



City of Bethel Police Dept.

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Bethel, AK 99559
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PUBLIC NOTICE
REGULAR MEETING OF THE
PUBLIC SAFETY & TRANSPORTATION COMMISSION
Monday, October 5, 2015 -7:00 p.m.
300 STATE HIGHWAY – CITY COUNCIL CHAMBERS
AGENDA

Members

Joan Dewey
Chair

Alisha Welch
Vice Chair

Chuck Herman
Council Representative

Naim Sabani

Deborah White

Ex-Officio Members

Andre Achee
Chief of Police

William Howell III
Fire Chief

Christina Him
Recorder

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF September 1, 2015.
- VI. CHIEFS' COMMENTS
Fire Chief
Police Chief
- VII. TRANSPORTATION INSPECTOR'S REPORT
- VIII. COUNCIL REPRESENTATIVE'S COMMENTS
- IX. UNFINISHED BUSINESS
A. Drug Screening Policy for Chauffeurs (Commission Member Sabani)
B. Formal Recommendations/clarification for disapproval of Ordinance #15-19, 15-20, 15-30 and as to why PSTC did not support it (Council Member Herman)
- X. NEW BUSINESS
A. Curfew Policy (Council Member Herman)
B. Ordinance #15-31, Amending Operation of Low Speed Vehicles (Council Recommendations)
C. Ordinance #15-32, Repealing and Replacing BMC 5.08, Alcoholic Beverages (Council Recommendations)
- XI. COMMISSION MEMBER'S COMMENTS
- XII. ADJOURNMENT

Christina Him, Recorder

POSTED on August 29th, 2015.
POST OFFICE, AC QUICKSTOP, CORINA'S CASE LOT, CITY HALL, & POLICE DEPT.

Next Public Safety and Transportation Commission Meeting will be November 3, 2015.

"Deep Sea Port and Transportation Center of the Kuskokwim"

City of Bethel, Alaska

Public Safety & Transportation Commission

September 1st, 2015

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on September 1st, 2015 in the Bethel City Hall Council Chambers.

This meeting was called to order at 7:04PM

II. ROLL CALL

Present: Joan Dewey *Chair*
 Alisha Welch *Vice Chair*
 Chuck Herman *Council Representative*
 Naim Sabani

Ex-Officio Present: Bill Howell *Fire Chief*
 Andre Achee *Chief of Police* (via telephone conference)
 Christina Him *Recorder and Transportation Inspector Designee*

Other Present: Patty Burley *City Attorney*

III. PEOPLE TO BE HEARD

Frank Mazzaro – Kusko Cab Driver: *Wanted clarification on what a Public Hearing is, specifically agenda item (VI) BMC 5.40.080 Carrying Alcoholic Beverages. Doesn't want to speak in "People to be Heard", but would speak when topic is brought up later on in the meeting.*

IV. APPROVAL OF AGENDA

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

V. APPROVAL OF MINUTES

MOVED:	Herman	Motion to approve the minutes from the regular meeting of June 2 nd , July 7 th , and August 10 th , 2015.
SECONDED:	Sabani	

VOTE ON MAIN MOTION	All in favor.
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VI. SPECIAL ITEM OF BUSINESS

A. Public Hearing: On the price and quality of service provided by all regulated vehicles, chauffeurs and dispatch services.

Frank Mazzaro – Kusko Cab Driver: *Would like to know if there is anything specific PSTC will be talking about.*

Per Bethel Municipal Code 5.20.030 C: The Public Safety and Transportation Commission is required to hold two Public Hearing meetings to investigate the quality of services rendered by regulated vehicles, permittees, chauffeurs and dispatch services and shall make such recommendations to the city council as it deems necessary for the improvement of such services.

This is an open discussion, and the public can attend and say what they need to say. This is the first Public Hearing, and another will probably be conducted before the year is over.

VII. CHIEFS' COMMENTS

Chief Bill Howell- *The good news is, the Fire Department is fully staffed for all of the allotted positions, however it is still down one position that was eliminated by fiscal year '15. The department is attempting to seek grant funding through a federal safer grant that was previously awarded to get a position restored.*

Currently the department is training three people, one of which is a local hire, and two are from out of state. The trainees are doing great, and the most recent hire was here on August 21st; it is exciting and nice to have some help.

One ambulance is out of service and is getting repaired at the City Shop; however it should be repaired hopefully this week.

The Fire Department is gearing up for Fire Prevention and are in the process of purchasing fire hats, lollipops, and rulers for the kids, as well as scheduling the schools for fire prevention visits. This is done every October, so there are a lot of on-going preparations.

The EMT-1 course will begin on Sept 21st through December 4th. If anyone is interested in volunteering as an EMT and would like to take the course, it would be a great way to serve the community. Recruitment is encouraged and if qualified applicants are obtained, there will be incentives (hat, buttons, supporter t-shirt) for the referral.

The department will be getting a new pick up/plow truck that should be coming in on the last barge. Hoping the plow won't be a cooler for the snow coming this year, trying to stay optimistic and hope that we do have some snow.

Chief Andre Achee – *See Report in Commission Packet*

VIII. TRANSPORTATION INSPECTOR REPORT

See Report in Commission Packet

IX. COUNCIL MEMBER'S COMMENTS

Council Member Herman – *Met with the Department of Transportation (DOT) officials along with the city manager in regards to Ridgecrest Drive. The City is trying to revamp the whole roadway in front of the high school, however it is unclear which way council is going on financially, as the City would have to come up with \$260,000.00 for a \$3 million dollar project. Essentially, revamping the big stretch of road would help in reducing traffic congestion, dust, and pedestrian walkways as well as help the kids around the area. Also spoke with Senator Sullivan about board walks during his visit in Bethel and how important boardwalks are for the community. Currently boardwalks are classified as under "recreation" by the federal government, which means that money from the transportation budget cannot be spent on board walks. In Bethel, boardwalks are used for transportation to get around. He will continue to look at this issue with Council.*

X. UNFINISHED BUSINESS

A. Drug Screening Policy for Chauffeurs

Discussed, no action taken. Commission member Sabani – will speak to Bethel Family Clinic or other agencies in regards to random drug testing services.

B. Taxi Permit Number and Vehicle Numbers

Taxi permit numbers will match its corresponding vehicle numbers and will be implemented with the next scheduled semi-annual inspection of Alaska Cab. A drafted letter notifying cab owners of the change of permit numbers to match their vehicle numbers will be sent out. Schedule of fees for BMC approved decals will need to be sent over to finance department before implementation of selling the decals at the police department.

