



City of Bethel Police Dept.

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PUBLIC NOTICE **REGULAR MEETING OF THE** **PUBLIC SAFETY & TRANSPORTATION COMMISSION** **Tuesday, November 3, 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

Eileen Henrikson

Julene Webber

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 October 5th, 2015
- VI. SPECIAL ITEM OF BUSINESS
 - A. Resignation of Vice Chair, Alisha Welch
- 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, 15-21 (Council Member Herman)
 - C. Curfew Policy (Council Member Herman)
 - D. Formal Recommendation of Ordinance #15-31, Amending Operation of Low Speed Vehicles (Council Recommendations)
 - E. C. Ordinance #15-32, Repealing and Replacing BMC 5.08, Alcoholic Beverages (Council Recommendations)
- X. NEW BUSINESS
 - A. Ordinance #15-28, Complete Streets
- XI. COMMISSION MEMBER'S COMMENTS
- XII. ADJOURNMENT

Christina Him, Recorder

POSTED on October 29th, 2015.
POST OFFICE, AC QUICKSTOP, CORINA'S CASE LOT, CITY HALL, & POLICE DEPT.
Next Public Safety and Transportation Commission Meeting will be December 1st, 2015.

"Deep Sea Port and Transportation Center of the Kuskokwim"

City of Bethel, Alaska Public Safety & Transportation Commission

October 5th, 2015

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on October 5th, 2015 in the Bethel City Hall Council Chambers.

This meeting was called to order at 7:05PM

II. ROLL CALL

Present: Joan Dewey *Chair*
Alisha Welch *Vice Chair*
Chuck Herman *Council Representative*
Deborah White

Absent: Naim Sabani

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

III. PEOPLE TO BE HEARD

Frank Mazzaro – *What section of the BMC code states that there is a violation for customers who are not paying cab fares. Would like to post a sign in his cab that states that it is a violation to not pay to eliminate the problem altogether.*

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:	Welch	Motion to approve the minutes from the regular meeting of September 1, 2015.
SECONDED:	Herman	

VOTE ON MAIN MOTION	All in favor.
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VI. CHIEFS' COMMENTS

Chief Bill Howell- *See Report in Commission Packet*

Chief Andre Achee – *Monthly stats for the month of September is not completed yet, due to the person who typically compiles the statistics being on leave. Officer Quinn is our new police officer; he has a little over 10 years of experience. His wife was also recently hired as a Public Safety Dispatcher, and she has about 10 years of experience as well.*

Last month we lost Officer Alicia Chagluak to the Anchorage Police Department. Additionally, at the end of last week, Officer Fedolfi also tendered his resignation from the police department. We are doing our best to try to continue to retain and recruit officers, however it is a difficult process.

Other than that, this week PFD (Permanent Fund Dividend) came in, and it hit hard. We really appreciate the fire department and EMS for doing their part. Ambulance and EMS did a great job taking care of inebriates when we did not have a CSO/CSPs working this weekend on day shift.

Once I return, at the end of this week, I will have the updated current statistics for the month. We ran into some problems with the stats, we have two different types of record management systems that we utilize on eForce, which tells us the total number of calls and total types of call; which is different from the total number of arrests and police reports. The last two months there have been some confusion on this, so we are working on tightening this up on the program so we can get a better and accurate representation of the stats of police reports.

VII. TRANSPORTATION INSPECTOR REPORT

See Report in Commission Packet

VIII. COUNCIL MEMBER'S COMMENTS

Council Member Herman – *We got a lot of stuff sent to us from Council, I am trying to be a little more active in terms of when things apply to the PSTC. I put one thing on here that does not have supporting documentation but I can discuss everything when we get to it.*

IX. UNFINISHED BUSINESS

A. Drug Screening Policy for Chauffeurs

MOVED:	Herman	Motion to postpone discussion to the next scheduled PSTC meeting due to Commission Member Sabani's absence.
SECONDED:	Welch	

B. Formal Recommendations/Clarification for disapproval of Ordinance #15-19, 15-20, 15-21

Discussed, recommendations for proposed ordinances will be drafted onto the appropriate Recommendations Form to City Council and presented to Council, once completed.

X. NEW BUSINESS

A. Curfew Policy

MOVED:	Herman	Motion to postpone discussion to the next scheduled PSTC meeting to consult with City Attorney, Patty Burley
SECONDED:	Welch	

B. Ordinance #15-31 Amending Operation of Low Speed Vehicles

MOVED:	Herman	Motion to recommend Ordinance #15-31 Amending Operation of Low Speed Vehicles, with changes.
SECONDED:	White	

C. Ordinance #15-32 Repealing and Replacing BMC 5.08, Alcoholic Beverages

Discussed, no action taken, requesting City Attorney Patty Burley's presence at the next scheduled meeting to discuss this more thoroughly.

I. COMMISSION MEMBER COMMENTS

Chuck Herman- *Wanted to address Frank Mazzaro's concerns about passengers who are not paying cab fares in BMC. Referred question over to Chief Achee, who recommended that it is his legal right, to post the specific statute (AS 11.46.200 "Theft of services") in his vehicle if he wanted to. It is a class B misdemeanor crime, and he can call the BPD to press charges. Good luck to Alisha.*

Joan Dewey - *Thank you Deborah for being here and welcome. It will be an interesting night tomorrow with voting, if everyone votes. I am hoping this week, something changes, and it is less crazy out there. Good luck to Alisha, Thank you Diane for your participation.*

Deborah White – *No comments.*

Alisha Welch- *I would like to welcome Deborah to PSTC, it is nice to have another body on this commission so we can have a quorum.*

Chief Bill Howell – *I would like to thank the Council for being here and doing what you do. It is good to be a part of this process, I thank you guys and gals.*

Chief Andre Achee – I Appreciate your time and apologize it's been two PSTC meetings in a row that unfortunately, I have been out of town. I am glad to be able to participate in the process.

II. ADJOURNMENT

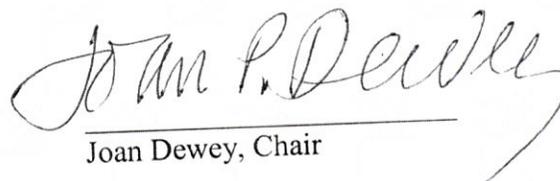
MOVED:	Herman	Motion to adjourn.
SECONDED:	Welch	
VOTE ON MAIN MOTION	All in favor.	

Meeting adjourned at 8:39pm

APPROVED THIS 3rd DAY OF November, 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

CITY OF BETHEL
POLICE DEPARTMENT



TRANSPORTATION INSPECTOR REPORT: **OCTOBER 2015**

2015	October
New Chauffeurs	0
Chauffeur Renewals	1
Chauffeur Transfers	0
Vehicle Permit Renewals	0
Vehicle Transfers	2
Inspections	19
Revocations	0
Temporary Permits	0

- Kusko Cab had their semi-annual inspections during the month of October; everything was satisfactory with their vehicles with no major issues other than one taxicab's interior lights being out. This was resolved the very next day. Kusko Cab's permits are in the process of being reprinted so that their permit numbers match their vehicle numbers.
- There were 7 complaints made in the month of October for various cabs, most were driving complaints. Officers were advised of the complaints and all complaints were all followed up on if they were able to locate the cab. Of the 7 complaints, 1 complaint was made for Kusko Cab in regards to the top service light being out. This was followed up by an inspection at the Police Station that resulted in a satisfactory inspection. There was another complaint made about one of Quyana Cab's left headlight being burnt out. This was also resolved by an inspection at the station as well, where the issue was resolved.
- The next scheduled semi-annual inspection will be for Quyana Cab during the month of November.

Introduced by: Council Member Springer
Date: July 28, 2015
Referred to Public Safety and
Transportation Commission for a 90
day review period.
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

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

NOW, THEREFORE BE IT ORDAINED, that the City of Bethel authorizes a change to the Bethel Municipal Code as described herein.

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

SECTION 2. Amendment. The Bethel Municipal Code is to be amended as follows (new language is underlined and old language is stricken).

Chapter 5.40 CHAUFFEURS

Sections:

- 5.40.010 Chauffeur's license required.
- 5.40.020 Chauffeur application for license.
- 5.40.030 Issuance of chauffeur's license.
- 5.40.040 Posting of chauffeur's license.
- 5.40.050 Maximum number of hours per day.
- 5.40.060 Duty to serve public.
- 5.40.070 Alcoholic beverages and controlled substances.
- ~~5.40.080 Carrying alcoholic beverages.~~
- 5.40.090 Charter of taxicab.
- 5.40.100 Fares and receipts.
- 5.40.110 Two-way radio prohibited.
- 5.40.120 Handheld device use prohibited.
- 5.40.130 Requirement of check-in and check-out.

5.40.010 Chauffeur's license required.

Introduced by: Council Member Springer
Date: July 28, 2015
Referred to Public Safety and
Transportation Commission for a 90
day review period.
Public Hearing:
Action:
Vote:

No person may operate a river taxi, taxicab, limousine or bus within the city without having in their possession a valid chauffeur's license.

