



# City of Bethel Police Dept.

PO Box 809  
Bethel, AK 99559  
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**PUBLIC NOTICE**  
**REGULAR MEETING OF THE**  
**PUBLIC SAFETY & TRANSPORTATION COMMISSION**  
**Tuesday, December 1st, 2015 -7:00 p.m.**  
**300 STATE HIGHWAY – CITY COUNCIL CHAMBERS**  
**AGENDA**

**Members**

Joan Dewey  
*Chair*

Vacant  
*Vice Chair*

Chuck Herman  
*Council Representative*

Naim Sabani

Deborah White

Eileen Henrikson

Julene Webber

**Ex-Officio Members**

Andre Achee  
*Chief of Police*

William Howell III  
*Fire Chief*

Christina Him  
*Recorder*

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF November 3rd, 2015
- VI. SPECIAL ITEM OF BUSINESS
  - A. Nominations for Vice Chair
- VII. CHIEFS' COMMENTS
  - Fire Chief
  - Police Chief
- VIII. TRANSPORTATION INSPECTOR'S REPORT
- IX. COUNCIL REPRESENTATIVE'S COMMENTS
- X. UNFINISHED BUSINESS
  - A. Drug Screening Policy for Chauffeurs (Commission Member Sabani)
  - B. Formal Recommendations/clarification for disapproval of Ordinance #15-19, 15-20, 15-21 (Council Member Herman)
  - C. Curfew Policy (Council Member Herman)
  - D. Formal Recommendation of Ordinance #15-31, Amending Operation of Low Speed Vehicles (Council Recommendations)
  - E. C. Ordinance #15-32, Repealing and Replacing BMC 5.08, Alcoholic Beverages (Council Recommendations)
- XI. NEW BUSINESS
  - A. Police Department Staffing Levels
  - B. Fire Department Staffing in Anticipation for Increased Calls for Service due to Liquor Sales
- XII. COMMISSION MEMBER'S COMMENTS
- XIII. ADJOURNMENT

Christina Him, Recorder

POSTED on November 25th, 2015  
POST OFFICE, AC QUICKSTOP, CORINA'S CASE LOT, CITY HALL, & POLICE DEPT.

*"Deep Sea Port and Transportation Center of the Kuskokwim"*

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# City of Bethel, Alaska

## Public Safety & Transportation Commission

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November 3<sup>rd</sup>, 2015

Regular Meeting

Bethel, Alaska

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### I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on November 3rd, 2015 in the Bethel City Hall Council Chambers.

This meeting was called to order at 7:00PM

### II. ROLL CALL

Present: Joan Dewey *Chair*  
 Naim Sabani  
 Eileen Henrickson  
 Julene Webber

Absent: Chuck Herman *Council Representative*  
 Bill Howell *Fire Chief*  
 Deborah White

Ex-Officio Present: Andre Achee *Chief of Police*  
 Christina Him *Recorder and Transportation Inspector Designee*

### III. PEOPLE TO BE HEARD

None

### IV. APPROVAL OF AGENDA

<b>MOVED:</b>	Sabani	Motion to approve the agenda.
<b>SECONDED:</b>	Henrickson	
<b>VOTE ON MAIN MOTION</b>	All in favor.	

### V. APPROVAL OF MINUTES

<b>MOVED:</b>	Sabani	Motion to approve the minutes from the regular meeting of October 5 <sup>th</sup> , 2015.
<b>SECONDED:</b>	Webber	
<b>VOTE ON MAIN MOTION</b>	All in favor.	

## **VI. SPECIAL ITEM OF BUSINESS**

### **A. Resignation of Vice Chair, Alisha Welch**

*Resignation of Vice Chair Alisha Welch, due to being elected to City Council.  
Resignation accepted by PSTC.*

## **VII. CHIEFS' COMMENTS**

*Chief Andre Achee – Fire Chief Howell is busy with the Kilbuck, KLA School Fire. At this time, there is an open investigation of the fire; there are no obvious signs of anything; that is for the experts to determine. I stopped by the scene and there have been great community support from members of the public. This was also the first time I've ever seen, the DOT's (Department of Transportation) fire truck assisting with the fire.*

*This week, Bethel is hosting a Sexual Assault Response Training. This is being hosted regionally, and troopers from around the state and locally, as well as many officers from the Bethel Police Department are attending. The training covers a variety of different disciplines including the medical aspect, counselor aspect and law enforcement aspects. The training is being held in the Cultural Center.*

*The City of Bethel is also hosting a first line, two-day supervisor/leadership training course. Christina Him and our Dispatch Supervisor, Natalie Hayes is attending it, in addition to about 15 supervisors from the City attending. There are about 25 City employees attending this training course.*

*Dispatch is at full staff and our last dispatcher that was in field training just got off training last week. We have 4 independent dispatchers and a dispatch supervisor, which is nice because it has been at least 6-9 months that we were not at full staff in dispatch.*

*Our grant funded position, CSP (Community Service Patrol) is at full staff. We still have a vacancy for the CSO Animal Control Officer position – there are contractual issues dealing with the collective bargaining agreement. Our CSO program was developed as a recruitment pool to develop local talents for prospective officers to work their way up.*

*We are below half staff in patrol. Lieutenant Joe Corbett tendered his resignation and accepted a job at a correctional center. We are busy trying to recruit, and we have interviewed people, however there is an issue –cost of living, and trying to compete with other positions offered in Bethel. There are good applicants that qualify, however we do not have the budget for them. State positions starting salary begins at a higher rate than a starting officer and the State also has a great benefits package. The Average officer is working about 84 hours a week; however our officers are working 120 hours a pay period due to staff shortage and are getting burned out. If we were at full staff, it would be different, however we maintain minimum staffing especially at night time, where we have to have at least 2 officers on because of the safety aspect. There has been a lot of difficulty in recruitment and retaining; switching over from an urban to a more rural road system, as well as social Media portraying only the negative aspects, which unfortunately is all that people see.*

*With recruitment, we have a set of standard procedures that include full backgrounds, polygraphs and psychological tests. This is a standard for most law enforcement agencies. We had an option of a one week-on, two week-off program, and we tried to push for it, however we were told that this was not possible due to something administratively or some matter pertaining to PERS or retirement. The Kotzebue Police Department had the same issues that we are*

currently having, but ever since they implemented the two week-on two week-off schedule, they never had a problem with recruitment. The biggest concern for me with the two week-on, two week-off is that those officers may not become a part of the community.

It is hard to compete with other agencies that have a road system and better benefits packages. Another concern is trying to retain the experienced bodies here. Police Officer salaries starts about a little over \$40K annually, where as a Correctional Officer starts at about \$31/hour; unfortunately we are unable to compete with that salary. Another issue is the City's V&E (Vehicles and Equipment) department not having enough personnel to maintain our fleet, which makes it difficult for us.

The majority of our officers are looking for jobs elsewhere right now. There was debate about a two-on, two-off schedule to help recruit and retain officers, however we were told that we could not do it, but the State is able to do it.

Housing is another factor in recruitment, most state jobs included housing in their packages, however the Public Safety Housing will be available this month and there is an open invitation to Public Safety.

This week is our APSIN (Alaska Public Safety Information Network) audit. APSIN is equivalent to NCIC (National Crime Information Center), and our dispatch supervisor, Natalie Hayes is doing great by getting her statistics done and making sure we are in compliance with the state standards. We can further discuss the recruitment for vacant police positions at the next PSTC meeting under new business, once we get more statistics and figures, including how much overtime have been expended out of our budget, to address this issue.

## **VIII. TRANSPORTATION INSPECTOR REPORT**

*See Report in Commission Packet*

## **IX. COUNCIL MEMBER'S COMMENTS**

Council Member Herman – *Absent.*

## **X. UNFINISHED BUSINESS**

### **A. Drug Screening Policy for Chauffeurs** *(Commission Member Sabani)*

*Discussed, no action taken, will continue discussion at the next scheduled PSTC Meeting.*

### **B. Formal Recommendations/Clarification for disapproval of Ordinance #15-19, 15-20, 15-21** *(Council Member Herman)*

*Discussed, no action taken, requesting City Attorney Patty Burley's and Council Member Herman's presence at the next scheduled meeting to discuss this more thoroughly.*

### **C. Curfew Policy** *(Council Member Herman)*

*Discussed, no action taken, requesting City Attorney Patty Burley's and Council Member Herman's presence at the next scheduled meeting to discuss this more thoroughly.*

**D. Ordinance #15-31 Amending Operation of Low Speed Vehicles**

Discussed, no action taken, postpone discussion to the next scheduled PSTC meeting to consult with City Attorney, Patty Burley.

**E. Ordinance #15-32 Repealing and Replacing BMC 5.08, Alcoholic Beverages**

*Discussed, no action taken.*

**XI. NEW BUSINESS**

**A. Ordinance #15-28: Complete Streets**

<b>MOVED:</b>	Sabani	Motion to pass Ordinance #15-28 Complete Streets.
<b>SECONDED:</b>	Henrickson	
<b>VOTE ON MAIN MOTION</b>	All in favor.	

**XII. COMMISSION MEMBER COMMENTS**

Joan Dewey – *Today reminded me of just how important each day is and being grateful for a lot of good people in this town who rallied when we had an emergency, pretty impressive. Also, welcome to our new members as well, it is wonderful to have the energy and our old members for being here.*

Naim Sabani - *Good job to the police department with everything they are going through and hopefully we can resolve their issues.*

Julene Webber – *Thank you and I look forward to serving this community.*

Eileen Henrickson – *Thank you, it’s very interesting so far. Nice to see how some things work that you are not always familiar with.*

Chief Andre Achee – *The one thing about small communities is that everyone comes together, I was just so surprised seeing all the people down there and people dropping off food. Thank you for joining the commission and volunteering for it. Kudos to the fire department, their total staffing is 5, they get their business done by their volunteer firefighters and EMTs; and those are your neighbors, they did a phenomenal job today.*

**XIII. ADJOURNMENT**

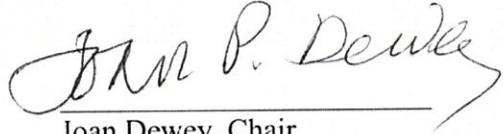
<b>MOVED:</b>	Webber	Motion to adjourn.
<b>SECONDED:</b>	Sabani	
<b>VOTE ON MAIN MOTION</b>	All in favor.	

*Meeting adjourned at 8:32pm*

APPROVED THIS 1<sup>st</sup> DAY OF December, 2015.



Christina Him, Recorder



Joan Dewey, Chair

CITY OF BETHEL  
**POLICE DEPARTMENT**



TRANSPORTATION INSPECTOR REPORT: NOVEMBER 2015

2015	November
New Chauffeurs	0
Chauffeur Renewals	12
Chauffeur Transfers	1
Vehicle Permit Renewals	14
Vehicle Transfers	2
Inspections	22
Revocations	2
Temporary Permits	0

- Qu yana Cab had their semi-annual inspections during the month of November, all 16 cabs were inspected and were satisfactory with no major issues. All of Qu yana Cab’s permit numbers were also changed to match their vehicle numbers.
- There were a total of 22 inspections this month, 5 were randomly conducted inspections, however there was an additional 8 incidences where an officer pulled over various cabs for various reasons, all of which were followed up on if necessary (i.e. equipment issues).
- Two chauffeur’s permits were revoked for the month of November. One was Taxi Cab’s driver, Won Lee and the other was Kusko Cab’s Stuart Olr un. Both revocations were due to each individual being convicted of an offense set forth in BMC 5.40.030. Per BMC 5.20.110: *The transportation inspector shall have the power to suspend or revoke a chauffeur’s license if a chauffeur is convicted by a court of competent jurisdiction of an offense set forth in BMC 5.40.030.* Mr. Lee pled no contest in which he was either a principle or an accomplice in the sale, offered for sale or barter, trafficked in, or bartered an alcoholic beverage without a license or permit and violated BMC 5.40.080(A). Mr. Olr un was convicted of Assault in the 4<sup>th</sup> degree which is a violation of BMC 5.40.030(D), which states that the applicant had not had a felony or misdemeanor conviction entered by a court of competent jurisdiction within five years of the date of application for: any felony or misdemeanor which includes as an element the use of threat of force upon a person.
- There were 3 complaints made this month, one for a cab refusing service and the other 2 were driving complaints. All complaints are followed up and/or officers were advised of it.
- There will be no scheduled semi-annual inspections for the month of December, semi-annual inspections to resume January of next year.

Introduced by: Council Member Springer  
Date: July 28, 2015  
Referred to Public Safety and  
Transportation Commission for a 90  
day review period.  
Public Hearing:  
Action:  
Vote:

## *CITY OF BETHEL, ALASKA*

### **Ordinance #15-19**

#### **AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE CHAPTER 5.40.070, CHAUFFEURS, ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES AND REPEALING 5.40.080, CHAUFFEURS, CARRYING ALCOHOLIC BEVERAGES**

**NOW, THEREFORE BE IT ORDAINED**, that the City of Bethel authorizes a change to the Bethel Municipal Code as described herein.

**SECTION 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the Bethel Municipal Code.

**SECTION 2. Amendment.** The Bethel Municipal Code is to be amended as follows (new language is underlined and old language is stricken).

#### **Chapter 5.40 CHAUFFEURS**

##### Sections:

- 5.40.010 Chauffeur's license required.
- 5.40.020 Chauffeur application for license.
- 5.40.030 Issuance of chauffeur's license.
- 5.40.040 Posting of chauffeur's license.
- 5.40.050 Maximum number of hours per day.
- 5.40.060 Duty to serve public.
- 5.40.070 Alcoholic beverages and controlled substances.
- ~~5.40.080 Carrying alcoholic beverages.~~
- 5.40.090 Charter of taxicab.
- 5.40.100 Fares and receipts.
- 5.40.110 Two-way radio prohibited.
- 5.40.120 Handheld device use prohibited.
- 5.40.130 Requirement of check-in and check-out.

##### **5.40.010 Chauffeur's license required.**

Introduced by: Council Member Springer  
Date: July 28, 2015  
Referred to Public Safety and  
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day review period.  
Public Hearing:  
Action:  
Vote:

No person may operate a river taxi, taxicab, limousine or bus within the city without having in their possession a valid chauffeur's license.

**5.40.020 Chauffeur application for license.**

- A. An application for a chauffeur's license shall be made to the transportation inspector.
- B. An application shall be submitted on a form approved by the transportation inspector and shall be accompanied by:
1. The fee specified in BMC 5.20.160;
  2. Photographs to be taken by the transportation inspector;
  3. A complete set of fingerprints made by the Bethel police department or the transportation inspector on an FBI-approved form;
  4. A certificate from a physician licensed in the state to perform such testing, verifying the applicant's physical ability to drive, and proof of a negative drug test from a city-approved drug and alcohol testing facility;
  5. Proof that the applicant currently holds a valid state driver's license which entitles him or her to operate a vehicle by which persons are transported for compensation and has held a valid driver's license in Alaska or another state in the United States for at least one (1) year before the date of the application;
  6. Proof that the applicant is at least eighteen (18) years old; and
  7. Proof that the applicant has complied with subsections C and D of this section.
- C. Except as provided in subsection D of this section, an application shall not be complete until the applicant has passed an examination administered by the transportation inspector or his or her designee that tests the applicant's knowledge of safe driving, safe vehicle maintenance, knowledge of the city streets and significant locations, driver personal safety, drug and alcohol testing requirements, and any other subjects the commission finds to be in the public interest of ensuring safe and responsible public transportation. The examination shall consist of two (2) portions. One (1) portion shall be written test and the

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other portion shall be driving test. An applicant shall first (1st) take the written portion of the examination. If the applicant fails the written portion of the examination, he or she may not take the driving portion of the test. If the applicant fails either portion of the examination in any combination three (3) times in any one (1) calendar year, the applicant may not reapply for a chauffeur's license for one (1) year from the date of the third (3rd) failure.