C. Revocation of Vehicle Permit (BMC 5.20.110)

Per last PSTC meeting, the commission successfully passed the motion to recommend proposed changes of the amended language of BMC 5.20.110 to strike 45 consecutive and 90 consecutive days and add 180 days in a 12 month period, to Council. This will be forwarded to Council before the next Council meeting.

XI. NEW BUSINESS

A. BMC 5.40.080 Carrying Alcoholic Beverages (Commission Member Sabani)

Please see (B). Council Recommendations for BMC Changes as this matter is directly related.

B. Council Recommendations for BMC Changes

(i). Ordinance #15-19 / Ordinance #15-20

MOVED:	Herman	Motion to not recommend Ordinance #15-19 – An ordinance amending Bethel Municipal Code Chapter 5.40.070, Chauffeurs, Alcoholic Beverages and Controlled Substances and repealing 5.40.080, Chauffeurs Carrying Alcoholic Beverages. This motion also simultaneously voids Ordinance #15-20, An Ordinance by the Bethel City Council Amending Bethel Municipal Code Chapter 5.20.120F, Penalties and Remedies.
SECONDED:	Sabani	
VOTE ON MAIN MOTION	All in favor.	

(ii). Ordinance #15-21

MOVED:	Welch	Motion to not recommend Ordinance #15-21, An Ordinance by the Bethel City Council Amending Bethel Municipal Code, Chapter 5.30, Taxicab, River Taxi, Limousine and Global Positioning System Capabilities.
SECONDED:	Herman	
VOTE ON MAIN MOTION	All in favor.	

C. Community Preparedness – PFD (Chair Dewey)

The Public Safety and Transportation Commission discussed ways in which the commission can assist with community preparedness during PFD (Permanent Fund Dividend) season, as there is a significant increase of intoxicated individuals and child welfare situations during the month of October. This includes the opening of the Winter House, which should be fully staffed for the homeless and the Sobering Center for inebriates who are unable to care for themselves. Additionally with the support of the Bethel Police Department’s CSP (Community Service Patrol) Program, the police department is confident that they will have sufficient staffing to handle the work load during PFD season. Other resources include the Fire Department, which have in the past helped with providing transportation of intoxicated individuals to protective custody or a safe residence.

Providing a safe haven for inebriates during this time of the year is important. The public have in the past been helpful and continue to do so by notifying the police department of intoxicated individuals. Inebriates are not always transferred to the jail or the sobering center first; typically if they have a safe residence to go to, they are transported there. It is a preference that they go home to their families, however the reality at times, they have to be taken into protective custody.

One of the CSP protocols includes asking the intoxicated individuals if they have somewhere to go to, a friend or a relative that can help take care of them. CSPs are typically cross trained, and the next EMT class starts in September, most of the time they take advantage of it. The Fire Department is fully staffed with firefighters and EMT personnel. There are 38

total volunteers, and about half of the volunteers are medics. There are also two ambulances available.

D. City Council Candidacy (Vice Chair Welch)

Vice Chair Welch is running for City Council, and if elected would not be able to be a part of PSTC. However, she is encouraging someone who is interested in applying to be a part of the commission. She will continue to encourage people to apply, so that meetings can continue.

I. COMMISSION MEMBER COMMENTS

Joan Dewey- Would like all commission members to think about and keep promoting the service aspect of being on a committee. Values PSTC in terms of the issues that come here for of the community. Hopes that commission members can think of other candidates that might be able to help. Also hopes that the community has a safe PFD season, as too many kids feel the effect.

Naim Sabani- Good luck and congratulations to Alisha. She will be missed here if she gets elected.

Chuck Herman- First Tuesday of October is Election Day, which is also the next scheduled PSTC meeting. Proposes to change the next meeting to Monday, October 5th, 2015 at the same time.

Alisha Welch- No comments.

MOVED:	Herman	Move to change the date of the next meeting from October 6 th to October 5 th at 7:00pm.
SECONDED:	Sabani	
VOTE ON MAIN MOTION	All in favor.	

II. ADJOURNMENT

MOVED:	Welch	Motion to adjourn.
SECONDED:	Herman	
VOTE ON MAIN MOTION	All in favor.	

Meeting adjourned at 9:48pm

APPROVED THIS 5th DAY OF October, 2015.

Christina Him, Recorder

Joan Dewey, Chair



CITY OF BETHEL
Fire Department

William F. Howell III, Fire Chief
P.O. Box 1388, Bethel, Alaska 99559
Phone: (907)-543-2131
Fax: (907)-543-2702
bhowell@cityofbethel.net

Celebrating 50 Years of Service

DATE: October 1, 2015
TO: Pete Williams, Acting City Manager
FROM: Bill Howell, Fire Chief
SUBJECT: Management Report – Period of: 08-26-15 through 10-01-15

Current Events

- The Department is prepared for fire prevention visits this October. Captain Solesbee has prepared materials and schedules for these activities.
- A luncheon was held at the Fire Department on September 11th to honor first responders. Lunch was provided by AmeriCorps Vista volunteers and staff of Sackett Hall.

Bethel Fire Department responders are very appreciative of the recognition and attention brought to this day in remembrance of the 343 firefighters and many others who lost their lives on that tragic day. Our thoughts and prayers go out to the victims and their families.

- The Department is assisting the Public works department in fit testing respirators and compliance with a recent OSHA inspection.
- The Department continues transition into Electronic patient reporting. Two Panasonic Toughbook laptops were ordered with Code Blue grant funds solely administered through YKHC. No City match is required for this project.

Emergency Planning/Homeland Security

- The Department attended the monthly Homeland security teleconference on September 2nd
- The Department continues to work with DHS to schedule delivery of an ICS 300 in Bethel. Dates for the class will be announce soon.

- We are conducting final review of the Community Emergency operations plan.

Responses

- During the month of September, the Fire Department responded to a total of 7 Fire and 76 EMS incidents.
- On 9-5-15 at 4:05 p.m. Medics responded to the report of a bicyclist hit by a dump truck. Upon arrival, the patient was assessed, treated and transported to the hospital.
- On 09-14-15 at 2:03 p.m. medics responded to the YKHC Prematernal Home for the report of a person who had given birth. The patient and newborn baby were assessed and transported to the hospital.
- On 09-17-15 at 9:36 p.m. firefighters responded to Delapp Drive for the report of a chimney fire. Upon arrival, the homeowner had already extinguished the fire. Firefighters checked for hazards and returned to quarters.
- On 09-23-15 at 11:40 a.m. Firefighters responded to the area of Standard Oil road for the report of black smoke. On arrival firefighters found a pile of pallets on fire. Firefighters advised the person involved to extinguish the fire.
- On 09-24-15 at 7:00 p.m. medics responded to Sixth Avenue for a report of a person huffing gasoline. The patient was assessed and transported to the hospital.
- On 9-25-15 at 2:53 p.m. Medics responded to the AC Main Store for the report of a person who was experiencing a heart attack. Upon arrival, the patient was found unresponsive. Medics performed CPR and transported the patient to the hospital. The patient survived and is recovering in Anchorage.