5.40.020 Chauffeur application for license.

- A. An application for a chauffeur's license shall be made to the transportation inspector.
- B. An application shall be submitted on a form approved by the transportation inspector and shall be accompanied by:
1. The fee specified in BMC 5.20.160;
 2. Photographs to be taken by the transportation inspector;
 3. A complete set of fingerprints made by the Bethel police department or the transportation inspector on an FBI-approved form;
 4. A certificate from a physician licensed in the state to perform such testing, verifying the applicant's physical ability to drive, and proof of a negative drug test from a city-approved drug and alcohol testing facility;
 5. Proof that the applicant currently holds a valid state driver's license which entitles him or her to operate a vehicle by which persons are transported for compensation and has held a valid driver's license in Alaska or another state in the United States for at least one (1) year before the date of the application;
 6. Proof that the applicant is at least eighteen (18) years old; and
 7. Proof that the applicant has complied with subsections C and D of this section.
- C. Except as provided in subsection D of this section, an application shall not be complete until the applicant has passed an examination administered by the transportation inspector or his or her designee that tests the applicant's knowledge of safe driving, safe vehicle maintenance, knowledge of the city streets and significant locations, driver personal safety, drug and alcohol testing requirements, and any other subjects the commission finds to be in the public interest of ensuring safe and responsible public transportation. The examination shall consist of two (2) portions. One (1) portion shall be written test and the

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other portion shall be driving test. An applicant shall first (1st) take the written portion of the examination. If the applicant fails the written portion of the examination, he or she may not take the driving portion of the test. If the applicant fails either portion of the examination in any combination three (3) times in any one (1) calendar year, the applicant may not reapply for a chauffeur's license for one (1) year from the date of the third (3rd) failure.

D. Each licensed chauffeur shall provide the transportation inspector with a current driving record every six (6) months from the date of issue or renewal. Any licensed chauffeur accumulating six (6) or more points against their driver's license shall be required to successfully pass both the written and driving examination administered by the transportation inspector as outlined in subsection C of this section.

E. Applicants for a chauffeur's license must show proof of a successful passage of the written and driving portions of the examination required in subsections C and D of the section and proof of payment of any fees required in Chapters 5.20 through 5.50 BMC.

F. Any person who has been denied a license pursuant to this chapter may not apply again for such a license for a period of one (1) year.

5.40.030 Issuance of chauffeur's license.

The transportation inspector shall issue a chauffeur's license to an applicant only if:

- A. The applicant has submitted a complete application as prescribed in BMC 5.40.020, and is certified as required in BMC 5.20.150;
- B. The applicant has not had a conviction entered by a court of competent jurisdiction within twelve (12) months of the date of his or her application for:
 - 1. A moving traffic violation which subjected the applicant's driver's license to suspension or revocation pursuant to AS 28.15.221 through 28.15.261, or a similar law of another jurisdiction;
 - 2. Reckless driving;
 - 3. Driving while license suspended or revoked;

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4. Driving while under the influence of intoxicating liquor; depressant, hallucinogenic, stimulant or narcotic drugs, or any controlled substance as defined in AS 28.35.030 or any similar law of another jurisdiction;
- C. The applicant has not had his or her driver's license suspended or revoked within one (1) year prior to the application date;
- D. The applicant has not had a felony or misdemeanor conviction entered by a court of competent jurisdiction within five (5) years of the date of application for:
1. Assignment, prostitution, solicitation for the purpose of prostitution, offering to secure another for the purpose of prostitution, maintaining a vehicle for the purpose of prostitution or accepting money from a prostitute for any of the aforementioned purposes;
 2. Sale, transportation, possession or use of any controlled substance as defined in AS 11.71 or any similar law of another jurisdiction; or a violation of AS 04 or a similar law of another jurisdiction, or engaging in an act prohibited under AS 04.11, 04.16 or 04.17;
 3. Any felony or misdemeanor which includes as an element the use or threat of force upon a person;
 4. Burglary, larceny, fraud, theft or embezzlement; or
 5. Any sexual abuse or sexual exploitation offense; and
- E. Each representation made in the application is correct. Any false or misleading statement or misrepresentation as to a material matter in an application shall be grounds for denial of the application or revocation of the license.

5.40.040 Posting of chauffeur's license.

The chauffeur's license for the operator of a taxicab, river taxi, limousine or bus shall be posted in the interior of the taxicab, river taxi, limousine or bus in the manner designated by the transportation inspector. No person may operate a taxicab, river taxi, limousine or bus for hire unless his chauffeur's license is so posted.

5.40.050 Maximum number of hours per day.

Introduced by: Council Member Springer
Date: July 28, 2015
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Vote:

D. It is unlawful for any chauffeur or passenger in a regulated vehicle to smoke any cigar, pipe, or cigarette or to burn tobacco or any other material in such vehicles at any time, regardless of whether or not passengers are riding in the vehicle.

5.40.070 Alcoholic beverages and controlled substances.

A. No chauffeur may drink alcoholic beverages or be under the influence of a depressant, hallucinogenic, stimulant or narcotic drug, or any controlled substance as defined by AS 28.35.030, while on duty or for eight (8) hours prior to operating a regulated vehicle.

B. No chauffeur may operate a regulated vehicle when there is an open container of alcoholic beverage in the passenger compartment of the vehicle, except as provided in this section.

1. A chauffeur may transport an open container of alcoholic beverage when the container is:

- a) In the trunk of the regulated vehicle;
- b) Behind the last upright seat in a trunkless regulated vehicle, if the open container is enclosed within another container;
- c) Behind a solid partition that separates the chauffeur from the area normally occupied by passengers.

2. If alcohol is transported in a regulated vehicle the transport shall be for a passenger riding with the alcoholic beverages and must accompany a receipt.

For purposes of this subsection:

- a) "Open" means that the seal around the lid, cap or cork of the container has been broken, or that the lid, cap or cork has been removed, but does not include, when repackaged or resealed in accordance with state law: (i) beer repackaged by a licensee under 3 AAC 304.365; or (ii) a resealed or recorked wine bottle.
- b) "Passenger compartment" means the area normally occupied by the chauffeur and passengers and includes a utility or glove compartment accessible to the chauffeur or a passenger while the vehicle is being operated.

C. No chauffeur may purchase, or solicit the purchase of an alcoholic beverage for another person in connection with performance of duties as a chauffeur.

Introduced by: Council Member Springer
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D. Any Chauffeur convicted of a violation of BMC 5.40.070 shall have their
chauffeur license and/or vehicle permit revoked permanently.

E. Any dispatch company having four or more chauffeurs convicted of a violation
of BMC 5.40.070 shall have their dispatch permit revoked permanently.

5.40.080 Carrying alcoholic beverages.

~~A. No chauffeur may possess or knowingly allow another person to possess a
container of alcoholic beverages in a taxicab except that a passenger may
transport alcoholic beverages in the trunk or cargo area of a regulated vehicle.~~

~~B. No passenger may possess any container of alcoholic beverages inside the
passenger compartment of a regulated vehicle.~~

*****Renumbering of the following subsections will be taken care of by the City
Clerk's Office.***

5.40.090 Charter of taxicab.

If a passenger requests direct service to his or her destination without picking up or
dropping off other passengers, the chauffeur shall honor the passenger's request, and
may charge the passenger no more than the applicable charter rate established by the
commission for the trip.

5.40.100 Fares and receipts.

A. No chauffeur may require payment of rates greater than those established by the
commission pursuant to BMC 5.20.050.

B. On request of any passenger paying a fare, a chauffeur shall provide a receipt
indicating the fare received, the date, the permit number, the dispatch company,
and the chauffeur's legibly printed name.

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 Handheld device use prohibited.

Introduced by: Council Member Springer
Date: July 28, 2015
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A. A chauffeur may not operate a regulated vehicle with a passenger for hire while using a handheld device, except licensed two- (2-) way radio for dispatch purposes, unless the chauffeur is using his or her handheld device to report illegal activity, summon medical or other emergency help, prevent injury to a person or property, or when parked.

B. A chauffeur operating a permitted vehicle with a passenger for hire, while holding a handheld device, is guilty of violating this section, and is subject to the penalties under BMC 5.20.120.

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 4. Effective Date. This ordinance shall become effective upon passage by the City Council.

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

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Council Member Springer
Date: July 28, 2015
Referred to the Public Safety
and Transportation Commission
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Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #15-20

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE CHAPTER 5.20.120 F, PENALTIES AND REMEDIES

NOW, THEREFORE BE IT ORDAINED, that the City of Bethel authorizes a change to the Bethel Municipal Code as described herein.

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

SECTION 2. Amendment. The Bethel Municipal Code is to be amended as follows (new language is underlined and old language is stricken):

Chapter 5.20

TRANSPORTATION INDUSTRY **GENERAL PROVISIONS**

Sections:

- 5.20.010 Definitions.
- 5.20.020 Bethel public safety and transportation commission.
- 5.20.030 Bethel public safety and transportation commission – Powers and duties.
- 5.20.040 Bethel public safety and transportation commission – Regulations.
- 5.20.050 Bethel public safety and transportation commission – Rates.
- 5.20.055 Bethel public safety and transportation commission – Complaints.
- 5.20.060 Hearing officer.
- 5.20.070 Powers and duties of transportation inspector.
- 5.20.080 Vehicle inspections.
- 5.20.085 Drug and alcohol testing.
- 5.20.090 Enforcement authority.
- 5.20.100 Hearings – Appeals.
- 5.20.110 Denial, suspension, or revocation of license or permit.

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- 5.20.120 Penalties and remedies.
- 5.20.130 Renewal of license or permit.
- 5.20.140 Duty to maintain current application.
- 5.20.150 Submission, review and certification of applications.
- 5.20.160 Fees.
- 5.20.170 Safety belts, child safety restraints, and vehicle air bags.