- D. Each licensed chauffeur shall provide the transportation inspector with a current driving record every six (6) months from the date of issue or renewal. Any licensed chauffeur accumulating six (6) or more points against their driver's license shall be required to successfully pass both the written and driving examination administered by the transportation inspector as outlined in subsection C of this section.
- E. Applicants for a chauffeur's license must show proof of a successful passage of the written and driving portions of the examination required in subsections C and D of the section and proof of payment of any fees required in Chapters 5.20 through 5.50 BMC.
- F. Any person who has been denied a license pursuant to this chapter may not apply again for such a license for a period of one (1) year.

**5.40.030 Issuance of chauffeur's license.**

The transportation inspector shall issue a chauffeur's license to an applicant only if:

- A. The applicant has submitted a complete application as prescribed in BMC 5.40.020, and is certified as required in BMC 5.20.150;
- B. The applicant has not had a conviction entered by a court of competent jurisdiction within twelve (12) months of the date of his or her application for:
  - 1. A moving traffic violation which subjected the applicant's driver's license to suspension or revocation pursuant to AS 28.15.221 through 28.15.261, or a similar law of another jurisdiction;
  - 2. Reckless driving;
  - 3. Driving while license suspended or revoked;

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4. Driving while under the influence of intoxicating liquor; depressant, hallucinogenic, stimulant or narcotic drugs, or any controlled substance as defined in AS 28.35.030 or any similar law of another jurisdiction;
- C. The applicant has not had his or her driver's license suspended or revoked within one (1) year prior to the application date;
- D. The applicant has not had a felony or misdemeanor conviction entered by a court of competent jurisdiction within five (5) years of the date of application for:
1. Assignment, prostitution, solicitation for the purpose of prostitution, offering to secure another for the purpose of prostitution, maintaining a vehicle for the purpose of prostitution or accepting money from a prostitute for any of the aforementioned purposes;
  2. Sale, transportation, possession or use of any controlled substance as defined in AS 11.71 or any similar law of another jurisdiction; or a violation of AS 04 or a similar law of another jurisdiction, or engaging in an act prohibited under AS 04.11, 04.16 or 04.17;
  3. Any felony or misdemeanor which includes as an element the use or threat of force upon a person;
  4. Burglary, larceny, fraud, theft or embezzlement; or
  5. Any sexual abuse or sexual exploitation offense; and
- E. Each representation made in the application is correct. Any false or misleading statement or misrepresentation as to a material matter in an application shall be grounds for denial of the application or revocation of the license.

**5.40.040 Posting of chauffeur's license.**

The chauffeur's license for the operator of a taxicab, river taxi, limousine or bus shall be posted in the interior of the taxicab, river taxi, limousine or bus in the manner designated by the transportation inspector. No person may operate a taxicab, river taxi, limousine or bus for hire unless his chauffeur's license is so posted.

**5.40.050 Maximum number of hours per day.**

Introduced by: Council Member Springer  
Date: July 28, 2015  
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No chauffeur may operate a taxicab, river taxi, limousine or bus in excess of twelve (12) consecutive hours. No chauffeur may engage in total gainful employment, whether chauffeuring or otherwise, for more than sixteen (16) hours in any twenty-four- (24-) hour period if the chauffeur has actually performed any chauffeuring in that twenty-four- (24-) hour period.

**5.40.060 Duty to serve public.**

- A. Chauffeurs of limousines shall be exempt from subsections A and B of this section. A chauffeur subject to this chapter shall not refuse to transport any passenger unless:
1. The chauffeur has already been dispatched to another call;
  2. The passenger is acting in a disorderly or threatening manner, or otherwise causes the chauffeur to reasonably believe that his or her health or safety, or that of others, may be endangered;
  3. The passenger, upon request, does not show an ability to pay the estimated fare or any applicable flat or group rate; or
  4. The passenger refuses to refrain from smoking.
- B. The chauffeur shall immediately notify the dispatcher of any incident of service refusal.
- C. A chauffeur shall inspect his or her regulated vehicle at the beginning and during his or her shift ensuring the vehicle is in a safe operating condition and clean inside and outside. Any mechanical or safety deficiencies noted shall be immediately reported to the vehicle owner. A record of this notification and deficiency will be noted on the applicable trip sheet. The vehicle owner shall take action to immediately correct safety deficiencies. Nonsafety deficiencies shall be corrected within seventy-two (72) hours of notification. Failure of the chauffeur to report a safety or mechanical deficiency may result in a citation.

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D. It is unlawful for any chauffeur or passenger in a regulated vehicle to smoke any cigar, pipe, or cigarette or to burn tobacco or any other material in such vehicles at any time, regardless of whether or not passengers are riding in the vehicle.

**5.40.070 Alcoholic beverages and controlled substances.**

A. No chauffeur may drink alcoholic beverages or be under the influence of a depressant, hallucinogenic, stimulant or narcotic drug, or any controlled substance as defined by AS 28.35.030, while on duty or for eight (8) hours prior to operating a regulated vehicle.

B. No chauffeur may operate a regulated vehicle when there is an open container of alcoholic beverage in the passenger compartment of the vehicle, except as provided in this section.

1. A chauffeur may transport an open container of alcoholic beverage when the container is:

- a) In the trunk of the regulated vehicle;
- b) Behind the last upright seat in a trunkless regulated vehicle, if the open container is enclosed within another container;
- c) Behind a solid partition that separates the chauffeur from the area normally occupied by passengers.

2. If alcohol is transported in a regulated vehicle the transport shall be for a passenger riding with the alcoholic beverages and must accompany a receipt.

For purposes of this subsection:

- a) "Open" means that the seal around the lid, cap or cork of the container has been broken, or that the lid, cap or cork has been removed, but does not include, when repackaged or resealed in accordance with state law: (i) beer repackaged by a licensee under 3 AAC 304.365; or (ii) a resealed or recorked wine bottle.
- b) "Passenger compartment" means the area normally occupied by the chauffeur and passengers and includes a utility or glove compartment accessible to the chauffeur or a passenger while the vehicle is being operated.

C. No chauffeur may purchase, or solicit the purchase of an alcoholic beverage for another person in connection with performance of duties as a chauffeur.

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D. Any Chauffeur convicted of a violation of BMC 5.40.070 shall have their chauffeur license and/or vehicle permit revoked permanently.

E. Any dispatch company having four or more chauffeurs convicted of a violation of BMC 5.40.070 shall have their dispatch permit revoked permanently.

**5.40.080 Carrying alcoholic beverages.**

- A. ~~No chauffeur may possess or knowingly allow another person to possess a container of alcoholic beverages in a taxicab except that a passenger may transport alcoholic beverages in the trunk or cargo area of a regulated vehicle.~~
- B. ~~No passenger may possess any container of alcoholic beverages inside the passenger compartment of a regulated vehicle.~~

***\*\*Renumbering of the following subsections will be taken care of by the City Clerk's Office.***

**5.40.090 Charter of taxicab.**

If a passenger requests direct service to his or her destination without picking up or dropping off other passengers, the chauffeur shall honor the passenger's request, and may charge the passenger no more than the applicable charter rate established by the commission for the trip.

**5.40.100 Fares and receipts.**

- A. No chauffeur may require payment of rates greater than those established by the commission pursuant to BMC 5.20.050.
- B. On request of any passenger paying a fare, a chauffeur shall provide a receipt indicating the fare received, the date, the permit number, the dispatch company, and the chauffeur's legibly printed name.

**5.40.110 Two-way radio prohibited.**

No chauffeur may possess in a taxicab or allow another to operate a scanner capable of monitoring a frequency used by a dispatch service other than that used by the taxicab's dispatch service.

**5.40.120 Handheld device use prohibited.**

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A. A chauffeur may not operate a regulated vehicle with a passenger for hire while using a handheld device, except licensed two- (2-) way radio for dispatch purposes, unless the chauffeur is using his or her handheld device to report illegal activity, summon medical or other emergency help, prevent injury to a person or property, or when parked.

B. A chauffeur operating a permitted vehicle with a passenger for hire, while holding a handheld device, is guilty of violating this section, and is subject to the penalties under BMC 5.20.120.

**5.40.130 Requirement of check-in and check-out.**

Each chauffeur of a taxicab must check in with the dispatch service engaged by the permittee when the chauffeur begins a work shift and check out when the chauffeur departs a work shift.

**SECTION 4. Effective Date.** This ordinance shall become effective upon passage by the City Council.

**ENACTED THIS \_\_\_ DAY OF \_\_\_\_\_ 2015, BY A VOTE OF \_\_\_ IN FAVOR AND \_\_\_ OPPOSED.**

\_\_\_\_\_  
Richard Robb, Mayor

ATTEST:

\_\_\_\_\_  
Lori Strickler, City Clerk

Introduced by: Council Member Springer  
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## *CITY OF BETHEL, ALASKA*

### **Ordinance #15-20**

#### **AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE CHAPTER 5.20.120 F, PENALTIES AND REMEDIES**

**NOW, THEREFORE BE IT ORDAINED**, that the City of Bethel authorizes a change to the Bethel Municipal Code as described herein.

**SECTION 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the Bethel Municipal Code.

**SECTION 2. Amendment.** The Bethel Municipal Code is to be amended as follows (new language is underlined and old language is stricken):

#### **Chapter 5.20**

#### **TRANSPORTATION INDUSTRY GENERAL PROVISIONS**

**Sections:**

- 5.20.010 Definitions.
- 5.20.020 Bethel public safety and transportation commission.
- 5.20.030 Bethel public safety and transportation commission – Powers and duties.
- 5.20.040 Bethel public safety and transportation commission – Regulations.
- 5.20.050 Bethel public safety and transportation commission – Rates.
- 5.20.055 Bethel public safety and transportation commission – Complaints.
- 5.20.060 Hearing officer.
- 5.20.070 Powers and duties of transportation inspector.
- 5.20.080 Vehicle inspections.
- 5.20.085 Drug and alcohol testing.
- 5.20.090 Enforcement authority.
- 5.20.100 Hearings – Appeals.
- 5.20.110 Denial, suspension, or revocation of license or permit.

Introduced by: Council Member Springer  
Date: July 28, 2015  
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- 5.20.120 Penalties and remedies.
- 5.20.130 Renewal of license or permit.
- 5.20.140 Duty to maintain current application.
- 5.20.150 Submission, review and certification of applications.
- 5.20.160 Fees.
- 5.20.170 Safety belts, child safety restraints, and vehicle air bags.

### **5.20.010 Definitions.**

When used in Chapters 5.20 through 5.50 BMC, unless the context requires otherwise:

- A. "Bus" means a regulated vehicle designated by its manufacturer as a bus used to transport passengers for hire and having a capacity of eight (8) or more passengers, except that any vehicle engaged exclusively in the transport by motor vehicle of students to and from school is not a "bus" for purposes of Chapters 5.20 through 5.50 BMC.
- B. "Chauffeur" means a person authorized by the transportation inspector through the issuance of a chauffeur's license to operate a vehicle regulated in accordance with Chapters 5.20 through 5.50 BMC.
- C. "Commission" means the Bethel public safety and transportation commission.
- D. "Dispatch service" means a business authorized pursuant to Chapter 5.50 BMC to engage in the dispatch of taxicabs or river taxis to persons desiring to hire them.
- E. "Interest" means any share in or right to a permit issued in accordance with Chapters 5.20 through 5.50 BMC.
- F. "Lease operator" means a person who has entered into an agreement with a taxicab permittee which allows that person to provide taxicab services pursuant to the permittee's authority under this code, only if such an arrangement is approved in advance by the transportation inspector, and only if such an arrangement is operated in accordance with conditions placed upon it by the transportation inspector.
- G. "Licensee" means a person authorized by the transportation inspector to operate a regulated vehicle while it is in service.
- H. "Limousine" means a regulated vehicle designated by its manufacturer as a limousine used to transport passengers for hire with a chauffeur over unfixed or undefined routes at rates greater than those charged for taxicabs and buses.

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Curbside and flag stop service are prohibited for limousine chauffeurs; all service must be prearranged.

- I. "Operate" means to drive, pick up, transport or discharge passengers.
- J. "Permit" means a written authorization issued by the transportation inspector allowing the operation of a vehicle regulated in accordance with Chapters 5.20 through 5.50 BMC. A permit to operate may be separate from ownership or lease of the vehicle or service operated. A permit to operate does not include a chauffeur's license. Such a permit is separate and distinct from a chauffeur's license.
- K. "Permittee" means a person authorized by the transportation inspector to put a regulated vehicle in service.
- L. "Rate" means every rate, toll, fare, rental charge or other form of compensation demanded, charged or collected by a permittee or chauffeur for its services.
- M. "Regulated vehicle" means any vehicle regulated by Chapters 5.20 through 5.50 BMC.
- N. "River taxi" means any motor vehicle used to transport passengers for hire on a river which operates within the city limits of the city of Bethel.
- O. "Taxicab" means a chauffeured motor vehicle used to transport passengers for hire having a manufacturer's rated seating capacity of nine (9) or fewer persons, which capacity includes the driver and which is not operated over fixed or defined routes.
- P. "Transfer" (with respect to an interest in a permit issued under Chapters 5.20 through 5.50 BMC) means to sell, lease, convey, give, exchange, or otherwise transfer an interest in a permit issued in accordance with Chapters 5.20 through 5.50 BMC to another person or entity, including but not limited to a transfer of interest through power of attorney.
- Q. "Transportation inspector" means the Bethel chief of police or his or her designee.

**5.20.020 Bethel public safety and transportation commission.**

The Bethel public safety and transportation commission is established in accordance with Chapter 2.25 BMC.

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**5.20.030 Bethel public safety and transportation commission – Powers and Duties.**

- A. In addition to the powers and duties enumerated in BMC 2.25.020, the commission shall have the powers and duties further enumerated in this section.
- B. The commission shall regulate all regulated vehicles, chauffeurs, and dispatch services in accordance with Chapters 5.20 through 5.50 BMC except for any regulated vehicles which the commission determines are subject to regulation in accordance with a taxicab regulation program established by Alaska or federal law. No motorized vehicle may be offered for hire to transport passengers in Bethel without being a regulated vehicle. The purpose of the provisions set forth in Chapters 5.20 through 5.50 BMC or regulations adopted by the commission shall be to protect the public's interest with respect to the price and quality of service provided by regulated vehicles.
- C. The commission shall hold at least two (2) public hearings annually to investigate the quality of services rendered by regulated vehicles, permittees, chauffeurs and dispatch services, and shall make such recommendations to the city council as it deems necessary for the improvement of such services.
- D. The commission or its designee may administer oaths, certify to all official acts, and issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in an inquiry, investigation, hearing or proceeding before the commission. The commission may petition a court of this state to enforce its subpoenas or other process.

