

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

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 Bethel Municipal Code Chapter 5.08 is repealed and replaced, (old language is stricken):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.~~

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

~~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, or used, for human consumption and containing more than one (1) percent alcohol by volume.~~

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

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

~~B. No person may sell or offer to sell any alcoholic beverage in or within two hundred (200) feet of a church building or within two hundred (200) feet 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 terms "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 terms "school building" and "educational building" include 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:~~

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

- ~~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.~~

~~5.08.020 Closing hours.~~

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

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

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

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

~~5.08.040 Maintenance of order.~~

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

~~5.08.050 Liquor handler permit—Required.~~

~~No person in the employment of any retail liquor outlet in the city dispensing liquor to the public shall remain in that employment or handle intoxicating liquors unless such~~
City of Bethel, Alaska

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

~~person is in possession of a liquor handler's permit. Such permit shall be immediately available to the permittee during all working hours for the licensee, and shall be displayed to any peace officer upon demand of the officer.~~

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

~~All liquor handler permits shall be prepared and issued by the city clerk. These permits issued under BMC 5.08.050 shall be marked with the word "Security" in addition to all other present wording and shall be issued only after approval of the chief of police. All permits issued under this chapter may be cancelled, suspended, or revoked, for cause, at any time by the chief of police. All such cancelled, suspended, or revoked permittees shall have the right to appeal to the city council within twenty one (21) days of the decision by the chief of police.~~

~~5.08.070 Liquor handler permit — Cost:~~

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

~~5.08.080 Sunday and holiday sales:~~

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

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

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

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

~~5.08.090 Election day sales.~~

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

~~5.08.100 Minors.~~

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

~~5.08.110 Permitting violation.~~

~~It is unlawful for the owner of any licensed premises or any other person to direct, request, cause, or permit any violation of this chapter.~~

~~5.08.120 Inspection of premises.~~

~~The premises of licensees authorized to sell or distribute intoxicating liquor shall be easily accessible for inspection by peace officers during all regular hours of the transaction of business upon the premises, and at any other time with reasonable notice by the officer.~~

~~5.08.130 Violation — Penalty.~~

~~Any person, firm, or corporation convicted of a violation of any provision of this chapter shall be punished pursuant to Chapter 1.08 BMC.~~

- 5.08.010 Definitions
- 5.08.020 Procedure for Administrative Review of License Applications
- 5.08.030 City Council Review of License
- 5.08.040 Council Action on Liquor License Applications
- ~~5.08.050 Special Use Permit Required~~
- 5.08.050 Recordkeeping Required of All Sellers
- ~~5.08.060 Restriction on Location of Alcohol Sales~~
- 5.08.060 Conditional Use Permit Required.
- 5.08.070 Licensee Responsible for Employees' Actions on Premises
- 5.08.080 Hours and Days of Operation
- 5.08.090 Obligation to Enforce Restrictions within Licensed Premises
- 5.08.100 Alcohol Server Training Course Requirement
- 5.08.110 Operation of Licensed Premises

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

- 5.08.120 Restrictions on Purchase and Sale of Alcoholic Beverages
- 5.08.130 Sale to Intoxicated Persons
- 5.08.140 Eviction of Patrons
- 5.08.150 ~~Permitting Consumption on Premises~~ Open Container
- 5.08.160 Transportation of Alcohol
- 5.08.170 ~~Keg Registration~~ Inspection of Premises
- 5.08.180 ~~Inspection of Premises~~ Access for Enforcement
- 5.08.190 ~~Access for Enforcement~~ Alcohol Offenses
- 5.08.200 ~~Alcohol Offenses~~ Penalties
- 5.08.210 Penalties