Staffing/recruitment

- The Bethel Fire Department is fully staffed.
- The Department has one FF/EMT position that was defunded FY 15. We will be seeking grant and city funding to fill this position.
- We would like to offer congratulations to FF/EMT Dalton Beaver for passing his EMT -1 test. Dalton will be certified as an EMT-1 within the next few weeks. Dalton has completed a major hurdle in successfully passing probationary requirements.

Training

- FF-EMT Thomas Haviland and EMT Bruce Claypool are scheduled to attend EMT -1 instructor courses in November in Nome.
- An EMT Meeting was held on 09-01-15 at 7:00 p.m. at the fire station. Responders reviewed treatment guidelines, and then conducted multiple trauma and cardiac arrest treatment scenarios.
- An EMT Meeting was held on 09-15-15 at 7:00 p.m. at the fire station. Responders reviewed the ER Alert Policy and General Principles of Trauma Care and Extremity Trauma. Medics practiced various methods of splinting suspected extremity and pelvic fractures.
- A Fire Meeting was held on 09-10-15 at 7:00 p.m. at the fire station. Firefighters were introduced to new gas detection devices and practiced hazardous materials scenarios.
- A Fire Meeting was held on 09-24-15 at 7:00 p.m. at the fire station. Firefighters were provided an overview of Marine Firefighting principles and procedures. Practical exercises and a tour of the War Horse tugboat concluded the meeting.
- The EMT-1 course began on 09-21-15 with a total of fifteen recruits, who were given an introduction to EMS Systems and fire department policies. Other sessions included training on Hazard Communications, Infection Control, Bloodborne Pathogens, Respiratory Protection, Well-being of the EMT, the Human Body, Pathophysiology, and Life Span Development. This course will conclude with written and practical testing on December 4th and 5th.

Vehicles & Equipment

- The Department received its new pickup under State contract pricing on then September 23rd barge. The vehicle is being registered and licensed and will be in service soon. The Department appreciates the support of the Council and Manager to replace obsolete equipment and vehicles.
- M-4 our current frontline ambulance is being scheduled for emergency brake repairs.
- M5, normally a frontline ambulance is still in reserve waiting for repair by the V&E department. The department is working with V& E to schedule repairs.
- A work order has been put in to V&E to repair electrical and stuck valves.
- Truck - 1 our 1980 aerial was tested by UL on the 27th of July. A list of deficiencies was noted by the inspector and we have been directed to a new vendor for parts.

Budget/Financial

- The Department is transitioning to the new Purchase cards (P-cards) P-card training was attended by all Department staff during the week of the 15th.
- The Department is operating within FY16 budget guidelines.

Grants

- The Department received five gas detectors under a 2014 Homeland security grant. The City received approximately \$9000.00 dollars for this project with no matching requirement.
- 2013 FEMA Assistance to Firefighters Grant for Self Contained Breathing Apparatus (SCBA) is proceeding as planned. All matching funds were expended prior to the end of FY 15. We are waiting for delivery of the purchased equipment while we schedule training.
- The Department received \$9147.00 dollars from the State Volunteer Fire Assistance (VFA) grant. We are using these funds to purchase two additional SCBA

TRANSPORTATION INSPECTOR REPORT: SEPTEMBER 2015

2015	September
New Chauffeurs	5
Chauffeur Renewals	1
Chauffeur Transfers	1
Vehicle Permit Renewals	0
Vehicle Transfers	6
Inspections	28
Revocations	0
Temporary Permits	0

- Alaska Cab had their semi-annual inspection scheduled in the month of September, there were no major issues noted here. During this inspection, all of Alaska Cab's permit numbers were changed to match the vehicle number. This is the first phase of permit numbers being changed to match vehicle numbers, as discussed in the last meeting.
- There were a total of 28 inspections conducted in the month of September, 12 inspections were for Alaska Cab's scheduled semi-annual inspection and 13 inspections were conducted by officers on various shifts. There were 6 vehicle transfers, 5 newly licensed chauffeurs, 1 chauffeur renewal and 1 chauffeur dispatch company transfer from Alaska Cab to Quyana Cab.
 - The 13 inspections conducted by officers consisted of minor equipment issues, all of which were followed up by second inspections at the police station, in which drivers were given another appointment date to order the necessary parts to make sure they are in compliance with BMC's mechanical equipment standards. No major issues were noted in these inspections.
- Alaska Cab has recently acquired Taxi Cab; proper documentation was received earlier this month for the acquisition, pending additional paperwork approval.
- There are a total of 59 vehicle permits:
 - Alaska Cab (w/acquisition of Taxi Cab): 25 vehicle permits
 - Kusko Cab: 17 vehicle permits
 - Quyana Cab: 16 vehicle permits
 - Camai Cab: 1 vehicle permit
- There were only 2 complaints made in the month of September, one of which involved alcohol and was forwarded to the WAANT unit. The other complaint was about a cab with a headlight out.
- The next semi-annual inspection will be for Kusko Cab in October. During this inspection, I will continue to change permit numbers to match the corresponding vehicle numbers.
- We are waiting on some quotes from a decal company in Anchorage so that all cabs will have a one uniform style vehicle number that complies with BMC 5.30.090 *Taxicabs – Vehicle Markings*.

Introduced by: Mayor Robb
Date: September 22, 2015
Public Hearing: October 13, 2015
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #15-31

AN ORDINANCE BY THE CITY OF BETHEL AMENDING BETHEL MUNICIPAL CODE CHAPTER 10.02.465, MOTOR VEHICLE AND DRIVING OFFENSES, OPERATION OF LOW SPEED VEHICLES

- Whereas,** people of Bethel use multiple forms of transportation;
- Whereas,** in 2010 the Alaska Legislature passed a provision to allow off-road municipalities to permit use of mini trucks and other low speed vehicles;
- Whereas,** mini trucks are potentially a low cost, low fuel, method of transportation;
- Whereas,** the people of Bethel have traditionally supported multiple forms of transportation;

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 10.02 The Bethel Municipal Code is amended as follows (new language is underlined):

10.02.465 Operation of low-speed vehicles.

A. The operator of a low-speed vehicle is subject to all the traffic and other laws applicable to operators of passenger vehicles.

