



MEMORANDUM

TO: Bob Klein, Chair, and Members of the
Alcoholic Beverage Control Board

DATE: April 3, 2018

FROM: Erika McConnell, Director

RE: 5418 AC Quickstop

Requested Action: License renewal; hearing on protest

Statutory Authority: AS 04.06.090(b): "The board shall review all applications for licenses made under this title and may order the director to issue, renew, revoke, transfer, or suspend licenses and permits authorized under this title."

AS 04.11.480(a): "A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application ... If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable."

Staff Rec.: Uphold the protest and deny the renewal

Background: The City of Bethel submitted a timely protest of the renewal of this package store license in Bethel, for a number of reasons outlined in the attached protest. In addition, an objection to the renewal of this license was received.

The licensee was issued a temporary license on December 22, 2018.

The City of Bethel indicate that the licensee was provided with an opportunity to be heard before the local governing body in accordance with 3 AAC 304.145(d), which states, "A local governing body that protests an application shall allow the applicant a reasonable opportunity to defend the application before a meeting of the local governing body."

Attachment: City of Bethel protest
Renewal application
Objection

Introduced by: Council Member Albertson
Date: February 13, 2018
Action: Passed
Vote: 4-1

CITY OF BETHEL, ALASKA

Resolution # 18-03

CITY OF BETHEL PROTEST OF PACKAGE STORE LIQUOR LICENSE #5418 RENEWAL FOR AC QUICKSTOP, LOCATED AT 131 AKAKEEK ST., OWNED BY THE NORTH WEST COMPANY (INTERNATIONAL) INC.

- WHEREAS,** the North West Company submitted an application to the Alaska Alcohol and Marijuana Control Office (AMCO) to renew AC Quickstop Package Store License #5418, located at 131 Akakeek St., Bethel, Alaska 99559;
- WHEREAS,** AC Quickstop was issued the Package Store License on April 5, 2016 and began operation on May 3, 2016;
- WHEREAS,** the City Clerk received a copy of this renewal application on December 20, 2017 and has determined that the last day for the Council to file a protest is February 18, 2018;
- WHEREAS,** City of Bethel Administration submitted a report to the Bethel City Council on January 9, 2018 with the following findings:
- Excessive calls for service in and around AC Quickstop,
 - The location does not comply with the City's Conditional Use Permitting Standards;
- WHEREAS,** after a review of all relevant information, the Council finds that the renewal of Package Store License 5418, AC Quickstop, Located at 131 Akakeek St. would not be in the best interest of the public and asks the Alcohol Beverage Control Board to deny the renewal;
- WHEREAS,** the community of Bethel is facing an outstanding rate of increase in emergency calls and social service needs since AC Quickstop initiated their sales of alcohol in the community;
- WHEREAS,** the Police Department's total calls for service in the community have increase from 17,052 in 2015, to 17,705 in 2016 and 20,634 in 2017, this represents a total increase of 21% between 2015 and 2017;
- WHEREAS,** the Fire Department's Emergency Medical Services total calls for service in the community have increase from 1,172 in 2015, to 1,335 in 2016 and 1,734 in 2017, this represents a total increase of 48% between 2015 and 2017;

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- WHEREAS,** the increases are not limited to the City's emergency response team, the Yukon Kuskokwim Health Corporation presented statistics on the Hospital's Sobering Center, which faced a 32% increase in their encounters over the previous year;
- WHEREAS,** specific to the Northwest Company, the City's administrative report details the increased number of calls in the area of AC Quickstop as well as the other property owned and operated by Northwest Company: AC Main Store;
- WHEREAS,** the overall call volume at these two properties has spiked to exorbitant levels clearly showing a significant lack of control and oversight at the properties;
- WHEREAS,** the calls for intoxicated pedestrians at AC Quickstop totaled 51 for 2015, 85 in 2016 and 147 in 2017, this represents a total increase of 188% between 2015 and 2017;
- WHEREAS,** the excessive calls for service extend to the Northwest Company's other store, the AC Main store located .6 miles from AC Quickstop at 135 Ridgecrest Dr.,
- WHEREAS,** the calls for service for intoxicated pedestrians at the AC Main store totaled 211 in 2015, 419 for 2016 and 967 for 2017, this represents a total increase of 358% between 2015 and 2017;
- WHEREAS,** the call volume at these two locations demonstrates a negligence of the business owner, Northwest Company at ensuring public safety is maintained at their places of business;
- WHEREAS,** in addition to the excessive calls for service, the Council finds the location of this package store to be a significant public safety concern;
- WHEREAS,** AC Quickstop was issued a package store license prior to the City's finalization of the Conditional Use Permitting (CUP) process;
- WHEREAS,** had the applicant been required to obtain a CUP for the Akakeek location, the applicant would have had to convince the Planning Commission that the operation of a package store would be conducive to the neighborhood;