5.08.10 Definitions.

- A. "Alcoholic Beverages" mean all spirituous, vinous, malt or other fermented or distilled whatever the origin, that is intended for human consumption as a beverage and that contains one-half of one (1) percent or more of alcohol by volume, whether produced commercially or privately.
- B. "Board" means the Alcoholic Beverage Control Board established under AS 04.06.010.
- C. "Intoxicated Person" means a person whose physical or mental conduct is substantially impaired as a result of the introduction of an alcoholic beverage into the person's body and who exhibits those plain and easily observed or discovered outward manifestations of behavior commonly known to be produced by the overconsumption of alcoholic beverages.
- D. "Licensed Premises" means any or all designated portions of a building or structure, rooms or enclosures in the building or structure, or real estate leased, used, controlled, or operated by a licensee in the conduct of business for which the licensee is licensed by the ABC Board and the City at the specific address for which the license is issued.
- E. "Liquor License" means any of the licenses or permits described in AS 04.11.080
- F. "Open containers" means any original container or package without the Internal Revenue Service strip stamp intact upon such container or package; any container or package that has been opened at least once since purchase or manufacture; or any container or package containing an alcoholic beverage other than the original container or package.
- G. "Person" means an individual, partnership, cooperative, association, joint venture, corporation, estate trust, business, receiver, or any entity, group or

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

combination acting as a unit.

~~H. "School" means the physical building and/or grounds of an educational facility operated either publicly or privately in which are taught subjects commonly taught in throughout the State of Alaska.~~

5.08.020 Procedure for Administrative Review of License Applications.

- A. Upon receipt of notice from the Board of an application for the issuance, renewal, transfer of location or transfer to another person of a liquor license for a license location in the City, the clerk shall as soon as practicable distribute copies of the notice to the city manager, the city council and the city attorney.
- B. The city manager shall immediately refer the application for review as follows:
 1. To the planning director or their designee to determine if the applicant has complied with the ~~Special Use provisions of BMC 16.20~~ conditional use provision of the Bethel Municipal Code;
 2. To the finance director or their designee to determine whether the licensee or license transferee is delinquent in paying to the City any tax, assessment, business license fee, or fee or charge for utility service for the business and/or affiliate (as defined in 3 AAC 304.990) that operates or will operate, under the liquor license.
 3. To the police and fire chiefs to determine whether, in their opinion there have been excessive calls for service, excessive numbers of convictions or arrests for unlawful activity at the license location, police or ambulance reports, reports of unlawful activity at the license location, or police, fire or ambulance dispatches to the license location.
- C. The fire chief, police chief, planning director and finance director shall forward written statements to the city manager within fourteen (14) calendar days after the application was referred by the city manager.
- D. The city manager shall provide a written report to the city council, with a copy to the applicant, listing any objections to the Board's issuance of the application. The city manager's report is due ~~not less than~~ within twenty (20) days ~~but not more than thirty (30) days~~ after the date of receipt of notice from the city clerk.
- E. An applicant who believes the city manager's report contains factual errors shall file a written protest outlining, with specific, the sections of the report believed to be factually incorrect. Such protest must be filed to the city manager not later than ten (10) calendar days after issuance of the city manager report.
- F. The city manager shall investigate the applicant's protest and shall issue a written decision no later than ten (10) calendar days after receipt of the protest.

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

- G. The city clerk shall place the matter of the application upon the city council agenda not less than thirty (30) and not more than forty (40) calendar days after the date of receipt from the Board;

5.08.030 City Council Review of License.

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

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

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

11. Whether the applicant can demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in BMC section 5.08.110.
12. The proximity to a school or church, ~~senior citizen apartment housing/facilities,~~ alcohol inpatient or outpatient treatment;
13. Any history of convictions of the applicants and affiliates of the applicants for:
 - (a) Any violation of AS Title 04;
 - ~~(b) Any violation of city ordinances;~~
- ~~14. If application is made for the renewal or transfer of location or transfer of ownership of a license, the City shall consider whether the operator has engaged in a pattern of practices injurious to public health or safety, such as providing alcohol to minors or intoxicated persons, committing serious violations of state law relevant to public health or safety, or other actions within the knowledge and control of the operator which place the public health or safety at risk. In determining if a pattern or practices injurious to public health or safety exists, the city council may consider criminal convictions, credible proof of illegal activity even if not prosecuted, police reports, testimony presented before the council, or other evidence deemed to be reliable and relevant to the purpose of this subsection.~~
15. Any other factor the city council determines is relevant to a particular application.