B. The operator of a low-speed vehicle may operate that vehicle on a highway with a maximum speed limit of 45 miles an hour.

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

Introduced by: Mayor Robb
Date: September 22, 2015
Public Hearing: October 13, 2015
Action:
Vote:

**ENACTED THIS ____ DAY OF _____ 2015, BY A VOTE OF ____ IN FAVOR AND
____ OPPOSED.**

ATTEST:

Richard Robb, Mayor

Lori Strickler, City Clerk

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
Action:
Vote:

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.

~~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,~~
City of Bethel, Alaska

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
Action:
Vote:

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

42 ~~5.08.011 Consumption, sale and service of alcoholic beverages prohibited.~~

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

46 ~~B. No person may sell or offer to sell any alcoholic beverage in or within two hundred~~
47 ~~(200) feet of a church building or within two hundred (200) feet of any school grounds.~~

48 ~~C. Any person or business that is behind in taxes to the city of Bethel is prohibited from~~
49 ~~receiving alcoholic beverage licenses.~~

50 ~~D. As used in this section, the terms "school building," "school," "school grounds" or~~
51 ~~"educational building" shall apply only to state, county, city, or church school buildings~~
52 ~~and to such buildings at such other schools in which are taught subjects commonly~~
53 ~~taught in the common schools, and which are public schools or private schools as~~
54 ~~defined by the state of Alaska. The terms "school building" and "educational building"~~
55 ~~include only those structures in which instruction is offered, except colleges and~~
56 ~~universities. The term "school grounds" shall apply only to the parcel or parcels of land~~
57 ~~on which a school, school building or educational building is located, except colleges~~
58 ~~and universities.~~

59 ~~E. The term "church building" as used herein shall mean the main structure used by any~~
60 ~~religious organization for purposes of worship.~~

61 ~~F. The requirements for minimum distance from a church building located in a shopping~~
62 ~~center shall not apply to any license for retail package or retail consumption.~~

63 ~~G. For purposes of this section, distance shall be measured by the most direct route of~~
64 ~~travel on the ground and shall be measured in the following manner:~~

65 ~~1. From the main parking lot entrance of the establishment from which alcoholic~~
66 ~~beverages are sold or offered for sale;~~

67 ~~2. In a straight line, regardless of obstructions, to the nearest public sidewalk,~~
68 ~~walkway, street, road or highway by the nearest route;~~

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
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69 ~~3. To the main entrance of the church building or to the nearest portion of the~~
70 ~~school grounds.~~

71 ~~5.08.020 Closing hours.~~

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

77 ~~5.08.030 Bringing liquor to licensed premises—Leaving partial containers.~~

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

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

84 ~~5.08.040 Maintenance of order.~~

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

91 ~~5.08.050 Liquor handler permit—Required.~~

92 ~~No person in the employment of any retail liquor outlet in the city dispensing liquor to~~
93 ~~the public shall remain in that employment or handle intoxicating liquors unless such~~
94 ~~person is in possession of a liquor handler's permit. Such permit shall be immediately~~
95 ~~available to the permittee during all working hours for the licensee, and shall be~~
96 ~~displayed to any peace officer upon demand of the officer.~~

97 ~~5.08.060 Liquor handler permit—Issuance—Revocation.~~

98 ~~All liquor handler permits shall be prepared and issued by the city clerk. These permits~~
99 ~~issued under BMC 5.08.050 shall be marked with the word "Security" in addition to all~~
100 ~~other present wording and shall be issued only after approval of the chief of police. All~~

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
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101 ~~permits issued under this chapter may be cancelled, suspended, or revoked, for cause,~~
102 ~~at any time by the chief of police. All such cancelled, suspended, or revoked permittees~~
103 ~~shall have the right to appeal to the city council within twenty-one (21) days of the~~
104 ~~decision by the chief of police.~~

105 ~~5.08.070 Liquor handler permit — Cost.~~

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

108 ~~5.08.080 Sunday and holiday sales.~~

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

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

120
121 ~~B. For the purpose of this chapter, the holidays set out in subsection A of this section~~
122 ~~shall be observed according to the federal designation for their observation. For the~~
123 ~~purpose of determining Sundays and holidays as prescribed in this section, they shall~~
124 ~~commence at the closing hour of the business hours for the preceding day and shall~~
125 ~~terminate at the opening hour of the day following the Sunday or holiday.~~

126 ~~5.08.090 Election day sales.~~

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

131 ~~5.08.100 Minors.~~

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

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134 ~~5.08.110 Permitting violation.~~

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

137 ~~5.08.120 Inspection of premises.~~

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

142 ~~5.08.130 Violation—Penalty.~~

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

145

- 146 5.08.010 Definitions
- 147 5.08.020 Procedure for Administrative Review of License Applications
- 148 5.08.030 City Council Review of License
- 149 5.08.040 Council Action on Liquor License Applications
- 150 5.08.050 Special Use Permit Required
- 151 5.08.060 Restriction on Location of Alcohol Sales
- 152 5.08.070 Licensee Responsible for Employees' Actions on Premises
- 153 5.08.080 Hours and Days of Operation
- 154 5.08.090 Obligation to Enforce Restrictions within Licensed Premises
- 155 5.08.100 Alcohol Server Training Course Requirement
- 156 5.08.110 Operation of Licensed Premises
- 157 5.08.120 Restrictions on Purchase and Sale of Alcoholic Beverages
- 158 5.08.130 Sale to Intoxicated Persons
- 159 5.08.140 Eviction of Patrons
- 160 5.08.150 Permitting Consumption on Premises
- 161 5.08.160 Open Container
- 162 5.08.170 Transportation of Alcohol
- 163 5.08.180 Keg Registration
- 164 5.08.190 Inspection of Premises
- 165 5.08.200 Access for Enforcement
- 166 5.08.210 Alcohol Offenses
- 167 5.08.220 Penalties

168

169

170

171

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172 **5.08.010 Definitions.**

