

Introduced by: Bethel City Council
Date: August 10, 2004
Public Hearing: August 24, 2004
Action: Failed
Vote: 3-4 (No – Jacobs, O'Brien,
Short, Trantham)

CITY OF BETHEL, ALASKA

ORDINANCE #04- 23

AN ORDINANCE PLACING THE PROPOSITION OF WHETHER TO APPROVE A LIQUOR STORE ON THE OCTOBER 5, 2004 BALLOT

BE IT ORDAINED by the City Council of Bethel, Alaska, that:

SECTION 1. Classification. This ordinance is temporary in nature and shall not be incorporated into the Bethel Municipal Code.

SECTION 2. Election. The City Clerk shall place the following proposition on the October 5, 2004 ballot to be presented to the voters of the City of Bethel:

Proposition

CITY LICENSED LIQUOR STORE

Shall the City of Bethel change the local option currently in effect that prohibits the sale of alcoholic beverages, and adopt in its place a local option that prohibits the sale of alcoholic beverages except on premises licensed by the City of Bethel under a package store liquor license? A package store is commonly known as a "liquor store," that has the authority to sell alcoholic beverages to persons on the store premises, or to persons known by the liquor store personnel who make written requests for shipments.

Yes

No

SECTION 3. Effective Date. Section 2 of this Ordinance shall become effective upon enactment.

ENACTED THIS ____ DAY OF August 2004, by a vote of ____ in favor and ____ opposed.

ATTEST:

Hugh Short, Mayor

Selena Malone, Acting City Clerk

City of Bethel, Alaska

Ordinance #04-23
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Introduced by: Council Member
O'Brien
Date: August 18, 2004 –
Original Ordinance
August 31, 2004 –
Amendment
Public Hearing: August 31, 2004
September 7, 2004
Action: Failed
Vote: 3-4

CITY OF BETHEL, ALASKA

ORDINANCE #04-23 AS AMENDED

AN ORDINANCE TO PLACE ON THE OCTOBER 5, 2004 MUNICIPAL ELECTION BALLOT THE QUESTION OF WHETHER TO APPROVE A CITY OWNED LIQUOR STORE THAT IS OPERATED BY THE CITY THROUGH A CONTRACTOR, AS WELL AS AN ADVISORY VOTE QUESTION OF WHETHER TO ESTABLISH AN ALCOHOLIC BEVERAGE DELIVERY SITE, AND TO EXEMPT THIS ORDINANCE FROM THE PROVISIONS OF BETHEL MUNICIPAL CODE SECTION 7.10.070 WHICH REQUIRES ADOPTING AN ORDINANCE CONTAINING A BALLOT QUESTION AT LEAST 45 DAYS BEFORE THE BALLOT QUESTION IS TO BE VOTED UPON

BE IT ORDAINED by the City Council of Bethel, Alaska, that:

SECTION 1. Classification. This ordinance is temporary in nature and shall not be incorporated into the Bethel Municipal Code.

SECTION 2. Election. The City Clerk shall place the following question on the October 5, 2004 municipal election ballot to be presented to the voters of the City of Bethel:

Question

CITY OWNED LIQUOR STORE OPERATED BY CITY THROUGH A CONTRACTOR

Shall the City of Bethel change the local option currently in effect that prohibits the sale of alcoholic beverages, and adopt in its place a local option that prohibits the sale of alcoholic beverages except on the premises of a city owned package store that is operated by the City of Bethel under a

package store liquor license? The City of Bethel shall hire a private sector contractor to operate the package store for the City. A package store is commonly known as a "liquor store," that has the authority to sell alcoholic beverages to persons on the store premises, or to persons known by the liquor store personnel who make written requests for shipments.

Yes

No

SECTION 3. Election. The City Clerk shall also place the following question on the October 5, 2004 municipal election ballot to be presented to the voters of the City of Bethel for an advisory vote:

Question

ADVISORY VOTE REGARDING ALCOHOLIC BEVERAGE DELIVERY SITE

Should the City Council consider passing an ordinance to establish an alcoholic beverage delivery site in the City of Bethel to which all imported alcoholic beverages shall be delivered, except alcoholic beverages exempted from delivery to the alcoholic beverage delivery site by AS 4.11.491(f).

Yes

No

SECTION 4. Exempting Application of BMC 7.10.070 to this Ordinance. BMC 7.10.070 requires that an ordinance containing a ballot question be adopted no later than 45 days before the election in which the ballot question is to be voted upon. Ordinance #04-23 was introduced on August 18, 2004 and proposes two questions to be placed on the October 5, 2004 municipal election ballot, to approve a city-owned liquor store and to establish an alcoholic beverage delivery site. Ordinance #04-23 was introduced after consideration of previous ordinances and resolutions by the City Council from July to the present about placing ballot questions before the voters at the October 5, 2004 municipal election to allow for a liquor store and/or an alcoholic beverage delivery site in the City of Bethel. Therefore, the public has received notice of the City Council's intent to place such questions on the October 5, 2004 municipal election ballot. In light of the ample notice given to the public of the date of the election and previous consideration of related issues by the City Council, BMC Section 7.10.070 shall not apply to this Ordinance. The City Council hereby exempts this Ordinance from application of BMC 7.10.070 and approves the placement of the questions proposed by Ordinance #04-23 on the October 5, 2004 municipal election ballot.

SECTION 5. Effective Date. Sections 2, 3 and 4 of this Ordinance shall become effective immediately upon passage by the City Council.

ENACTED THIS ____ DAY OF _____ 2004, by a vote of ____ in favor and ____ opposed.

ATTEST:

Hugh Short, Jr., Mayor

Selena Malone
City Clerk