5.08.40 Council Action on Liquor License Applications.

- ~~A. At the date and time set for consideration of the proposed application, the city council shall determine whether to protest the issuance, renewal, relocation or transfer of a license.~~
- B. If a ~~majority of the city council~~ member wishes ~~votes~~ to protest the application, a resolution shall be prepared and introduced at the next regularly scheduled council meeting or earlier if necessary to meet the requirements of AS 04.11.480.
- C. At least seven (7) calendar days prior to the council meeting, the city clerk shall provide the applicant with:
 1. A copy of the proposed resolution; and
 2. Notice of the date and time when council will consider the resolution; and

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

3. Notice the applicant will have an opportunity, pursuant to 3 AAC 304.145(d), to appear before the council to defend the application.
- D. A protest by the council under this section cannot be based in whole or in part on police reports or other written materials available to the City but which were not provided to the affected applicant before the public hearing on that protest.
- E. At the conclusion of the public hearing, and any deliberation of the council, the council may choose to:
 1. Pass the resolution protesting to the Board the issuance, transfer or renewal of the liquor license application; or
 2. Recommend the license be approved with conditions; or
 3. Take no action on the application.

~~5.08.050 — Special Use Permit Required.~~

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

5.08.050 Recordkeeping required of all sellers.

- A. Premises licensed under AS 04.11 shall keep and preserve suitable records of all sales made by the seller and such other books or accounts as may be necessary to determine the amount of tax which it is obliged to collect, including records of the gross daily sales, together with invoices of purchases and sales, bills of lading, bills of sale or other pertinent records and documents as will substantiate and prove the accuracy of a tax return.
- B. "Suitable records of all sales made" as used in subsection A of this section shall mean at a minimum a daily "Z" or "Z-total" report or equivalent, for all businesses with a cash register (A "Z" or "Z-total" report is the report generated by the cash register at the end of each business day, which calculates, at least, the totals for each department key, total sales and total receipts – although some cash registers have more detailed "Z" or "Z-total" reports). Whatever records are kept must reflect the total daily purchases of taxable items. If no taxable sales are made on a business day, the records kept shall so reflect "zero" sales on that day. Records must also be kept to substantiate any claimed deductions or exclusions authorized by law. Records may be written, kept on microfilm, stored on data processing equipment or may be in any form that the City may readily examine.

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

- C. ~~Unless a specific, written exception has been granted by the finance director, with the approval of the city manager~~ All sellers within the City who sell alcoholic beverages must have a cash register and must record each retail sale on a cash register that provides, at a minimum, a daily "Z" or "Z-total" report, or equivalent as set forth in subsection C of this section.
- D. Records shall be kept in a systematic manner conforming to accepted accounting methods and procedures. Such records include:
1. The books of accounts ordinarily maintained by a prudent business person. Records and accounting information stored on computers or microfilm must be provided to the City in a readable form when requested by the City.
 2. Documents of original entry such as original source documents, pre-numbered sequential source documents, pre-numbered sequential receipts, cash register tapes, sales journals, invoices, job orders, contracts, or other documents of original entry that support the entries in the books of accounts;
 3. All schedules or working papers used to prepare gross and taxable sales results, including receipts or invoices showing exempt sales.
- E. Records must show:
1. Gross receipts and amounts due from all taxable and exempt sales; and
 2. The total purchase price of all goods and other property purchased for sale, resale, consumption, or lease.
- F. Every seller shall preserve suitable records of sales for a period of three (3) years from the date of the return reporting such sales, and shall preserve for a period of three (3) years all invoices of goods and merchandise purchased for resale, and all such other books, invoices and records as may be necessary to accurately determine the amount of taxes which the seller was obliged to collect under this chapter.
- G. The City finance department may examine and audit any relevant books, papers, records, returns or memoranda of any seller, may require the attendance of any seller, or any officer or employee of a seller, at a meeting or hearing, with the finance director or his or her designee, and may require production of all relevant business records, in order to determine whether the seller has complied with this chapter.