- 173 A. "Alcoholic Beverages" mean all spirituous, vinous, malt or other fermented or
174 distilled whatever the origin, that is intended for human consumption as a
175 beverage and that contains one-half of one (1) percent or more of alcohol by
176 volume, whether produced commercially or privately.
177
- 178 B. "Board" means the Alcoholic Beverage Control Board established under AS
179 04.06.010.
180
- 181 C. "Intoxicated Person" means a person whose physical or mental conduct is
182 substantially impaired as a result of the introduction of an alcoholic beverage
183 into the person's body and who exhibits those plain and easily observed or
184 discovered outward manifestations of behavior commonly known to be produced
185 by the overconsumption of alcoholic beverages.
186
- 187 D. "Licensed Premises" means any or all designated portions of a building or
188 structure, rooms or enclosures in the building or structure, or real estate leased,
189 used, controlled, or operated by a licensee in the conduct of business for which
190 the licensee is licensed by the ABC Board and the City at the specific address for
191 which the license is issued.
192
- 193 E. "Liquor License" means any of the licenses or permits described in AS 04.11.080
194
- 195 F. "Open containers" means any original container or package without the Internal
196 Revenue Service strip stamp intact upon such container or package; any
197 container or package that has been opened at least once since purchase or
198 manufacture; or any container or package containing an alcoholic beverage
199 other than the original container or package.
200
- 201 G. "Person" means an individual, partnership, cooperative, association, joint
202 venture, corporation, estate trust, business, receiver, or any entity, group or
203 combination acting as a unit.
204
- 205 H. "School" means the physical building and/or grounds of an educational facility
206 operated either publicly or privately in which are taught subjects commonly
207 taught in throughout the State of Alaska.
208
209

210

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211 **5.08.020 Procedure for Administrative Review of License Applications.**

- 212 A. Upon receipt of notice from the Board of an application for the issuance,
213 renewal, transfer of location or transfer to another person of a liquor license for
214 a license location in the City, the clerk shall as soon as practicable distribute
215 copies of the notice to the city manager, the city council and the city attorney.
216
- 217 B. The city manager shall immediately refer the application for review as follows:
218
- 219 1. To the planning director or their designee to determine if the applicant has
220 complied with the Special Use provisions of BMC 16.20;
221
 - 222 2. To the finance director or their designee to determine whether the licensee or
223 license transferee is delinquent in paying to the City any tax, assessment,
224 business license fee, or fee or charge for utility service for the business
225 and/or affiliate (as defined in 3 AAC 304.990) that operates or will operate,
226 under the liquor license.
 - 227 3. To the police and fire chiefs to determine whether, in their opinion there have
228 been excessive calls for service, excessive numbers of convictions or arrests
229 for unlawful activity at the license location, police or ambulance reports,
230 reports of unlawful activity at the license location, or police, fire or ambulance
231 dispatches to the license location.
232
- 233 C. The fire chief, police chief, planning director and finance director shall forward
234 written statements to the city manager within fourteen (14) calendar days after
235 the application was referred by the city manager.
236
- 237 D. The city manager shall provide a written report to the city council, with a copy to
238 the applicant, listing any objections to the Board's issuance of the application.
239 The city manager's report is due not less than twenty (20) days but not more
240 than thirty (30) days after the date of receipt of notice from the city clerk.
241
- 242 E. An applicant who believes the city manager's report contains factual errors shall
243 file a written protest outlining, with specific, the sections of the report believed to
244 be factually incorrect. Such protest must be filed to the city manager not later
245 than ten (10) calendar days after issuance of the city manager report.
246
- 247 F. The city manager shall investigate the applicant's protest and shall issue a
248 written decision no later than ten (10) calendar days after receipt of the protest.
249

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

253 **5.08.030 City Council Review of License.**

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

- 257 1. City records indicating whether the applicant and/or transferor is in violation
258 of the city sales tax ordinances or regulations, has failed to comply with any
259 of the filing, reporting or payment provisions of the city ordinances or
260 regulations, or has any unpaid balance due on tax accounts for which the
261 applicant and/or transferor is liable;
- 262 2. The character and public interests of the surrounding neighborhood;
- 263 3. Actual and potential law enforcement problems;
- 264 4. Whether the applicant can demonstrate prospective or continued compliance
265 with a liquor server awareness training program approved by the Board, such
266 as or similar to the program for techniques in alcohol management (T.A.M.);
- 267 5. The concentration of other licenses of the same and other types in the area;
- 268 6. Whether the surrounding area experiences a high rate of alcohol abuse, crime
269 or accidents in which the abuse of alcohol is involved;
- 270 7. The adequacy of parking facilities;
- 271 8. The safety of ingress to and egress from the premises;
- 272 9. Compliance with state and local fire, health and safety codes;
- 273 10. The degree of control the licensee has or proposes to have over the conduct
274 of the licensed business. In determining the applicant's demonstrated ability
275 to maintain order and prevent unlawful conduct, the city council may consider
276 police reports, the appearance of a readily identifiable pattern or practice of
277 recurring violent acts or unlawful conduct on the licensed premises.
278 testimony presented before the council, written comments, or other evidence
279 deemed to be reliable and relevant to the purpose of this subsection;
- 280 11. Whether the applicant can demonstrate prospective or continued compliance
281 with operations procedures for licensed premises set forth in BMC section
282 5.08.110.

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- 283 12. The proximity to a school or church, senior citizen apartment
284 housing/facilities, alcohol inpatient or outpatient treatment;
- 285 13. Any history of convictions of the applicants and affiliates of the applicants for:
286 (a) Any violation of AS Title 04;
287 (b) Any violation of city ordinances;
- 288 14. If application is made for the renewal or transfer of location or transfer of
289 ownership of a license, the City shall consider whether the operator has
290 engaged in a pattern of practices injurious to public health or safety, such as
291 providing alcohol to minors or intoxicated persons, committing serious
292 violations of state law relevant to public health or safety, or other actions
293 within the knowledge and control of the operator which place the public
294 health or safety at risk. In determining if a pattern or practices injurious to
295 public health or safety exists, the city council may consider criminal
296 convictions, credible proof of illegal activity even if not prosecuted, police
297 reports, testimony presented before the council, or other evidence deemed to
298 be reliable and relevant to the purpose of this subsection.
- 299 15. Any other factor the city council determines is relevant to a particular
300 application.

