon request, make the licensed premises**  
433 **or the proposed licensed premises, including any place for storage,**  
434 **available for inspection by the City, an employee or agent of the City, or**  
435 **an officer charged with the enforcement of this chapter. The City may also**  
436 **request a local fire protection agency or any other state agency with**  
437 **health and safety responsibilities to inspect licensed premises or proposed**  
438 **licensed premises.**

- 439 **1. Inspection under this section includes inspection of the premises,**  
440 **facilities, qualifications of personnel, methods of operation,**  
441 **business and financial records, marijuana inventory tracking**  
442 **system, policies, and purposes of any marijuana establishment and**  
443 **of any applicant for a marijuana establishment license.**  
444 **2. The cost for inspections shall be borne by the applicant or**  
445 **licensed establishment.**

446  
447 B. The premises of licensees authorized to sell or distribute marijuana shall be easily  
448 accessible for inspection by police officers during all regular hours of the transaction of  
449 business upon the premises, and at any other time with reasonable notice by the officer.

450  
451 The police department may inspect any premises with a marijuana license for  
452 with conditions on the license. Upon discovering a violation of such conditions, the  
453 police department shall submit a written report of the violation to the city clerk for  
454 by the city council and provide a copy thereof to the licensee.

455  
456 D. If at any time there appears to be a readily identifiable pattern or practice of  
457 recurring violent acts or unlawful conduct in a licensed premise, the City may send  
458 notice of possible protest to the licensee that he or she must submit and implement a  
459 plan for remedial action or be in jeopardy that a protest will be filed to any renewal,  
460 transfer of location or transfer of ownership sought by the licensee.

- 461 E. Upon receiving a report of conditions violation, the city council may:
- 462 1. Revoke the premise's conditional use permit;
  - 463 2. Protest the issuance, renewal, transfer, relocation or continued operation of
  - 464 the license;
  - 465 3. Recommend imposition of conditions on the state marijuana license pursuant
  - 466 to AS 04.11.480(c); or
  - 467 4. Notify the Board that a licensee has violated conditions and request that an
  - 468 accusation pursuant to AS 04.11.370 be brought against the licensee.
  - 469

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

473

#### 474 **5.08.180 Access for Enforcement.**

- 475 A. The public entrance of licensed marijuana establishments shall be open and
- 476 unlocked before and after the closing hour of such establishment if there are any
- 477 patrons in the establishment.
- 478 B. Licensees of licensed marijuana establishments, their employees and all patrons
- 479 in such establishments shall permit and aid the entry of any law enforcement
- 480 officer during all hours of operation and at any other time when there are two or
- 481 more persons in such licensed marijuana establishment.
- 482 C. Lack of knowledge, lack of intent and absence from the premises shall not be
- 483 defenses to any action brought under this section against any such employee in
- 484 charge of such establishment or such licensee.
- 485 D. Licensees shall provide the Police Chief with their current hours of operation. Any
- 486 changes to the hours of operation shall be communicated, in writing, to the
- 487 Police Chief, at least three (3) business days prior to the change being
- 488 implemented.

489

#### 490 **5.08.190 Limitation on Type and Number of Marijuana**

##### 491 **Operations allowed**

- 492 **A. Four (4) Cultivation operations**
- 493 **B. Four (4) Manufacturing operations**
- 494 **C. Four (4) Retail shops**
- 495 **D. Two (2) Consumable establishments**

496

#### 497 **5.08.200 Advertising**

- 498 **A. A retail marijuana establishment shall not advertize the sale of marijuana**
- 499 **or marijuana products either electronically or in the print media.**

500  
 501  
 502  
 503  
 504  
 505  
 506  
 507  
 508  
 509  
 510  
 511  
 512

**5.08.210 Water Supply for Grow Operations**

**A. As there is big demand for water in marijuana cultivation, the burden of water transport to the site shall be borne by the grower.**

**5.08.220 Marijuana Offenses.**

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

**5.08.230 Penalties.**

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
Premises Open during non-permissible hours	5.08.090 A & B	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
Premises Open during on non-permissible days	5.08.090 A & B	No	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Selling, Offering for Sale, Giving, Furnishing, Delivering or Consuming marijuana on Premises during hours of Closure	5.08.090C	No	\$300
Allowing person to consume marijuana on premises during hours of closure	5.08.090C	No	\$300
Allowing consumption on premises in violation of license	5.08.100	No	\$500
Selling or dispensing marijuana prior to successful completion of a marijuana handler permit training program	5.08.110A	Yes	\$1,000
Allowing employee to sell or dispense marijuana prior to their successful completion of a marijuana handler permit training program	5.08.110A	Yes	\$1,000

Failure to show proof of successful completion of a marijuana handler permit training program	5.08.110B	Correctable	\$300
Failure to provide access to means of public transportation to patrons or to arrange for transportation off premises	5.08.120B1	No	<u>\$500</u>
Failure to properly post signs describing penalties for driving under the influence, sale or service to minors, or intoxicated persons	5.08.120B2	No	\$250
Failure to submit a marijuana compliance form upon request	5.08.120B3	No	\$300
<b>Failure to post warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal</b>	5.08.120B4	No	<b>\$250</b>
<b>Improper sized warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal</b>	5.08.120B4	No	<b>\$150</b>
Failure to check identification of purchaser	5.08.120C	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Acceptance of non-conforming identification for purchase of marijuana	5.08.120C	Yes	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
Failure to install or maintain security equipment	5.08.120E	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Interior camera not positioned to capture sales transactions	5.08.120E	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Failure to clear premises after closing	5.08.120F	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
Failing to post age limit signs	5.08.120G	No	\$300

<b>Violation of Happy Hour rule</b>	<b>Where ref'd in code???</b>	<b>???</b>	<b>???</b>
Sale of marijuana improperly obtained	5.08.120	Yes	\$700
Sale of marijuana to an intoxicated person	5.08.130	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Providing marijuana to an intoxicated person	5.08.130A1&2	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Allowing an intoxicated person to enter and remain within licensed premises	5.08.130A3	Yes	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
Permitting intoxicated person to consume marijuana within a licensed premise	5.08.130A3	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Permitting an intoxicated person to sell or serve an marijuana	5.08.130A4	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Carrying, transporting or possessing an open container in public	5.08.150	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
Transportation of marijuana by common carrier <b>for resale</b>	5.08.160	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Transportation of marijuana by commercial carrier <b>for resale</b>	5.08.160	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Failure to make premises easily accessible for inspection by police officers	5.08.180	Yes	\$700
Failing to maintain premises unlocked while patrons are on premises	5.08.180A	Yes	\$1,000
Failure to permit or aid the entry of law enforcement during hours of operation	5.08.180B	Yes	\$700

Failure to permit or aid the entry of law enforcement any time there are two (2) or more persons on the premises	5.08.180B	Yes	\$700
<b>Violation of electronic or print media advertising</b>	5.08.200		

513  
514  
515  
516  
517

*\*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*