~~5.08.060~~ — Restriction on Location of Alcohol Sales.

- A. ~~No beverage dispensary or package store licensee may sell or offer to sell any alcoholic beverage within three hundred (300) feet of a church building or within three hundred (300) feet of any school grounds.~~

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

- ~~B. No other type of premises licensed under AS 04.11.080 may sell or offer to sell any alcoholic beverage in or within two hundred (200) feet of a church building, school grounds, senior housing facility, or alcohol treatment facility.~~
- ~~C. 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 street entrance off of an established roadway 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, senior housing facility, alcohol treatment facility or to the nearest portion of the school grounds.~~

5.08.060 Conditional use permit required.

Unless exempt, any use that includes the retail sale or dispensing of alcoholic beverages is permitted only by a conditional use permit. The conditional use requirement applies only to the retail sale or dispensing of alcoholic beverages and not to related principal or accessory uses.

5.08.070 Licensee Responsible for Employees' Actions on Premises.

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

05.08.080 Hours and Days of Operation.

- A. Premises licensed under AS 4.11.080 for the service and consumption of alcoholic beverages shall be closed for the sale, service and consumption of

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

alcoholic beverages between the hours of ~~10:00 p.m.~~ 1:00 a.m. and 11:00 a.m. Monday through Friday, and between the hours of ~~11:00 p.m.~~ 2:00 a.m. and ~~11:30 a.m.~~ 11:00 a.m. on Saturday or Sunday or on a legal holiday recognized by the state under AS 44.12.010 with the exception of New Year's Day during which the establishment shall close at ~~1:00 a.m.~~ by 3:00 a.m.

- B. All other retail premises licensed under AS 4.11.080 shall be closed for the sale of alcoholic beverages between the hours of ~~12:00-11:00 p.m.~~ 11:00 p.m. and 12:00 11:00 a.m. ~~Monday through Friday, between the hours of 2:00 a.m. and 3:00 p.m. on Saturday, and between the hours of 2:00 a.m. and noon on Sunday.~~
 - C. A person may not sell, offer for sale, give, furnish, deliver or consume an alcoholic beverage on premises licensed under AS 04.11 during the hours of closure set forth in this section.
 - D. A licensee, an agent, or employee may not permit a person to consume alcoholic beverages on the licensed premises between the hours of closure set forth in this section.
 - E. ~~A licensee, an agent, or employee may not permit a person to enter and a person may not enter premises licensed under AS 04.11 during the hours of closure set forth in this section. This subsection does not apply to common carriers or to an employee of the licensee who is on the premises to prepare for that day's or the next day's business.~~
- F. ~~E.~~ As authorized by AS 04.16.070(b) the sale of alcoholic beverages on State and/or City Election Days is not prohibited.

5.08.090 Obligation to Enforce Restrictions within Licensed Premises.

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

5.08.100 Alcohol Server Training Course Requirement.

- A. A licensee, their agent or employee may not sell or dispense alcoholic beverages to the public prior to the successful completion of a liquor server awareness training program approved by the Board.
- B. ~~A licensee, their agent or employee who elects to take an approved program online, must have the examination proctored at the City of Bethel offices by a duly appointed employee of the City.~~

