
City of Bethel, Alaska

Public Safety & Transportation Commission

January 7th, 2014

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on January 7, 2014 in the Bethel Police Department Training Room.

This meeting was called to order at 7:13pm.

II. ROLL CALL

Present: Brian Lefferts *Chair*
Sharon Sigmon *Council Representative*
Joan Dewey

Excused Absent: Johnny Furlong *Vice Chair*
Jennifer Dobson

Absent: Pat Jennings
Joe Yoon
George Young *Fire Chief*

Ex-Officio Present: Andre Achee for Larry Elarton *Police Chief*
KaJena Baty *Recorder and Transportation Inspector Designee*

A quorum was not established of the Commission.

III. ADJOURNMENT

Meeting adjourned at 7:14pm.

APPROVED THIS _____ DAY OF _____, 2014.

KaJena Baty, Recorder

Brian Lefferts, Chair

CITY OF BETHEL, ALASKA

Ordinance #14-

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING SECTION 5.20 GENERAL PROVISIONS (Penalties)

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that the Bethel Municipal Code shall be amended and revised as follows:

SECTION 1. Classification. This ordinance is of a permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Amending BMC Title 5.20.120. The Bethel Municipal Code is amended as follows (new language is underlined and ~~old language is stricken out~~):

5.20.120 Penalties and Remedies

A. A person who violates a provision of Chapters 5.20 through 5.50 BMC or a regulation promulgated thereunder ~~shall be subject to a civil penalty of~~ is guilty of an infraction and may be issued a citation. The penalty for these infractions is:

1. One hundred fifty dollars (\$150) for the first (1st) violation;
2. Two hundred dollars for the second (2nd) violation;
3. Two hundred fifty dollars for the third (3rd) violation;
4. Three hundred dollars for the fourth (4th) and each subsequent violation;
5. ~~Three hundred dollars for each subsequent violation;~~

~~or injunctive relief to restrain the person from continuing the violation or threat of violation, or both such civil penalty and injunctive relief. Upon application for injunctive relief and a finding that a person is violating or threatening to violate a provision of Chapters 5.20 through 5.50 BMC or a regulation promulgated thereunder, the Superior Court shall grant injunctive relief to restrain the violation.~~

B. Each day during which a violation described in this section occurs shall constitute a separate offense.

C. ~~Penalties shall be paid within thirty (30) days of service of the citation or within ten (10) days after any appeal is denied. Failure to pay penalties within the established times will result in immediate suspension of a license or permit as well as repossession of the license or permit by the transportation inspector until such time as the penalty has been paid.~~ In accordance with AS 29.25.070(a) citations for these offenses may be disposed of as provided in AS 12.25.195 - .230 without a court appearance upon payment of the fine amounts plus the state surcharge required by AS 12.55.039 and AS 29.25.074. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed above.

D. In addition to the penalties provided for in subsection A of this section, a person who violates a provision of Chapters [5.20](#) through [5.50](#) BMC or any regulation promulgated thereunder may also be subject to the following:

1. Second (2nd) Violation. Suspension of the violator's license or permit for fifteen (15) days or less;
2. Third (3rd) Violation. Suspension of the violator's license or permit for no more than thirty (30) days or no less than fifteen (15) days;
3. Fourth (4th) or Subsequent Violation. Revocation of license or permit.

E. The City may seek injunctive relief to enforce compliance with this chapter.

Comment [p2]: Was above but moved it to another location for clarity and flow.

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

ENACTED THIS ____ DAY OF ____ 2014, BY A VOTE OF __ IN FAVOR AND __ OPPOSED.

Joseph A. Klejka , Mayor

ATTEST:

Lori Strickler, City Clerk

City of Bethel, Alaska

Public Safety & Transportation Commission

October 1st, 2013

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on October 1st, 2013 in the Bethel Police Department Training Room.

This meeting was called to order at 7:04PM

II. ROLL CALL

Present: Johnny Furlong *Vice Chair*
Joe Yoon
Pat Jennings
Joan Dewey
Jennifer Dobson

Excused Absent: Brian Lefferts *Chair*
Absent: Sharon Sigmon *Council Representative*
George Young *Fire Chief*

Ex-Officio Present: Laurance Elarton *Chief of Police*
KaJena Baty *Recorder and Transportation Inspector Designee*

III. PEOPLE TO BE HEARD

No one present to be heard.

IV. APPROVAL OF AGENDA

MOVED:	Dobson	Motion to approve the agenda.
SECONDED:	Jennings	
VOTE ON MAIN MOTION	All in favor	

V. APPROVAL OF MINUTES

MOVED:	Dobson	Motion to approve the minutes of August 6th and September 3rd, 2013.
SECONDED:	Yoon	
VOTE ON MAIN MOTION	All in favor	

VI. CHIEFS' COMMENTS

Larry Elarton *Police Chief- See Chief's Monthly Report to City Manager*
George Young *Fire Chief- Not present to make comments.*

VII. TRANSPORTATION INSPECTOR REPORT

KaJena Baty- *See Transportation Inspectors Report included in packet.*

VIII. COUNCIL MEMBER’S COMMENTS

Council Member Sigmon- *Not present to make comments.*

IX. UNFINISHED BUSINESS

A. Ordinance 13-16

MOVED:	Jennings	Motion to postpone action on Ordinance 13-16 until the next regular meeting.
SECONDED:	Dewey	
VOTE ON MAIN MOTION	All in favor.	