Introduced by: Council Member Albertson

Date: February 13, 2018

Action: Passed

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WHEREAS, AC Quickstop is located in a neighborhood commonly referred to as ASHA Housing (Alaska State Housing Authority) a subdivision primarily made up of Alaska Housing Finance Corporation (AHFC), State subsidized housing;

WHEREAS, a high school, two elementary schools, a preschool and playgrounds are adjacent to the ASHA Subdivision, just a five minute walk from the store;

WHEREAS, the City Council believes Alaska Statutes 04.11.365 Licensed premises in multi-unit residential housing development owned or financed by the Alaska Housing Finance Corporation, has legislative intent which is not being acknowledged with the continued operation of this package store license;

WHEREAS, AS 04.11.365 states:
"for premises located in a multi-unit residential housing development owned or financed by the Alaska Housing Finance Corporation, the board may... renew a license under AS 04.11.330, ...if the Alaska Housing Finance Corporation authorizes the use under AS 18.56.340...";

WHEREAS, there are 200 homes in the ASHA Subdivision, 121 of those are owned by AHFC and are within a quarter mile of the liquor store, of the five homes directly adjacent to AC Quickstop, four are owned by AHFC;

WHEREAS, if the effects of alcohol sales in a housing development owned or financed by AHFC were a concern enough for the legislature to establish this legislation, it has to be assumed that the location of this package store is not meeting the intent of the regulation;

WHEREAS, if the Planning Commission determined the location is conducive to the neighborhood, the property would have had to undergo a number of improvements before it would be considered compliant with the City's Conditional Use Standards;

WHEREAS, the Planning Director identified concerns with the adequacy of parking, ingress and egress to the property, the traffic impacts due to the inadequacy of the parking as well as the accessibility for fire as being the highest areas of concern;

WHEREAS, in the absence of the Conditional Use Permitting process, the Council must evaluate the effects of this license on the surrounding neighborhood and

Introduced by: Council Member Albertson
Date: February 13, 2018
Action: Passed
Vote: 4-1

ensure the health safety and welfare of the area and the citizens are protected;

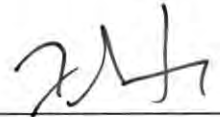
NOW, THEREFORE, BE IT RESOLVED with the information provided and all relevant facts considered the Council finds the location of the AC Quickstop to be a public safety concern and implores the Alcohol Beverage Control Board not renew the AC Quickstop Package Store License at the current location.

ENACTED THIS 13 DAY OF FEBRUARY 2018 BY A VOTE OF 4 IN FAVOR AND 1 OPPOSED.

ATTEST:



Lori Strickler, City Clerk



Fred Watson, Vice-Mayor

CITY OF BETHEL

City Clerk's Office



February 1, 2018

The North West Company (International) Inc.
Attn. Legal Department
77 Main Street
Winnipeg, Manitoba R3C 1A3

Re: Package Store License 5418

Mr. Pickett:

The Bethel City Council will be considering an action on the State of Alaska, Package Store Liquor renewal of License No. 5418 at their Regularly Scheduled Council Meeting, February 13, 2018. As per Bethel Municipal Code 5.08.040, and in accordance with 3 AAC 304.145, you will be provided a reasonable opportunity to defend your application for a Package Store License before the Bethel City Council at this meeting.

The February 13, Council Meeting will be held at City Hall, 300 State Highway, Bethel, and will begin at 6:30p. Resolution 18-03, Protesting the Renewal of a State of Alaska, Package Store License for AC Quickstop, will be considered under New Business. The Agendas will be posted on Wednesday February 7, and will be available on the City of Bethel website, www.cityofbethel.org.