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

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

5.08.110 Operation of Licensed Premises.

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

1. ~~Happy Hours. No licensee may:~~

- ~~i. Sell more than one (1) drink for the price of a single alcoholic drink, or sell a drink with increased alcoholic content, or sell a multiple of any number of drinks in a manner which has the effect of selling more than one (1) drink for the price of a single drink.~~
- ~~ii. Advertise, promote or put in public notice the giving of free alcoholic drinks to customers.~~
- ~~iii. Advertise, promote or put in public notice the sale of alcoholic beverages at a reduced price at certain times of the day or days of the week. Nothing in this subsection shall prohibit a licensee from increasing prices during times when entertainment is provided.~~
- ~~iv. This subsection shall not be construed to prohibit licensees from giving away or selling at a reduced price food items to customers and patrons.~~

1. Happy Hours. The City adopts Alaska Statutes 4.16.015, Pricing and marketing of alcoholic beverages.

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

2. *Public Transportation.* Licensees shall make available to their patrons access to means of public transportation ~~to~~ or permit patrons to make arrangements for transportation off the premises.
3. *Notice of Penalties.* Operators shall place, at conspicuous locations within licensed premises, a clear and legible sign describing applicable penalties for driving under the influence, and for service or sale of alcoholic beverages to minors or intoxicated persons.
4. *Availability of Nonalcoholic Drinks.* Operators shall have nonalcoholic drinks available for their patrons.
5. *Compliance Determination.* In order to determine whether applicants seeking the issuance, renewal or transfer of alcoholic beverage licenses have complied with the provisions of this chapter, applicants shall, at the request of the City, submit to the city manager (or their designee) an alcoholic beverage licensee compliance form. Upon request, operators shall also provide the city manager with certificates from all current employees demonstrating that those employees have successfully completed a liquor service awareness training program such as the program for techniques in alcohol management (T.A.M.) as approved by the Board.
6. ~~*Solicitation of Purchase of Alcoholic Beverages for Consumption by Employee.*~~ ~~A person employed by a licensee shall not solicit or encourage any patron of the licensed premises to purchase alcoholic beverages for consumption by the employee or by any other employee. For the purposes of this subsection, the term "employee" includes any contractual arrangement by which an individual provides services to the licensee, whether compensation be in the form of salary, commission, fee or otherwise.~~
- 7.6. *Warning Signs for impoundment and Forfeiture of Vehicles Seized Pursuant to an Arrest for or Charge of Driving Under the Influence or Refusal to Submit to Chemical Tests.* Upon adoption of a municipal code allowing for the forfeiture, operators shall display at conspicuous places in licensed premises two (2) signs warning that vehicles are seized in cases of driving under the influence or refusal to submit to chemical tests. One of these warning signs shall be at least eleven (11") inches by fourteen (14") inches in size, and must read, in lettering at least one-half (1/2") inch high and in contrasting colors or black and white, "DRIVE UNDER THE INFLUENCE—LOSE YOUR CAR." The sign described in the preceding sentence must carry a logo or

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

illustration approved by the chief of police or their designee which shows an automobile being towed. The second warning sign shall be at least eleven (11") inches by fourteen (14") inches and must read, in letters at least one-quarter (1/4") inch high and in contrasting colors or black and white, "WARNING: IF YOU DRIVE UNDER THE INFLUENCE OR LET ANYONE DRIVE YOUR VEHICLE UNDER THE INFLUENCE, YOU WILL LOSE YOUR VEHICLE. The police SEIZE cars and trucks driven by intoxicated drivers. A vehicle will be IMPOUNDED for 30 days for the driver's first DUI offense. A vehicle will be FORFEITED if the driver has been convicted of DUI in the past ten (10) years."