5.20.010 Definitions.

When used in Chapters 5.20 through 5.50 BMC, unless the context requires otherwise:

- A. "Bus" means a regulated vehicle designated by its manufacturer as a bus used to transport passengers for hire and having a capacity of eight (8) or more passengers, except that any vehicle engaged exclusively in the transport by motor vehicle of students to and from school is not a "bus" for purposes of Chapters 5.20 through 5.50 BMC.
- B. "Chauffeur" means a person authorized by the transportation inspector through the issuance of a chauffeur's license to operate a vehicle regulated in accordance with Chapters 5.20 through 5.50 BMC.
- C. "Commission" means the Bethel public safety and transportation commission.
- D. "Dispatch service" means a business authorized pursuant to Chapter 5.50 BMC to engage in the dispatch of taxicabs or river taxis to persons desiring to hire them.
- E. "Interest" means any share in or right to a permit issued in accordance with Chapters 5.20 through 5.50 BMC.
- F. "Lease operator" means a person who has entered into an agreement with a taxicab permittee which allows that person to provide taxicab services pursuant to the permittee's authority under this code, only if such an arrangement is approved in advance by the transportation inspector, and only if such an arrangement is operated in accordance with conditions placed upon it by the transportation inspector.
- G. "Licensee" means a person authorized by the transportation inspector to operate a regulated vehicle while it is in service.
- H. "Limousine" means a regulated vehicle designated by its manufacturer as a limousine used to transport passengers for hire with a chauffeur over unfixed or undefined routes at rates greater than those charged for taxicabs and buses.

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Curbside and flag stop service are prohibited for limousine chauffeurs; all service must be prearranged.

- I. "Operate" means to drive, pick up, transport or discharge passengers.
- J. "Permit" means a written authorization issued by the transportation inspector allowing the operation of a vehicle regulated in accordance with Chapters 5.20 through 5.50 BMC. A permit to operate may be separate from ownership or lease of the vehicle or service operated. A permit to operate does not include a chauffeur's license. Such a permit is separate and distinct from a chauffeur's license.
- K. "Permittee" means a person authorized by the transportation inspector to put a regulated vehicle in service.
- L. "Rate" means every rate, toll, fare, rental charge or other form of compensation demanded, charged or collected by a permittee or chauffeur for its services.
- M. "Regulated vehicle" means any vehicle regulated by Chapters 5.20 through 5.50 BMC.
- N. "River taxi" means any motor vehicle used to transport passengers for hire on a river which operates within the city limits of the city of Bethel.
- O. "Taxicab" means a chauffeured motor vehicle used to transport passengers for hire having a manufacturer's rated seating capacity of nine (9) or fewer persons, which capacity includes the driver and which is not operated over fixed or defined routes.
- P. "Transfer" (with respect to an interest in a permit issued under Chapters 5.20 through 5.50 BMC) means to sell, lease, convey, give, exchange, or otherwise transfer an interest in a permit issued in accordance with Chapters 5.20 through 5.50 BMC to another person or entity, including but not limited to a transfer of interest through power of attorney.
- Q. "Transportation inspector" means the Bethel chief of police or his or her designee.

5.20.020 Bethel public safety and transportation commission.

The Bethel public safety and transportation commission is established in accordance with Chapter 2.25 BMC.

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5.20.030 Bethel public safety and transportation commission – Powers and Duties.

- A. In addition to the powers and duties enumerated in BMC 2.25.020, the commission shall have the powers and duties further enumerated in this section.
- B. The commission shall regulate all regulated vehicles, chauffeurs, and dispatch services in accordance with Chapters 5.20 through 5.50 BMC except for any regulated vehicles which the commission determines are subject to regulation in accordance with a taxicab regulation program established by Alaska or federal law. No motorized vehicle may be offered for hire to transport passengers in Bethel without being a regulated vehicle. The purpose of the provisions set forth in Chapters 5.20 through 5.50 BMC or regulations adopted by the commission shall be to protect the public's interest with respect to the price and quality of service provided by regulated vehicles.
- C. The commission shall hold at least two (2) public hearings annually 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.
- D. The commission or its designee may administer oaths, certify to all official acts, and issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in an inquiry, investigation, hearing or proceeding before the commission. The commission may petition a court of this state to enforce its subpoenas or other process.

5.20.040 Bethel public safety and transportation commission – Regulations.

The commission may promulgate regulations setting rates and/or other charges for service and minimum standards for service as well as any other regulations necessary to carrying out the provisions of Chapters 5.20 through 5.50 BMC. Such regulations shall be approved or rejected by the city council at or before the third (3rd) city council meeting following adoption of the regulations by the commission. If such regulations are not considered by the city council by the third (3rd) city council meeting following their adoption by the commission, they shall be deemed approved by the city council.

5.20.050 Bethel public safety and transportation commission – Rates.

- A. The commission:

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1. Shall establish maximum rates to be charged for taxicab and river taxi service and may establish minimum rates for such services;
 2. May establish dispatch service, limousine, or bus minimum and/or maximum rates;
 3. May establish maximum lease rates between permittees and lease operators of taxicabs, including daily lease rates for taxicab chauffeurs.
- B. All rates established by the commission shall be nondiscriminatory, just and reasonable.
- C. A statement of actual taxicab rates charged by a taxicab, other than flat or group rates established by contractual agreement between dispatch service companies and individuals or other businesses, shall be conspicuously posted on the interior and exterior of every taxicab in a manner prescribed by the transportation inspector.
- D. No person may require payment of rates other than those established by the commission pursuant to this section.
- E. No person may require payment of dispatch service rates other than those established by the commission pursuant to this section.

5.20.055 Bethel public safety and transportation commission – Complaints.

The commission, through the transportation inspector, shall:

- A. Establish a system for processing and adjudicating citizen complaints against chauffeurs of regulated vehicles or against the condition of a regulated vehicle and further establish a system to keep records of all such complaints. The record shall identify the chauffeur, permit number, and permittee of the vehicle involved in the complaint, as well as the name, address, and/or telephone number of the complainants if available. A complainant's identification may be held confidential by the commission upon request of the complainant(s). Absent additional evidence, an anonymous complaint does not constitute a sufficient basis for issuance of a civil or criminal citation or penalty.
- B. Require dispatch companies to establish a record of all complaints registered against chauffeurs of regulated vehicles, or against the condition of a regulated vehicle. The record shall identify the chauffeur, permit number and permittee of the vehicle involved in the complaint, as well as the name, address, and/or

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telephone number of the complainants if available. A complainant's identification may be withheld from the complaint log by the dispatch company and instead transmitted confidentially to the transportation inspector upon request of the complainant. Absent additional evidence, an anonymous complaint does not constitute a sufficient basis for issuance of a civil or criminal citation or penalty. The dispatch companies shall, on a monthly basis, provide the transportation inspector with a complete copy of logged complaints.

- C. Require that within all regulated vehicles a commission-approved notice of the telephone numbers required for the filing of complaints with the commission and the number of the vehicle utilizing the permit shall be prominently displayed in a manner, size, and location designated by the transportation inspector.
- D. Provide permittees with a monthly summary of all logged complaints, civil or criminal citations, and convictions entered against chauffeurs or vehicles operating under the permittee's permit.
- E. Utilize citation and conviction findings in the annual review process to determine whether the renewal of an individual permittee's permit to operate remains in the continued public interest and welfare.
- F. Provide current information in response to any public request, as to the number of citations issued or convictions entered against a chauffeur or permittee within the preceding twelve (12) months.

5.20.060 Hearing officer.

- A. Except as provided in subsection B of this section, in all appeals to it in accordance with BMC 5.20.100, the commission shall provide for a hearing officer to conduct the hearings, to make rulings regarding the admission of evidence and procedure, and to prepare a proposed decision, with findings of facts and conclusions of law. The commission may adopt the hearing officer's decision or decide the matter itself based upon the record created before the hearing officer. The record shall include tapes or transcripts of the hearing before the hearing officer. The hearing officer who presided at the hearing shall be present during the consideration of the case by the commission to assist and advise the commission.
- B. If, in the case of an emergency or an expedited matter, there is not enough time to appoint a hearing officer to hear appeals in accordance with subsection A of

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this section, the commission may conduct a hearing without providing for a hearing officer. The commission is solely responsible for determining whether or not there is sufficient time to appoint a hearing officer. All other provisions of this section apply to the conduct of a hearing held without a hearing officer.

- C. Hearings shall be conducted under this section in accordance with AS 44.62.430 through 44.62.540 (state administrative procedures for the conduct of administrative hearings by hearing officers).
- D. A hearing officer may be appointed to conduct appeals without complying with BMC 4.20.170.

5.20.070 Powers and duties of transportation inspector.

In addition to the other duties and powers granted by Chapters 5.20 through 5.50 BMC, the transportation inspector shall:

- A. Keep records relating to permittees, regulated vehicles, chauffeurs, and dispatch services regulated under Chapters 5.20 through 5.50 BMC;
- B. Investigate, inspect and examine vehicles, drivers, records and any and all other things related to the operation of regulated vehicles to assure that the provisions of Chapters 5.20 through 5.50 BMC are enforced and obeyed;
- C. Receive and process all applications for permits and licenses;
- D. Require a regulated vehicle to be taken out of service for an inspection when the transportation inspector reasonably believes that it poses a threat to the safety or health of persons or property. The transportation inspector may order the owner of the regulated vehicle to obtain and pay for an inspection report from a designated inspection station. The transportation inspector may keep a vehicle out of service for a reasonable time in order to perform the inspection;
- E. Assess a fine against a designated inspection station or the regulated vehicle operator or both, upon submission of an inspection report under BMC 5.20.080 that contains false or misleading information, including any material omission. The fine shall not exceed three hundred dollars (\$300) for each violator for each false or misleading inspection report. This fine shall be in addition to any other remedy or penalty provided by this code, such as denial,

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revocation, or suspension of a license or permit. Any appeal of the fine shall be in accordance with BMC 5.20.100; and

- F. Perform those administrative duties of the commission which are delegated to him or her by the commission.

