

Introduced by: Vice-Mayor Middlebrook
Date: December 8, 2009
Public Hearing: January 12, 2009
Action: Passed
Vote: 5-1

CITY OF BETHEL, ALASKA

Ordinance #09-44

AN ORDINANCE OF THE CITY OF BETHEL, ALASKA AMENDING CHAPTER 5.08, ALCOHOLIC BEVERAGES, BETHEL MUNICIPAL CODE; TO ADD THE PROVISIONS PROHIBITING THE SALE AND SERVICE OF ALCOHOLIC BEVERAGES WITHIN TWO HUNDRED (200) FEET OF A CHURCH OR SCHOOL; ALCOHOLIC BEVERAGE PACKAGE STORES OR BARS WITHIN THREE HUNDRED (300) FEET OF A CHURCH BUILDING OR WITHIN THREE HUNDRED (300) FEET OF ANY SCHOOL GROUNDS; PROHIBITING LICENSING OF ENTITIES BEHIND IN CITY SALE TAXES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, On October 06, 2009 the City of Bethel residents voted 615 yes 523 no to appeal proposition #1 to opt out of the local option;

WHEREAS, Regulation and control of alcohol in City of Bethel was to provide residents a vote to lift restriction by state of Alaska Statue (AS) 04.11.507-509;

WHEREAS, the boundaries of the City of Bethel be described as follows: beginning at latitude sixty degrees fifty minutes eight seconds north, longitude one-hundred sixty-one degrees forty minutes west; thence 3.50 miles to latitude sixty degrees fifty-five minutes west; thence south 5.88 miles to latitude sixty degrees forty-five minutes north, longitude one-hundred sixty-one degrees fifty-five minutes west; thence east 8.50 miles latitude sixty forty-five minutes north 5.88 miles to latitude sixty degrees fifty minutes eight seconds north, longitude one-hundred sixty-one degrees forty seconds west, the point of beginning, a total of 49.98 square miles, more or less;

WHEREAS, a local option law is a local law and the local body may impose a penalty for violation of its law. state law AS 29.25.070 authorizes a governing body to impose a penalty for the a violation of the municipal ordinance and AS 04.21.010 (b) authorizes a municipality to adopt an ordinance making the sale, importation, or possession of alcoholic beverage a misdemeanor to the extent prohibited under local option;

WHEREAS, Planning commission support of the amended Chapter 5.08, Alcoholic Beverages, Bethel Municipal Code of ordinances;

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

SECTION 1. Classification. Chapter 5.08, Alcoholic Beverages, Bethel Municipal Code of Ordinances.

SECTION 2. Amendment. Sec. 5.08.011. Consumption, sale and service of alcoholic beverages prohibited, is hereby added.

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Section 5.08.011 Consumption, sale and service of alcoholic beverages.

(a) No person may sell or offer to sell any alcoholic beverage in package stores or bars within three hundred (300) ft of a church building or within three hundred (300) ft of any school grounds.

(b) No person may sell or offer to sell any alcoholic beverage in or within two hundred (200) ft of a church building or within two hundred (200) ft of any school grounds.

(c) Any person or business that is behind in taxes to the City of Bethel is prohibited from receiving "ALCOHOLIC BEVERAGE LICENSES".

(d) As used in this section, the term "school building", "school", "school grounds" or "educational building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools, and which are public schools or private schools as defined by the State of Alaska. The term "school building" and "educational building" includes only those structures in which instruction is offered, except colleges and universities. The term "school grounds" shall apply only to the parcel or parcels of land on which a school, school building or educational building is located, except colleges and universities.

(e) The term "church building" as used herein shall mean the main structure used by any religious organization for purposes of worship.

(f) The requirements for minimum distance from a church building located in a shopping center, shall not apply to any license for retail package or retail consumption.

(g) For purposes of this section, distance shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

(1) From the main parking lot entrance of the establishment from which alcoholic beverages are sold or offered for sale;

(2) In a straight line, regardless of obstructions, to the nearest public sidewalk, walkway, street, road or highway by the nearest route;

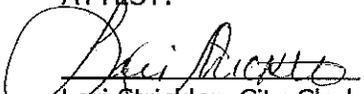
(3) To the main entrance of the church building, or to the nearest portion of the school grounds.

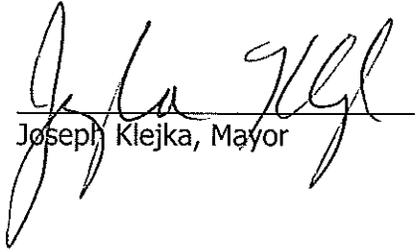
SECTION 3. Effective Date. This ordinance shall take effect immediately upon its passage and approval.

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**ENACTED THIS 12 DAY OF JANUARY 2010, BY A VOTE OF 5 IN FAVOR AND 1
OPPOSED.**

ATTEST:


Lori Strickler, City Clerk


Joseph Klejka, Mayor