7. Warning signs required other. The City adopts Alaska Statutes 4.21.065 b.

- C. *Mandatory identification check in the retail sale of alcoholic beverages:* Licensee or licensee's employee or agent shall require any purchaser (and anyone accompanying the purchaser) of alcoholic beverages to produce a current government-issued identification with birth date and photograph for identification check prior to any on-premises sale. The purpose of the identification check is to verify age and eligibility to purchase alcoholic beverages. Failure to conduct the mandatory identification check required by this section is a violation of code and the licensee or licensee's employee or agent failing to conduct the mandatory identification check shall be subject to the civil penalty provisions of this chapter. For purposes of mandatory identification check required by this section:
1. "*Current government-issued*" means a state, federal or foreign government picture identification in force and effect for a specified period stated within the identification, when presented prior to expiration of the period stated. A state government identification with birth date and photograph issued by any state of the United States is included within the meaning of "current government-issued" if the period of validity is specified and the identification is presented prior to expiration of the period stated.
 2. The subsequent invalidation of the identification as a bona fide government-issued identification does not invalidate the compliance.
 3. An ongoing pattern of non-compliance with the mandatory identification check required by this code may result in review of the conditions of use or may result in the revocation of a special use permit previously approved by the city council. Action by the city council on licensee's special use permit under this section shall be in addition to any criminal or civil penalty

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

applicable to the individual making the sale without performing the mandatory identification check.

- D. ~~*Security Personnel.*—Package stores and bars shall have security personnel on the premises at all times that the premises are open to the public.~~

Each premises licensed under Alaska Statutes 4.11.090 Beverage dispensary license, shall employ at least one (1) person who shall be on duty between 8:00 p.m. and the closing hour of the licensed premises. This person shall not be the bartender on duty, and shall be on duty for the express purpose of maintaining order within the establishment and assuring compliance, by the clientele, with the provisions of this chapter.

- E. ~~*Security Cameras.* At least two (2) twenty four (24) hour time lapse security cameras are required to be installed and properly maintained on the exterior of the building at locations licensed to sell and/or store alcoholic beverages. At least two (2) additional twenty four (24) hour time lapse security cameras are required to be installed and properly maintained in the interior of the building at all locations licensed to sell and/or store alcoholic beverages. At least one of the interior cameras must be able to capture all sales transactions. All criminal and suspicious activities recorded on the surveillance equipment must be reported to law enforcement as soon as practicable. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security camera to the Police Department.~~

At least one (1) twenty-four (24) hour time laps security camera is required to be installed and properly maintained in the interior of the building at all locations licensed under Alaska Statutes 4.11.150 Package store license. The cameras must be able to capture all sales transaction. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security camera to the police department.

- F. *Premises to be cleared Upon Closing.* Upon closing, licensees shall clear alcoholic beverage establishment of all persons, other than necessary employees, within fifteen (15) minutes after the closing hours.
- G. *Age Limit Signs to be exhibited.* All licensees shall cause to remain displayed upon the premises and in the entrance to the premises of their establishments a conspicuous sign in a prominent place visible from outside the establishment, which shall in substance state: "No person under the age of 21 years permitted.

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

Any such person will be prosecuted to the full extent of the law.” Excepting that licensed establishments regularly serving meals may modify the sign in accordance with the provisions of this chapter and AS 04.

5.08.120 Restrictions on Purchase and Sale of Alcoholic Beverages.

- A. A person licensed under AS 04.11.090 (Beverage Dispensary), 04.11.100 (Restaurant or Eating Place), 04.11.110 (Club License), or 04.11.150 (Package Store) may not purchase, sell, or offer for sale an alcoholic beverage unless the alcoholic beverage being purchased, sold, or offered for sale was obtained from a person licensed under:
1. AS 04.11.160 (wholesale licenses) as a primary source of supply for the alcoholic beverage being purchased, sold, or offered for sale;
 2. AS 04.11.150 (package store) and the alcoholic beverage being purchased, sold, or offered for sale was obtained from a person licensed under AS 04.11.160 (wholesale) as a primary source of supply; or
 3. AS 04.11.130 (licensed brewery), 04.11.140 (licensed winery), or 04.11.170 (licensed distillery).