5.20.080 Vehicle inspections.

- A. All regulated vehicles shall be inspected by a designated inspection station and the approved inspection form presented to the transportation inspector before a permit will be issued. At least twice a year thereafter, all regulated vehicles shall be inspected. No regulated vehicle may be operated until it has been inspected and found to be in compliance with Chapters 5.20 through 5.50 BMC and any other applicable law. The transportation inspector may also inspect a regulated vehicle at any time to determine if the vehicle is in compliance with all provisions of Chapters 5.20 through 5.50 BMC, and keep the vehicle out of service for a reasonable time in order to perform the inspection.
- B. When a regulated vehicle has been operating under any permit for two (2) years or has accumulated a total of two hundred thousand (200,000) miles, whichever occurs first (1st), the transportation inspector may increase the required annual inspection frequency to four (4) inspections annually, after reasonable notice to the permittee.
- C. No person may operate a vehicle as a regulated vehicle unless such vehicle is in a safe, clean condition and in compliance with all applicable laws. If the transportation inspector determines that a regulated vehicle is mechanically unsound, unclean or otherwise out of compliance with all applicable laws, the permittee shall take the vehicle out of service immediately upon notification from the transportation inspector.
- D. Mechanical Equipment Standards.
1. The steering mechanism shall be in good working order and wheel play shall not exceed two (2) inches;
 2. All door hinges and latches shall be in good mechanical working order so that doors open easily and close securely. All door locks shall function as designed;
 3. All windows shall be fully operable and composed of approved safety glass. The windshield shall have no chips or stars larger than a twenty-five cent piece

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- (\$0.25) and shall not be cracked above four (4) inches from the bottom or below four (4) inches from the top of the windshield. No cracks in a vertical position are permitted on either side of the windshield. At no time shall a driver's vision be obstructed by damage to the windshield, side windows or rear window. Interior and exterior mirrors shall be firmly attached to the vehicle;
4. All brakes shall be in good mechanical working order. When pressed, the brake pedal shall not be less than one and three-fourths ($1 \frac{3}{4}$) inches from the floorboard. Brake linings shall not be less than one thirty-second ($1/32$) of an inch at any point. Brake drums shall not exceed forty-one thousandths ($40/1,000$) of an inch in excess of factory specifications;
 5. The exhaust system, gaskets, tailpipes and mufflers shall be in good condition. Exhaust fumes shall not permeate into the interior of the vehicle;
 6. The vehicle shall be equipped with four (4) tires, each of which shall have tread depth measurements at approximately every one hundred twenty (120) degrees of its circumference of not less than two thirty-seconds ($2/32$) of an inch. There shall be no sidewall damage to the tires;
 7. The speedometer shall be properly installed and maintained in good working order and exposed to view;
 8. The interior of the vehicle shall be maintained in a clean and sanitary condition, and be free from torn upholstery and from damaged or broken seats;
 9. All exterior and interior lights and turn signals shall be in good mechanical order. Headlights shall be properly aligned for both high and low beam use;
 10. The horn and two (2) windshield wipers shall be in good mechanical working order;
 11. All wire connections shall be permanent and located out of the way of the driver and passengers;
 12. The vehicle shall be structurally sound and not have cracked or dented fenders and shall be painted so as to provide reasonable protection against structural deterioration. Body and sheet metal should have all the manufactured parts securely mounted with no dangerous protuberances;
 13. Defrosting and heating systems shall be operational;

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14. There shall be no measurable leakage of fluids or oil from any part of the vehicle;
 15. The vehicle shall be equipped with a readily accessible fire extinguisher with a gauge that clearly indicates that the unit is fully charged, mounted and readily accessible within the driver's immediate reach in the vehicle;
 16. The vehicle shall be equipped with accessible and operable seat belts for all seats;
 17. The vehicle shall comply with the provisions of AS 28.05.095 regarding child safety restraints and seat belts;
 18. The vehicle's odometer shall be kept in good working order.
- E. All regulated vehicles shall be subject at all times to an inspection by the transportation inspector, or a police officer who has reason to believe that the vehicle does not comply with all federal, state and local equipment laws or regulations.

5.20.085 Drug and alcohol testing.

- A. The commission shall:
1. Establish a commission-approved drug and alcohol testing program for chauffeurs of regulated vehicles. The program may include chauffeur applicant drug screening tests, random tests, reasonable cause tests, post-accident tests, and post-citation tests. The testing program shall be administered by the transportation inspector;
 2. Provide for the immediate denial or revocation of the chauffeur's license by the transportation inspector of any such chauffeur failing or failing to submit to a chauffeur application drug screening test, a random drug or alcohol test, a reasonable cause drug or alcohol test, a post-accident drug or alcohol test, or a post-citation drug or alcohol test, for a period of not less than six (6) months for a first (1st) offense. In the case of a revocation under this section, the revocation may continue beyond six (6) months until such time as the chauffeur shall submit evidence of successful completion of a drug or alcohol abuse treatment program;
 3. Provide for the immediate revocation by the transportation inspector of the chauffeur's license of any chauffeur failing or failing to submit to such a

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random, reasonable cause, post-accident, or post-citation test, for a period of not less than two (2) years for a second (2nd) or subsequent offense.

- B. Within ninety (90) days of the enactment of the ordinance codified in this chapter, a design, cost structure, and fee determination for the drug and alcohol testing program shall be developed by the commission and submitted to the city council for approval subject to the following conditions:
1. Direct operational costs for the random, post-accident, post-citation, and reasonable cause drug and alcohol testing program shall be borne by permittees. Direct operational costs for the chauffeur application drug screening test shall be borne by licensees.

5.20.090 Enforcement authority.

The transportation inspector shall have all powers required to enforce the provisions of Chapters 5.20 through 5.50 BMC.

5.20.100 Hearings – Appeals.

- A. If the transportation inspector determines that an application for a license or permit does not meet the requirements of Chapters 5.20 through 5.50 BMC, the transportation inspector shall deny the application. The transportation inspector shall issue a written decision to the applicant which shall state the specific reasons for that denial within fifteen (15) days of the denial of the application.
- B. A person aggrieved by the denial of an application under subsection A of this section, or revocation or suspension of a permit or license by the transportation inspector pursuant to Chapters 5.20 through 5.50 BMC may, within fifteen (15) days of receipt of the denial, suspension or revocation decision, and upon payment of the filing fee required by BMC 5.20.160, appeal that decision to the commission. After a hearing conducted pursuant to BMC 5.20.060, the commission shall uphold the decision of the transportation inspector, or authorize the conditional or unconditional issuance or reinstatement of a denied, suspended or revoked license or permit only upon an affirmative showing at a hearing by the appellant that the transportation inspector exceeded his or her authority under Chapters 5.20 through 5.50 BMC in denying, suspending, or revoking the license or permit.
- C. An appeal from any final decision of the commission made in accordance with this section shall be filed in the Superior Court, Fourth Judicial District, Bethel, Alaska,

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no later than thirty (30) days following service of that decision upon the affected licensee or permittee at the last known address. Review by the court shall be limited to determining whether the decision appealed is supported by substantial evidence.

- D. A permittee or licensee who has been issued a citation for a violation of a provision of Chapters 5.20 through 5.50 BMC, or subjected to a penalty, may contest that citation or penalty by filing a notice of appeal with the commission no later than fifteen (15) days after the day the citation or penalty has been issued. Such an appeal shall be considered by the commission in accordance with the procedures established in BMC 5.20.060 and subsection B of this section.

5.20.110 Denial, suspension, or revocation of license or permit.

- A. The transportation inspector shall have the power to suspend or revoke a chauffeur's license.
1. The transportation inspector shall immediately suspend or revoke a chauffeur's license if a chauffeur is convicted by a court of competent jurisdiction of an offense set forth in BMC 5.40.030;
 2. The transportation inspector shall suspend or revoke a chauffeur's license upon receipt of evidence sufficient to cause the transportation inspector to conclude that it is more likely than not that a chauffeur is incapable of controlling a motor vehicle safely;
 3. The transportation inspector shall deny, suspend, or revoke the chauffeur's license of any chauffeur failing or refusing to take a drug and/or alcohol test in accordance with BMC 5.20.085.
- B. Upon a request by the transportation inspector or on its own initiative, the commission shall have the power to suspend or revoke a taxicab, river taxi, and limousine or bus permit.
1. The commission shall suspend or revoke a taxicab, river taxi, limousine or bus permit upon finding after a hearing that:
 - a) A permittee has not operated pursuant to the permit for forty-five (45) consecutive days or for ninety (90) days in any twelve- (12-) month period; provided, that such failure to operate is not caused by strike,

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public catastrophe, or other act beyond the control of the permittee but not including insolvency;

- b) A permittee has sold or otherwise lost the use of the vehicle which was being operated pursuant to the permit and has failed to replace it within sixty (60) days after the date of such sale or loss;
 - c) A permittee has failed to make any payments required under Chapters 5.20 through 5.50 BMC or to make any payments (including but not limited to business license fees and sales taxes) or remit any fees required by any other provisions of this code;
 - d) A permittee has submitted a false or misleading inspection report from a designated inspection station.
2. The commission may suspend or revoke a taxicab, river taxi, limousine or bus permit upon finding after a hearing that a permittee has violated any provision of Chapters 5.20 through 5.50 BMC. The commission may suspend or revoke a chauffeur's license upon finding after a hearing that a licensee has violated any provision of Chapters 5.20 through 5.50 BMC;
3. The transportation inspector shall immediately suspend or revoke a taxicab, river taxi, limousine or bus permit upon being provided with appropriate notice that a permittee has been convicted by a court of competent jurisdiction of an offense set forth in BMC 5.30.040;
4. The transportation inspector may immediately revoke a permit under this subsection if the transportation inspector determines that continued operation of the permit will result in substantial risk to the public health or welfare. If the transportation inspector revokes a permit based upon such determination, the revocation action shall expire in ten (10) days, unless within this time the commission holds a hearing and determines that a continued emergency revocation is warranted until such time as the commission makes a decision on an appeal to the revocation, should such an appeal be filed by the permittee.
- C. The commission may suspend or revoke a dispatch service permit upon a finding after a hearing that:
- 1. Such dispatch service has not commenced operation within ninety (90) days after issuance of the permit;

