

Introduced by: Council Member Sigmon  
Date: January 28, 2014  
Public Hearing: February 11, 2014  
Action: Passed  
Vote: 5-0

## *CITY OF BETHEL, ALASKA*

### **Ordinance #14-04**

#### **AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE SECTION 8.10 SMOKING POLLUTION CONTROL, VIOLATIONS AND PENALTIES**

**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 8.10.110** The Bethel Municipal Code is amended as follows (new language is underlined and ~~old language is stricken out~~):

#### **8.10.110 Violations and Penalties.**

A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this chapter to fail to comply with any of its provisions.

B. It is unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this chapter.

C. Any person who violates any provision of this chapter shall be guilty of an infraction and may be issued a citation. The penalty for these infractions is: ~~punishable by:~~

1. A fine ~~not exceeding~~ of fifty dollars (\$50) for a first (1st) violation.
2. A fine ~~not exceeding~~ of one hundred dollars (\$100) for a second (2nd) violation of this chapter within one (1) year.
3. A Fine ~~not exceeding~~ of three hundred dollars (\$300) for each subsequent violation of this chapter within one (1) year.

~~D. Notwithstanding any other provision of this chapter, the city or a private citizen may bring a civil action to enforce this chapter and may recover a civil penalty not exceeding three hundred dollars (\$300) for each violation. Each day upon which a continuing violation occurs is a separate violation. Upon the request of the party bringing the~~  
City of Bethel, Alaska

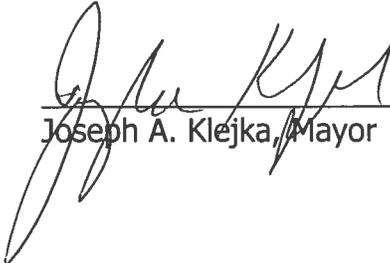
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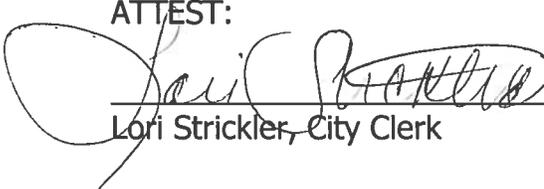
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~~action and proof by a preponderance of the evidence that a violation of this chapter has occurred, is occurring or is threatened to occur, the court shall issue an injunction against the violation or threatened violation. In accordance with AS 29.25.070(a) citations for these offenses may be disposed of as provided in AS 12.25.195-.230 without a court appearance upon payment of the fine amounts plus the state surcharge required by AS 12.55.039 and AS 29.25.074. If a person charged with one 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.~~

**SECTION 5. Effective Date.** This section shall become effective January 31, 2014.

**ENACTED THIS 11 DAY OF FEBRUARY 2014, BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.**

  
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Joseph A. Klejka, Mayor

ATTEST:  
  
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Lori Strickler, City Clerk