301 **5.08.40 Council Action on Liquor License Applications.**

- 302 A. At the date and time set for consideration of the proposed application, the city
303 council shall determine whether to protest the issuance, renewal, relocation or
304 transfer of a license.
305
- 306 B. If a majority of the city council votes to protest the application, a resolution shall
307 be prepared and introduced at the next regularly scheduled council meeting or
308 earlier if necessary to meet the requirements of AS 04.11.480.
309
- 310 C. At least seven (7) calendar days prior to the council meeting, the city clerk shall
311 provide the applicant with:
312
- 313 1. A copy of the proposed resolution; and
 - 314 2. Notice of the date and time when council will consider the resolution; and
 - 315 3. Notice the applicant will have an opportunity, pursuant to 3 AAC
316 304.145(d), to appear before the council to defend the application.
317

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318 D. A protest by the council under this section cannot be based in whole or in part
319 on police reports or other written materials available to the City but which were
320 not provided to the affected applicant before the public hearing on that protest.
321

322 E. At the conclusion of the public hearing, and any deliberation of the council, the
323 council may choose to:
324

- 325 1. Pass the resolution protesting to the Board the issuance, transfer or
326 renewal of the liquor license application; or
327 2. Recommend the license be approved with conditions; or
328 3. Take no action on the application.
329

330 **5.08.050 Special Use Permit Required.**

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

335 **5.08.060 Restriction on Location of Alcohol Sales.**

336 A. No beverage dispensary or package store licensee may sell or offer to sell any
337 alcoholic beverage within three hundred (300) feet of a church building or within
338 three hundred (300) feet of any school grounds.
339

340 B. No other type of premises licensed under AS 04.11.080 may sell or offer to sell
341 any alcoholic beverage in or within two hundred (200) feet of a church building,
342 school grounds, senior housing facility, or alcohol treatment facility.
343

344 C. For purposes of this section, distance shall be measured by the most direct route
345 of travel on the ground and shall be measured in the following manner:
346

- 347 1. From the main parking lot street entrance off of an established roadway of
348 the establishment from which alcoholic beverages are sold or offered for
349 sale;
350 2. In a straight line, regardless of obstructions, to the nearest public
351 sidewalk, walkway, street, road or highway by the nearest route;
352 3. To the main entrance of the church building, senior housing facility,
353 alcohol treatment facility or to the nearest portion of the school grounds.

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354 **5.08.070 Licensee Responsible for Employees' Actions on Premises.**

- 355 A. A licensee may neither knowingly allow agents or employees to violate this
356 chapter or AS Title 04 or regulations adopted thereunder, or to recklessly or with
357 criminal or civil negligence fail to act in accordance with the duties prescribed
358 under AS 04.21.030 with the result that an agent or employee of the licensee
359 violates a law, regulation or ordinance.
360
- 361 B. The licensee shall be responsible for all acts or omissions of the licensee's
362 employees on the licensed premises. The licensee may be cited and prosecuted
363 for all acts or omissions of employees which are committed on the licensed
364 premises and which are in violation of this chapter; provided, however, that the
365 prosecution of the licensee shall not prohibit the prosecution of the employee for
366 acts or omissions committed by the employee in violation of any provision of this
367 chapter.

368 **05.08.080 Hours and Days of Operation.**

- 369 A. Premises licensed under AS 4.11.080 for the service and consumption of
370 alcoholic beverages shall be closed for the sale, service and consumption of
371 alcoholic beverages between the hours of 10:00 p.m. and 11:00 a.m. Monday
372 through Friday, and between the hours of 11:00 p.m. and 11:30 a.m. on
373 Saturday or Sunday or on a legal holiday recognized by the state under AS
374 44.12.010 with the exception of New Year's Day during which the establishment
375 shall close at 1:00 am.
376
- 377 B. All other retail premises licensed under AS 4.11.080 shall be closed for the sale
378 of alcoholic beverages between the hours of 12:00 a.m. and 12:00 p.m. Monday
379 through Friday, between the hours of 2:00 a.m. and 3:00 p.m. on Saturday, and
380 between the hours of 2:00 a.m. and noon on Sunday.
381
- 382 C. A person may not sell, offer for sale, give, furnish, deliver or consume an
383 alcoholic beverage on premises licensed under AS 04.11 during the hours of
384 closure set forth in this section.
385
- 386 D. A licensee, an agent, or employee may not permit a person to consume alcoholic
387 beverages on the licensed premises between the hours of closure set forth in this
388 section.
389
- 390 E. A licensee, an agent, or employee may not permit a person to enter and a
391 person may not enter premises licensed under AS 04.11 during the hours of

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392 closure set forth in this section. This subsection does not apply to common
393 carriers or to an employee of the licensee who is on the premises to prepare for
394 that day's or the next day's business.
395

396 F. As authorized by AS 04.16.070(b) the sale of alcoholic beverages on State and/or
397 City Election Days is not prohibited.

398 **5.08.090 Obligation to Enforce Restrictions within Licensed Premises.**

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

402 **5.08.100 Alcohol Server Training Course Requirement.**

403 A. A licensee, their agent or employee may not sell or dispense alcoholic beverages
404 to the public prior to the successful completion of a liquor server awareness
405 training program approved by the Board.
406

407 B. A licensee, their agent or employee who elects to take an approved program
408 online, must have the examination proctored at the City of Bethel offices by a
409 duly appointed employee of the City.
410

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

415 **5.08.110 Operation of Licensed Premises.**

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

424 B. Persons seeking the issuance, transfer or renewal of licenses issued by the Board
425 under AS Title 4 and other applicable provisions of law shall comply with the
426 following operations procedures:

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- 427 1. *Happy Hours*. No licensee may:
- 428 i. Sell more than one (1) drink for the price of a single alcoholic drink,
429 or sell a drink with increased alcoholic content, or sell a multiple of
430 any number of drinks in a manner which has the effect of selling
431 more than one (1) drink for the price of a single drink.
- 432 ii. Advertise, promote or put in public notice the giving of free
433 alcoholic drinks to customers.
- 434 iii. Advertise, promote or put in public notice the sale of alcoholic
435 beverages at a reduced price at certain times of the day or days of
436 the week. Nothing in this subsection shall prohibit a licensee from
437 increasing prices during times when entertainment is provided.
- 438 iv. This subsection shall not be construed to prohibit licensees from
439 giving away or selling at a reduced price food items to customers
440 and patrons.
- 441 2. *Public Transportation*. Licensees shall make available to their patrons access
442 to means of public transportation to permit patrons to make arrangements for
443 transportation off the premises.
- 444 3. *Notice of Penalties*. Operators shall place, at conspicuous locations within
445 licensed premises, a clear and legible sign describing applicable penalties for
446 driving under the influence, and for service or sale of alcoholic beverages to
447 minors or intoxicated persons.
- 448 4. *Availability of Nonalcoholic Drinks*. Operators shall have nonalcoholic drinks
449 available for their patrons.
- 450 5. *Compliance Determination*. In order to determine whether applicants seeking
451 the issuance, renewal or transfer of alcoholic beverage licenses have
452 complied with the provisions of this chapter, applicants shall, at the request
453 of the City, submit to the city manager (or their designee) an alcoholic
454 beverage licensee compliance form. Upon request, operators shall also
455 provide the city manager with certificates from all current employees
456 demonstrating that those employees have successfully completed a liquor
457 service awareness training program such as the program for techniques in
458 alcohol management (T.A.M.) as approved by the Board.