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2. Such dispatch service has failed to provide dispatch services for a period of ninety (90) consecutive days; provided, that such failure to operate is not caused by strike, public catastrophe or other act beyond the control of the dispatch service other than insolvency; or
 3. Such dispatch service does not have a valid radio station license issued by the Federal Communications Commission ("FCC") or such dispatch service is not in compliance with any terms and conditions imposed on it by the FCC.
- D. Violation of any of the terms and conditions of a suspension or revocation imposed by this section is a separate violation.
- E. Upon suspension or revocation of a chauffeur's state driver's license, his or her chauffeur's license shall simultaneously and automatically become void. A chauffeur shall surrender his or her chauffeur's license to the transportation inspector and cease operating a regulated vehicle immediately upon suspension or revocation of the chauffeur's state driver's license. Such a chauffeur shall not thereafter operate a vehicle for which a chauffeur's license is required unless he or she is first (1st) issued a new chauffeur's license in accordance with BMC 5.40.030.
- F. A permittee or licensee must surrender his or her permit or license to the transportation inspector immediately upon suspension or revocation.
- G. A permittee or licensee may appeal a suspension or revocation by the transportation inspector to the commission in accordance with BMC 5.20.100. A permittee or licensee may appeal a suspension or revocation by the commission to the Superior Court in accordance with BMC 5.20.100.
- H. Unless provided otherwise in Chapters 5.20 through 5.50 BMC, a permit or license that is revoked shall become void and revert to the commission.

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 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;

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2. Two hundred dollars (\$200) for the second (2nd) violation;
 3. Two hundred fifty dollars (\$250) for the third (3rd) violation;
 4. Three hundred dollars (\$300) for the fourth (4th) and each subsequent violation.
- B. Each day during which a violation described in this section occurs shall constitute a separate offense.
- C. In accordance with AS 29.25.070(a), citations for these offenses may be disposed of as provided in AS 12.25.195 through 12.25.230 without a court appearance upon payment of the fine amounts plus the state surcharge required by AS 12.55.039 and 29.25.074. If a person charged with one (1) 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.
- F. A violation of BMC 5.40.070 is an exception to this section. Violations of BMC 5.40.070 shall be those provided under that section.

5.20.130 Renewal of license or permit.

- A. A permit or license issued in accordance with Chapters 5.20 through 5.50 BMC shall be valid for two (2) calendar years and shall expire automatically on the date of original issue.
- B. An application to renew a permit or license shall be made to the transportation inspector, at the time set for submitting the application, and shall be treated in the same manner as an original application. A decision to grant a license or

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permit in two (2) years does not preclude the transportation inspector from denying a license or permit upon application for renewal.

- C. If a permittee or licensee is not qualified to hold his or her permit or license at the time of renewal, the transportation inspector shall not renew the permit or license and it shall become void and revert to the commission.
- D. Any person whose application for an original license or permit or for a renewal of license or permit has been denied and any person whose license or permit has been revoked may not apply for a new license or permit for one (1) year from the initial date of the denial or revocation unless the revocation is due to a violation of BMC 5.40.070 Alcoholic beverage and controlled substances of which requires a permanent revocation. New taxicab permits shall only be issued in accordance with the provisions of BMC 5.30.050.

5.20.140 Duty to maintain current application.

- A. A permittee or licensee is under a continuing obligation to keep the information on his or her application current. Failure to do so shall be a violation of Chapters 5.20 through 5.50 BMC. A permittee or licensee shall give written notice to the transportation inspector of any change to be made on his or her application within ten (10) days, and the transportation inspector shall amend the application accordingly. Failure to comply with this subsection is grounds for denial, suspension or revocation of a permit or license.
- B. No person may knowingly make a false or misleading statement on his or her application for a permit or license under Chapters 5.20 through 5.50 BMC. Failure to comply with this subsection is grounds for denial, suspension or revocation of a permit or license and constitutes a violation of Chapters 5.20 through 5.50 BMC.

5.20.150 Submission, review and certification of applications.

- A. An application for an original or renewal permit or license required by Chapters 5.20 through 5.50 BMC shall be submitted to the transportation inspector.
- B. The transportation inspector shall review the application to assure it complies with the requirements of Chapters 5.20 through 5.50 BMC.

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- C. The transportation inspector shall transmit applications meeting the requirements stated in subsection B of this section to the city manager to determine whether the applicant owes any taxes, fees, assessments, or other payments to the city, and whether the applicant has a current city business license.
- D. If the applicant has no outstanding obligations and has a business license, the city manager or his or her designee shall certify the application, and return it to the transportation inspector. The transportation inspector shall not issue or renew an application for a permit or license unless the city manager or his or her designee certifies the application in accordance with this section.

5.20.160 Fees.

The following fees shall be payable to the city:

- A. One hundred eighty-five dollars (\$185) monthly shall be paid to the transportation inspector for the issuance or renewal of a bus, limousine, river taxi, dispatch service, or taxicab permit no later than the tenth (10th) of each month.
- B. Two hundred fifty dollars (\$250) shall be paid to the transportation inspector for the initial issuances and each two- (2-) year renewal of a chauffeur's license no more than three (3) months prior to expiration date, not after one (1) month prior to expiration date.
- C. Two hundred fifty dollars (\$250) shall be paid to the transportation inspector for the initial issuances and each two- (2-) year renewal of a vehicle permit no more than three (3) months prior to expiration date, not after one (1) month prior to expiration date.
- D. One hundred dollars (\$100) shall be paid to the city finance department for each appeal from a decision of the transportation inspector to the commission under Chapters 5.20 through 5.50 BMC. Such fee shall be refunded if the decision is subsequently reversed. The ex officio member of the public safety and transportation commission must notify all commission members when an appeal is filed. The fee shall be forfeited if the party making the appeal fails to show for the appeal hearing.

Introduced by: Council Member Springer
Date: July 28, 2015
Referred to the Public Safety
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for a 90 day review period.
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- E. Eighty-five dollars (\$85) shall be paid to the transportation inspector each time that a taxicab permittee applies to substitute a vehicle that operates under a permit.
- F. One hundred twenty-five dollars (\$125) shall be paid to the transportation inspector for an application to transfer an interest in a taxicab permit or a dispatch service permit in accordance with the provisions of Chapters 5.20 through 5.50 BMC.
- G. There shall be a one hundred dollar (\$100) surcharge for late payment of fees provided for in subsections A, B, and C of this section.
- H. Twenty-five dollars (\$25) shall be paid to the transportation inspector for administration of the examination required in BMC 5.40.020(C), except that this payment shall not be required the first (1st) time that an applicant for a chauffeur's license takes the examination.
- I. Fifteen dollars (\$15) shall be charged for chauffeur and vehicle renewal applications which are mailed in.
- J. Thirty-five dollars (\$35) shall be charged for chauffeur drug testing.

5.20.170 Safety belts, child safety restraints, and vehicle air bags.

Every regulated vehicle shall comply with the provisions of AS 28.05.095 regarding safety belts and child safety restraints. Additionally, no operator of a regulated vehicle shall allow a child under twelve (12) years of age to ride in the front seat of the vehicle if it has a passenger air bag.

SECTION 4. Effective Date. This section shall become effective upon passage by the City Council.

ENACTED THIS ___ DAY OF JULY 2015, BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Richard Robb, Mayor

ATTEST

City of Bethel, Alaska

Ordinance #15-20

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Introduced by: Council Member Springer
Date: July 28, 2015
Referred to the Public Safety
and Transportation Commission
for a 90 day review period.

Public Hearing:
Action:
Vote:

Lori Strickler, City Clerk

Introduced by: Council Member Springer
Date: July 28, 2015
Referred to the Public Safety and
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review period.
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #15-21

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE, CHAPTER 5.30, TAXICAB, RIVER TAXI, LIMOUSINE AND BUS PERMITS, TO REQUIRE VIDEO CAMERA SURVEILLANCE SYSTEM AND GLOBAL POSITIONING SYSTEM CAPABILITIES

NOW, THEREFORE BE IT ORDAINED, that the City of Bethel authorizes a change to the Bethel Municipal Code as described herein.

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

SECTION 2. Amendment. The Bethel Municipal Code is to be amended as follows (new language is underlined and old language is stricken)

Chapter 5.30 TAXICAB, RIVER TAXI, LIMOUSINE AND BUS PERMITS

Sections:

- 5.30.010 Taxicab permit required.
- 5.30.020 River taxi permit required.
- 5.30.030 Bus permit required.
- 5.30.035 Limousine permit required.
- 5.30.040 Application for permits.
- 5.30.050 Issuance of new nontransferable taxicab permits.
- 5.30.055 Taxicabs – Renewal of existing permits.
- 5.30.060 Taxicabs – Transfer of existing permit.
- 5.30.065 Posting of taxicab permit.
- 5.30.070 Taxicabs – Number of vehicles operated per permit.
- 5.30.080 Taxicabs – Subscription to dispatch service.
- 5.30.090 Taxicabs – Vehicle markings.
- 5.30.100 Required equipment.