Attached are documents the Council will use in their consideration of the protest in addition to the regulations provided in Bethel Municipal Code 5.08.

Respectfully,


Lori Strickler,
City Clerk

Enclosures



City of Bethel

Administration
P.O. Box 1388 Bethel, Alaska 99559
Phone # 907-543-1371
Fax # 907-543-4171

January 8, 2018

Bethel City Council
P.O. Box 1388
300 state highway
Bethel, AK 99559

Mayor, Vice-Mayor and Members of City Council;

In the matter of an application by The ACC Liquor Store located at 131 Akakeek St. Bethel Alaska #1052119, owned by the NW Co. (International), Inc., 77 Main St. Winnipeg MB R3C1A3 - State of Alaska Alcohol & Marijuana Control Office and in accordance with AS 04.11.150.

Bethel Municipal Code (BMC) 5.08.020(d) requires the City Manager provide a written report to City Council, with a copy to the applicant, listing any objections to the Board issuance of the application.

According to BMC 5.08.020(c) City Planner, City Finance Director, City Fire Chief and Police chief shall forward written statements to the City Manager outlining their findings:

- a) Finance Director- Sales Tax Filings, Utility Bills, State and City Business License are all-current.
- b) Planning Director-A conditional use permit, a scaled map and a Fire Marshall Plan was not required of this business because the license was approved before a CUP was required of an applicant. The Planning Director does not feel that the Planning commission would approve a Conditional Use Permit for this location. The Director states that access to and from the establishment, inadequate parking, the impact to the traffic on Akakeek St. and the business not being compatible with the surrounding area are the reasons the Planning Comm. Would have denied the permit.
- c) Police Dept.- The police Chief reports that Calls For Service(CFS) for AC Quickstop from 4/1/2015-3/31/2016 totaled 33. CFS jumped to 231 in

2016 and 193 in 2017. Calls for intoxicated pedestrians totaled 19 for 2015(CFS QS IP), 109 in 2016 and 84 in 2017.

- d) Fire Dept.-Fire Chief reports that there were eight calls for service at the AC Quickstop. There also were forty-four CFS at the adjacent BNC parking lot.

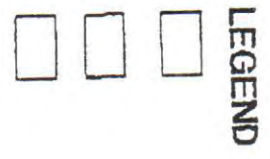
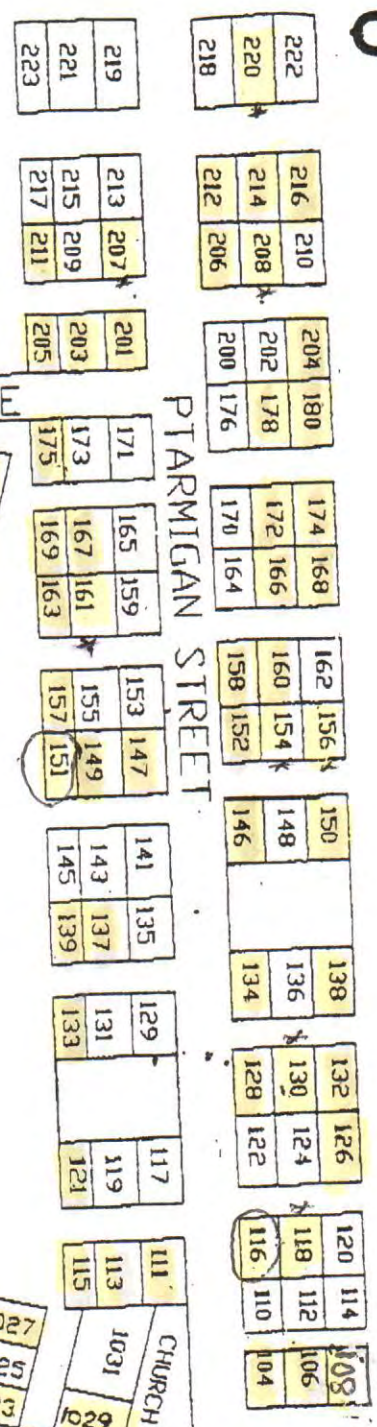
City Manager Concerns

After reviewing the Departments comments, it appears to me that this not a good location for a liquor store. Setting aside the CFS from the Police and Fire Depts. the Planning Dept. comments about the parking and the interference of the traffic on Akekeek St. do not seem situations that can be resolved with the space that is available to the store. Regarding the CFS it appears that security is lax. It also appears that would cost the adjacent property owners to secure their properties.