MOVED:	Dewey	Motion to suspend rules to hear from Lisa Yingling of the Tundra Center about a potential MOU with public transportation for an emergency operations plan at the Tundra Center.
SECONDED:	Jennings	
VOTE ON MAIN MOTION	All in favor.	

X. COMMISSION MEMBER COMMENTS

- Pat Jennings- *Likes the parking lot downtown.*
- Jennifer Dobson- *No Comment.*
- Johnny Furlong *Vice Chair- No Comment.*
- Joe Yoon- *Sorry for missing the last meeting.*
- Joan Dewey- *Hopes that everyone voted today.*

XI. ADJOURNMENT

MOVED:	Jennings	Motion to adjourn.
SECONDED:	Dewey	
VOTE ON MAIN MOTION	All in favor.	

Meeting adjourned at 7:37pm

APPROVED THIS _____ DAY OF _____, 2013.

KaJena Baty, Recorder

Brian Lefferts, Chair

City of Bethel, Alaska

Public Safety & Transportation Commission

November 5th, 2013

Cancelled Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was NOT held on November 5, 2013 in the Bethel Police Department Training Room.

This meeting was not called to order.

APPROVED THIS _____ DAY OF _____, 2013.

KaJena Baty, Recorder

Brian Lefferts, Chair

City of Bethel, Alaska

Public Safety & Transportation Commission

December 3rd, 2013

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on December 3rd, 2013 in the Bethel Police Department Training Room.

This meeting was called to order at 7:16pm.

II. ROLL CALL

Present: Joe Yoon
Joan Dewey
Jennifer Dobson

Excused Absent: Brian Lefferts *Chair*

Absent: Sharon Sigmon *Council Representative*
George Young *Fire Chief*
Pat Jennings
Johnny Furlong *Vice Chair*

Ex-Officio Present: Laurance Elarton *Chief of Police*
KaJena Baty *Recorder and Transportation Inspector Designee*

A quorum was not established of the Commission.

III. ADJOURNMENT

Meeting adjourned at 7:16pm.

APPROVED THIS _____ DAY OF _____, 2014.

KaJena Baty, Recorder

Brian Lefferts, Chair

CITY OF BETHEL, ALASKA

Ordinance #14-

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING SECTION 6.04 LICENSING AND IMPOUNDMENT (Penalties)

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that the Bethel Municipal Code shall be amended and revised as follows:

SECTION 1. Classification. This ordinance is of a permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Amending BMC Title 6.04.090. The Bethel Municipal Code is amended as follows (new language is underlined and ~~old language is stricken out~~):

6.04.090 Penalties.

A. A person who fails to comply with any portion of this chapter ~~the provisions of this chapter may be issued a citation for ordinance violation by the animal control officer. is guilty of an infraction and may be issued a citation.~~ The citation shall impose a penalty of fifty dollars (\$50) for the first (1st) violation, one hundred dollars (\$100) for the second (2nd) violation, and two hundred dollars (\$200) for each succeeding violation within ninety (90) days. The penalty for these infractions is:

(1) A fine of fifty (\$50) dollars for the first (1st) violation;

(2) A fine of One Hundred (\$100) dollars for the second (2nd) violation; or

(3) A fine of Two Hundred (\$200) Dollars for a third (3rd) or subsequent violation

B. In accordance with AS 29.25.070(a) citations for these offenses may be disposed of as provided in AS 12.25.195-.230 without a court appearance upon payment of the fine amounts plus the state surcharge required by AS 12.55.039 and AS 29.25.074. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed above.

B C. Each working day that an animal is kept in violation of a citation issued under this chapter shall constitute a separate violation.

B D. The city may seek injunctive relief to enforce compliance with this chapter.

B E. It is a violation of this chapter for any person or persons to open a vehicle being used to transport dogs or other animals to the city dog pound or the doors of the city

Comment [p2]: Mandatory language under rules of court if we are to have these processed at the courthouse. It allows individuals to dispose of the citations by simply paying them but also allows the individual to request a trial. Prohibits the issuance of warrants if they fail to appear for trial.

Comment [p3]: This statutes grants municipalities the right to establish fines not to exceed \$1000 for violation of ordinances

dog pound with the intent of allowing impounded dogs or other animals to escape. Such person or persons upon conviction shall be ~~subject to the penalty established in Chapter 1.08 BMC~~ guilty of an infraction and may be issued a citation. The penalty for a violation of this section is a fine of no more than Five Hundred (\$500) dollars and may be disposed of as per paragraph B above.

Comment [p4]: Section 1.08 needs serious re-write which will be lengthy. It was simpler to take that fee amount and bring it into this chapter to keep it all together.

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

ENACTED THIS ____ DAY OF ____ 2014, BY A VOTE OF __ IN FAVOR AND __ OPPOSED.

Joseph A. Klejka , Mayor

ATTEST:

Lori Strickler, City Clerk

CITY OF BETHEL, ALASKA

Ordinance #14-

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING SECTION 8.10 SMOKING POLLUTION CONTROL (Violation and Penalties)

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that the Bethel Municipal Code shall be amended and revised as follows:

SECTION 1. Classification. This ordinance is of a permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Amending BMC Title 8.10.110. The Bethel Municipal Code is amended as follows (new language is underlined and ~~old language is stricken out~~):

8.10.110 Violations and Penalties.

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

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

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

1. A fine ~~not exceeding~~ not exceeding of fifty dollars (\$50) for a first (1st) violation.

2. A fine ~~not exceeding~~ not exceeding of one hundred dollars (\$100) for a second (2nd) violation of this chapter within one (1) year.

3. ~~A~~ A Fine ~~not exceeding~~ not exceeding of three hundred dollars (\$300) for each subsequent violation of this chapter within one (1) year.

D. ~~Notwithstanding any other provision of this chapter, the city or a private citizen may bring a civil action to enforce this chapter and may recover a civil penalty not exceeding three hundred dollars (\$300) for each violation. Each day upon which a continuing violation occurs is a separate violation. Upon the request of the party bringing the action and proof by a preponderance of the evidence that a violation of this chapter has occurred, is occurring or is threatened to occur, the court shall issue an injunction against the violation or threatened violation. In accordance with AS 29.25.070(a) citations for these offenses may be disposed of as provided in AS 12.25.195-.230 without a court appearance upon payment of the fine amounts plus the state surcharge required by AS 12.55.039 and AS 29.25.074. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed above.~~

Comment [p1]: Not exceeding makes it a mandatory court appearance and leaves the discretion as to how much to fine up to the Judge or Magistrate rather than the City. Giving a flat amount makes it an optional court appearance. (a person can just pay and not have to go to court).

Comment [p2]: This statute grants municipalities the right to establish fines not to exceed \$1000 for violation of ordinances

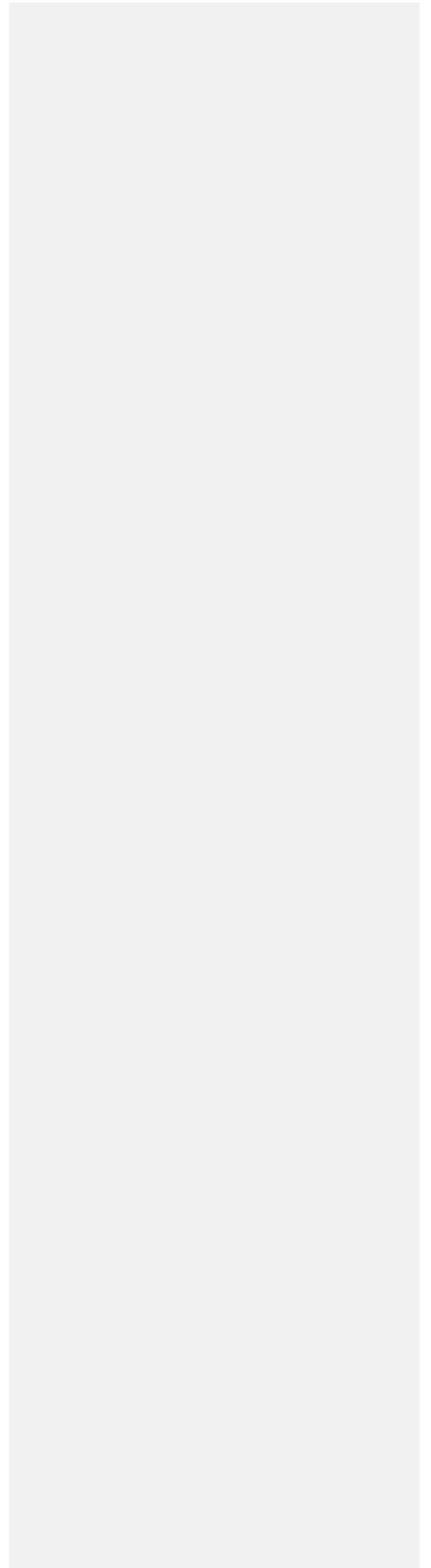
SECTION 5. Effective Date. This section shall become effective January 31, 2014.

ENACTED THIS ____ DAY OF _____ 2014, BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Joseph A. Klejka , Mayor

ATTEST:

Lori Strickler, City Clerk



Introduced by:
Date:
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #13-

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING SECTION 9 PUBLIC PEACE, MORALS AND WELFARE

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that the Bethel Municipal Code shall be amended and revised as follows:

SECTION 1. Classification. This ordinance is of a permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Amending BMC Title 9 The Bethel Municipal Code is amended as follows (new language is underlined and ~~old language is stricken out~~):

Chapter 9

Minor Offenses and Other Infractions

- 9.01.010 Minor Offenses Adopted
- 9.01.020 Disturbing Official Notices
- 9.01.030 Obstructing Fire Station
- 9.01.040 Fireworks
- 9.01.050 Curfew – Definitions
- 9.01.055 Curfew – Hours Designated
- 9.01.056 Curfew – Exceptions
- 9.01.057 Curfew – Parental Responsibility
- 9.01.060 Discharge Firearms within City Limits

9.01.010 Minor Offenses **Adopted**

A. The City adopts statutes and regulations of the State of Alaska relating to minor offenses, except for minor consuming alcohol offenses, as they presently exist and as they may be revised in the future along with the fine schedule existing at the time and as it may be revised in the future.

B. The City adopts the enforcement and processing mechanisms set out in Bethel Municipal Code Chapter 10.

Comment [p1]: Brings in all remaining revenue but deliberately exempts minor consuming as it is the one minor offense (non criminal matter) that the courts have decided is a hybrid type of case and subject to appointment of legal counsel.

Introduced by:
Date:
Public Hearing:
Action:
Vote:

Chapter 9.04
OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

- ~~9.04.010~~ Resisting arrest.
- ~~9.04.020~~ 9.01.020 Disturbing official notices.
- ~~9.04.030~~ Impersonating a police officer.
- ~~9.04.040~~ False fire alarms.
- ~~9.04.050~~ Injury to fire apparatus.
- ~~9.04.060~~ Driving over fire hose.
- ~~9.04.070~~ 9.01.030 Obstructing fire station.
- ~~9.04.080~~ Following fire apparatus.
- ~~9.04.090~~ Obstructing fire personnel.

~~9.04.010 Resisting arrest.~~

~~It is unlawful for any person in the city to resist arrest by a police officer or to assist a person in the custody of a police officer to escape. [Prior code § 8.28.010, (1).]~~

~~9.04.020 9.01.020 Disturbing official notices.~~

~~It is unlawful for any person in the city to interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any city officer without permission from the officer. Violation of this section is subject to a three (\$300) fine for each individual violation. [Prior code § 8.28.010, (2).]~~

~~9.04.030 Impersonating a police officer.~~

~~It is unlawful for any person in the city to impersonate a police officer or, without authority, attempt to exercise his powers. [Prior code § 8.28.010, (3).]~~

~~9.04.040 False fire alarms.~~

~~It is unlawful for any person in the city to give or cause to be given any false alarm of a fire by setting fire to any combustible material, or by crying or sounding an alarm or by any other means without cause. No person shall maliciously turn in or cause to be turned in a false alarm. [Prior code §§ 2.36.160, 8.28.010, (5).]~~

Comment [p3]: This is a felony crime subject to jail and a court appointed counsel.

Comment [p4]: Criminal matter subject to jail..

Introduced by:
Date:
Public Hearing:
Action:
Vote:

~~9.04.050 Injury to fire apparatus.~~

~~It is unlawful for any person to wilfully destroy or injure any engine, hose carriage, hose, hook and ladder carriage or other thing used and kept for extinguishment of fires. [Prior code § 2.36.170.]~~

~~9.04.060 Driving over fire hose.~~

~~No person shall drive any vehicle over a fire hose except upon specific orders from the chief or other officer in charge. [Prior code § 2.36.130.]~~

~~9.04.070 9.01.030 Obstructing fire station.~~

~~No person shall park any vehicle or otherwise cause any obstruction to be placed within twenty (20) feet of the entrance to any fire station or other place where fire apparatus is stored, or within ten (10) feet of any fire hydrant. [Prior code § 2.36.140.]~~

~~9.04.080 Following fire apparatus.~~

~~No unauthorized person with any vehicle shall follow within six hundred (600) feet of any apparatus belonging to the department, nor park any vehicle within five hundred (500) feet of a fire. [Prior code § 2.36.150.]~~

~~9.04.090 Obstructing fire personnel.~~

~~No person shall interfere, obstruct or harass any member of the fire department during the execution of any duty. [Prior code § 2.36.165.]~~

Chapter 9.08
OFFENSES AGAINST PUBLIC PEACE

Sections:

- ~~9.08.010 Disorderly conduct – Public place defined.~~
- ~~9.08.020 Disorderly conduct – Designated.~~
- ~~9.08.030 Disorderly conduct – Loud noises.~~
- ~~9.08.040 Disorderly conduct – Fine.~~
- ~~9.08.050 Fireworks and explosives.~~

Comment [p6]: This is a traffic violation already adopted in Chapter 10

Comment [p7]: This is a traffic violation already adopted in Chapter 10.

Comment [p8]: All of the disorderly conducts are misdemeanors which have jail time and the need for court appointed legal counsel.

Introduced by:
Date:
Public Hearing:
Action:
Vote:

~~9.08.010 Disorderly conduct — Public place defined.~~

~~In BMC [9.08.020](#) and [9.08.030](#), a “public place” is a place where the public is permitted to assemble, enter or pass through, whether publicly or privately maintained, including but not limited to places of accommodation, transportation, business or entertainment, or any other place which is not a private place. [Prior code § 8.20.030.]~~

~~9.08.020 Disorderly conduct — Designated.~~

~~A person who does any of the following is guilty of disorderly conduct:~~

~~A. In a public place, repeatedly or continuously shouts, blows a horn, plays a musical recording or amplifying instrument, or otherwise generates loud noises intending to disturb or acting with reckless disregard for the peace and privacy of others, or, in a private place, engages in the same conduct with the same intent or reckless disregard, having been informed by another that the conduct is disturbing the peace and privacy of others not in the same place;~~

~~B. In a public place, when a criminal offense has occurred, refuses to comply with a lawful order of the police to disperse or, in a private place, refuses to comply with an order of the police to leave the premises in which he has neither right of occupancy nor the express invitation to remain of the person having the right of possession;~~

~~C. In a public or private place challenges another to fight, or engages in fighting other than in self-defense;~~

~~D. In a public or private place knowingly or recklessly creates a hazardous condition for others by an act which has no legal justification or excuse;~~

~~E. In any public place or any place open to the public or exposed to public view solicits anyone to engage in or engages in lewd or dissolute conduct;~~

~~F. In any public place or any place open to the public accosts another person for the purpose of begging or soliciting;~~

~~G. On the private property of another, pecks in the door or windows of any inhabited building or structure located thereon without visible or lawful business with the owner or occupant thereof;~~

Introduced by:
Date:
Public Hearing:
Action:
Vote:

~~H. In any public or private place, without the permission of the owner, lodges in any building, structure, or place without the permission of the owner or person entitled to possession or control thereof. [Prior code § 8.20.010.]~~

~~9.08.030 Disorderly conduct — Loud noises.~~

~~In a prosecution, under BMC [9.08.020](#), if the loud noises constitute speech, the content of speech or evidence of specific words used by the defendant are admissible in evidence against him only as permitted by court rule. "Loud noise" in a public place means noise which is loud enough to inhibit the ability of the average person in the same place to speak freely without leaving the public place. "Loud noise" in a private place means noise which is loud enough to awaken the average person sleeping in a place other than the private place. [Prior code § 8.20.020.]~~

~~9.08.040 Disorderly conduct — Fine.~~

~~Upon conviction, a person who is guilty of disorderly conduct is punishable by a fine of not more than one hundred dollars (\$100). In no event shall any fine less than twenty-five dollars (\$25) be imposed and such fine shall not be suspended, nor may the punishment provided in this section be reduced under AS 11.05.150. [Prior code § 8.20.040.]~~

~~9.08.050 [9.01.040](#) Fireworks and explosives.~~

~~A. It is unlawful for any person in the city to sell or offer to sell dangerous fireworks for any purpose unless they are a licensed wholesaler and meet all of the requirements set out in AS 18.72 et seq. In addition, any licensed wholesaler desiring to sell fireworks within the City of Bethel, must first obtain written consent from the fire chief, the chief of police and the city manager.~~

~~— use or explode any fireworks, explosive or stench bomb, to which fuses are attached or which are ignitable by means of a match, without the majority decision of the chief of police, the fire chief and the city manager. In the event of an absence of the chief of police, the fire chief or the city manager, the mayor shall serve as an alternate. [Ord. 95-01 § 3; Ord. 93-26 § 4; prior code § 8.04.010, (1).]~~

~~**Chapter 9.12**
OFFENSES AGAINST PUBLIC DEGENCY~~

~~Sections:~~

~~[9.12.010](#) Public drinking – Prohibited.~~

Introduced by:
Date:
Public Hearing:
Action:
Vote:

- [9.12.020](#) Public drinking – Posted area.
- [9.12.030](#) Public drinking – Fine.
- ~~[9.12.040](#) Drinking in motor vehicle or boat.~~
- ~~[9.12.050](#) Begging.~~
- ~~[9.12.060](#) Enticing into automobile.~~
- ~~[9.12.070](#) Illegal occupation.~~
- ~~[9.12.080](#) Obscene act.~~
- ~~[9.12.090](#) Sale of obscene material.~~

9.12.010 Public drinking – ~~Prohibited.~~

~~It is unlawful for any person to consume an alcoholic beverage on or along any public street, sidewalk, alley, or walkway; in any public park, mode of public transportation, cemetery, dump site, harbor, parking lot, airport or schoolyard; in any public building, or in any building held open for use by the public except for those areas in a commercial establishment reserved for limited or no use by the public or any building owned by the city held open for use by the public. [Prior code § 6.09.010.]~~