Introduced by: Council Member Springer
Date: July 28, 2015
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review period.
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- 5.30.120 Insurance required.
- 5.30.130 Posting of insurance notice.
- 5.30.140 Records.
- 5.30.160 Single use of vehicle.
- 5.30.170 Vehicle horn honking.
- 5.30.180 Safety equipment tampering prohibited.

5.30.010 Taxicab permit required.

- A. No person may provide taxicab service in the city unless that person:
1. Is a permittee in possession of a valid taxicab permit issued to him or her, and is in compliance with Chapters 5.20 through 5.50 BMC; or
 2. Has entered into an agreement with a permittee as a lease operator which allows that person to provide taxicab services pursuant to the permittees authority only for as long as the permittee is lawfully in possession of the permit and complies with all terms and conditions of issuance of the permit, and only if such an arrangement is approved in advance by the transportation inspector. In order to obtain such approval from the transportation inspector, the transportation inspector must approve the language of a written lease agreement and determine that the lease operator meets all requirements imposed on chauffeurs and taxicab permittees by Chapters 5.20 through 5.50 BMC. A decision of the transportation inspector denying a lease operator arrangement can be appealed to the commission in accordance with BMC 5.20.100.
- B. No permittee shall allow another person to provide taxicab service under the authority of his or her permit except as allowed in subsection A of this section. Violation of this section is grounds for immediate revocation of a taxicab permit.
- C. No person may operate or dispatch a vehicle as a taxicab unless that vehicle is described on a taxicab permit as provided in subsection A of this section. Violation of this section is grounds for immediate revocation of a license or permit.

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Date: July 28, 2015
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- D. No person may provide taxicab service pursuant to a taxicab permit except in accordance with Chapters 5.20 through 5.50 BMC. Violation of this section is grounds for immediate revocation of a permit.
- E. The permittee shall utilize as chauffeurs only currently licensed chauffeurs who have satisfactorily completed a commission-approved driver training and testing program and who are otherwise in compliance with all of the requirements of Chapters 5.20 through 5.50 BMC.

5.30.020 River taxi permit required.

- A. No person may provide river taxi service within the city without a river taxi permit. A river taxi permit, or any interest in a river taxi permit issued pursuant to this section, shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the commission if it is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.
- B. A person may apply for an original or renewal river taxi permit by complying with the requirements of BMC 5.30.040. If the applicant is in compliance with all of the terms and conditions of Chapters 5.20 through 5.50 BMC that apply to river taxis, he or she shall be issued a permit.

5.30.030 Bus permit required.

- A. A person may provide bus service within the city with a bus permit. A permit, or any interest in a permit issued pursuant to this section, shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the commission if it is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.
- B. A person may apply for an original or renewal bus permit by complying with the requirements of BMC 5.30.040. If the applicant is in compliance with all of the terms and conditions of Chapters 5.20 through 5.50 BMC that apply to buses, he or she shall be issued a permit.
- C. A bus must operate on a defined route. The route must be submitted to the transportation inspector. Any changes in the route must be submitted to the

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transportation inspector. Bus operators may deviate from the defined route up to three-fourths (3/4) of a mile to accommodate handicapped passengers.

5.30.035 Limousine permit required.

- A. A person may provide limousine service in the city if that person:
 - 1. Is a permittee in possession of a valid limousine permit issued to him or her, and is in compliance with Chapters 5.20 through 5.50 BMC;
 - 2. Operates a limousine;
 - 3. Utilizes currently licensed chauffeurs who have satisfactorily completed a commission-approved driver training and testing program and who are otherwise in compliance with all of the requirements of Chapters 5.20 through 5.50 BMC.
- B. A limousine will provide service by reservation or prearranged call for service. It is unlawful for a limousine chauffeur to provide flag stop service to passengers by curbside hail or the use of fixed routes.
- C. The current rates to be charged by a limousine permittee shall be provided to the transportation inspector in the form of a rate sheet. The permittee is responsible for providing the inspector with a new rate sheet as prices change. The prices on the rate sheet must be greater than the maximum rates allowed for the provision of a similar ride by taxicab.

The following rates are established as minimum rates for limousine operators:

One-half (1/2) hour or less arranged ride: fifty dollars (\$50.00);

One (1) hour arranged ride: eighty dollars (\$80.00).

5.30.040 Application for permits.

- A. An application for an original or renewal taxicab, bus, limousine or river taxi permit shall be made to the transportation inspector.
- B. An application for a permit shall be submitted on a form approved by the transportation inspector and shall be accompanied by:
 - 1. The fee specified in BMC 5.20.160;

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2. Proof of insurance for the vehicle as required by Chapters 5.20 through 5.50 BMC;
 3. Proof that the applicant is at least eighteen (18) years of age; and
 4. Proof that the applicant is in compliance with the drug and alcohol testing requirements of BMC 5.20.085.
- C. An applicant shall not be granted an original or renewal permit unless the applicant meets the requirements imposed on chauffeurs in BMC 5.40.030.
- D. If the commission determines that the public convenience and necessity requires issuance of additional taxicab permits in accordance with BMC 5.30.050, the following persons may apply for such a permit:
1. Currently active chauffeurs licensed under Chapters 5.20 through 5.50 BMC with no fewer than two (2) years of continuous experience as a taxicab chauffeur in good standing in Bethel;
 2. Applicants who have not had a felony or misdemeanor conviction entered by a court of competent jurisdiction within five (5) years of the date of application for:
 - a) Assignment, prostitution, solicitation for the purpose of prostitution, offering to secure another for the purpose of prostitution, maintaining vehicle for the purpose of prostitution or accepting money from a prostitute; or
 - b) Sale, transportation, possession or use of any controlled substance as defined by AS 11.71 or a similar law of another jurisdiction, or engaging in an act prohibited under AS 04.11, 04.16 or 04.17.
- E. If the commission decides to issue an additional permit or permits in accordance with this chapter, a taxicab permit may be issued by the commission only if the applicant complies with subsections B through D of this section, and is certified as required by BMC 5.20.150.
- F. Each representation made in an application for an original or renewal permit shall be correct. Any false or misleading statement or misrepresentation as to a

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material matter in an application shall be grounds for denial of the application for a permit or revocation of a permit.

5.30.050 Issuance of new nontransferable taxicab permits.

- A. The total number of outstanding taxicab permits shall be determined by the public convenience and necessity. Any person or any member of the commission may initiate commission inquiry into the public convenience and necessity for issuance of additional permits. Hearings regarding public convenience and necessity shall be held to determine if the public convenience and necessity warrants issuance of one (1) or more additional nontransferable permits. The commission shall hold an inquiry into the public convenience and necessity at least once in a twenty-four (24-) month period.
- B. At the hearing conducted pursuant to subsection A of this section, the commission may consider, among other things, evidence of:
1. The public demand for additional taxi service;
 2. The unfulfilled requests for service;
 3. The reasonableness of waiting time for service; and
 4. The economic impact of additional permits on the viability of the existing taxicab industry.
- C. If the commission finds that it is more likely than not, based on the evidence presented at hearing, that the public convenience and necessity would be best served by the issuance of one (1) or more new taxicab permits, such permit or permits shall be issued in the manner provided in subsection D of this section.
- D. No later than ninety (90) days after the commission determines that a new taxicab permit should be issued, the transportation inspector shall conduct a public auction as follows:
1. The auction shall be conducted by sealed bid, and the permit shall be issued to the highest qualified bidder;

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review period.
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2. To be responsive, a bid must equal or exceed the taxicab permit issuance fees provided for in BMC 5.20.160;
 3. The term "qualified bidder" means a person who meets the requirements of BMC 5.30.040, and tenders the successful full bid price in cash within five (5) days after notice that he or she is the highest bidder;
 4. If the highest bidder is not a qualified bidder, the permit shall be issued to the next highest bidder who is also a qualified bidder. If none of the bidders are also qualified bidders, the transportation inspector shall again offer the permit at auction as provided by this section within one hundred eighty (180) days after the previous auction.
- E. No person may apply for a hearing pursuant to subsection A of this section within one hundred twenty (120) days after one (1) or more new permits authorized for issuance pursuant to this section have been actually issued. The commission may consolidate multiple hearing requests if it deems it appropriate to do so.
- F. A permit, or any interest in a permit, issued pursuant to this section shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the commission if the permit is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.
- G. Permittees issued nontransferable permits in accordance with this section are subject to all revocation, suspension, and penalty provisions of Chapters 5.20 through 5.50 BMC, as well as all other requirements of Chapters 5.20 through 5.50 BMC.

5.30.055 Taxicabs – Renewal of existing permits.

An application for renewal of an existing taxicab permit made in accordance with BMC 5.30.040 shall be renewed only if the applicant is in compliance with all of the requirements of Chapters 5.20 through 5.50 BMC that apply to taxicabs and taxicab permittees. A permit that is not renewed shall become void and revert to the commission.

5.30.060 Taxicabs – Transfer of existing permit.

Introduced by: Council Member Springer
Date: July 28, 2015
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- A. A person may transfer an interest (whether financial or proprietary in nature, a security interest, or some other form of interest) in a taxicab permit originally issued prior to December 31, 2000, or any interest in the corporation, joint venture, association, partnership, or other group or entity which owns an interest in a taxicab permit originally issued prior to December 31, 2000, only if the person obtains the prior approval of the transportation inspector.
- B. An application for transfer of a taxicab permit in accordance with subsection A of this section shall be made to the transportation inspector on forms approved by the transportation inspector and shall be accompanied by the proposed contract for sale or other interest transfer which states the specific consideration to be paid by the transferee, as well as all other material conditions of the sale or other transfer of interest. The application for transfer shall also identify all parties who have or are proposed to have a financial, proprietary, security or other interest in the permit. The application may request other information necessary to determine if the transfer is in the best interests of the public, including but not limited to evidence of the financial ability to meet the consideration requirements of the contract for sale or other interest transfer. If the transferee meets the requirements of this section and all other requirements for obtaining a taxicab permit contained in Chapters 5.20 through 5.50 BMC, and the transportation inspector approves the language of the contract for sale or other interest transfer, the transportation inspector may approve the transfer.
- C. A decision of the transportation inspector with respect to transfer of an interest under this section may be appealed to the commission in accordance with BMC 5.20.100.
- D. If transfer of a permit is not approved in accordance with this section and the permittee no longer wishes to operate under the permit or the permittee is no longer in compliance with the provisions of Chapters 5.20 through 5.50 BMC, the permit shall become void and revert to the commission.
- E. New permits issued in accordance with BMC 5.30.050 shall not be transferable, and shall become void and revert to the commission if the permit is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.