5.08.130 Sale to Intoxicated Persons.

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

5.08.140 Eviction of Patrons.

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

5.08.150 Open Container.

- A. ~~It shall be unlawful to carry, transport or possess an open container of alcoholic beverages on the public streets, sidewalks, alleys, parks, or other public places throughout the city; except that an open container of alcoholic beverages may~~

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

~~be carried in a vehicle in a locked trunk or other secured location inaccessible to the driver and passengers within the vehicle.~~

It shall be unlawful to consume an open container of alcoholic beverages on the public streets, sidewalks, alleys, parks, or other public places throughout the city. Open containers of alcoholic beverages may be carried in a vehicle in a locked truck or other secured location inaccessible to the driver and passengers within the vehicle

- B. Open containers are permitted on private residential property, with the consent of the owner or legal occupant of the property.

5.08.160 Transportation of Alcohol.

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

5.08.170 — Keg Registration.

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

- ~~1. Require the purchaser of the alcoholic beverages to sign a declaration and keg registration form for the keg or other container on a form approved by the chief of police. The form shall contain:
 - ~~i. The name and address of the seller and the purchaser;~~
 - ~~ii. The type and identifying number of the identification presented by the purchaser pursuant to AS 04.21.050~~
 - ~~iii. A sworn statement, signed by the purchaser under penalty of perjury, stating that the purchaser is twenty one (21) years of age or older; will not allow persons under twenty one (21) years of age to consume the alcoholic beverages purchased pursuant to AS 04.16.051, will not remove or obliterate or allow the removal or obliteration of the temporary registration tag affixed to the keg or other container, and will return the keg to the seller within the time constraints set by the seller;~~~~

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

- ~~iv. The return date specified by the seller;~~
 - ~~v. The particular address or addresses where the alcoholic beverages will be consumed, and the date on which it will be consumed;~~
 - ~~vi. A warning that it is illegal to obscure or remove the registration tag; and~~
 - ~~vii. The unique identifier of the temporary tag attached to the keg or container as required under this section.~~
- ~~2. Affix an approved temporary tag with a unique identifier to all containers over four (4) gallons or more of an alcoholic beverage prior to surrendering possession or control thereof to a consumer; and~~
 - ~~3. Require the purchaser to separately and prominently display a copy of the keg registration form within five (5) feet of the keg or other container while the keg or other container is in the purchaser's possession or control.~~
 - ~~4. Upon return of the keg or other container, the seller shall note the date thereof and the initials of the person who accepts the return.~~
 - ~~5. The licensee shall retain a copy of the keg registration form and receipt, which shall be retained on the licensed premises for a period of one (1) year. The records shall be available for inspection and copying by any peace officer, the city finance director or their designee, the Alcohol Beverage Control Board investigator or agent.~~
- ~~B. Obligations of purchaser. Any person who purchases or leases kegs or other containers containing four (4) gallons or more of alcoholic beverages shall:~~
- ~~1. Sign a declaration and keg registration form for the keg or other container on a form provided by the seller pursuant to subsection A. of this section;~~
 - ~~2. Provide identification pursuant to AS 04.21.050;~~
 - ~~3. Be of legal age to purchase, possess, or use alcoholic beverages;~~
 - ~~4. Not allow any person under the age of 21 to consume the beverage except as provided by AS 04.16.051;~~
 - ~~5. Not remove, obliterate, or allow to be removed or obliterated, the identification required under subsection C. of this section;~~

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

- ~~6. Return the keg or other container to the place of purchase no later than the date indicated on the identification tag required under this section;~~
- ~~7. Not move, keep, or store the keg or its contents, except for transporting to and from the distributor, at any place other than that particular address declared on the keg registration form; and~~
- ~~8. Separately and prominently display a copy of the keg registration form within five (5) feet of the keg or other container during the time that the keg or other container is in the purchaser's possession or control.~~

~~C. Identification of containers:~~

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

5.08.180 170 Inspection of premises.