**5.20.040 Bethel public safety and transportation commission – Regulations.**

The commission may promulgate regulations setting rates and/or other charges for service and minimum standards for service as well as any other regulations necessary to carrying out the provisions of Chapters 5.20 through 5.50 BMC. Such regulations shall be approved or rejected by the city council at or before the third (3rd) city council meeting following adoption of the regulations by the commission. If such regulations are not considered by the city council by the third (3rd) city council meeting following their adoption by the commission, they shall be deemed approved by the city council.

**5.20.050 Bethel public safety and transportation commission – Rates.**

- A. The commission:

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1. Shall establish maximum rates to be charged for taxicab and river taxi service and may establish minimum rates for such services;
  2. May establish dispatch service, limousine, or bus minimum and/or maximum rates;
  3. May establish maximum lease rates between permittees and lease operators of taxicabs, including daily lease rates for taxicab chauffeurs.
- B. All rates established by the commission shall be nondiscriminatory, just and reasonable.
- C. A statement of actual taxicab rates charged by a taxicab, other than flat or group rates established by contractual agreement between dispatch service companies and individuals or other businesses, shall be conspicuously posted on the interior and exterior of every taxicab in a manner prescribed by the transportation inspector.
- D. No person may require payment of rates other than those established by the commission pursuant to this section.
- E. No person may require payment of dispatch service rates other than those established by the commission pursuant to this section.

**5.20.055 Bethel public safety and transportation commission – Complaints.**

The commission, through the transportation inspector, shall:

- A. Establish a system for processing and adjudicating citizen complaints against chauffeurs of regulated vehicles or against the condition of a regulated vehicle and further establish a system to keep records of all such complaints. The record shall identify the chauffeur, permit number, and permittee of the vehicle involved in the complaint, as well as the name, address, and/or telephone number of the complainants if available. A complainant's identification may be held confidential by the commission upon request of the complainant(s). Absent additional evidence, an anonymous complaint does not constitute a sufficient basis for issuance of a civil or criminal citation or penalty.
- B. Require dispatch companies to establish a record of all complaints registered against chauffeurs of regulated vehicles, or against the condition of a regulated vehicle. The record shall identify the chauffeur, permit number and permittee of the vehicle involved in the complaint, as well as the name, address, and/or

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telephone number of the complainants if available. A complainant's identification may be withheld from the complaint log by the dispatch company and instead transmitted confidentially to the transportation inspector upon request of the complainant. Absent additional evidence, an anonymous complaint does not constitute a sufficient basis for issuance of a civil or criminal citation or penalty. The dispatch companies shall, on a monthly basis, provide the transportation inspector with a complete copy of logged complaints.

- C. Require that within all regulated vehicles a commission-approved notice of the telephone numbers required for the filing of complaints with the commission and the number of the vehicle utilizing the permit shall be prominently displayed in a manner, size, and location designated by the transportation inspector.
- D. Provide permittees with a monthly summary of all logged complaints, civil or criminal citations, and convictions entered against chauffeurs or vehicles operating under the permittee's permit.
- E. Utilize citation and conviction findings in the annual review process to determine whether the renewal of an individual permittee's permit to operate remains in the continued public interest and welfare.
- F. Provide current information in response to any public request, as to the number of citations issued or convictions entered against a chauffeur or permittee within the preceding twelve (12) months.

**5.20.060 Hearing officer.**

- A. Except as provided in subsection B of this section, in all appeals to it in accordance with BMC 5.20.100, the commission shall provide for a hearing officer to conduct the hearings, to make rulings regarding the admission of evidence and procedure, and to prepare a proposed decision, with findings of facts and conclusions of law. The commission may adopt the hearing officer's decision or decide the matter itself based upon the record created before the hearing officer. The record shall include tapes or transcripts of the hearing before the hearing officer. The hearing officer who presided at the hearing shall be present during the consideration of the case by the commission to assist and advise the commission.
- B. If, in the case of an emergency or an expedited matter, there is not enough time to appoint a hearing officer to hear appeals in accordance with subsection A of

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this section, the commission may conduct a hearing without providing for a hearing officer. The commission is solely responsible for determining whether or not there is sufficient time to appoint a hearing officer. All other provisions of this section apply to the conduct of a hearing held without a hearing officer.

- C. Hearings shall be conducted under this section in accordance with AS 44.62.430 through 44.62.540 (state administrative procedures for the conduct of administrative hearings by hearing officers).
- D. A hearing officer may be appointed to conduct appeals without complying with BMC 4.20.170.

**5.20.070 Powers and duties of transportation inspector.**

In addition to the other duties and powers granted by Chapters 5.20 through 5.50 BMC, the transportation inspector shall:

- A. Keep records relating to permittees, regulated vehicles, chauffeurs, and dispatch services regulated under Chapters 5.20 through 5.50 BMC;
- B. Investigate, inspect and examine vehicles, drivers, records and any and all other things related to the operation of regulated vehicles to assure that the provisions of Chapters 5.20 through 5.50 BMC are enforced and obeyed;
- C. Receive and process all applications for permits and licenses;
- D. Require a regulated vehicle to be taken out of service for an inspection when the transportation inspector reasonably believes that it poses a threat to the safety or health of persons or property. The transportation inspector may order the owner of the regulated vehicle to obtain and pay for an inspection report from a designated inspection station. The transportation inspector may keep a vehicle out of service for a reasonable time in order to perform the inspection;
- E. Assess a fine against a designated inspection station or the regulated vehicle operator or both, upon submission of an inspection report under BMC 5.20.080 that contains false or misleading information, including any material omission. The fine shall not exceed three hundred dollars (\$300) for each violator for each false or misleading inspection report. This fine shall be in addition to any other remedy or penalty provided by this code, such as denial,

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revocation, or suspension of a license or permit. Any appeal of the fine shall be in accordance with BMC 5.20.100; and

- F. Perform those administrative duties of the commission which are delegated to him or her by the commission.

**5.20.080 Vehicle inspections.**

- A. All regulated vehicles shall be inspected by a designated inspection station and the approved inspection form presented to the transportation inspector before a permit will be issued. At least twice a year thereafter, all regulated vehicles shall be inspected. No regulated vehicle may be operated until it has been inspected and found to be in compliance with Chapters 5.20 through 5.50 BMC and any other applicable law. The transportation inspector may also inspect a regulated vehicle at any time to determine if the vehicle is in compliance with all provisions of Chapters 5.20 through 5.50 BMC, and keep the vehicle out of service for a reasonable time in order to perform the inspection.
- B. When a regulated vehicle has been operating under any permit for two (2) years or has accumulated a total of two hundred thousand (200,000) miles, whichever occurs first (1st), the transportation inspector may increase the required annual inspection frequency to four (4) inspections annually, after reasonable notice to the permittee.
- C. No person may operate a vehicle as a regulated vehicle unless such vehicle is in a safe, clean condition and in compliance with all applicable laws. If the transportation inspector determines that a regulated vehicle is mechanically unsound, unclean or otherwise out of compliance with all applicable laws, the permittee shall take the vehicle out of service immediately upon notification from the transportation inspector.
- D. Mechanical Equipment Standards.
1. The steering mechanism shall be in good working order and wheel play shall not exceed two (2) inches;
  2. All door hinges and latches shall be in good mechanical working order so that doors open easily and close securely. All door locks shall function as designed;
  3. All windows shall be fully operable and composed of approved safety glass.  
The windshield shall have no chips or stars larger than a twenty-five cent piece

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(\$0.25) and shall not be cracked above four (4) inches from the bottom or below four (4) inches from the top of the windshield. No cracks in a vertical position are permitted on either side of the windshield. At no time shall a driver's vision be obstructed by damage to the windshield, side windows or rear window. Interior and exterior mirrors shall be firmly attached to the vehicle;

4. All brakes shall be in good mechanical working order. When pressed, the brake pedal shall not be less than one and three-fourths (1 3/4) inches from the floorboard. Brake linings shall not be less than one thirty-second (1/32) of an inch at any point. Brake drums shall not exceed forty-one thousandths (40/1,000) of an inch in excess of factory specifications;
5. The exhaust system, gaskets, tailpipes and mufflers shall be in good condition. Exhaust fumes shall not permeate into the interior of the vehicle;
6. The vehicle shall be equipped with four (4) tires, each of which shall have tread depth measurements at approximately every one hundred twenty (120) degrees of its circumference of not less than two thirty-seconds (2/32) of an inch. There shall be no sidewall damage to the tires;
7. The speedometer shall be properly installed and maintained in good working order and exposed to view;
8. The interior of the vehicle shall be maintained in a clean and sanitary condition, and be free from torn upholstery and from damaged or broken seats;
9. All exterior and interior lights and turn signals shall be in good mechanical order. Headlights shall be properly aligned for both high and low beam use;
10. The horn and two (2) windshield wipers shall be in good mechanical working order;
11. All wire connections shall be permanent and located out of the way of the driver and passengers;
12. The vehicle shall be structurally sound and not have cracked or dented fenders and shall be painted so as to provide reasonable protection against structural deterioration. Body and sheet metal should have all the manufactured parts securely mounted with no dangerous protuberances;
13. Defrosting and heating systems shall be operational;

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14. There shall be no measurable leakage of fluids or oil from any part of the vehicle;
  15. The vehicle shall be equipped with a readily accessible fire extinguisher with a gauge that clearly indicates that the unit is fully charged, mounted and readily accessible within the driver's immediate reach in the vehicle;
  16. The vehicle shall be equipped with accessible and operable seat belts for all seats;
  17. The vehicle shall comply with the provisions of AS 28.05.095 regarding child safety restraints and seat belts;
  18. The vehicle's odometer shall be kept in good working order.
- E. All regulated vehicles shall be subject at all times to an inspection by the transportation inspector, or a police officer who has reason to believe that the vehicle does not comply with all federal, state and local equipment laws or regulations.

#### **5.20.085 Drug and alcohol testing.**

A. The commission shall:

1. Establish a commission-approved drug and alcohol testing program for chauffeurs of regulated vehicles. The program may include chauffeur applicant drug screening tests, random tests, reasonable cause tests, post-accident tests, and post-citation tests. The testing program shall be administered by the transportation inspector;
2. Provide for the immediate denial or revocation of the chauffeur's license by the transportation inspector of any such chauffeur failing or failing to submit to a chauffeur application drug screening test, a random drug or alcohol test, a reasonable cause drug or alcohol test, a post-accident drug or alcohol test, or a post-citation drug or alcohol test, for a period of not less than six (6) months for a first (1st) offense. In the case of a revocation under this section, the revocation may continue beyond six (6) months until such time as the chauffeur shall submit evidence of successful completion of a drug or alcohol abuse treatment program;
3. Provide for the immediate revocation by the transportation inspector of the chauffeur's license of any chauffeur failing or failing to submit to such a

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random, reasonable cause, post-accident, or post-citation test, for a period of not less than two (2) years for a second (2nd) or subsequent offense.

B. Within ninety (90) days of the enactment of the ordinance codified in this chapter, a design, cost structure, and fee determination for the drug and alcohol testing program shall be developed by the commission and submitted to the city council for approval subject to the following conditions:

1. Direct operational costs for the random, post-accident, post-citation, and reasonable cause drug and alcohol testing program shall be borne by permittees. Direct operational costs for the chauffeur application drug screening test shall be borne by licensees.

#### **5.20.090 Enforcement authority.**

The transportation inspector shall have all powers required to enforce the provisions of Chapters 5.20 through 5.50 BMC.

#### **5.20.100 Hearings – Appeals.**

- A. If the transportation inspector determines that an application for a license or permit does not meet the requirements of Chapters 5.20 through 5.50 BMC, the transportation inspector shall deny the application. The transportation inspector shall issue a written decision to the applicant which shall state the specific reasons for that denial within fifteen (15) days of the denial of the application.
- B. A person aggrieved by the denial of an application under subsection A of this section, or revocation or suspension of a permit or license by the transportation inspector pursuant to Chapters 5.20 through 5.50 BMC may, within fifteen (15) days of receipt of the denial, suspension or revocation decision, and upon payment of the filing fee required by BMC 5.20.160, appeal that decision to the commission. After a hearing conducted pursuant to BMC 5.20.060, the commission shall uphold the decision of the transportation inspector, or authorize the conditional or unconditional issuance or reinstatement of a denied, suspended or revoked license or permit only upon an affirmative showing at a hearing by the appellant that the transportation inspector exceeded his or her authority under Chapters 5.20 through 5.50 BMC in denying, suspending, or revoking the license or permit.
- C. An appeal from any final decision of the commission made in accordance with this section shall be filed in the Superior Court, Fourth Judicial District, Bethel, Alaska,

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no later than thirty (30) days following service of that decision upon the affected licensee or permittee at the last known address. Review by the court shall be limited to determining whether the decision appealed is supported by substantial evidence.

- D. A permittee or licensee who has been issued a citation for a violation of a provision of Chapters 5.20 through 5.50 BMC, or subjected to a penalty, may contest that citation or penalty by filing a notice of appeal with the commission no later than fifteen (15) days after the day the citation or penalty has been issued. Such an appeal shall be considered by the commission in accordance with the procedures established in BMC 5.20.060 and subsection B of this section.

**5.20.110 Denial, suspension, or revocation of license or permit.**

- A. The transportation inspector shall have the power to suspend or revoke a chauffeur's license.
1. The transportation inspector shall immediately suspend or revoke a chauffeur's license if a chauffeur is convicted by a court of competent jurisdiction of an offense set forth in BMC 5.40.030;
  2. The transportation inspector shall suspend or revoke a chauffeur's license upon receipt of evidence sufficient to cause the transportation inspector to conclude that it is more likely than not that a chauffeur is incapable of controlling a motor vehicle safely;
  3. The transportation inspector shall deny, suspend, or revoke the chauffeur's license of any chauffeur failing or refusing to take a drug and/or alcohol test in accordance with BMC 5.20.085.
- B. Upon a request by the transportation inspector or on its own initiative, the commission shall have the power to suspend or revoke a taxicab, river taxi, and limousine or bus permit.
1. The commission shall suspend or revoke a taxicab, river taxi, limousine or bus permit upon finding after a hearing that:
    - a) A permittee has not operated pursuant to the permit for forty-five (45) consecutive days or for ninety (90) days in any twelve- (12-) month period; provided, that such failure to operate is not caused by strike,

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public catastrophe, or other act beyond the control of the permittee but not including insolvency;

- b) A permittee has sold or otherwise lost the use of the vehicle which was being operated pursuant to the permit and has failed to replace it within sixty (60) days after the date of such sale or loss;
  - c) A permittee has failed to make any payments required under Chapters 5.20 through 5.50 BMC or to make any payments (including but not limited to business license fees and sales taxes) or remit any fees required by any other provisions of this code;
  - d) A permittee has submitted a false or misleading inspection report from a designated inspection station.
2. The commission may suspend or revoke a taxicab, river taxi, limousine or bus permit upon finding after a hearing that a permittee has violated any provision of Chapters 5.20 through 5.50 BMC. The commission may suspend or revoke a chauffeur's license upon finding after a hearing that a licensee has violated any provision of Chapters 5.20 through 5.50 BMC;
3. The transportation inspector shall immediately suspend or revoke a taxicab, river taxi, limousine or bus permit upon being provided with appropriate notice that a permittee has been convicted by a court of competent jurisdiction of an offense set forth in BMC 5.30.040;
4. The transportation inspector may immediately revoke a permit under this subsection if the transportation inspector determines that continued operation of the permit will result in substantial risk to the public health or welfare. If the transportation inspector revokes a permit based upon such determination, the revocation action shall expire in ten (10) days, unless within this time the commission holds a hearing and determines that a continued emergency revocation is warranted until such time as the commission makes a decision on an appeal to the revocation, should such an appeal be filed by the permittee.
- C. The commission may suspend or revoke a dispatch service permit upon a finding after a hearing that:
- 1. Such dispatch service has not commenced operation within ninety (90) days after issuance of the permit;

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2. Such dispatch service has failed to provide dispatch services for a period of ninety (90) consecutive days; provided, that such failure to operate is not caused by strike, public catastrophe or other act beyond the control of the dispatch service other than insolvency; or
  3. Such dispatch service does not have a valid radio station license issued by the Federal Communications Commission ("FCC") or such dispatch service is not in compliance with any terms and conditions imposed on it by the FCC.
- D. Violation of any of the terms and conditions of a suspension or revocation imposed by this section is a separate violation.
- E. Upon suspension or revocation of a chauffeur's state driver's license, his or her chauffeur's license shall simultaneously and automatically become void. A chauffeur shall surrender his or her chauffeur's license to the transportation inspector and cease operating a regulated vehicle immediately upon suspension or revocation of the chauffeur's state driver's license. Such a chauffeur shall not thereafter operate a vehicle for which a chauffeur's license is required unless he or she is first (1st) issued a new chauffeur's license in accordance with BMC 5.40.030.
- F. A permittee or licensee must surrender his or her permit or license to the transportation inspector immediately upon suspension or revocation.
- G. A permittee or licensee may appeal a suspension or revocation by the transportation inspector to the commission in accordance with BMC 5.20.100. A permittee or licensee may appeal a suspension or revocation by the commission to the Superior Court in accordance with BMC 5.20.100.
- H. Unless provided otherwise in Chapters 5.20 through 5.50 BMC, a permit or license that is revoked shall become void and revert to the commission.

#### **5.20.120 Penalties and remedies.**

- A. A person who violates a provision of Chapters 5.20 through 5.50 BMC or a regulation promulgated thereunder is guilty of an infraction and may be issued a citation. The penalty for these infractions is:
1. One hundred fifty dollars (\$150) for the first (1st) violation;

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2. Two hundred dollars (\$200) for the second (2nd) violation;
  3. Two hundred fifty dollars (\$250) for the third (3rd) violation;
  4. Three hundred dollars (\$300) for the fourth (4th) and each subsequent violation.
- B. Each day during which a violation described in this section occurs shall constitute a separate offense.
- C. In accordance with AS 29.25.070(a), citations for these offenses may be disposed of as provided in AS 12.25.195 through 12.25.230 without a court appearance upon payment of the fine amounts plus the state surcharge required by AS 12.55.039 and 29.25.074. If a person charged with one (1) of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed above.
- D. In addition to the penalties provided for in subsection A of this section, a person who violates a provision of Chapters 5.20 through 5.50 BMC or any regulation promulgated thereunder may also be subject to the following:
1. Second (2nd) violation: suspension of the violator's license or permit for fifteen (15) days or less;
  2. Third (3rd) violation: suspension of the violator's license or permit for no more than thirty (30) days or no less than fifteen (15) days;
  3. Fourth (4th) or subsequent violation: revocation of license or permit.
- E. The city may seek injunctive relief to enforce compliance with this chapter.
- F. A violation of BMC 5.40.070 is an exception to this section. Violations of BMC 5.40.070 shall be those provided under that section.

**5.20.130 Renewal of license or permit.**

- A. A permit or license issued in accordance with Chapters 5.20 through 5.50 BMC shall be valid for two (2) calendar years and shall expire automatically on the date of original issue.
- B. An application to renew a permit or license shall be made to the transportation inspector, at the time set for submitting the application, and shall be treated in the same manner as an original application. A decision to grant a license or

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permit in two (2) years does not preclude the transportation inspector from denying a license or permit upon application for renewal.

- C. If a permittee or licensee is not qualified to hold his or her permit or license at the time of renewal, the transportation inspector shall not renew the permit or license and it shall become void and revert to the commission.
- D. Any person whose application for an original license or permit or for a renewal of license or permit has been denied and any person whose license or permit has been revoked may not apply for a new license or permit for one (1) year from the initial date of the denial or revocation unless the revocation is due to a violation of BMC 5.40.070 Alcoholic beverage and controlled substances of which requires a permanent revocation. New taxicab permits shall only be issued in accordance with the provisions of BMC 5.30.050.

**5.20.140 Duty to maintain current application.**

- A. A permittee or licensee is under a continuing obligation to keep the information on his or her application current. Failure to do so shall be a violation of Chapters 5.20 through 5.50 BMC. A permittee or licensee shall give written notice to the transportation inspector of any change to be made on his or her application within ten (10) days, and the transportation inspector shall amend the application accordingly. Failure to comply with this subsection is grounds for denial, suspension or revocation of a permit or license.
- B. No person may knowingly make a false or misleading statement on his or her application for a permit or license under Chapters 5.20 through 5.50 BMC. Failure to comply with this subsection is grounds for denial, suspension or revocation of a permit or license and constitutes a violation of Chapters 5.20 through 5.50 BMC.

**5.20.150 Submission, review and certification of applications.**

- A. An application for an original or renewal permit or license required by Chapters 5.20 through 5.50 BMC shall be submitted to the transportation inspector.
- B. The transportation inspector shall review the application to assure it complies with the requirements of Chapters 5.20 through 5.50 BMC.

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- C. The transportation inspector shall transmit applications meeting the requirements stated in subsection B of this section to the city manager to determine whether the applicant owes any taxes, fees, assessments, or other payments to the city, and whether the applicant has a current city business license.
- D. If the applicant has no outstanding obligations and has a business license, the city manager or his or her designee shall certify the application, and return it to the transportation inspector. The transportation inspector shall not issue or renew an application for a permit or license unless the city manager or his or her designee certifies the application in accordance with this section.

**5.20.160 Fees.**

The following fees shall be payable to the city:

- A. One hundred eighty-five dollars (\$185) monthly shall be paid to the transportation inspector for the issuance or renewal of a bus, limousine, river taxi, dispatch service, or taxicab permit no later than the tenth (10th) of each month.
- B. Two hundred fifty dollars (\$250) shall be paid to the transportation inspector for the initial issuances and each two- (2-) year renewal of a chauffeur's license no more than three (3) months prior to expiration date, not after one (1) month prior to expiration date.
- C. Two hundred fifty dollars (\$250) shall be paid to the transportation inspector for the initial issuances and each two- (2-) year renewal of a vehicle permit no more than three (3) months prior to expiration date, not after one (1) month prior to expiration date.
- D. One hundred dollars (\$100) shall be paid to the city finance department for each appeal from a decision of the transportation inspector to the commission under Chapters 5.20 through 5.50 BMC. Such fee shall be refunded if the decision is subsequently reversed. The ex officio member of the public safety and transportation commission must notify all commission members when an appeal is filed. The fee shall be forfeited if the party making the appeal fails to show for the appeal hearing.

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- E. Eighty-five dollars (\$85) shall be paid to the transportation inspector each time that a taxicab permittee applies to substitute a vehicle that operates under a permit.
- F. One hundred twenty-five dollars (\$125) shall be paid to the transportation inspector for an application to transfer an interest in a taxicab permit or a dispatch service permit in accordance with the provisions of Chapters 5.20 through 5.50 BMC.
- G. There shall be a one hundred dollar (\$100) surcharge for late payment of fees provided for in subsections A, B, and C of this section.
- H. Twenty-five dollars (\$25) shall be paid to the transportation inspector for administration of the examination required in BMC 5.40.020(C), except that this payment shall not be required the first (1st) time that an applicant for a chauffeur's license takes the examination.
- I. Fifteen dollars (\$15) shall be charged for chauffeur and vehicle renewal applications which are mailed in.
- J. Thirty-five dollars (\$35) shall be charged for chauffeur drug testing.

**5.20.170 Safety belts, child safety restraints, and vehicle air bags.**

Every regulated vehicle shall comply with the provisions of AS 28.05.095 regarding safety belts and child safety restraints. Additionally, no operator of a regulated vehicle shall allow a child under twelve (12) years of age to ride in the front seat of the vehicle if it has a passenger air bag.

**SECTION 4. Effective Date.** This section shall become effective upon passage by the City Council.

**ENACTED THIS \_\_\_ DAY OF JULY 2015, BY A VOTE OF \_\_\_ IN FAVOR AND \_\_\_ OPPOSED.**

\_\_\_\_\_  
Richard Robb, Mayor

ATTEST

Introduced by: Council Member Springer  
Date: July 28, 2015  
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Lori Strickler, City Clerk

Introduced by: Council Member Springer  
Date: July 28, 2015  
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## *CITY OF BETHEL, ALASKA*

### **Ordinance #15-21**

#### **AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE, CHAPTER 5.30, TAXICAB, RIVER TAXI, LIMOUSINE AND BUS PERMITS, TO REQUIRE VIDEO CAMERA SURVEILLANCE SYSTEM AND GLOBAL POSITIONING SYSTEM CAPABILITIES**

**NOW, THEREFORE BE IT ORDAINED**, that the City of Bethel authorizes a change to the Bethel Municipal Code as described herein.

**SECTION 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the Bethel Municipal Code.

**SECTION 2. Amendment.** The Bethel Municipal Code is to be amended as follows (new language is underlined and old language is stricken)

#### **Chapter 5.30 TAXICAB, RIVER TAXI, LIMOUSINE AND BUS PERMITS**

Sections:

- 5.30.010 Taxicab permit required.
- 5.30.020 River taxi permit required.
- 5.30.030 Bus permit required.
- 5.30.035 Limousine permit required.
- 5.30.040 Application for permits.
- 5.30.050 Issuance of new nontransferable taxicab permits.
- 5.30.055 Taxicabs – Renewal of existing permits.
- 5.30.060 Taxicabs – Transfer of existing permit.
- 5.30.065 Posting of taxicab permit.
- 5.30.070 Taxicabs – Number of vehicles operated per permit.
- 5.30.080 Taxicabs – Subscription to dispatch service.
- 5.30.090 Taxicabs – Vehicle markings.
- 5.30.100 Required equipment.

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- 5.30.120 Insurance required.
- 5.30.130 Posting of insurance notice.
- 5.30.140 Records.
- 5.30.160 Single use of vehicle.
- 5.30.170 Vehicle horn honking.
- 5.30.180 Safety equipment tampering prohibited.

**5.30.010 Taxicab permit required.**

- A. No person may provide taxicab service in the city unless that person:
1. Is a permittee in possession of a valid taxicab permit issued to him or her, and is in compliance with Chapters 5.20 through 5.50 BMC; or
  2. Has entered into an agreement with a permittee as a lease operator which allows that person to provide taxicab services pursuant to the permittees authority only for as long as the permittee is lawfully in possession of the permit and complies with all terms and conditions of issuance of the permit, and only if such an arrangement is approved in advance by the transportation inspector. In order to obtain such approval from the transportation inspector, the transportation inspector must approve the language of a written lease agreement and determine that the lease operator meets all requirements imposed on chauffeurs and taxicab permittees by Chapters 5.20 through 5.50 BMC. A decision of the transportation inspector denying a lease operator arrangement can be appealed to the commission in accordance with BMC 5.20.100.
- B. No permittee shall allow another person to provide taxicab service under the authority of his or her permit except as allowed in subsection A of this section. Violation of this section is grounds for immediate revocation of a taxicab permit.
- C. No person may operate or dispatch a vehicle as a taxicab unless that vehicle is described on a taxicab permit as provided in subsection A of this section. Violation of this section is grounds for immediate revocation of a license or permit.

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- D. No person may provide taxicab service pursuant to a taxicab permit except in accordance with Chapters 5.20 through 5.50 BMC. Violation of this section is grounds for immediate revocation of a permit.
- E. The permittee shall utilize as chauffeurs only currently licensed chauffeurs who have satisfactorily completed a commission-approved driver training and testing program and who are otherwise in compliance with all of the requirements of Chapters 5.20 through 5.50 BMC.

**5.30.020 River taxi permit required.**

- A. No person may provide river taxi service within the city without a river taxi permit. A river taxi permit, or any interest in a river taxi permit issued pursuant to this section, shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the commission if it is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.
- B. A person may apply for an original or renewal river taxi permit by complying with the requirements of BMC 5.30.040. If the applicant is in compliance with all of the terms and conditions of Chapters 5.20 through 5.50 BMC that apply to river taxis, he or she shall be issued a permit.

**5.30.030 Bus permit required.**

- A. A person may provide bus service within the city with a bus permit. A permit, or any interest in a permit issued pursuant to this section, shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the commission if it is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.
- B. A person may apply for an original or renewal bus permit by complying with the requirements of BMC 5.30.040. If the applicant is in compliance with all of the terms and conditions of Chapters 5.20 through 5.50 BMC that apply to buses, he or she shall be issued a permit.
- C. A bus must operate on a defined route. The route must be submitted to the transportation inspector. Any changes in the route must be submitted to the

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transportation inspector. Bus operators may deviate from the defined route up to three-fourths (3/4) of a mile to accommodate handicapped passengers.

**5.30.035 Limousine permit required.**

- A. A person may provide limousine service in the city if that person:
1. Is a permittee in possession of a valid limousine permit issued to him or her, and is in compliance with Chapters 5.20 through 5.50 BMC;
  2. Operates a limousine;
  3. Utilizes currently licensed chauffeurs who have satisfactorily completed a commission-approved driver training and testing program and who are otherwise in compliance with all of the requirements of Chapters 5.20 through 5.50 BMC.
- B. A limousine will provide service by reservation or prearranged call for service. It is unlawful for a limousine chauffeur to provide flag stop service to passengers by curbside hail or the use of fixed routes.
- C. The current rates to be charged by a limousine permittee shall be provided to the transportation inspector in the form of a rate sheet. The permittee is responsible for providing the inspector with a new rate sheet as prices change. The prices on the rate sheet must be greater than the maximum rates allowed for the provision of a similar ride by taxicab.

The following rates are established as minimum rates for limousine operators:

One-half (1/2) hour or less arranged ride: fifty dollars (\$50.00);

One (1) hour arranged ride: eighty dollars (\$80.00).

**5.30.040 Application for permits.**

- A. An application for an original or renewal taxicab, bus, limousine or river taxi permit shall be made to the transportation inspector.
- B. An application for a permit shall be submitted on a form approved by the transportation inspector and shall be accompanied by:
1. The fee specified in BMC 5.20.160;

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2. Proof of insurance for the vehicle as required by Chapters 5.20 through 5.50 BMC;
  3. Proof that the applicant is at least eighteen (18) years of age; and
  4. Proof that the applicant is in compliance with the drug and alcohol testing requirements of BMC 5.20.085.
- C. An applicant shall not be granted an original or renewal permit unless the applicant meets the requirements imposed on chauffeurs in BMC 5.40.030.
- D. If the commission determines that the public convenience and necessity requires issuance of additional taxicab permits in accordance with BMC 5.30.050, the following persons may apply for such a permit:
1. Currently active chauffeurs licensed under Chapters 5.20 through 5.50 BMC with no fewer than two (2) years of continuous experience as a taxicab chauffeur in good standing in Bethel;
  2. Applicants who have not had a felony or misdemeanor conviction entered by a court of competent jurisdiction within five (5) years of the date of application for:
    - a) Assignation, prostitution, solicitation for the purpose of prostitution, offering to secure another for the purpose of prostitution, maintaining vehicle for the purpose of prostitution or accepting money from a prostitute; or
    - b) Sale, transportation, possession or use of any controlled substance as defined by AS 11.71 or a similar law of another jurisdiction, or engaging in an act prohibited under AS 04.11, 04.16 or 04.17.
- E. If the commission decides to issue an additional permit or permits in accordance with this chapter, a taxicab permit may be issued by the commission only if the applicant complies with subsections B through D of this section, and is certified as required by BMC 5.20.150.
- F. Each representation made in an application for an original or renewal permit shall be correct. Any false or misleading statement or misrepresentation as to a

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material matter in an application shall be grounds for denial of the application for a permit or revocation of a permit.