5.30.065 Posting of taxicab permit.

Introduced by: Council Member Springer
Date: July 28, 2015
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dispatched by more than one (1) dispatch service. Failure to comply with this section shall be grounds for immediate revocation of a permit or license.

5.30.090 Taxicabs – Vehicle markings.

- A. Every taxicab shall display the trade name under which it operates and the vehicle number assigned to it by the transportation inspector in the area between the back bumper and the top of the trunk of the taxicab on the rear end of the taxicab with permanent contrasting letters and numbers no less than four (4) inches high.
- B. Every taxicab shall bear its vehicle number, as assigned to it by the transportation inspector, on all sides of the taxicab with permanent letters no less than four (4) inches high. Every taxicab shall display its vehicle number assigned by the transportation inspector on the front fender adjacent to the front door jam on both the driver and passenger side of the vehicle in numbers no less than four (4) inches high. The number shall be placed in the middle of the fender, but in no event less than two (2) inches above the bottom of the fender, or more than four (4) inches below the top of the fender.
- C. The transportation inspector will provide every taxicab permit holder with reflective decals bearing the assigned vehicle number required to meet the requirements of this section. Taxicab permit holders shall display trade names on vehicles with reflective decals that meet the requirements of this section.
- D. Except as otherwise provided by law, no taxicab may be used or sold for any purpose other than for use as a taxicab until all signs, insignia, license plates, lights or other markings have been removed or an "out of service" sign is posted on the taxicab in the form and manner designated by the transportation inspector.

5.30.100 Required equipment.

In addition to the mechanical equipment required in BMC 5.20.080(D), every taxicab shall have the following equipment:

- A. Every taxicab shall be equipped with an operable two-way radio that receives and transmits a signal only on the frequency used by that taxicab's dispatch service.
At no time may a taxicab be equipped with an apparatus capable of monitoring a

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frequency used by a dispatch service other than that used by that taxicab's dispatch service. The radio of each taxicab shall be identifiable through the dispatch company through which the taxicab is dispatched.

- B. Every taxicab shall be equipped at all times with an interior light of not less than two (2) candlepower arranged so as to illuminate the entire passenger compartment. The light shall be illuminated whenever passengers are being loaded or unloaded from the taxicab between one-half (1/2) hour after sunset of one (1) day and one-half (1/2) hour before sunrise the next day. No shades or blinds shall be drawn over any windows of the taxicab while occupied by a passenger.
- C. Every taxicab shall be equipped with a nonflashing light on the exterior of the roof of a type approved by the transportation inspector. The light shall be illuminated only when the taxicab is in service.
- D. All taxicabs, limousines and buses must have factory seat belts for the maximum number of passengers that may be transported in a particular vehicle.
- E. River taxis shall have the following:
1. Four-wheel drive vehicle with at least twelve- (12-) inch clearance;
 2. VHF radio;
 3. Dual battery system;
 4. All equipment listed in subsections A through C of this section in addition to the following: a come-a-long or winch and shovel; ground and air flares; carbon monoxide detector; first aid kit; safe alternate form of heat, i.e., candles, canned heat, etc., one (1) wool blanket, one (1) survival or space blanket for each potential passenger, spare tire, and tools required to change a tire, i.e., jack lug wrench, etc.;
 5. A river taxi driver shall carry clothes appropriate for the weather conditions and the number of passengers for a particular trip, to include but not be limited to, winter hats, boots, gloves, pants and coats.

Introduced by: Council Member Springer
Date: July 28, 2015
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Public Hearing:
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F. Every regulated vehicle shall be equipped at all times with a video camera surveillance system and have global positioning system capability. The surveillance and GPS systems shall be capable of recording and storing the data of at least 72 hours of in-service operations. The recorded data shall be stored on board the taxicab or transmitted for storage. The stored data for the immediately preceding 72 hours of recording shall not be altered or manipulated by any person, and shall be made available for review and inspection by the transportation inspector for purposes of enforcement of chapters 5.20, 5.30 and 5.40 or by a peace officer as defined in AS 1.10.060 upon request. For good cause, the Transportation Inspector may order retention of recorded data of specific dates, trips, or incidents for up to two years.

1. The video camera surveillance system shall have the capability to operate 24 hours a day, record video only, and be compatible with surveillance during both daytime and nighttime. The surveillance system shall either have continuous operation or be activated by the opening of a door, or some other self-initiating device which does not require the specific decision or action by the chauffeur to activate the surveillance system. The system shall be capable of producing high-quality pictures for law enforcement use. The system shall have cameras facing the front and rear and positioned in a manner that provides views of the regulated vehicle interior that are visible to passerby and does not violate privacy rights. A limousine shall not have video surveillance of the passenger area designed and intended to provide privacy from the chauffeur and public view, but may have a view into that area when a privacy partition or device is open.

2. The global positioning system capability of any regulated vehicle shall either have continuous operation or be activated by a self-initiating device which does not require the specific decision or action by the chauffeur to activate the global positioning system. The global positioning system in taxicabs must be capable of alerting the monitoring station of emergencies. The dispatch company or a company within the municipality approved by the transportation inspector will be the monitoring station for a taxicab's global positioning system.

5.30.120 Insurance required.

A. Before any permit is issued for any taxicab, river taxi, limousine or bus, the applicant shall furnish to the transportation inspector the insurance policies

Introduced by: Council Member Springer
Date: July 28, 2015
Referred to the Public Safety and
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required by this section, issued by an insurance company that is authorized to do business within the state.

- B. The insurance required by this section for vehicles with a manufacturer's rated seating capacity of six (6) persons or less, or, if a mini-van, six (6) persons or less seating capacity after seat removal to accommodate baggage, shall provide coverage as follows:
1. Combined single limit for all bodily injury or property damage arising from one (1) accident: three hundred thousand dollars (\$300,000); and
 2. For all persons injured or dead in any one (1) accident caused by an uninsured motorist: One hundred thousand dollars (\$100,000).
- C. The insurance required by this section for vehicles with a manufacturer's rated seating capacity of seven (7) persons or more, or if a mini-van, seven (7) persons or more seating capacity after seat removal to accommodate baggage, shall provide coverage as follows:
1. Combined single limit for all bodily injury or property damage arising from one (1) accident: Seven hundred thousand dollars (\$700,000); and
 2. For all persons injured or dead in any one (1) accident caused by an uninsured motorist: One hundred thousand dollars (\$100,000).
- D. Every insurance policy or certificate shall contain a clause obligating the insurer or surety to give the transportation inspector written notice no less than thirty (30) days before the cancellation, expiration, nonrenewal, lapse, or other termination of such insurance, unless the specified policy is for a vehicle which will no longer be used as a taxicab. A lapse, cancellation, expiration, nonrenewal, or termination of insurance coverage shall work an automatic suspension of any permit for so long as the permittee is without insurance as required by this section, and it shall be a violation of this chapter to provide taxicab service with a vehicle not insured as required by this section. The insurance policy shall list the city as a certificate holder.

5.30.130 Posting of insurance notice.

Introduced by: Council Member Springer
Date: July 28, 2015
Referred to the Public Safety and
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review period.
Public Hearing:
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Proof of insurance as required by Chapters 5.20 through 5.50 BMC shall be carried in the passenger compartment of all taxicabs at all times.

5.30.140 Records.

- A. Every taxicab, river taxi, and limousine permittee shall maintain a current and accurate daily list of the regulated vehicles operated pursuant to the permit. The daily list shall contain the following information:
1. The name, address, telephone number, chauffeur's license number and expiration of each chauffeur operating such regulated vehicles;
 2. The daily hours worked by each chauffeur operating such regulated vehicles;
 3. The number of days each such regulated vehicle is operated during each calendar month;
 4. The records maintained pursuant to subsection A of this section as well as many other records related to the operation of the permit shall be retained by the permittee for at least six (6) months and shall be made available upon the request of the transportation commission or the transportation inspector. The transportation inspector may request that the permittee forward the record to him or her on a monthly basis.
- B. The records maintained pursuant to subsection A of this section as well as any other records related to the operation of the permit shall be retained by the permittee for at least six (6) months and shall be made available upon request of the transportation commission or the transportation inspector. The transportation inspector may request that the permittee forward the record to him or her on a monthly basis.

5.30.160 Single use of vehicle.

It is unlawful to use a regulated vehicle for any other transportation service regulated by Chapters 5.20 through 5.50 BMC other than that service which is authorized on the permit.

5.30.170 Vehicle horn honking.

It is unlawful to honk the horn of a taxicab from 10:00 p.m. to 7:00 a.m., Sunday through Thursday, and from 12:00 a.m. to 7:00 a.m., Friday and Saturday.

Introduced by: Council Member Springer
Date: July 28, 2015
Referred to the Public Safety and
Transportation Commission for a 90 day
review period.
Public Hearing:
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5.30.180 Safety equipment tampering prohibited.