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459 6. *Solicitation of Purchase of Alcoholic Beverages for Consumption by Employee.*
460 A person employed by a licensee shall not solicit or encourage any patron of
461 the licensed premises to purchase alcoholic beverages for consumption by the
462 employee or by any other employee. For the purposes of this subsection, the
463 term "employee" includes any contractual arrangement by which an individual
464 provides services to the licensee, whether compensation be in the form of
465 salary, commission, fee or otherwise.

466 7. *Warning Signs for Impoundment and Forfeiture of Vehicles Seized Pursuant to*
467 *an Arrest for or Charge of Driving Under the Influence or Refusal to Submit to*
468 *Chemical Tests.* Operators shall display at conspicuous places in licensed
469 premises two (2) signs warning that vehicles are seized in cases of driving
470 under the influence or refusal to submit to chemical tests. One of these
471 warning signs shall be at least eleven (11") inches by fourteen (14") inches in
472 size, and must read, in lettering at least one-half (1/2") inch high and in
473 contrasting colors or black and white, "DRIVE UNDER THE INFLUENCE—LOSE
474 YOUR CAR." The sign described in the preceding sentence must carry a logo
475 or illustration approved by the chief of police or their designee which shows
476 an automobile being towed. The second warning sign shall be at least eleven
477 (11") inches by fourteen (14") inches and must read, in letters at least one-
478 quarter (1/4") inch high and in contrasting colors or black and white,
479 "WARNING: IF YOU DRIVE UNDER THE INFLUENCE OR LET ANYONE DRIVE
480 YOUR VEHICLE UNDER THE INFLUENCE, YOU WILL LOSE YOUR VEHICLE.
481 The police SEIZE cars and trucks driven by intoxicated drivers. A vehicle will
482 be IMPOUNDED for 30 days for the driver's first DUI offense. A vehicle will be
483 FORFEITED if the driver has been convicted of DUI in the past ten (10)
484 years."

485 C. *Mandatory identification check in the retail sale of alcoholic beverages:* Licensee
486 or licensee's employee or agent shall require any purchaser (and anyone
487 accompanying the purchaser) of alcoholic beverages to produce a current
488 government-issued identification with birth date and photograph for identification
489 check prior to any on-premises sale. The purpose of the identification check is to
490 verify age and eligibility to purchase alcoholic beverages. Failure to conduct the
491 mandatory identification check required by this section is a violation of code and
492 the licensee or licensee's employee or agent failing to conduct the mandatory
493 identification check shall be subject to the civil penalty provisions of this chapter.
494 For purposes of mandatory identification check required by this section:

495 1. "*Current government-issued*" means a state, federal or foreign government
496 picture identification in force and effect for a specified period stated within

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497 the identification, when presented prior to expiration of the period stated. A
498 state government identification with birth date and photograph issued by any
499 state of the United States is included within the meaning of "current
500 government-issued" if the period of validity is specified and the identification
501 is presented prior to expiration of the period stated.

502 2. The subsequent invalidation of the identification as a bona fide government-
503 issued identification does not invalidate the compliance.

504 3. An ongoing pattern of non-compliance with the mandatory identification
505 check required by this code may result in review of the conditions of use or
506 may result in the revocation of a special use permit previously approved by
507 the city council. Action by the city council on licensee's special use permit
508 under this section shall be in addition to any criminal or civil penalty
509 applicable to the individual making the sale without performing the
510 mandatory identification check.

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

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

524 F. *Premises to be cleared Upon Closing.* Upon closing, licensees shall clear alcoholic
525 beverage establishment of all persons, other than necessary employees, within
526 fifteen (15) minutes after the closing hours.

527 G. *Age Limit Signs to be exhibited.* All licensees shall cause to remain displayed
528 upon the premises and in the entrance to the premises of their establishments a
529 conspicuous sign in a prominent place visible from outside the establishment,
530 which shall in substance state: "No person under the age of 21 years permitted.
531 Any such person will be prosecuted to the full extent of the law." Excepting that

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532 licensed establishments regularly serving meals may modify the sign in
533 accordance with the provisions of this chapter and AS 04.

534 **5.08.120 Restrictions on Purchase and Sale of Alcoholic Beverages.**

535 A. A person licensed under AS 04.11.090 (Beverage Dispensary), 04.11.100
536 (Restaurant or Eating Place), 04.11.110 (Club License), or 04.11.150 (Package
537 Store) may not purchase, sell, or offer for sale an alcoholic beverage unless the
538 alcoholic beverage being purchased, sold, or offered for sale was obtained from
539 a person licensed under:

540 1. AS 04.11.160 (wholesale licenses) as a primary source of supply for the
541 alcoholic beverage being purchased, sold, or offered for sale;

542 2. AS 04.11.150 (package store) and the alcoholic beverage being purchased,
543 sold, or offered for sale was obtained from a person licensed under AS
544 04.11.160 (wholesale) as a primary source of supply; or

545 3. AS 04.11.130 (licensed brewery), 04.11.140 (licensed winery), or 04.11.170
546 (licensed distillery).

547 **5.08.130 Sale to Intoxicated Persons.**

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

556 **5.08.140 Eviction of Patrons.**

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

560 **5.08.150 Open Container.**

561 A. It shall be unlawful to carry, transport or possess an open container of alcoholic
562 beverages on the public streets, sidewalks, alleys, parks, or other public places

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563 throughout the city; except that an open container of alcoholic beverages may
564 be carried in a vehicle in a locked trunk or other secured location inaccessible to
565 the driver and passengers within the vehicle.
566 B. Open containers are permitted on private residential property, with the consent
567 of the owner or legal occupant of the property.