**5.30.050 Issuance of new nontransferable taxicab permits.**

- A. The total number of outstanding taxicab permits shall be determined by the public convenience and necessity. Any person or any member of the commission may initiate commission inquiry into the public convenience and necessity for issuance of additional permits. Hearings regarding public convenience and necessity shall be held to determine if the public convenience and necessity warrants issuance of one (1) or more additional nontransferable permits. The commission shall hold an inquiry into the public convenience and necessity at least once in a twenty-four (24-) month period.
- B. At the hearing conducted pursuant to subsection A of this section, the commission may consider, among other things, evidence of:
  1. The public demand for additional taxi service;
  2. The unfulfilled requests for service;
  3. The reasonableness of waiting time for service; and
  4. The economic impact of additional permits on the viability of the existing taxicab industry.
- C. If the commission finds that it is more likely than not, based on the evidence presented at hearing, that the public convenience and necessity would be best served by the issuance of one (1) or more new taxicab permits, such permit or permits shall be issued in the manner provided in subsection D of this section.
- D. No later than ninety (90) days after the commission determines that a new taxicab permit should be issued, the transportation inspector shall conduct a public auction as follows:
  1. The auction shall be conducted by sealed bid, and the permit shall be issued to the highest qualified bidder;

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2. To be responsive, a bid must equal or exceed the taxicab permit issuance fees provided for in BMC 5.20.160;
  3. The term "qualified bidder" means a person who meets the requirements of BMC 5.30.040, and tenders the successful full bid price in cash within five (5) days after notice that he or she is the highest bidder;
  4. If the highest bidder is not a qualified bidder, the permit shall be issued to the next highest bidder who is also a qualified bidder. If none of the bidders are also qualified bidders, the transportation inspector shall again offer the permit at auction as provided by this section within one hundred eighty (180) days after the previous auction.
- E. No person may apply for a hearing pursuant to subsection A of this section within one hundred twenty (120) days after one (1) or more new permits authorized for issuance pursuant to this section have been actually issued. The commission may consolidate multiple hearing requests if it deems it appropriate to do so.
- F. A permit, or any interest in a permit, issued pursuant to this section shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the commission if the permit is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.
- G. Permittees issued nontransferable permits in accordance with this section are subject to all revocation, suspension, and penalty provisions of Chapters 5.20 through 5.50 BMC, as well as all other requirements of Chapters 5.20 through 5.50 BMC.

**5.30.055 Taxicabs – Renewal of existing permits.**

An application for renewal of an existing taxicab permit made in accordance with BMC 5.30.040 shall be renewed only if the applicant is in compliance with all of the requirements of Chapters 5.20 through 5.50 BMC that apply to taxicabs and taxicab permittees. A permit that is not renewed shall become void and revert to the commission.

**5.30.060 Taxicabs – Transfer of existing permit.**

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- A. A person may transfer an interest (whether financial or proprietary in nature, a security interest, or some other form of interest) in a taxicab permit originally issued prior to December 31, 2000, or any interest in the corporation, joint venture, association, partnership, or other group or entity which owns an interest in a taxicab permit originally issued prior to December 31, 2000, only if the person obtains the prior approval of the transportation inspector.
- B. An application for transfer of a taxicab permit in accordance with subsection A of this section shall be made to the transportation inspector on forms approved by the transportation inspector and shall be accompanied by the proposed contract for sale or other interest transfer which states the specific consideration to be paid by the transferee, as well as all other material conditions of the sale or other transfer of interest. The application for transfer shall also identify all parties who have or are proposed to have a financial, proprietary, security or other interest in the permit. The application may request other information necessary to determine if the transfer is in the best interests of the public, including but not limited to evidence of the financial ability to meet the consideration requirements of the contract for sale or other interest transfer. If the transferee meets the requirements of this section and all other requirements for obtaining a taxicab permit contained in Chapters 5.20 through 5.50 BMC, and the transportation inspector approves the language of the contract for sale or other interest transfer, the transportation inspector may approve the transfer.
- C. A decision of the transportation inspector with respect to transfer of an interest under this section may be appealed to the commission in accordance with BMC 5.20.100.
- D. If transfer of a permit is not approved in accordance with this section and the permittee no longer wishes to operate under the permit or the permittee is no longer in compliance with the provisions of Chapters 5.20 through 5.50 BMC, the permit shall become void and revert to the commission.
- E. New permits issued in accordance with BMC 5.30.050 shall not be transferable, and shall become void and revert to the commission if the permit is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.

**5.30.065 Posting of taxicab permit.**

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The permit for each taxicab, river taxi, limousine or bus shall be posted in the interior of the taxicab, river taxi, limousine or bus in the manner designated by the transportation inspector. No person may operate a taxicab, river taxi, limousine or bus unless the permit is so posted.

**5.30.070 Taxicabs – Number of vehicles operated per permit.**

- A. Except as otherwise provided in this section, only one (1) vehicle, which shall be designated on the taxicab permit application, may be operated pursuant to that permit.
- B. Upon application to the transportation inspector, payment of the appropriate fee, and a demonstration of need, the transportation inspector may authorize operation of a substitute vehicle for a period of time not to exceed thirty (30) consecutive days. The transportation inspector shall be notified prior to substitution of the date, time, and substitution vehicle being placed in service, the permit number utilizing the substitute vehicle, the reason for the use of the substitute vehicle and the signature of the person authorizing the use of the substitute vehicle. If substitution is authorized, the transportation inspector shall subsequently be immediately notified of the date and time the substitute vehicle is removed from service and the original permitted vehicle is placed back in service. The transportation inspector shall require an inspection of the original vehicle before it is returned into service. No person may operate a substitute vehicle under this section unless the substitution has been authorized by the transportation inspector in accordance with this section, and a copy of the authorization is carried in the substitute vehicle at all times.
- C. If the use of the substitute vehicle was occasioned by a mechanical problem or vehicle accident affecting the safe operation of the original vehicle, the transportation inspector may allow a permanent vehicle transfer.
- D. The transportation inspector may permit a permanent vehicle transfer not more than four (4) times before the expiration of the original permit for reasons other than mechanical problems.

**5.30.080 Taxicabs – Subscription to dispatch service.**

Every taxicab permittee shall subscribe to a dispatch service permitted pursuant to Chapter 5.50 BMC for the taxicab operated under his or her permit. No taxicab may be

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dispatched by more than one (1) dispatch service. Failure to comply with this section shall be grounds for immediate revocation of a permit or license.

**5.30.090 Taxicabs – Vehicle markings.**

- A. Every taxicab shall display the trade name under which it operates and the vehicle number assigned to it by the transportation inspector in the area between the back bumper and the top of the trunk of the taxicab on the rear end of the taxicab with permanent contrasting letters and numbers no less than four (4) inches high.
- B. Every taxicab shall bear its vehicle number, as assigned to it by the transportation inspector, on all sides of the taxicab with permanent letters no less than four (4) inches high. Every taxicab shall display its vehicle number assigned by the transportation inspector on the front fender adjacent to the front door jam on both the driver and passenger side of the vehicle in numbers no less than four (4) inches high. The number shall be placed in the middle of the fender, but in no event less than two (2) inches above the bottom of the fender, or more than four (4) inches below the top of the fender.
- C. The transportation inspector will provide every taxicab permit holder with reflective decals bearing the assigned vehicle number required to meet the requirements of this section. Taxicab permit holders shall display trade names on vehicles with reflective decals that meet the requirements of this section.
- D. Except as otherwise provided by law, no taxicab may be used or sold for any purpose other than for use as a taxicab until all signs, insignia, license plates, lights or other markings have been removed or an "out of service" sign is posted on the taxicab in the form and manner designated by the transportation inspector.

**5.30.100 Required equipment.**

In addition to the mechanical equipment required in BMC 5.20.080(D), every taxicab shall have the following equipment:

- A. Every taxicab shall be equipped with an operable two-way radio that receives and transmits a signal only on the frequency used by that taxicab's dispatch service.  
At no time may a taxicab be equipped with an apparatus capable of monitoring a

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frequency used by a dispatch service other than that used by that taxicab's dispatch service. The radio of each taxicab shall be identifiable through the dispatch company through which the taxicab is dispatched.

- B. Every taxicab shall be equipped at all times with an interior light of not less than two (2) candlepower arranged so as to illuminate the entire passenger compartment. The light shall be illuminated whenever passengers are being loaded or unloaded from the taxicab between one-half (1/2) hour after sunset of one (1) day and one-half (1/2) hour before sunrise the next day. No shades or blinds shall be drawn over any windows of the taxicab while occupied by a passenger.
- C. Every taxicab shall be equipped with a nonflashing light on the exterior of the roof of a type approved by the transportation inspector. The light shall be illuminated only when the taxicab is in service.
- D. All taxicabs, limousines and buses must have factory seat belts for the maximum number of passengers that may be transported in a particular vehicle.
- E. River taxis shall have the following:
  - 1. Four-wheel drive vehicle with at least twelve- (12-) inch clearance;
  - 2. VHF radio;
  - 3. Dual battery system;
  - 4. All equipment listed in subsections A through C of this section in addition to the following: a come-a-long or winch and shovel; ground and air flares; carbon monoxide detector; first aid kit; safe alternate form of heat, i.e., candles, canned heat, etc., one (1) wool blanket, one (1) survival or space blanket for each potential passenger, spare tire, and tools required to change a tire, i.e., jack lug wrench, etc.;
  - 5. A river taxi driver shall carry clothes appropriate for the weather conditions and the number of passengers for a particular trip, to include but not be limited to, winter hats, boots, gloves, pants and coats.

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F. Every regulated vehicle shall be equipped at all times with a video camera surveillance system and have global positioning system capability. The surveillance and GPS systems shall be capable of recording and storing the data of at least 72 hours of in-service operations. The recorded data shall be stored on board the taxicab or transmitted for storage. The stored data for the immediately preceding 72 hours of recording shall not be altered or manipulated by any person, and shall be made available for review and inspection by the transportation inspector for purposes of enforcement of chapters 5.20, 5.30 and 5.40 or by a peace officer as defined in AS 1.10.060 upon request. For good cause, the Transportation Inspector may order retention of recorded data of specific dates, trips, or incidents for up to two years.

1. The video camera surveillance system shall have the capability to operate 24 hours a day, record video only, and be compatible with surveillance during both daytime and nighttime. The surveillance system shall either have continuous operation or be activated by the opening of a door, or some other self-initiating device which does not require the specific decision or action by the chauffeur to activate the surveillance system. The system shall be capable of producing high-quality pictures for law enforcement use. The system shall have cameras facing the front and rear and positioned in a manner that provides views of the regulated vehicle interior that are visible to passerby and does not violate privacy rights. A limousine shall not have video surveillance of the passenger area designed and intended to provide privacy from the chauffeur and public view, but may have a view into that area when a privacy partition or device is open.

2. The global positioning system capability of any regulated vehicle shall either have continuous operation or be activated by a self-initiating device which does not require the specific decision or action by the chauffeur to activate the global positioning system. The global positioning system in taxicabs must be capable of alerting the monitoring station of emergencies. The dispatch company or a company within the municipality approved by the transportation inspector will be the monitoring station for a taxicab's global positioning system.

### **5.30.120 Insurance required.**

A. Before any permit is issued for any taxicab, river taxi, limousine or bus, the applicant shall furnish to the transportation inspector the insurance policies

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required by this section, issued by an insurance company that is authorized to do business within the state.

- B. The insurance required by this section for vehicles with a manufacturer's rated seating capacity of six (6) persons or less, or, if a mini-van, six (6) persons or less seating capacity after seat removal to accommodate baggage, shall provide coverage as follows:
1. Combined single limit for all bodily injury or property damage arising from one (1) accident: three hundred thousand dollars (\$300,000); and
  2. For all persons injured or dead in any one (1) accident caused by an uninsured motorist: One hundred thousand dollars (\$100,000).
- C. The insurance required by this section for vehicles with a manufacturer's rated seating capacity of seven (7) persons or more, or if a mini-van, seven (7) persons or more seating capacity after seat removal to accommodate baggage, shall provide coverage as follows:
1. Combined single limit for all bodily injury or property damage arising from one (1) accident: Seven hundred thousand dollars (\$700,000); and
  2. For all persons injured or dead in any one (1) accident caused by an uninsured motorist: One hundred thousand dollars (\$100,000).
- D. Every insurance policy or certificate shall contain a clause obligating the insurer or surety to give the transportation inspector written notice no less than thirty (30) days before the cancellation, expiration, nonrenewal, lapse, or other termination of such insurance, unless the specified policy is for a vehicle which will no longer be used as a taxicab. A lapse, cancellation, expiration, nonrenewal, or termination of insurance coverage shall work an automatic suspension of any permit for so long as the permittee is without insurance as required by this section, and it shall be a violation of this chapter to provide taxicab service with a vehicle not insured as required by this section. The insurance policy shall list the city as a certificate holder.

### **5.30.130 Posting of insurance notice.**

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Proof of insurance as required by Chapters 5.20 through 5.50 BMC shall be carried in the passenger compartment of all taxicabs at all times.

**5.30.140 Records.**

- A. Every taxicab, river taxi, and limousine permittee shall maintain a current and accurate daily list of the regulated vehicles operated pursuant to the permit. The daily list shall contain the following information:
1. The name, address, telephone number, chauffeur's license number and expiration of each chauffeur operating such regulated vehicles;
  2. The daily hours worked by each chauffeur operating such regulated vehicles;
  3. The number of days each such regulated vehicle is operated during each calendar month;
  4. The records maintained pursuant to subsection A of this section as well as many other records related to the operation of the permit shall be retained by the permittee for at least six (6) months and shall be made available upon the request of the transportation commission or the transportation inspector. The transportation inspector may request that the permittee forward the record to him or her on a monthly basis.
- B. The records maintained pursuant to subsection A of this section as well as any other records related to the operation of the permit shall be retained by the permittee for at least six (6) months and shall be made available upon request of the transportation commission or the transportation inspector. The transportation inspector may request that the permittee forward the record to him or her on a monthly basis.

**5.30.160 Single use of vehicle.**

It is unlawful to use a regulated vehicle for any other transportation service regulated by Chapters 5.20 through 5.50 BMC other than that service which is authorized on the permit.

**5.30.170 Vehicle horn honking.**

It is unlawful to honk the horn of a taxicab from 10:00 p.m. to 7:00 a.m., Sunday through Thursday, and from 12:00 a.m. to 7:00 a.m., Friday and Saturday.

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**5.30.180 Safety equipment tampering prohibited.**

A. Except for maintenance or repair, no person shall disconnect, cover, misdirect or cause to be non-functional the radio identifier, silent electronic alarm, surveillance or security camera, or global positioning system in a regulated vehicle. Tampering with the safety equipment as described herein is a violation subject to civil penalty of:

1. First violation. \$250.00.
2. Second violation. \$500.00
3. Third violation. \$750.00.
4. Fourth violation. \$1,000.

**SECTION 3. Effective Date.** This section shall become effective upon passage by the City Council.

**ENACTED THIS \_\_\_ DAY OF \_\_\_\_\_ 2015, BY A VOTE OF \_\_\_ IN FAVOR AND \_\_\_ OPPOSED.**

\_\_\_\_\_  
Richard Robb, Mayor

ATTEST:

\_\_\_\_\_  
Lori Strickler, City Clerk

Introduced by: Mayor Robb  
Date: September 22, 2015  
Public Hearing: October 13, 2015  
Action:  
Vote:

## *CITY OF BETHEL, ALASKA*

### **Ordinance #15-31**

#### **AN ORDINANCE BY THE CITY OF BETHEL AMENDING BETHEL MUNICIPAL CODE CHAPTER 10.02.465, MOTOR VEHICLE AND DRIVING OFFENSES, OPERATION OF LOW SPEED VEHICLES**

- Whereas,** people of Bethel use multiple forms of transportation;
- Whereas,** in 2010 the Alaska Legislature passed a provision to allow off-road municipalities to permit use of mini trucks and other low speed vehicles;
- Whereas,** mini trucks are potentially a low cost, low fuel, method of transportation;
- Whereas,** the people of Bethel have traditionally supported multiple forms of transportation;

**THEREFORE BE IT ORDAINED** by the City Council of Bethel, Alaska, that the Bethel Municipal Code shall be amended and revised as follows:

**SECTION 1. Classification.** This ordinance is of a permanent nature and shall become a part of the Bethel Municipal Code.

**SECTION 2. Amending BMC Title 10.02** The Bethel Municipal Code is amended as follows (new language is underlined):

#### **10.02.465 Operation of low-speed vehicles.**

A. The operator of a low-speed vehicle is subject to all the traffic and other laws applicable to operators of passenger vehicles.

B. The operator of a low-speed vehicle may operate that vehicle on a highway with a maximum speed limit of 45 miles an hour.

**SECTION 3. Effective Date.** This ordinance shall become effective immediately, upon passage by the City Council.

Introduced by: Mayor Robb  
Date: September 22, 2015  
Public Hearing: October 13, 2015  
Action:  
Vote:

**ENACTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2015, BY A VOTE OF \_\_\_ IN FAVOR AND  
\_\_\_ OPPOSED.**

ATTEST:

\_\_\_\_\_  
Richard Robb, Mayor

\_\_\_\_\_  
Lori Strickler, City Clerk

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
Date: September 22, 2015  
Public Hearing: October 13, 2015  
Action:  
Vote:

# CITY OF BETHEL, ALASKA

## Ordinance #15-32

### AN ORDINANCE BY THE BETHEL CITY COUNCIL, REPEALING AND REPLACING BETHEL MUNICIPAL CODE 5.08, ALCOHOLIC BEVERAGES

**THEREFORE BE IT ORDAINED** by the City Council of Bethel, Alaska, that the Bethel Municipal Code shall be amended and revised as follows:

**SECTION 1. Classification.** This ordinance is of a permanent nature and shall become a part of the Bethel Municipal Code.

**SECTION 2. Amendment.** Bethel Municipal Code Chapter 5.08 is repealed and replaced, (old language is stricken):

#### ***Chapter 5.08*** ***ALCOHOLIC BEVERAGES***

Sections:

~~5.08.010~~ Defined.

~~5.08.011~~ Consumption, sale and service of alcoholic beverages prohibited.

~~5.08.020~~ Closing hours.

~~5.08.030~~ Bringing liquor to licensed premises—Leaving partial containers.

~~5.08.040~~ Maintenance of order.

~~5.08.050~~ Liquor handler permit—Required.

~~5.08.060~~ Liquor handler permit—Issuance—Revocation.

~~5.08.070~~ Liquor handler permit—Cost.

~~5.08.080~~ Sunday and holiday sales.

~~5.08.090~~ Election day sales.

~~5.08.100~~ Minors.

~~5.08.110~~ Permitting violation.

~~5.08.120~~ Inspection of premises.

~~5.08.130~~ Violation—Penalty.

~~5.08.010~~ Defined.

For the purpose of this chapter, "intoxicating liquors" and/or "alcoholic beverages" mean all spirituous, vinous, salt and other fermented and/or distilled liquors intended,

City of Bethel, Alaska

Ordinance # 15-32

1 of 25

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
Date: September 22, 2015  
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40 or used, for human consumption and containing more than one (1) percent alcohol by  
41 volume.

42 ~~5.08.011 Consumption, sale and service of alcoholic beverages prohibited.~~

43 ~~A. No person may sell or offer to sell any alcoholic beverage in package stores or bars~~  
44 ~~within three hundred (300) feet of a church building or within three hundred (300) feet~~  
45 ~~of any school grounds.~~

46 ~~B. No person may sell or offer to sell any alcoholic beverage in or within two hundred~~  
47 ~~(200) feet of a church building or within two hundred (200) feet of any school grounds.~~

48 ~~C. Any person or business that is behind in taxes to the city of Bethel is prohibited from~~  
49 ~~receiving alcoholic beverage licenses.~~

50 ~~D. As used in this section, the terms "school building," "school," "school grounds" or~~  
51 ~~"educational building" shall apply only to state, county, city, or church school buildings~~  
52 ~~and to such buildings at such other schools in which are taught subjects commonly~~  
53 ~~taught in the common schools, and which are public schools or private schools as~~  
54 ~~defined by the state of Alaska. The terms "school building" and "educational building"~~  
55 ~~include only those structures in which instruction is offered, except colleges and~~  
56 ~~universities. The term "school grounds" shall apply only to the parcel or parcels of land~~  
57 ~~on which a school, school building or educational building is located, except colleges~~  
58 ~~and universities.~~

59 ~~E. The term "church building" as used herein shall mean the main structure used by any~~  
60 ~~religious organization for purposes of worship.~~

61 ~~F. The requirements for minimum distance from a church building located in a shopping~~  
62 ~~center shall not apply to any license for retail package or retail consumption.~~

63 ~~G. For purposes of this section, distance shall be measured by the most direct route of~~  
64 ~~travel on the ground and shall be measured in the following manner:~~

65 ~~1. From the main parking lot entrance of the establishment from which alcoholic~~  
66 ~~beverages are sold or offered for sale;~~

67 ~~2. In a straight line, regardless of obstructions, to the nearest public sidewalk,~~  
68 ~~walkway, street, road or highway by the nearest route;~~

Introduced by: Council Member Fansler on behalf  
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69 ~~3. To the main entrance of the church building or to the nearest portion of the~~  
70 ~~school grounds.~~

71 ~~5.08.020 Closing hours.~~

72 ~~No person shall consume, sell, offer for sale, give, furnish, or deliver from an authorized~~  
73 ~~licensee, any intoxicating liquor by the drink on any licensed premises between the~~  
74 ~~hours of 12:00 midnight and 12:00 noon each day, except on those days when the~~  
75 ~~licensed establishment is required to be closed for the entire day by this chapter or any~~  
76 ~~other law. The package liquor store shall close at 6:30 p.m.~~

77 ~~5.08.030 Bringing liquor to licensed premises—Leaving partial containers.~~

78 ~~A. No person shall have in his immediate possession on a licensed premises any~~  
79 ~~container which contains any alcoholic beverage which was not furnished to him by the~~  
80 ~~licensee, or his agent or employee, of that premises.~~

81 ~~B. No person shall exit from a licensed premises, or a licensed building or enclosure, if~~  
82 ~~there is any open or partially empty container which contains any alcoholic beverage~~  
83 ~~which was furnished to him by the licensee, or his agent or employee.~~

84 ~~5.08.040 Maintenance of order.~~

85 ~~Each licensed premises, except private clubs, shall employ at least one (1) person,~~  
86 ~~licensed as required in BMC 5.08.050, who shall be on duty between 8:00 p.m. and the~~  
87 ~~closing hour of the licensed premises. This person shall not be the bartender on duty,~~  
88 ~~manager, owner or co-owner of the establishment and shall be on duty for the express~~  
89 ~~purpose of maintaining order within the establishment and assuring compliance, by the~~  
90 ~~clientele, with the provisions of this chapter.~~

91 ~~5.08.050 Liquor handler permit—Required.~~

92 ~~No person in the employment of any retail liquor outlet in the city dispensing liquor to~~  
93 ~~the public shall remain in that employment or handle intoxicating liquors unless such~~  
94 ~~person is in possession of a liquor handler's permit. Such permit shall be immediately~~  
95 ~~available to the permittee during all working hours for the licensee, and shall be~~  
96 ~~displayed to any peace officer upon demand of the officer.~~

97 ~~5.08.060 Liquor handler permit—Issuance—Revocation.~~

98 ~~All liquor handler permits shall be prepared and issued by the city clerk. These permits~~  
99 ~~issued under BMC 5.08.050 shall be marked with the word "Security" in addition to all~~  
100 ~~other present wording and shall be issued only after approval of the chief of police. All~~

Introduced by: Council Member Fansler on behalf  
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101 ~~permits issued under this chapter may be cancelled, suspended, or revoked, for cause,~~  
102 ~~at any time by the chief of police. All such cancelled, suspended, or revoked permittees~~  
103 ~~shall have the right to appeal to the city council within twenty one (21) days of the~~  
104 ~~decision by the chief of police.~~

105 ~~5.08.070 Liquor handler permit—Cost.~~

106 ~~The cost of each permit issued under this chapter shall be twenty five dollars (\$25)~~  
107 ~~except that those permits issued to waitresses shall be ten dollars (\$10).~~

108 ~~5.08.080 Sunday and holiday sales.~~

109 ~~A. No person may consume, sell, offer for sale, give, furnish or deliver, from an~~  
110 ~~authorized licensee, any intoxicating liquor on any licensed premises on any Sunday, or~~  
111 ~~on the following holidays:~~

- 112 ~~1. New Year's Day (January first (1st));~~
- 113 ~~2. Lincoln's Birthday;~~
- 114 ~~3. Washington's Birthday;~~
- 115 ~~4. Memorial Day;~~
- 116 ~~5. Independence Day (July Fourth (4th));~~
- 117 ~~6. Labor Day (first (1st) Monday in September);~~
- 118 ~~7. Thanksgiving Day (fourth (4th) Thursday in November);~~
- 119 ~~8. Christmas Day (December twenty fifth (25th)).~~

121 ~~B. For the purpose of this chapter, the holidays set out in subsection A of this section~~  
122 ~~shall be observed according to the federal designation for their observation. For the~~  
123 ~~purpose of determining Sundays and holidays as prescribed in this section, they shall~~  
124 ~~commence at the closing hour of the business hours for the preceding day and shall~~  
125 ~~terminate at the opening hour of the day following the Sunday or holiday.~~

126 ~~5.08.090 Election day sales.~~

127 ~~It is unlawful to give, barter, sell, or in any licensed premises to dispose of, any~~  
128 ~~intoxicating liquor upon a day upon which a general, special or primary election is held~~  
129 ~~in the state at large, until the polls have closed, or to so dispose of liquor in the city~~  
130 ~~when an election is being held therein until the polls are closed.~~

131 ~~5.08.100 Minors.~~

132 ~~No person shall give, barter, sell, furnish or deliver any intoxicating liquor to any~~  
133 ~~intoxicated person or to any minor.~~

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
Date: September 22, 2015  
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- 134 5.08.110 ~~Permitting violation.~~  
135 ~~It is unlawful for the owner of any licensed premises or any other person to direct,~~  
136 ~~request, cause, or permit any violation of this chapter.~~
- 137 5.08.120 ~~Inspection of premises.~~  
138 ~~The premises of licensees authorized to sell or distribute intoxicating liquor shall be~~  
139 ~~easily accessible for inspection by peace officers during all regular hours of the~~  
140 ~~transaction of business upon the premises, and at any other time with reasonable~~  
141 ~~notice by the officer.~~
- 142 5.08.130 ~~Violation—Penalty.~~  
143 ~~Any person, firm, or corporation convicted of a violation of any provision of this chapter~~  
144 ~~shall be punished pursuant to Chapter 1.08 BMC.~~  
145
- 146 5.08.010 Definitions
  - 147 5.08.020 Procedure for Administrative Review of License Applications
  - 148 5.08.030 City Council Review of License
  - 149 5.08.040 Council Action on Liquor License Applications
  - 150 5.08.050 Special Use Permit Required
  - 151 5.08.060 Restriction on Location of Alcohol Sales
  - 152 5.08.070 Licensee Responsible for Employees' Actions on Premises
  - 153 5.08.080 Hours and Days of Operation
  - 154 5.08.090 Obligation to Enforce Restrictions within Licensed Premises
  - 155 5.08.100 Alcohol Server Training Course Requirement
  - 156 5.08.110 Operation of Licensed Premises
  - 157 5.08.120 Restrictions on Purchase and Sale of Alcoholic Beverages
  - 158 5.08.130 Sale to Intoxicated Persons
  - 159 5.08.140 Eviction of Patrons
  - 160 5.08.150 Permitting Consumption on Premises
  - 161 5.08.160 Open Container
  - 162 5.08.170 Transportation of Alcohol
  - 163 5.08.180 Keg Registration
  - 164 5.08.190 Inspection of Premises
  - 165 5.08.200 Access for Enforcement
  - 166 5.08.210 Alcohol Offenses
  - 167 5.08.220 Penalties
- 168  
169  
170  
171

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
Date: September 22, 2015  
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172 **5.08.010 Definitions.**

- 173 A. "Alcoholic Beverages" mean all spirituous, vinous, malt or other fermented or  
174 distilled whatever the origin, that is intended for human consumption as a  
175 beverage and that contains one-half of one (1) percent or more of alcohol by  
176 volume, whether produced commercially or privately.  
177
- 178 B. "Board" means the Alcoholic Beverage Control Board established under AS  
179 04.06.010.  
180
- 181 C. "Intoxicated Person" means a person whose physical or mental conduct is  
182 substantially impaired as a result of the introduction of an alcoholic beverage  
183 into the person's body and who exhibits those plain and easily observed or  
184 discovered outward manifestations of behavior commonly known to be produced  
185 by the overconsumption of alcoholic beverages.  
186
- 187 D. "Licensed Premises" means any or all designated portions of a building or  
188 structure, rooms or enclosures in the building or structure, or real estate leased,  
189 used, controlled, or operated by a licensee in the conduct of business for which  
190 the licensee is licensed by the ABC Board and the City at the specific address for  
191 which the license is issued.  
192
- 193 E. "Liquor License" means any of the licenses or permits described in AS 04.11.080  
194
- 195 F. "Open containers" means any original container or package without the Internal  
196 Revenue Service strip stamp intact upon such container or package; any  
197 container or package that has been opened at least once since purchase or  
198 manufacture; or any container or package containing an alcoholic beverage  
199 other than the original container or package.  
200
- 201 G. "Person" means an individual, partnership, cooperative, association, joint  
202 venture, corporation, estate trust, business, receiver, or any entity, group or  
203 combination acting as a unit.  
204
- 205 H. "School" means the physical building and/or grounds of an educational facility  
206 operated either publicly or privately in which are taught subjects commonly  
207 taught in throughout the State of Alaska.  
208  
209

210

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
Date: September 22, 2015  
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211 **5.08.020 Procedure for Administrative Review of License Applications.**

- 212 A. Upon receipt of notice from the Board of an application for the issuance,  
213 renewal, transfer of location or transfer to another person of a liquor license for  
214 a license location in the City, the clerk shall as soon as practicable distribute  
215 copies of the notice to the city manager, the city council and the city attorney.  
216
- 217 B. The city manager shall immediately refer the application for review as follows:  
218
- 219 1. To the planning director or their designee to determine if the applicant has  
220 complied with the Special Use provisions of BMC 16.20;  
221
  - 222 2. To the finance director or their designee to determine whether the licensee or  
223 license transferee is delinquent in paying to the City any tax, assessment,  
224 business license fee, or fee or charge for utility service for the business  
225 and/or affiliate (as defined in 3 AAC 304.990) that operates or will operate,  
226 under the liquor license.
  - 227 3. To the police and fire chiefs to determine whether, in their opinion there have  
228 been excessive calls for service, excessive numbers of convictions or arrests  
229 for unlawful activity at the license location, police or ambulance reports,  
230 reports of unlawful activity at the license location, or police, fire or ambulance  
231 dispatches to the license location.  
232
- 233 C. The fire chief, police chief, planning director and finance director shall forward  
234 written statements to the city manager within fourteen (14) calendar days after  
235 the application was referred by the city manager.  
236
- 237 D. The city manager shall provide a written report to the city council, with a copy to  
238 the applicant, listing any objections to the Board's issuance of the application.  
239 The city manager's report is due not less than twenty (20) days but not more  
240 than thirty (30) days after the date of receipt of notice from the city clerk.  
241
- 242 E. An applicant who believes the city manager's report contains factual errors shall  
243 file a written protest outlining, with specific, the sections of the report believed to  
244 be factually incorrect. Such protest must be filed to the city manager not later  
245 than ten (10) calendar days after issuance of the city manager report.  
246
- 247 F. The city manager shall investigate the applicant's protest and shall issue a  
248 written decision no later than ten (10) calendar days after receipt of the protest.  
249

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
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250 G. The city clerk shall place the matter of the application upon the city council  
251 agenda not less than thirty (30) and not more than forty (40) calendar days  
252 after the date of receipt from the Board;

253 **5.08.030 City Council Review of License.**

254 The city council shall determine whether to protest the issuance, renewal or transfer  
255 of a liquor license application and shall consider the following factors it believes are  
256 pertinent. Such factors shall include, but not be limited to:

- 257 1. City records indicating whether the applicant and/or transferor is in violation  
258 of the city sales tax ordinances or regulations, has failed to comply with any  
259 of the filing, reporting or payment provisions of the city ordinances or  
260 regulations, or has any unpaid balance due on tax accounts for which the  
261 applicant and/or transferor is liable;
- 262 2. The character and public interests of the surrounding neighborhood;
- 263 3. Actual and potential law enforcement problems;
- 264 4. Whether the applicant can demonstrate prospective or continued compliance  
265 with a liquor server awareness training program approved by the Board, such  
266 as or similar to the program for techniques in alcohol management (T.A.M.);
- 267 5. The concentration of other licenses of the same and other types in the area;
- 268 6. Whether the surrounding area experiences a high rate of alcohol abuse, crime  
269 or accidents in which the abuse of alcohol is involved;
- 270 7. The adequacy of parking facilities;
- 271 8. The safety of ingress to and egress from the premises;
- 272 9. Compliance with state and local fire, health and safety codes;
- 273 10. The degree of control the licensee has or proposes to have over the conduct  
274 of the licensed business. In determining the applicant's demonstrated ability  
275 to maintain order and prevent unlawful conduct, the city council may consider  
276 police reports, the appearance of a readily identifiable pattern or practice of  
277 recurring violent acts or unlawful conduct on the licensed premises.  
278 testimony presented before the council, written comments, or other evidence  
279 deemed to be reliable and relevant to the purpose of this subsection;
- 280 11. Whether the applicant can demonstrate prospective or continued compliance  
281 with operations procedures for licensed premises set forth in BMC section  
282 5.08.110.

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
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- 283 12. The proximity to a school or church, senior citizen apartment  
284 housing/facilities, alcohol inpatient or outpatient treatment;
- 285 13. Any history of convictions of the applicants and affiliates of the applicants for:  
286 (a) Any violation of AS Title 04;  
287 (b) Any violation of city ordinances;
- 288 14. If application is made for the renewal or transfer of location or transfer of  
289 ownership of a license, the City shall consider whether the operator has  
290 engaged in a pattern of practices injurious to public health or safety, such as  
291 providing alcohol to minors or intoxicated persons, committing serious  
292 violations of state law relevant to public health or safety, or other actions  
293 within the knowledge and control of the operator which place the public  
294 health or safety at risk. In determining if a pattern or practices injurious to  
295 public health or safety exists, the city council may consider criminal  
296 convictions, credible proof of illegal activity even if not prosecuted, police  
297 reports, testimony presented before the council, or other evidence deemed to  
298 be reliable and relevant to the purpose of this subsection.
- 299 15. Any other factor the city council determines is relevant to a particular  
300 application.

301 **5.08.40 Council Action on Liquor License Applications.**

- 302 A. At the date and time set for consideration of the proposed application, the city  
303 council shall determine whether to protest the issuance, renewal, relocation or  
304 transfer of a license.  
305
- 306 B. If a majority of the city council votes to protest the application, a resolution shall  
307 be prepared and introduced at the next regularly scheduled council meeting or  
308 earlier if necessary to meet the requirements of AS 04.11.480.  
309
- 310 C. At least seven (7) calendar days prior to the council meeting, the city clerk shall  
311 provide the applicant with:  
312
- 313 1. A copy of the proposed resolution; and
  - 314 2. Notice of the date and time when council will consider the resolution; and
  - 315 3. Notice the applicant will have an opportunity, pursuant to 3 AAC  
316 304.145(d), to appear before the council to defend the application.  
317

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
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- 318 D. A protest by the council under this section cannot be based in whole or in part  
319 on police reports or other written materials available to the City but which were  
320 not provided to the affected applicant before the public hearing on that protest.  
321
- 322 E. At the conclusion of the public hearing, and any deliberation of the council, the  
323 council may choose to:
- 324
- 325 1. Pass the resolution protesting to the Board the issuance, transfer or  
326 renewal of the liquor license application; or
  - 327 2. Recommend the license be approved with conditions; or
  - 328 3. Take no action on the application.  
329

330 **5.08.050 Special Use Permit Required.**

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

335 **5.08.060 Restriction on Location of Alcohol Sales.**

- 336 A. No beverage dispensary or package store licensee may sell or offer to sell any  
337 alcoholic beverage within three hundred (300) feet of a church building or within  
338 three hundred (300) feet of any school grounds.  
339
- 340 B. No other type of premises licensed under AS 04.11.080 may sell or offer to sell  
341 any alcoholic beverage in or within two hundred (200) feet of a church building,  
342 school grounds, senior housing facility, or alcohol treatment facility.  
343
- 344 C. For purposes of this section, distance shall be measured by the most direct route  
345 of travel on the ground and shall be measured in the following manner:  
346
- 347 1. From the main parking lot street entrance off of an established roadway of  
348 the establishment from which alcoholic beverages are sold or offered for  
349 sale;
  - 350 2. In a straight line, regardless of obstructions, to the nearest public  
351 sidewalk, walkway, street, road or highway by the nearest route;
  - 352 3. To the main entrance of the church building, senior housing facility,  
353 alcohol treatment facility or to the nearest portion of the school grounds.

Introduced by: Council Member Fansler on behalf  
of the City Attorney  
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354 **5.08.070 Licensee Responsible for Employees' Actions on Premises.**

- 355 A. A licensee may neither knowingly allow agents or employees to violate this  
356 chapter or AS Title 04 or regulations adopted thereunder, or to recklessly or with  
357 criminal or civil negligence fail to act in accordance with the duties prescribed  
358 under AS 04.21.030 with the result that an agent or employee of the licensee  
359 violates a law, regulation or ordinance.  
360
- 361 B. The licensee shall be responsible for all acts or omissions of the licensee's  
362 employees on the licensed premises. The licensee may be cited and prosecuted  
363 for all acts or omissions of employees which are committed on the licensed  
364 premises and which are in violation of this chapter; provided, however, that the  
365 prosecution of the licensee shall not prohibit the prosecution of the employee for  
366 acts or omissions committed by the employee in violation of any provision of this  
367 chapter.

368 **05.08.080 Hours and Days of Operation.**

- 369 A. Premises licensed under AS 4.11.080 for the service and consumption of  
370 alcoholic beverages shall be closed for the sale, service and consumption of  
371 alcoholic beverages between the hours of 10:00 p.m. and 11:00 a.m. Monday  
372 through Friday, and between the hours of 11:00 p.m. and 11:30 a.m. on  
373 Saturday or Sunday or on a legal holiday recognized by the state under AS  
374 44.12.010 with the exception of New Year's Day during which the establishment  
375 shall close at 1:00 am.  
376
- 377 B. All other retail premises licensed under AS 4.11.080 shall be closed for the sale  
378 of alcoholic beverages between the hours of 12:00 a.m. and 12:00 p.m. Monday  
379 through Friday, between the hours of 2:00 a.m. and 3:00 p.m. on Saturday, and  
380 between the hours of 2:00 a.m. and noon on Sunday.  
381
- 382 C. A person may not sell, offer for sale, give, furnish, deliver or consume an  
383 alcoholic beverage on premises licensed under AS 04.11 during the hours of  
384 closure set forth in this section.  
385
- 386 D. A licensee, an agent, or employee may not permit a person to consume alcoholic  
387 beverages on the licensed premises between the hours of closure set forth in this  
388 section.  
389
- 390 E. A licensee, an agent, or employee may not permit a person to enter and a  
391 person may not enter premises licensed under AS 04.11 during the hours of

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392 closure set forth in this section. This subsection does not apply to common  
393 carriers or to an employee of the licensee who is on the premises to prepare for  
394 that day's or the next day's business.  
395

396 F. As authorized by AS 04.16.070(b) the sale of alcoholic beverages on State and/or  
397 City Election Days is not prohibited.

398 **5.08.090 Obligation to Enforce Restrictions within Licensed Premises.**

399 A licensee, their agent or employee may not permit the consumption of alcoholic  
400 beverages by any person within the licensed premises unless it is permitted by the  
401 license.

402 **5.08.100 Alcohol Server Training Course Requirement.**

403 A. A licensee, their agent or employee may not sell or dispense alcoholic beverages  
404 to the public prior to the successful completion of a liquor server awareness  
405 training program approved by the Board.  
406

407 B. A licensee, their agent or employee who elects to take an approved program  
408 online, must have the examination proctored at the City of Bethel offices by a  
409 duly appointed employee of the City.  
410

411 C. Licensees, their agents and employee who sell or dispense alcoholic beverages  
412 must be able to show proof of completion of a liquor server awareness training  
413 program approved by the Board upon request by a peace officer, the city  
414 manager (or their designee) or the Board.

415 **5.08.110 Operation of Licensed Premises.**

416 A. Except as otherwise provided in this section, the operations procedures set forth  
417 in subsection B of this section shall apply to all persons seeking the issuance,  
418 renewal or transfer of any license issued by the Board by virtue of AS Title 4 and  
419 other applicable provisions of law allowing the sale or service of alcoholic  
420 beverages. Subsections B1. of this section shall not apply to persons seeking the  
421 issuance, transfer or renewal of licenses issued under AS Title 4 which do not  
422 authorize the sale or service of alcoholic beverages for consumption on the  
423 premises licensed.

424 B. Persons seeking the issuance, transfer or renewal of licenses issued by the Board  
425 under AS Title 4 and other applicable provisions of law shall comply with the  
426 following operations procedures:

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- 427 1. *Happy Hours*. No licensee may:
- 428 i. Sell more than one (1) drink for the price of a single alcoholic drink,  
429 or sell a drink with increased alcoholic content, or sell a multiple of  
430 any number of drinks in a manner which has the effect of selling  
431 more than one (1) drink for the price of a single drink.
- 432 ii. Advertise, promote or put in public notice the giving of free  
433 alcoholic drinks to customers.
- 434 iii. Advertise, promote or put in public notice the sale of alcoholic  
435 beverages at a reduced price at certain times of the day or days of  
436 the week. Nothing in this subsection shall prohibit a licensee from  
437 increasing prices during times when entertainment is provided.
- 438 iv. This subsection shall not be construed to prohibit licensees from  
439 giving away or selling at a reduced price food items to customers  
440 and patrons.
- 441 2. *Public Transportation*. Licensees shall make available to their patrons access  
442 to means of public transportation to permit patrons to make arrangements for  
443 transportation off the premises.
- 444 3. *Notice of Penalties*. Operators shall place, at conspicuous locations within  
445 licensed premises, a clear and legible sign describing applicable penalties for  
446 driving under the influence, and for service or sale of alcoholic beverages to  
447 minors or intoxicated persons.
- 448 4. *Availability of Nonalcoholic Drinks*. Operators shall have nonalcoholic drinks  
449 available for their patrons.
- 450 5. *Compliance Determination*. In order to determine whether applicants seeking  
451 the issuance, renewal or transfer of alcoholic beverage licenses have  
452 complied with the provisions of this chapter, applicants shall, at the request  
453 of the City, submit to the city manager (or their designee) an alcoholic  
454 beverage licensee compliance form. Upon request, operators shall also  
455 provide the city manager with certificates from all current employees  
456 demonstrating that those employees have successfully completed a liquor  
457 service awareness training program such as the program for techniques in  
458 alcohol management (T.A.M.) as approved by the Board.

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459 6. *Solicitation of Purchase of Alcoholic Beverages for Consumption by Employee.*  
460 A person employed by a licensee shall not solicit or encourage any patron of  
461 the licensed premises to purchase alcoholic beverages for consumption by the  
462 employee or by any other employee. For the purposes of this subsection, the  
463 term "employee" includes any contractual arrangement by which an individual  
464 provides services to the licensee, whether compensation be in the form of  
465 salary, commission, fee or otherwise.

466 7. *Warning Signs for impoundment and Forfeiture of Vehicles Seized Pursuant to*  
467 *an Arrest for or Charge of Driving Under the Influence or Refusal to Submit to*  
468 *Chemical Tests.* Operators shall display at conspicuous places in licensed  
469 premises two (2) signs warning that vehicles are seized in cases of driving  
470 under the influence or refusal to submit to chemical tests. One of these  
471 warning signs shall be at least eleven (11") inches by fourteen (14") inches in  
472 size, and must read, in lettering at least one-half (1/2") inch high and in  
473 contrasting colors or black and white, "DRIVE UNDER THE INFLUENCE—LOSE  
474 YOUR CAR." The sign described in the preceding sentence must carry a logo  
475 or illustration approved by the chief of police or their designee which shows  
476 an automobile being towed. The second warning sign shall be at least eleven  
477 (11") inches by fourteen (14") inches and must read, in letters at least one-  
478 quarter (1/4") inch high and in contrasting colors or black and white,  
479 "WARNING: IF YOU DRIVE UNDER THE INFLUENCE OR LET ANYONE DRIVE  
480 YOUR VEHICLE UNDER THE INFLUENCE, YOU WILL LOSE YOUR VEHICLE.  
481 The police SEIZE cars and trucks driven by intoxicated drivers. A vehicle will  
482 be IMPOUNDED for 30 days for the driver's first DUI offense. A vehicle will be  
483 FORFEITED if the driver has been convicted of DUI in the past ten (10)  
484 years."