9.12.020 Public drinking – Posted area:

~~The city manager is authorized to designate public areas and places, in addition to those specified in BMC [9.12.010](#), in which the consumption of alcoholic beverages is prohibited, and to cause signs to be posted in such areas or places advising members of the public of the prohibition. [Prior code § 6.09.020.]~~

9.12.030 Public drinking – Fine:

~~A person who is guilty of drinking in public is punishable by a fine of not more than one hundred dollars (\$100). In no event shall any fine less than twenty dollars (\$25) be imposed and such fine shall not be suspended, nor may the punishment provided in this section be reduced under AS 11.05.150. [Prior code § 6.09.030.]~~

9.12.040 Drinking in motor vehicle or boat:

~~No person shall drink any alcoholic beverage in or upon any motor vehicle or boat. [Prior code § 6.08.130.]~~

Introduced by:
Date:
Public Hearing:
Action:
Vote:

~~9.12.050 Begging.~~

~~It is unlawful for any person in the city to beg in any street, alley or public place. [Prior code § 8.04.010, (2).]~~

~~9.12.060 Enticing into automobile.~~

~~It is unlawful for any person in the city to accost or endeavor to entice a person into an automobile. [Prior code § 8.04.010, (3).]~~

~~9.12.070 Illegal occupation.~~

~~It is unlawful for any person in the city to:~~

~~A. Engage in any illegal occupation or business;~~

~~B. Attend or frequent any place in which an illegal business is committed or conducted;~~

~~C. Solicit a person for the purpose of committing any illegal act. [Prior code § 8.08.010.]~~

~~9.12.080 Obscene act.~~

~~It is unlawful for any person in the city to:~~

~~A. Engage in any obscene conduct in any street, alley or public place; or~~

~~B. Make an obscene exhibition or exposure of his person. [Ord. 09-41 § 2; prior code § 8.16.010.]~~

~~9.12.090 Sale of obscene material.~~

~~It is unlawful for any person in the city to print, engrave, sell, offer for sale, give away, exhibit, publish or have in his possession for any such purpose any obscene books, pamphlets, paper, pictures, cast statuary, images or representations or other articles of an obscene nature. [Prior code § 8.16.020.]~~

Chapter 9.16
OFFENSES AGAINST PROPERTY

Sections:

9.16.010 Vandalism of public buildings or churches.

City of Bethel, Alaska

Ordinance #13-XX
7 of 3

Comment [p11]: Felony crime

Comment [p12]: Crime

Comment [p13]: Difficult to define "Obscene".
Brings about a lot of 1st amendment lawsuits.

Comment [p14]: Crime

Introduced by:
Date:
Public Hearing:
Action:
Vote:

~~9.16.010 Vandalism of public buildings or churches.~~

~~It is unlawful for any person in the city to deface, mar or litter any hallway, stairway, sidewalk or steps of any public building or place of worship. [Prior code § 8.04.010, (4).]~~

Chapter 9.20
OFFENSES BY OR AGAINST MINORS

Sections:

- ~~9.20.005~~ Curfew – Definitions.
- ~~9.20.010~~ Curfew – Hours designated.
- ~~9.20.015~~ Curfew – Exceptions.
- ~~9.20.020~~ Curfew – Parental responsibility.
- ~~9.20.025~~ Helmet required – Parental responsibility.
- ~~9.20.030~~ Motion picture admittance – Person defined.
- ~~9.20.040~~ Motion picture admittance – “X” rating.
- ~~9.20.050~~ Motion picture admittance – “R” rating.

~~9.20.005~~ 9.01.050 Curfew – Definitions.

As used in this chapter:

- A. “Guardian” means a person who is legally responsible for a youth.
- B. “Emergency” means an unforeseen combination of circumstances that call for immediate action including, but not necessarily limited to, a fire, natural disaster, automobile accident, life-threatening illness or accident, or any other situation requiring immediate action to prevent physical injury or loss of life.
- C. “Youth” means a person who is seventeen (17) years of age or younger and for whom the disabilities of minority have not been removed for general purposes under AS 09.55.590. [Ord. 02-28 § 2.]

~~9.20.010~~ 9.01.055 Curfew – Hours designated.

No youth shall be upon the public streets, alleys, vacant lots, or in public buildings or places of amusement and entertainment or other unsupervised public places between the hours of 10:00 p.m. and 5:00 a.m., Sunday evening through Friday morning, and 12:00 midnight and 5:00 a.m., Friday evening through Sunday morning unless the

Introduced by:
Date:
Public Hearing:
Action:
Vote:

youth's presence is excepted from the curfew in accordance with BMC [9-20-015 9.01.056](#). [Ord. 02-28 § 3; Ord. 98-30 § 2; Amendment 1 to Ord. 9, 1986; prior code § 8.36.010.]

~~9-20-015-9.01.056~~ Curfew – Exceptions.

It is an exception to a violation of BMC ~~9-20-010 9.01.055~~ if, during curfew hours, a youth is:

- A. Accompanied by his or her parent or guardian.
- B. On an errand at the direction of his or her parent or guardian, without any detour or stop.
- C. Involved in an emergency.
- D. Engaged in an employment activity, or going to or returning from an employment activity, without detour or stop.
- E. On the public right-of-way immediately abutting the youth's residence or immediately abutting the residence of a next door neighbor, if the neighbor did not complain to the police department about the youth's presence.
- F. Attending, or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the city of Bethel, the Lower Kuskokwim District, a civic organization or another similar entity that takes responsibility for the youth.
- G. Exercising First Amendment rights protected by the United States Constitution, such as free exercise of religion, freedom of speech and the right of assembly. [Ord. 02-28 § 4; Ord. 93-08 § 5.]

~~9-20-020-9.01.057~~ Curfew – Parental responsibility.

- A. No parent or guardian shall allow a youth to go at large or unaccompanied in the city upon any public street or other place mentioned in BMC ~~9-20-010 9.01.055~~ during the restricted hours set forth in BMC ~~9-20-010 9.01.055~~ unless the youth's presence in public is excepted from the curfew under BMC ~~9-20-015 9.01.056~~.
- B. A person who violates this section is punishable by a civil fine of not more than ~~two-hundred fifty one~~ hundred dollars (\$~~100250~~) nor less than twenty-five dollars (\$25). Punishment under this subsection shall be instituted only by civil complaint or citation. An individual so cited does not have a right to trial by jury or counsel appointed by the court. [Ord. 02-28 § 5; Ord. 98-14 § 3; Amendment 1 to Ord. 9, 1986; Ord. 98, 1977; prior code § 8.36.020.]

~~9-20-025~~ ~~Helmet required – Parental responsibility.~~

- ~~A. An unemancipated minor may not operate or be a passenger on an off-highway vehicle operated by a minor unless wearing protective head gear that complies with the~~

Introduced by:
Date:
Public Hearing:
Action:
Vote:

~~standards of the United States Department of Transportation or other protective head gear standards adopted by the state.~~

~~B. A parent, guardian, or other person having the custody and control of a minor may not knowingly, negligently or recklessly authorize or permit the minor to operate or be a passenger on an off-highway vehicle in violation of subsection A of this section.~~

~~C. A parent, guardian, or other person having the custody and control of a minor may not, knowingly, negligently or recklessly fail to prevent the minor from operating or being a passenger on an off-highway vehicle in violation of subsection A of this section.~~

~~D. A person who owns, manages or controls an off-highway vehicle may not knowingly, negligently or recklessly authorize or permit a minor to operate or be a passenger on the off-highway vehicle in violation of subsection A of this section.~~

~~E. A person who owns, manages or controls an off-highway vehicle may not knowingly, negligently or recklessly permit another person, including a minor, to permit or authorize a minor to operate or be a passenger on the off-highway vehicle in violation of subsection A of this section.~~

~~F. For purposes of this section, a minor is an individual who is under eighteen (18) years of age and who has not been emancipated; off-highway vehicle includes snow machines, motorcycles, four-wheelers, all-terrain vehicles and similar motorized vehicles, and a sled or other device towed by an off-highway vehicle.~~

~~G. A parent, guardian, or other person having the custody and control of a minor or a person who owns, manages or controls an off-highway vehicle who violates any provision of this section is punishable by a civil fine of not more than one hundred dollars (\$100), but not less than twenty-five dollars (\$25). Punishment for a violation of subsections B, C, D, or E of this section, may be imposed only in a civil action pursuant to a complaint or citation. A person accused of such a violation does not have a right to a trial by jury nor to a public defense. [Ord. 98-19 § 2.]~~

~~9.20.030 Motion picture admittance — Person defined.~~

~~“Person” is defined, for the purposes of BMC [9.20.040](#) and [9.20.050](#), as any individual, owner, employee, agent, corporate officer or manager who is working as or for an exhibitor of motion pictures in an area during and wherein “X”-rated or “R”-rated motion pictures are being exhibited. [Prior code § 8.40.030.]~~

Introduced by:
Date:
Public Hearing:
Action:
Vote:

~~9.20.040 Motion picture admittance — “X” rating.~~

~~No person shall knowingly permit anyone under the age of eighteen (18) years to enter into or remain in any enclosed or open area where motion pictures are being exhibited which have been given an “X” rating according to the rating standards established by the Motion Picture Association of America. [Prior code § 8.40.010.]~~

~~9.20.050 Motion picture admittance — “R” rating.~~

~~No person shall knowingly permit anyone under the age of seventeen (17) years who is not accompanied by a parent or adult guardian to enter into or remain in any enclosed or open area where motion pictures are being exhibited which have been given an “R” rating according to the rating standards established by the Motion Picture Association of America. [Prior code § 8.40.020.]~~