568 **5.08.160 Transportation of Alcohol.**

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

572 **5.08.170 Keg Registration.**

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

578 1. Require the purchaser of the alcoholic beverages to sign a declaration and
579 keg registration form for the keg or other container on a form approved by
580 the chief of police. The form shall contain:

581 i. The name and address of the seller and the purchaser;

582 ii. The type and identifying number of the identification presented by
583 the purchaser pursuant to AS 04.21.050

584 iii. A sworn statement, signed by the purchaser under penalty of
585 perjury, stating that the purchaser is twenty-one (21) years of age
586 or older; will not allow persons under twenty-one (21) years of age
587 to consume the alcoholic beverages purchased pursuant to AS
588 04.16.051, will not remove or obliterate or allow the removal or
589 obliteration of the temporary registration tag affixed to the keg or
590 other container, and will return the keg to the seller within the time
591 constraints set by the seller;

592 iv. The return date specified by the seller;

593 v. The particular address or addresses where the alcoholic beverages
594 will be consumed, and the date on which it will be consumed;

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- 595 vi. A warning that it is illegal to obscure or remove the registration
596 tag; and
- 597 vii. The unique identifier of the temporary tag attached to the keg or
598 container as required under this section.
- 599 2. Affix an approved temporary tag with a unique identifier to all containers over
600 four (4) gallons or more of an alcoholic beverage prior to surrendering
601 possession or control thereof to a consumer; and
- 602 3. Require the purchaser to separately and prominently display a copy of the
603 keg registration form within five (5) feet of the keg or other container while
604 the keg or other container is in the purchaser's possession or control.
- 605 4. Upon return of the keg or other container, the seller shall note the date
606 thereof and the initials of the person who accepts the return.
- 607 5. The licensee shall retain a copy of the keg registration form and receipt,
608 which shall be retained on the licensed premises for a period of one (1) year.
609 The records shall be available for inspection and copying by any peace
610 officer, the city finance director or their designee, the Alcohol Beverage
611 Control Board investigator or agent.
- 612 B. Obligations of purchaser. Any person who purchases or leases kegs or other
613 containers containing four (4) gallons or more of alcoholic beverages shall:
- 614 1. Sign a declaration and keg registration form for the keg or other container on
615 a form provided by the seller pursuant to subsection A. of this section;
- 616 2. Provide identification pursuant to AS 04.21.050;
- 617 3. Be of legal age to purchase, possess, or use alcoholic beverages;
- 618 4. Not allow any person under the age of 21 to consume the beverage except as
619 provided by AS 04.16.051;
- 620 5. Not remove, obliterate, or allow to be removed or obliterated, the
621 identification required under subsection C. of this section;
- 622 6. Return the keg or other container to the place of purchase no later than the
623 date indicated on the identification tag required under this section;

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- 624 7. Not move, keep, or store the keg or its contents, except for transporting to
625 and from the distributor, at any place other than that particular address
626 declared on the keg registration form; and
- 627 8. Separately and prominently display a copy of the keg registration form within
628 five (5) feet of the keg or other container during the time that the keg or
629 other container is in the purchaser's possession or control.

630 C. Identification of containers.

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

645 **5.08.180 Inspection of premises.**

- 646
- 647 A. The premises of licensees authorized to sell or distribute intoxicating liquor shall
648 be easily accessible for inspection by police officers during all regular hours of
649 the transaction of business upon the premises, and at any other time with
650 reasonable notice by the officer.
- 651
- 652 B. The police department may inspect any premises with an alcoholic beverage
653 license for compliance with conditions on the license. Upon discovering a
654 violation of such conditions, the police department shall submit a written report
655 of the violation to the city clerk for review by the city council and provide a copy
656 thereof to the licensee.
657

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- 658 C. If at any time there appears to be a readily identifiable pattern or practice of
659 recurring violent acts or unlawful conduct in a licensed premise, the City may
660 send notice of possible protest to the licensee that he or she must submit and
661 implement a plan for remedial action or be in jeopardy that a protest will be filed
662 to any renewal, transfer of location or transfer of ownership sought by the
663 licensee.
664
- 665 D. Upon receiving a report of conditions violation, the city council may:
666
- 667 1. Revoke the premise's conditional use permit;
 - 668
 - 669 2. Protest the issuance, renewal, transfer, relocation or continued operation of
670 the license;
 - 671 3. Recommend imposition of conditions on the state liquor license pursuant to
672 AS 04.11.480(c); or
 - 673
 - 674 4. Notify the Board that a licensee has violated conditions and request that an
675 accusation pursuant to AS 04.11.370 be brought against the licensee.
676
- 677 E. Prior to taking any of the actions listed in subsection c) of this section, the City
678 shall give the permittee or licensee notice and an opportunity to be heard on the
679 accusation(s) at a publicly noticed council meeting.

680 **5.08.190 Access for Enforcement.**

- 681 A. The public entrance of licensed alcoholic beverage establishments shall be open
682 and unlocked before and after the closing hour of such establishment if there are
683 any patrons in the establishment.
684
- 685 B. Licensees of licensed alcoholic beverage establishments, their employees and all
686 patrons in such establishments shall permit and aid the entry of any law
687 enforcement officer during all hours of operation and at any other time when
688 there are two or more persons in such licensed alcoholic beverage establishment.
- 689 C. Lack of knowledge, lack of intent and absence from the premises shall not be
690 defenses to any action brought under this section against any such employee in
691 charge of such establishment or such licensee.
- 692 D. The following evidence shall constitute a prima facie case of violation of this
693 section in any action under this section against any such employee in charge of
694 such establishment or against any licensee:

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- 695 1. A law enforcement officer knocked heavily at the public entrance of a licensed
696 beverage dispensary or licensed alcoholic beverage establishment and such
697 entrance was not opened within one minute thereafter to permit his
698 entrance; plus
- 699 2. Evidence of sound emanating from the licensed alcoholic beverage
700 establishment, heard by such officer, and his opinion that he concluded that
701 two or more persons were in such establishment.
- 702 E. Licensees shall provide the Police Chief with their current hours of operation. Any
703 changes to the hours of operation shall be communicated, in writing, to the
704 Police Chief, at least three (3) business days prior to the change being
705 implemented.

706 **5.08.200 Alcohol Offenses.**

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

710 **5.08.210 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	1 st Offense: \$500 2 nd Offense: \$700 3 rd & 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
Allowing non-employee onto premises during hours of closure	5.08.080E	No	\$300

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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	5.08.110B2	No	\$150
Failure to permit patron to arrange for transportation off premises	5.08.110B2	No	\$500
Failure to post clear and legible signs describing applicable penalties for DUI and for service of alcoholic beverages to minors or intoxicated persons	5.08.110B3	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
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

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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	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
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	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

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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	1 st Offense: \$500 2 nd Offense: \$700 3 rd & 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
Carrying, transporting or possessing an open container in public	5.08.150	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
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	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Incomplete keg registration form	5.08.170	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700

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Failure to tag or improperly tagged keg	5.08.170	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & 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	5.08.180A	Yes	\$700
Failing to maintain premises unlocked while patrons are on premises	5.08.190A	Yes	\$1,000
Failure to permit or aid the entry of law enforcement during hours of operation	5.08.190B	Yes	\$700
Failure to permit or aid the entry of law enforcement any time there are two (2) or more persons on the premises	5.08.190B	Yes	\$700

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

ENACTED THIS ____ DAY OF (MONTH) 2015, BY A VOTE OF ____ IN FAVOR AND OPPOSED.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk
City of Bethel, Alaska