485 C. *Mandatory identification check in the retail sale of alcoholic beverages:* Licensee  
486 or licensee's employee or agent shall require any purchaser (and anyone  
487 accompanying the purchaser) of alcoholic beverages to produce a current  
488 government-issued identification with birth date and photograph for identification  
489 check prior to any on-premises sale. The purpose of the identification check is to  
490 verify age and eligibility to purchase alcoholic beverages. Failure to conduct the  
491 mandatory identification check required by this section is a violation of code and  
492 the licensee or licensee's employee or agent failing to conduct the mandatory  
493 identification check shall be subject to the civil penalty provisions of this chapter.  
494 For purposes of mandatory identification check required by this section:

495 1. "*Current government-issued*" means a state, federal or foreign government  
496 picture identification in force and effect for a specified period stated within

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- 497 the identification, when presented prior to expiration of the period stated. A  
498 state government identification with birth date and photograph issued by any  
499 state of the United States is included within the meaning of "current  
500 government-issued" if the period of validity is specified and the identification  
501 is presented prior to expiration of the period stated.
- 502 2. The subsequent invalidation of the identification as a bona fide government-  
503 issued identification does not invalidate the compliance.
- 504 3. An ongoing pattern of non-compliance with the mandatory identification  
505 check required by this code may result in review of the conditions of use or  
506 may result in the revocation of a special use permit previously approved by  
507 the city council. Action by the city council on licensee's special use permit  
508 under this section shall be in addition to any criminal or civil penalty  
509 applicable to the individual making the sale without performing the  
510 mandatory identification check.
- 511 D. *Security Personnel.* Package stores and bars shall have security personnel on  
512 the premises at all times that the premises are open to the public.
- 513 E. *Security Cameras.* At least two (2) twenty-four (24) hour time lapse security  
514 cameras are required to be installed and properly maintained on the exterior of  
515 the building at locations licensed to sell and/or store alcoholic beverages. At  
516 least two (2) additional twenty-four (24) hour time lapse security cameras are  
517 required to be installed and properly maintained in the interior of the building at  
518 all locations licensed to sell and/or store alcoholic beverages. At least one of the  
519 interior cameras must be able to capture all sales transactions. All criminal and  
520 suspicious activities recorded on the surveillance equipment must be reported to  
521 law enforcement as soon as practicable. To the extent allowed by law, the  
522 establishment operators may be required to provide any tapes or other recording  
523 media from the security camera to the Police Department.
- 524 F. *Premises to be cleared Upon Closing.* Upon closing, licensees shall clear alcoholic  
525 beverage establishment of all persons, other than necessary employees, within  
526 fifteen (15) minutes after the closing hours.
- 527 G. *Age Limit Signs to be exhibited.* All licensees shall cause to remain displayed  
528 upon the premises and in the entrance to the premises of their establishments a  
529 conspicuous sign in a prominent place visible from outside the establishment,  
530 which shall in substance state: "No person under the age of 21 years permitted.  
531 Any such person will be prosecuted to the full extent of the law." Excepting that

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532 licensed establishments regularly serving meals may modify the sign in  
533 accordance with the provisions of this chapter and AS 04.

534 **5.08.120 Restrictions on Purchase and Sale of Alcoholic Beverages.**

535 A. A person licensed under AS 04.11.090 (Beverage Dispensary), 04.11.100  
536 (Restaurant or Eating Place), 04.11.110 (Club License), or 04.11.150 (Package  
537 Store) may not purchase, sell, or offer for sale an alcoholic beverage unless the  
538 alcoholic beverage being purchased, sold, or offered for sale was obtained from  
539 a person licensed under:

- 540 1. AS 04.11.160 (wholesale licenses) as a primary source of supply for the  
541 alcoholic beverage being purchased, sold, or offered for sale;
- 542 2. AS 04.11.150 (package store) and the alcoholic beverage being purchased,  
543 sold, or offered for sale was obtained from a person licensed under AS  
544 04.11.160 (wholesale) as a primary source of supply; or
- 545 3. AS 04.11.130 (licensed brewery), 04.11.140 (licensed winery), or 04.11.170  
546 (licensed distillery).

547 **5.08.130 Sale to Intoxicated Persons.**

- 548 A. A licensee, his agent or employee may not knowingly or negligently:  
549 1. Sell, give or barter alcoholic beverages to an intoxicated person;  
550 2. Allow another person to sell, give or barter an alcoholic beverage to an  
551 intoxicated person within the licensed premises;  
552 3. Allow an intoxicated person to enter and remain within the licensed  
553 premises or to consume an alcoholic beverage within the licensed  
554 premises; or  
555 4. Permit an intoxicated person to sell or serve alcoholic beverages.

556 **5.08.140 Eviction of Patrons.**

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

560 **5.08.150 Open Container.**

561 A. It shall be unlawful to carry, transport or possess an open container of alcoholic  
562 beverages on the public streets, sidewalks, alleys, parks, or other public places

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563 throughout the city; except that an open container of alcoholic beverages may  
564 be carried in a vehicle in a locked trunk or other secured location inaccessible to  
565 the driver and passengers within the vehicle.  
566 B. Open containers are permitted on private residential property, with the consent  
567 of the owner or legal occupant of the property.

568 **5.08.160 Transportation of Alcohol.**

569 The transportation of alcoholic beverages by common carrier or commercial  
570 carrier within the City of Bethel to a residential home or non-licensed alcohol  
571 distribution facility is strictly prohibited except as expressly authorized by AS 04.

572 **5.08.170 Keg Registration.**

573 A. Obligations of seller. Any person who sells or offers for sale kegs or other  
574 containers containing four (4) gallons or more of alcoholic beverages, or leases  
575 kegs or other containers capable of holding four (4) gallons or more of alcoholic  
576 beverage to consumers who are not licensed under AS 04.11 shall, prior to  
577 surrendering physical possession of the keg or other container:

578 1. Require the purchaser of the alcoholic beverages to sign a declaration and  
579 keg registration form for the keg or other container on a form approved by  
580 the chief of police. The form shall contain:

581 i. The name and address of the seller and the purchaser;

582 ii. The type and identifying number of the identification presented by  
583 the purchaser pursuant to AS 04.21.050

584 iii. A sworn statement, signed by the purchaser under penalty of  
585 perjury, stating that the purchaser is twenty-one (21) years of age  
586 or older; will not allow persons under twenty-one (21) years of age  
587 to consume the alcoholic beverages purchased pursuant to AS  
588 04.16.051, will not remove or obliterate or allow the removal or  
589 obliteration of the temporary registration tag affixed to the keg or  
590 other container, and will return the keg to the seller within the time  
591 constraints set by the seller;

592 iv. The return date specified by the seller;

593 v. The particular address or addresses where the alcoholic beverages  
594 will be consumed, and the date on which it will be consumed;

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- 595 vi. A warning that it is illegal to obscure or remove the registration  
596 tag; and
- 597 vii. The unique identifier of the temporary tag attached to the keg or  
598 container as required under this section.
- 599 2. Affix an approved temporary tag with a unique identifier to all containers over  
600 four (4) gallons or more of an alcoholic beverage prior to surrendering  
601 possession or control thereof to a consumer; and
- 602 3. Require the purchaser to separately and prominently display a copy of the  
603 keg registration form within five (5) feet of the keg or other container while  
604 the keg or other container is in the purchaser's possession or control.
- 605 4. Upon return of the keg or other container, the seller shall note the date  
606 thereof and the initials of the person who accepts the return.
- 607 5. The licensee shall retain a copy of the keg registration form and receipt,  
608 which shall be retained on the licensed premises for a period of one (1) year.  
609 The records shall be available for inspection and copying by any peace  
610 officer, the city finance director or their designee, the Alcohol Beverage  
611 Control Board investigator or agent.
- 612 B. Obligations of purchaser. Any person who purchases or leases kegs or other  
613 containers containing four (4) gallons or more of alcoholic beverages shall:
- 614 1. Sign a declaration and keg registration form for the keg or other container on  
615 a form provided by the seller pursuant to subsection A. of this section;
- 616 2. Provide identification pursuant to AS 04.21.050;
- 617 3. Be of legal age to purchase, possess, or use alcoholic beverages;
- 618 4. Not allow any person under the age of 21 to consume the beverage except as  
619 provided by AS 04.16.051;
- 620 5. Not remove, obliterate, or allow to be removed or obliterated, the  
621 identification required under subsection C. of this section;
- 622 6. Return the keg or other container to the place of purchase no later than the  
623 date indicated on the identification tag required under this section;

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- 624 7. Not move, keep, or store the keg or its contents, except for transporting to  
625 and from the distributor, at any place other than that particular address  
626 declared on the keg registration form; and
- 627 8. Separately and prominently display a copy of the keg registration form within  
628 five (5) feet of the keg or other container during the time that the keg or  
629 other container is in the purchaser's possession or control.

630 C. Identification of containers.

- 631 1. A keg registration form provided by licensees and approved by the Bethel  
632 police chief shall be properly completed by the licensee for sales and leases  
633 of kegs or other containers holding four (4) or more gallons of alcoholic  
634 beverages for off-premises consumption, and shall contain:
- 635 2. The keg registration form affixed to the keg or container may serve as the  
636 purchaser's receipt.
- 637 3. Kegs or other containers holding four (4) gallons or more of alcoholic  
638 beverages shall have a properly completed keg registration form affixed  
639 thereon when sold for off-premises consumption. Possession of a keg or  
640 other container which holds four (4) gallons or more of alcoholic beverages,  
641 other than on the seller's premises, without a properly completed registration  
642 and declaration form either affixed thereon or in possession of the person  
643 with the keg(s) or other container holding four (4) or more gallons of  
644 alcoholic beverages shall be a violation of this chapter.

645 **5.08.180 Inspection of premises.**

- 646
- 647 A. The premises of licensees authorized to sell or distribute intoxicating liquor shall  
648 be easily accessible for inspection by police officers during all regular hours of  
649 the transaction of business upon the premises, and at any other time with  
650 reasonable notice by the officer.
- 651
- 652 B. The police department may inspect any premises with an alcoholic beverage  
653 license for compliance with conditions on the license. Upon discovering a  
654 violation of such conditions, the police department shall submit a written report  
655 of the violation to the city clerk for review by the city council and provide a copy  
656 thereof to the licensee.
- 657

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- 658 C. If at any time there appears to be a readily identifiable pattern or practice of  
659 recurring violent acts or unlawful conduct in a licensed premise, the City may  
660 send notice of possible protest to the licensee that he or she must submit and  
661 implement a plan for remedial action or be in jeopardy that a protest will be filed  
662 to any renewal, transfer of location or transfer of ownership sought by the  
663 licensee.  
664
- 665 D. Upon receiving a report of conditions violation, the city council may:  
666
- 667 1. Revoke the premise's conditional use permit;  
668
  - 669 2. Protest the issuance, renewal, transfer, relocation or continued operation of  
670 the license;  
671
  - 672 3. Recommend imposition of conditions on the state liquor license pursuant to  
673 AS 04.11.480(c); or  
674
  - 675 4. Notify the Board that a licensee has violated conditions and request that an  
676 accusation pursuant to AS 04.11.370 be brought against the licensee.  
677
- 678 E. Prior to taking any of the actions listed in subsection c) of this section, the City  
679 shall give the permittee or licensee notice and an opportunity to be heard on the  
accusation(s) at a publicly noticed council meeting.

680 **5.08.190 Access for Enforcement.**

- 681 A. The public entrance of licensed alcoholic beverage establishments shall be open  
682 and unlocked before and after the closing hour of such establishment if there are  
683 any patrons in the establishment.  
684
- 685 B. Licensees of licensed alcoholic beverage establishments, their employees and all  
686 patrons in such establishments shall permit and aid the entry of any law  
687 enforcement officer during all hours of operation and at any other time when  
688 there are two or more persons in such licensed alcoholic beverage establishment.
- 689 C. Lack of knowledge, lack of intent and absence from the premises shall not be  
690 defenses to any action brought under this section against any such employee in  
691 charge of such establishment or such licensee.
- 692 D. The following evidence shall constitute a prima facie case of violation of this  
693 section in any action under this section against any such employee in charge of  
694 such establishment or against any licensee:

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- 695 1. A law enforcement officer knocked heavily at the public entrance of a licensed  
696 beverage dispensary or licensed alcoholic beverage establishment and such  
697 entrance was not opened within one minute thereafter to permit his  
698 entrance; plus
- 699 2. Evidence of sound emanating from the licensed alcoholic beverage  
700 establishment, heard by such officer, and his opinion that he concluded that  
701 two or more persons were in such establishment.
- 702 E. Licensees shall provide the Police Chief with their current hours of operation. Any  
703 changes to the hours of operation shall be communicated, in writing, to the  
704 Police Chief, at least three (3) business days prior to the change being  
705 implemented.

706 **5.08.200 Alcohol Offenses.**

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

710 **5.08.210 Penalties.**

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
Premises Open during non-permissible hours	5.08.080A & 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	5.08.080A & 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 Alcohol on Premises during hours of Closure	5.08.080C	No	\$300
Allowing person to consume alcohol 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

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Allowing consumption on premises in violation of license	5.08.090	No	\$500
Selling or dispensing alcohol prior to successful completion of a liquor server awareness training program	5.08.100A	Yes	\$1,000
Allowing employee to sell or dispense alcohol prior to their successful completion of a liquor server awareness training program	5.08.100A	Yes	\$1,000
Failure to show proof of successful completion of a liquor 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	5.08.110B2	No	\$150
Failure to permit patron to arrange for transportation off premises	5.08.110B2	No	\$500
Failure to 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 have non-alcoholic drinks available	5.08.110B4	No	\$150
Failure to submit an alcoholic 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
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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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 <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 alcoholic beverage	5.08.110C	Yes	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
Failure to have security personnel on premises during hours of operation	5.08.110D	No	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Failure to install or maintain security equipment	5.08.110E	Yes	1 <sup>st</sup> Offense: \$500 2 <sup>nd</sup> Offense: \$700 3 <sup>rd</sup> & subsequent offenses: \$1,000
Failure to report suspicious activity from security cameras to law enforcement	5.08.110E	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
Interior camera not positioned to capture sales transactions	5.08.110E	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	5.08.110F	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	5.08.150	No	\$300
Sale of alcoholic beverages improperly obtained	5.08.120	Yes	\$700
Sale of alcohol 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

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Providing alcohol 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
Allowing another person to sell or provide alcohol to an intoxicated person	5.08.130A2	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 alcoholic beverage 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 alcoholic beverage	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 alcohol by common carrier	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 alcohol by commercial carrier	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 Require or complete keg registration form	5.08.170	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
Incomplete keg registration form	5.08.170	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700

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Failure to tag or improperly tagged keg	5.08.170	No	1 <sup>st</sup> Offense: \$150 2 <sup>nd</sup> Offense: \$300 3 <sup>rd</sup> & subsequent offenses: \$700
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
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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**SECTION 3. Effective Date.** This Ordinance shall become effective upon passage by the City Council.

**ENACTED THIS \_\_\_\_ DAY OF (MONTH) 2015, BY A VOTE OF \_\_\_\_ IN FAVOR AND OPPOSED.**

\_\_\_\_\_  
Richard Robb, Mayor

ATTEST:

\_\_\_\_\_  
Lori Strickler, City Clerk  
City of Bethel, Alaska