A. Except for maintenance or repair, no person shall disconnect, cover, misdirect or cause to be non-functional the radio identifier, silent electronic alarm, surveillance or security camera, or global positioning system in a regulated vehicle. Tampering with the safety equipment as described herein is a violation subject to civil penalty of:

1. First violation. \$250.00.
2. Second violation. \$500.00
3. Third violation. \$750.00.
4. Fourth violation. \$1,000.

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

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

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

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.**

Richard Robb, Mayor

ATTEST:

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,
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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;~~

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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~~

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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

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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.
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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
228 3. To the police and fire chiefs to determine whether, in their opinion there have
229 been excessive calls for service, excessive numbers of convictions or arrests
230 for unlawful activity at the license location, police or ambulance reports,
231 reports of unlawful activity at the license location, or police, fire or ambulance
232 dispatches to the license location.
233
234 C. The fire chief, police chief, planning director and finance director shall forward
235 written statements to the city manager within fourteen (14) calendar days after
236 the application was referred by the city manager.
237
238 D. The city manager shall provide a written report to the city council, with a copy to
239 the applicant, listing any objections to the Board's issuance of the application.
240 The city manager's report is due not less than twenty (20) days but not more
241 than thirty (30) days after the date of receipt of notice from the city clerk.
242
243 E. An applicant who believes the city manager's report contains factual errors shall
244 file a written protest outlining, with specific, the sections of the report believed to
245 be factually incorrect. Such protest must be filed to the city manager not later
246 than ten (10) calendar days after issuance of the city manager report.
247
248 F. The city manager shall investigate the applicant's protest and shall issue a
249 written decision no later than ten (10) calendar days after receipt of the protest.

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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 B. If a majority of the city council votes to protest the application, a resolution shall
306 be prepared and introduced at the next regularly scheduled council meeting or
307 earlier if necessary to meet the requirements of AS 04.11.480.
- 308 C. At least seven (7) calendar days prior to the council meeting, the city clerk shall
309 provide the applicant with:
310
311
312 1. A copy of the proposed resolution; and
313 2. Notice of the date and time when council will consider the resolution; and
314 3. Notice the applicant will have an opportunity, pursuant to 3 AAC
315 304.145(d), to appear before the council to defend the application.
316
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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 A. The premises of licensees authorized to sell or distribute intoxicating liquor shall
647 be easily accessible for inspection by police officers during all regular hours of
648 the transaction of business upon the premises, and at any other time with
649 reasonable notice by the officer.
650

651 B. The police department may inspect any premises with an alcoholic beverage
652 license for compliance with conditions on the license. Upon discovering a
653 violation of such conditions, the police department shall submit a written report
654 of the violation to the city clerk for review by the city council and provide a copy
655 thereof to the licensee.
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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
690 C. Lack of knowledge, lack of intent and absence from the premises shall not be
691 defenses to any action brought under this section against any such employee in
charge of such establishment or such licensee.
692
693 D. The following evidence shall constitute a prima facie case of violation of this
694 section in any action under this section against any such employee in charge of
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

Introduced by: Vice-Mayor Albertson
Date: September 8, 2015
Public Hearing: September 22, 2015
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #15-28

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE BY INSERTING CHAPTER 12.01, COMPLETE STREETS

- WHEREAS,** the City of Bethel wishes to ensure that all users of our transportation system are able to travel safely and conveniently on all streets and roadways within the public right-of-way in Bethel;
- WHEREAS,** the term "Complete Streets" refers to a comprehensive, integrated transportation network planned, designed, constructed, operated, and maintained to facilitate safe and convenient travel along and across streets for all potential users, including pedestrians, bicyclists, motor vehicle operators, transit riders, and people of all ages and abilities, including children, the elderly and the disabled;
- WHEREAS,** the City of Bethel wishes to encourage walking, bicycling, and public transportation use as safe, convenient, environmentally friendly, and economical modes of transportation that promote health and independence of all people;
- WHEREAS,** the 2011 Bethel Comprehensive Plan, after incorporating extensive feedback from citizens and administration, described safe pedestrian and bicycle pathways as a priority for our community;
- WHEREAS,** the concepts of "complete streets" were described as goals under sections pertaining not only to roads, but also economic development, transportation, trails and energy;
- WHEREAS,** complete streets better serve the needs of those who use transit systems by providing access to those systems;
- WHEREAS,** while roadway construction and maintenance has traditionally focused primarily on motor vehicle users, most residents of Bethel do not drive

Introduced by: Vice-Mayor Albertson
Date: September 8, 2015
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regularly and according to census data, 58.4% of households in Bethel do not have drivable vehicle available as compared to 10.9% statewide;

WHEREAS, complete streets have public health benefits, such as encouraging physical activity and improving air quality, by providing the opportunity for more people to bike and walk safely;

WHEREAS, complete streets improve access and safety for those who cannot or choose not to drive motor vehicles;

WHEREAS, complete streets are essential in providing safe routes to school for children;

WHEREAS, complete streets policies have been adopted legislatively by at least five states, and by at least 36 localities – of which 13 are by local law (resolutions or ordinances);

WHEREAS, the City of Bethel currently has a limited complete streets policy;

WHEREAS, it is the desire of the City of Bethel to formalize a commitment to the principles of complete streets for all of our streets;

WHEREAS, the Public Works Committee and Planning Commission shall develop goals for the Complete Streets policy based on recognized practices including but not limited to National Complete Streets Coalition Complete Streets Policy Analysis 2010 and American Planning Association Complete Streets: Best Policy and Implementation Practices;

WHEREAS, the City Council will provide Administration with reasonable resources to ensure the implementation of the Complete Streets Policy is effective;

NOW, THEREFORE BE IT ORDAINED, that the City of Bethel authorizes a change to the Bethel Municipal Code as described herein.

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

Introduced by: Vice-Mayor Albertson
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SECTION 2. Amendment. The Bethel Municipal Code is to be amended by adding a new chapter under Title 12, Streets, Sidewalks and Public Places, Chapter 12.10, Complete Streets:

Section 12.10 Complete Streets

12.10.010 Definitions. The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

- A. "Complete Streets" means design features that contribute to a safe, convenient, or comfortable travel experience for users, including but not limited to features such as: sidewalks; shared use paths; bicycle lanes; automobile lanes; paved or surfaced shoulders; crosswalks; pedestrian and traffic signals; signage; public transportation stops and facilities; traffic bumps, and surface treatments such as paving blocks, textured asphalt, and concrete; narrow vehicle lanes; raised medians; and dedicated transit lanes and those features identified in the City of Bethel's most recent Comprehensive Plan.
- B. "Street" means any right of way, public or private, including arterials, connectors, alleys, ways, lanes, and roadways by any other designation, as well as bridges, and any other portions of the transportation network.
- C. "Street Project" means the construction, reconstruction, retrofit, maintenance, alteration, or repair of any Street, and includes the planning, design, approval, and implementation processes, except that "Street Project" does not include minor routine upkeep such as cleaning, sweeping, mowing, spot repair.
- D. "Users" mean individuals that use Streets, including pedestrians, bicyclists, motor vehicle drivers, public transportation riders and drivers, [insert other significant local users if desired, e.g. drivers of agricultural vehicles, emergency vehicles, or freight] and people of all ages and abilities, including children, youth, families, older adults, and individuals with disabilities.

12.10.020 Application

Introduced by: Vice-Mayor Albertson
Date: September 8, 2015
Public Hearing: September 22, 2015
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The provisions of this chapter will apply to the scoping, design, and construction of projects involving roadways in the City of Bethel.

12.10.030 Requirements

- A. Any roadway in the City which is to be newly constructed or completely reconstructed must be designed and constructed to:
 - 1. Provide for the safety and convenience of all users of all ages and of all abilities: pedestrians, bicyclists, transit users, and motorists; and
 - 2. Address the needs of all users both along roadway corridors and crossing the corridors.
- B. Any project in which an existing roadway surface is to be restored or rehabilitated, and any remediation of deficient or non-existent sidewalks, shall be reviewed for the potential of making the roadway a complete street.
 - 1. Consideration shall particularly include proportionality, the scope of work needed to make a complete street reasonable in relation to the scope of the proposed roadway construction, maintenance or improvement.
 - 2. The application of design standards will be flexible to permit context-sensitive design fitting the roadway design within the context of the neighborhood recognizing that all streets are different and user needs will be balanced.
- C. The Public Works Department will review current designs standards which apply to new roadway construction to assure that they reflect the best available design standards and guidelines, and effectively implement the Complete Streets Policy above stated.
- D. Design standards also serve as guidance for all existing roadway rehabilitation, reconstruction, or resurfacing, to the extent that the work required is reasonably proportional to the scale of the proposed rehabilitation, reconstruction, or resurfacing.

12.10.040 Exceptions.

Infrastructure improvements specifically intended for pedestrians, bicyclists, and transit riders need not be planned nor made where the planning commission recommends and the city council approves with sufficient documentation of the reason for the exception, through resolution.

Such exceptions should generally be considered where:

- 1. Bicycles and/or pedestrians are prohibited by law,
- 2. Transit operation is not present or likely to occur in the foreseeable future,
- 3. Encouraging walking, biking, or transit use would be contrary to public health and safety,

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4. The cost would be excessively disproportionate to the need or potential use,
5. The project segment length would not result in a meaningful addition to the non-motorized network,
6. Ordinary maintenance activities designed to keep assets in serviceable condition (e.g., spot repair and surface treatments or interim measures on detour or haul routes),
7. There is no identified long-term need, and/or
8. The public works project in question is due to an emergency that requires near-term action.

SECTION 3. Effective Date. This Ordinance shall become effective thirty (30) days from its passage by the Bethel City Council.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk