

CITY OF BETHEL, ALASKA

Ordinance # 18-10

AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE 5.08, ALCOHOLIC BEVERAGES TO PROHIBIT THE SALE OF ALCOHOL WITH AN ALCOHOL BY VOLUME PERCENTAGE HIGHER THAN 20% IN THE CITY OF BETHEL

- WHEREAS,** State law provides the City authority to regulate alcohol sales within the City's jurisdiction and the Bethel City Council finds it necessary to do so to reduce excessive alcohol consumption and its related harms;
- WHEREAS,** *Alaska Statutes (AS) 04.21.010, Municipal Regulation and taxation,* states:
(a) A municipality may adopt ordinances governing the importation, barter, sale, and consumption of alcoholic beverages within the municipality and may ban possession of alcoholic beverages under 04.11.491 (a) (5) (Local Options;)
- WHEREAS,** in the YK Delta it is widely understood that alcoholic beverages with an Alcohol by Volume (ABV) above 20% (hard liquor) are the primary types of alcohol associated with public intoxication, ambulance and police responses, Search and Rescue missions, bootlegging and crimes such as domestic violence and sexual assault;
- WHEREAS,** the Police Department's total calls for service increased from 17,052 in 2015 when sales were not legal, to 20,634 in 2017, when sales were legal this represents a total increase of 19% between 2015 and 2017;
- WHEREAS,** the Fire Department's Emergency Medical Services total calls for service in the community have increase from 1,172 in 2015, to 1,734 in 2017 - this represents a total increase of 38% between 2015 and 2017;
- WHEREAS,** public safety and public health concerns such as motor vehicle injuries and deaths, violence-related and other injuries, and bootlegging, coupled with undesirable community conditions, and an increased burden on a number of social services and agencies around the region have made it difficult for the City Council to ignore the significant impacts alcohol has had;
- WHEREAS,** the Bethel City Council members have a vested interest in preserving the quality of life for our citizens and want to improve the current situation by minimizing the amount of hard alcohol that is available in the region;

- WHEREAS,** AS 04.21.010 gives the Council authority to regulate alcohol, the City Council believes that by prohibiting the purchase of alcohol with an ABV higher than 20%, the negative effects associated with alcohol will be reduced;
- WHEREAS,** the prohibition to sell ABV in excess of 20% would not prevent people residing in Bethel from submitting written orders to vendors in Anchorage to purchase alcohol containing ABV of 21% and higher;
- WHEREAS,** *Alaska Administrative Code (AAC) 304.645 Written orders for alcoholic beverages; other transporting of alcohol beverages; local governing body authority,* would require the purchaser to list their physical residence address, which must be within an area that has not restricted the sale, importation, or possession of alcoholic beverages under AS 04.11.491;
- WHEREAS,** with written orders being the only way to legally obtain alcohol with an ABV over 20%, people residing in a community that has restricted the sale, importation, or possession of alcoholic beverages would not be able to place an order through a vendor in Anchorage;
- WHEREAS,** 3 AAC 304.645 would also require a package store licensee who sells alcoholic beverages in response to a written order to provide notice to the Alcohol Beverage Control Board of any customer who engages in a regular practice of ordering large quantities of alcoholic beverages;
- WHEREAS,** these written order requirements should reduce the number of people able to access hard alcohol and would provide the State with a mechanism to better track high quantity purchases to better identify who is engaging in illegal sales;
- WHEREAS,** by prohibiting ABV of 21% and higher the City is able to uphold the decision of the voters while still establishing a certain amount of control over the distribution of hard alcohol in the community and the region;
- WHEREAS,** these actions are in line with one of the very purposes of Title 4 as stated in the legislative history
- WHEREAS,** the legislative history of Title 4 demonstrates a legislative focus to (a) allow for more municipal input and oversight and (b) protect the public health, safety and welfare of the people of the State of Alaska
- WHEREAS,** the protection of the public health, safety and welfare of the people was codified throughout Title 4 with the authority of the Board to deny licenses,

permits, transfers and renewals because they are not in the best interests of the public: AS 04.11.320(b)(1), AS 04.11.330(c)(1), AS 04.11.340(1), AS 04.11.360(1) and AS 04.11.370(a)(6);

WHEREAS, this action by the City Council accomplishes the legislative goals and protects the people of not just Bethel, but also the YK Delta.

Chapter 5.08

ALCOHOLIC BEVERAGES

Sections:

- 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 Recordkeeping required of all sellers.
- 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.
- 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 Open container.
- 5.08.160 Transportation of alcohol.
- 5.08.170 Inspection of premises.
- 5.08.180 Access for enforcement.
- 5.08.190 Alcohol offenses.
- 5.08.200 Penalties.

5.08.010 Definitions.

A. "Alcoholic beverages" means all spirituous, vinous, malt or other fermented or distilled beverages whatever the origin, that are intended for human consumption as a beverage and that contain one-half of one (1) percent or more of alcohol by volume, whether produced commercially or privately.

B. "Alcohol by volume" means the number of milliliters (ml) of pure ethanol present in 100 ml of solution at 68 °F.

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 combination acting as a unit.

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 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

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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 within twenty (20) 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 specifics, 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.

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:

A. 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;

B. The character and public interests of the surrounding neighborhood;

C. Actual law enforcement problems with supporting data;

D. The concentration of other licenses of the same and other types in the area;

E. The adequacy of parking facilities;

F. The safety of ingress to and egress from the premises;

G. Compliance with state and local fire, health and safety codes;

H. 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;

I. Whether the applicant can demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in BMC 5.08.110;

J. The proximity to a school or alcohol inpatient or outpatient treatment;

K. Any history of convictions of the applicants and affiliates of the applicants for:

1. Any violation of AS Title 4;

L. Any other factor the city council determines is relevant to a particular application.

5.08.040 Council action on liquor license applications.

A. If a city council member wishes 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.

B. 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
3. Notice the applicant will have an opportunity, pursuant to 3 AAC 304.145(d), to appear before the council to defend the application.

C. 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.

D. 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 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 (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, stored on data processing equipment or may be in any form that the city may readily examine.

C. 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.

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 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.

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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 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 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 4 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.

5.08.080 Hours and days of operation.

A. Premises licensed under AS 04.11.080 for the service and consumption of alcoholic beverages shall be closed for the sale, service and consumption of alcoholic beverages between the hours of 1:00 a.m. and 11:00 a.m. Monday through Friday, and between the hours of 2:00 a.m. and 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 by 3:00 a.m.

B. All other retail premises licensed under AS 04.11.080 shall be closed for the sale of alcoholic beverages between the hours of 11:00 p.m. and 11:00 a.m.

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. 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 employees 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. Licensees, their agents and employees 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. Subsection (B)(~~1-2~~) 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. Prohibited Sales. Licensed premises may not sell or offer to sell alcoholic beverages of which the alcohol by volume content is twenty-one (21%) percent or greater.

~~1-2.~~ 2. Happy Hours. The city adopts AS 04.16.015, Pricing and marketing of alcoholic beverages.

~~2-~~ 3. Public Transportation. Licensees shall make available to their patrons access to means of public transportation or permit patrons to make arrangements for transportation off the premises.

~~3-~~ 4. 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-~~ 5. Availability of Nonalcoholic Drinks. Operators shall have nonalcoholic drinks available for their patrons.

~~5-~~ 6. 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-~~ 7. 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 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-~~ 8. Warning Signs Required Other. The city adopts AS 04.21.065(b).

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9. Warning stickers. Package Store License holders shall place a health warning sticker on each single alcohol bottle or case of beer sold stating: "HEALTH WARNING Drinking alcohol and driving increases the risk of injury or death." This sticker shall also contain the name of the store selling the alcohol.

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

D. Security Personnel. Each premises licensed under AS 04.11.090, 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 one (1) twenty-four- (24-) hour time-lapse security camera is required to be installed and properly maintained in the interior of the building at all locations licensed under AS 04.11.150, Package store license. The cameras must be able to capture all sales transactions. 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 twenty-one (21) years permitted. 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 Title 4.

5.08.120 Restrictions on purchase and sale of alcoholic beverages.

A. A person licensed under AS 04.11.090 (Beverage Dispensary License), 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.

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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 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 nonlicensed alcohol distribution facility is strictly prohibited except as expressly authorized by AS Title 4.

5.08.170 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 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 premises, 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 premises' 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 (D) 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.

5.08.180 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. 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.

5.08.190 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.

5.08.200 Penalties.

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
Premises open during non permissible hours	5.08.080(A) & (B)	No	1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700
Selling, offering for sale, giving, furnishing, delivering or consuming	5.08.080(C)	No	\$300

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Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
alcohol on premises during hours of closure			
Allowing person to consume alcohol on premises during hours of closure	5.08.080(D)	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	5.08.100(A)	Yes	\$1,000
Allowing employee to sell or dispense alcohol prior to their successful completion of a liquor server awareness training program	5.08.100(A)	Yes	\$1,000
Failure to show proof of successful completion of a liquor server awareness training program	5.08.100(B)	Correctable	\$300
<u>Prohibited sales</u>	<u>5.080.110 (B) (1)</u>	<u>Yes</u>	<u>\$1,000</u>
Violation of happy hour rules	5.08.110(B)(12)	No	\$300
Failure to provide access to means of public transportation to patrons or to arrange for transportation off premises	5.08.110(B)(23)	No	\$500

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Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
Failure to properly post signs	5.08.110(B)(34), (6), (7)	No	\$250
Failure to have nonalcoholic drinks available	5.08.110(B)(45)	No	\$150
Failure to submit an alcoholic beverage compliance form upon request	5.08.110(B)(56)	No	\$300
<u>Failure to post warning signs and apply warning stickers.</u>	<u>5.08.110 (B) (7,9)</u>	<u>No</u>	<u>\$300</u>
Failure to check identification of purchaser	5.08.110(C)	Yes	1st offense: \$500 2nd offense: \$700 3rd & subsequent offenses: \$1,000
Acceptance of nonconforming identification for purchase of alcoholic beverage	5.08.110(C)	Yes	1st offense: \$150 2nd offense: \$300 3rd & subsequent offenses: \$700
Failure to have security personnel on premises as required	5.08.110(D)	No	1st offense: \$500 2nd offense: \$700 3rd & subsequent offenses: \$1,000
Failure to install or maintain security equipment	5.08.110(E)	Yes	1st offense: \$500 2nd offense: \$700 3rd & subsequent offenses: \$1,000
Interior camera not positioned to capture sales transactions	5.08.110(E)	Yes	1st offense: \$500 2nd offense: \$700 3rd & subsequent offenses: \$1,000
Failure to clear premises after closing	5.08.110(F)	No	1st offense: \$150 2nd offense: \$300

Introduced by: Council Member Albertson
 Introduction Date: May 8, 2018
 Public Hearing: May 22, 2018
 Action: Does not Carry
 Vote: 2-4

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
			3rd & subsequent offenses: \$700
Failing to post age limit signs	5.08.110(G)	No	\$300
Sale of alcoholic beverages improperly obtained	5.08.120	Yes	\$700
Sale of alcohol to an intoxicated person	5.08.130	Yes	1st offense: \$500 2nd offense: \$700 3rd & subsequent offenses: \$1,000
Providing alcohol to an intoxicated person	5.08.130	Yes	1st offense: \$500 2nd offense: \$700 3rd & subsequent offenses: \$1,000
Allowing another person to sell or provide alcohol to an intoxicated person	5.08.130(A)(2)	Yes	1st offense: \$500 2nd offense: \$700 3rd & subsequent offenses: \$1,000
Allowing an intoxicated person to enter and remain within licensed premises	5.08.130(A)(3)	Yes	1st offense: \$150 2nd offense: \$300 3rd & subsequent offenses: \$700
Permitting intoxicated person to consume alcoholic beverage within a licensed premises	5.08.130(A)(3)	Yes	1st offense: \$500 2nd offense: \$700 3rd & subsequent offenses: \$1,000
Permitting an intoxicated person to sell or serve an alcoholic beverage	5.08.130(A)(4)	Yes	1st offense: \$500 2nd offense: \$700 3rd & subsequent offenses: \$1,000
Carrying, possessing or consuming an open container in public	5.08.150	No	1st offense: \$150 2nd offense: \$300 3rd & subsequent offenses: \$700

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Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
Transportation of alcohol by common carrier	5.08.160	Yes	1st offense: \$500 2nd offense: \$700 3rd & subsequent offenses: \$1,000
Transportation of alcohol by commercial carrier	5.08.160	Yes	1st offense: \$500 2nd offense: \$700 3rd & subsequent offenses: \$1,000
Failure to make premises easily accessible for inspection by police officers	5.08.170(A)	Yes	\$700
Failing to maintain premises unlocked while patrons are on premises	5.08.180(A)	Yes	\$1,000
Failure to permit or aid the entry of law enforcement during hours of operation	5.08.180(B)	Yes	\$700
Failure to permit or aid the entry of law enforcement any time there are two (2) or more persons on the premises	5.08.180(B)	Yes	\$700

NOW, BE IT ORDAINED, the City Council amends the Bethel Municipal Code, Chapter 5.08, by amending the language for requiring a global positioning system.

SECTION 1. Classification. This is a Codified Ordinance and shall become part of the Bethel Municipal Code.

SECTION 2. Amendments. Bethel Municipal Code Chapter 5.08 is amended as follows: (new language is underlined and old language is stricken):

SECTION 3. Effective date. This ordinance shall become effective June 15, 2018 after passage by the Bethel City Council.