~~Chapter 9.24~~ ~~WEAPONS~~

Sections:

~~[9.24.010](#) [9.01.060](#) Discharge Firearms within City Limits — Aiming at person — Carrying concealed.~~

~~[9.24.020](#) Prohibition posted — Definitions.~~

~~9.24.010 [9.01.060](#) Discharge Firearms within City Limits — Aiming at person — Carrying concealed.~~

Except as reasonably necessary to protect life or property, it is unlawful for any person in the city to:

A. Discharge any firearm or air rifle within the City limits except in areas designated by the city manager; or

~~B. Intentionally point or aim a firearm, air rifle, or other dangerous weapon, loaded or otherwise at any person; or~~

~~C. Carry a firearm, air rifle or a deadly weapon in any restricted access area of municipal government buildings. [Ord. 06-06 §§ 2, 3; Ord. 95-36 § 3; Ord. 183, 1988; prior code § 8.12.010.]~~

Comment [p17]: Already a regulation the movie theater is required to enforce.

Comment [p18]: This section is a crime.

Comment [p19]: This section is a federal crime.

Introduced by:
Date:
Public Hearing:
Action:
Vote:

~~9.24.020 Prohibition posted — Definitions:~~

~~A. All restricted access areas of municipal government buildings in which the possession of firearms is prohibited shall have posted the notice of prohibition against possession of firearms at each entrance.~~

B. For purposes of this chapter:

1. "Firearms" includes firearms, or any other element relating to firearms or parts thereof including ammunition and reloading components.

~~2. "Restricted access area" means the area beyond a secure point where visitors are screened and does not include common areas of ingress and egress open to the general public. [Ord. 06-06 § 3.]~~

SECTION 5. Effective Date. This section shall become effective immediately upon the passage by the City Council.

ENACTED THIS ____ DAY OF _____ 2013, BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Joseph A. Klejka , Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Public Safety and
Transportation Commission
Date: June 11, 2013
Public Hearing: June 25, 2013
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #13-16

AN ORDINANCE AMENDING THE BETHEL MUNICIPAL CODE SECTION 5.40 CHAUFFEURS, CELL PHONE USE PROHIBITED

WHEREAS, operating a motor vehicle is a multi-task function and dispatching via radio and telephone complicates and distracts from the safe and professional operation of a "for hire" commercial vehicle.

WHEREAS, using a cell-phone while operating a taxicab has proven to be distracting to chauffeurs and therefore dangerous to the public.

WHEREAS, the State of Alaska and the US Department of Transportation have enacted rules and regulations regarding cell phones and other devices which distract drivers in an effort to promote traffic safety for commercial drivers and the public.

WHEREAS, prohibiting the use of cell-phones by chauffeurs would increase safe driving practices and prevent dangerous driving action.

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

SECTION 1. Classification. This ordinance is of permanent nature and shall be codified within the Bethel Municipal Code.

SECTION 2. Amendment. Section 5.40 of the Bethel Municipal Code Chauffeurs is amended as follows (new language is underlined and old language is stricken out).

CHAPTER 5.40 CHAUFFEURS

5.40.110 Two-way radio prohibited.

No chauffeur may possess in a taxicab or allow another to operate a scanner capable of monitoring a frequency used by a dispatch service other than that used by the taxicab's dispatch service.

5.40.120 ~~Records.~~ Cell-phone use prohibited.

- A. ~~Repealed by Ord. 07-16.~~ A chauffeur may not operate a regulated vehicle while using a cell-phone unless the chauffeur is using his or her cell-phone to report illegal activity, summon medical or other emergency help, prevent injury to a person or property, or when parked without any passengers in the vehicle.

Introduced by: Public Safety and
Transportation Commission
Date: June 11, 2013
Public Hearing: June 25, 2013
Action:
Vote:

- B. A chauffeur operating a permitted vehicle while holding a cell-phone to his or her ear is guilty of violating this subsection of the BMC.
1. A written warning to be added to the Chauffeur's file for the first (1st) offense.
 2. Suspension of Chauffeur's permit for a minimum of (10) days for the second (2nd) offense.
 3. Chauffeur's permit is susceptible to revocation for the third (3rd) offense.

5.40.130 Requirement of check-in and check-out.

Each chauffeur of a taxicab must check in with the dispatch service engaged by the permittee when the chauffeur begins a work shift and check out when the chauffeur departs a work shift.

SECTION 3. Effective Date. This ordinance shall become effective immediately, upon passage by the City Council.

ENACTED THIS DAY OF 2013, BY A VOTE OF IN FAVOR AND OPPOSED.

Joseph A. Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

1/21/2014

To: City of Bethel

This letter will serve as my resignation as a Transportation Committee Member. Effective immediately, I Woo S Yoon, resign due to an extended trip and personal reasons. Thank you.

Best regards,

A handwritten signature in blue ink, appearing to read "Woo S Yoon". The signature is fluid and cursive, with a long horizontal stroke at the bottom.