- A. The premises of licensees authorized to sell or distribute intoxicating liquor shall be easily accessible for inspection by police officers during all regular hours of the transaction of business upon the premises, and at any other time with reasonable notice by the officer.
- B. The police department may inspect any premises with an alcoholic beverage license for compliance with conditions on the license. Upon discovering a violation of such conditions, the police department shall submit a written report

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

of the violation to the city clerk for review by the city council and provide a copy thereof to the licensee.

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

5.08.199 180 Access for Enforcement.

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

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

- ~~1. A law enforcement officer knocked heavily at the public entrance of a licensed beverage dispensary or licensed alcoholic beverage establishment and such entrance was not opened within one minute thereafter to permit his entrance; plus~~
- ~~2. Evidence of sound emanating from the licensed alcoholic beverage establishment, heard by such officer, and his opinion that he concluded that two or more persons were in such establishment.~~

E. Licensees shall provide the Police Chief with their current hours of operation. Any changes to the hours of operation shall be communicated, in writing, to the Police Chief, at least three (3) business days prior to the change being implemented.

5.08.200 190 Alcohol Offenses.

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

5.08.210 200 Penalties.

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
Premises Open during non-permissible hours	5.08.080A & B	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Premises Open during on non-permissible days	5.08.080A & B	No	1st Offense: \$500 2nd Offense: \$700 3rd & 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

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

Allowing non-employee onto premises during hours of closure	5.08.080E	No	\$300
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 <u>or to arrange for transportation off premises</u>	5.08.110B2	No	\$150 <u>\$500</u>
Failure to permit patron to arrange for transportation off premises	5.08.110B2	No	\$500
Failure to <u>properly</u> post clear and legible signs describing applicable penalties for DUI and for service of alcoholic beverages to minors or intoxicated persons	5.08.110B3,6,7	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

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

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
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 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Acceptance of non-conforming identification for purchase of alcoholic beverage	5.08.110C	Yes	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Failure to have security personnel on premises during hours of operation <u>as required</u>	5.08.110D	No	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Failure to install or maintain security equipment	5.08.110E	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Failure to report suspicious activity from security cameras to law enforcement	5.08.110E	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Interior camera not positioned to capture sales transactions	5.08.110E	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

Failure to clear premises after closing	5.08.110F	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Failing to post age limit signs	5.08.150 <u>110G</u>	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 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Providing alcohol to an intoxicated person	5.08.130	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Allowing another person to sell or provide alcohol to an intoxicated person	5.08.130A2	Yes	1st Offense: \$500 2nd Offense: \$700 3rd & subsequent offenses: \$1,000
Allowing an intoxicated person to enter and remain within licensed premises	5.08.130A3	Yes	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Permitting intoxicated person to consume alcoholic beverage within a licensed premise	5.08.130A3	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Permitting an intoxicated person to sell or serve an alcoholic beverage	5.08.130A4	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
<u>Carrying, transporting or possessing or consuming</u> an open container in public	5.08.150	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

Transportation of alcohol by common carrier	5.08.160	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Transportation of alcohol by commercial carrier	5.08.160	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Failure to Require or complete keg registration form	5.08.170	No	1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700
Incomplete keg registration form	5.08.170	No	1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700
Failure to tag or improperly tagged keg	5.08.170	No	1st Offense: \$150 2nd Offense: \$300 3rd & 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. 180 170A	Yes	\$700
Failing to maintain premises unlocked while patrons are on premises	5.08. 190 180A	Yes	\$1,000
Failure to permit or aid the entry of law enforcement during hours of operation	5.08. 190 180B	Yes	\$700

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015
Action: Passed
Vote: 7-0

Failure to permit or aid the entry of law enforcement any time there are two (2) or more persons on the premises	5.08. 190 180B	Yes	\$700
--	---------------------------	-----	-------

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

ENACTED THIS 24th DAY OF NOVEMBER 2015, BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.



Richard Robb, Mayor

ATTEST:



Lori Strickler, City Clerk