Peter Williams

Peter Williams
City Manager, City of Bethel

U



PROJECT SITE PLAN
NO SCALE



December 20, 2017

City of Bethel
Attn: Lori Strickler
VIA Email: lstrickler@cityofbethel.net
Attn: Patty Burley, City Attorney
VIA Email: pburley@cityofbethel.net

License Type:	Package Store	License Number:	5418
Licensee:	The North West Company (International), Inc.		
Doing Business As:	AC Quickstop		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Erika McConnell, Director
amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Package Store License

Form AB-17b: 2018/2019 Renewal License Application

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing package store liquor license that will expire on December 31, 2017. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete.

Section 1 - Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Table with 4 columns: Field Name, Value, License #, Statute. Rows include Licensee (The North West Company), License Type (Package Store), Doing Business As (AC Quickstop), Premises Address (131 Akakeek St. Bethel), Local Governing Body (City of Bethel), and Community Council (None).

Table with 6 columns: Field Name, Value, State, ZIP. Rows include Mailing Address (77 MAIN STREET ATTENTION: LEGAL DEPARTMENT) and City (WINNIPEG).

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual must be a licensee who is required to be listed in and authorized to sign this application.

Table with 4 columns: Field Name, Value, Business Phone, Contact Email. Rows include Point of Contact (WALTER PICKETT), Contact Phone (907-273-4642), and Contact Email (wpickett@northwest.ca).

Seasonal License? Yes [] No [x]

If "Yes", write your six-month operating period:





Alaska Alcoholic Beverage Control Board

Package Store License

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Phone: 907.269.0350

Section 2 - Authorization

Communication with AMCO staff: Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff? [X] []

If "Yes", disclose the name of the individual and the reason for this authorization:

JOSILDA RODRIGUES

Section 3 - Sole Proprietor Ownership Information

This section must be completed by any sole proprietorship who is applying for license renewal. Entities should skip to Section 4. If more space is needed, please attach a separate sheet with the required information. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: [] applicant [] affiliate

Form with fields: Name, Mailing Address, City, State, ZIP, Email, Contact Phone

This individual is an: [] applicant [] affiliate

Form with fields: Name, Mailing Address, City, State, ZIP, Email, Contact Phone





Alaska Alcoholic Beverage Control Board

Package Store License

Form AB-17b: 2018/2019 Renewal License Application

Section 4 – Entity Ownership Information

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>
 Partnerships may skip to the second half of this page. Sole proprietorships should skip to Section 5.

Alaska CBPL Entity #:	120143
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

Initials

This subsection must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official Name:	NWC (U.S.) HOLDINGS INC.			
Title(s):	SHAREHOLDER	Phone:		% Owned: 100
Mailing Address:	3830 OLD INTERNATIONAL AIRPORT ROAD, SUITE 200			
City:	ANCHORAGE	State:	ALASKA	ZIP: 99502-0901

Entity Official Name:	REX WILHELM			
Title(s):	DIRECTOR PRESIDENT	Phone:	907-273-4662	% Owned:
Mailing Address:	6800 CROOKED TREE CIRCLE			
City:	ANCHORAGE	State:	ALASKA	ZIP: 99507-7005

Entity Official Name:	WALTER PICKETT			
Title(s):	DIRECTOR VICE PRESIDENT	Phone:	907-273-4642	% Owned:
Mailing Address:	19211 UPPER SKYLINE DRIVE			
City:	EAGLE RIVER	State:	ALASKA	ZIP:





Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
 alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Package Store License

Form AB-17b: 2018/2019 Renewal License Application

Section 4 – Entity Ownership Information

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities> Partnerships may skip to the second half of this page. Sole proprietorships should skip to Section 5.

Alaska CBPL Entity #:	120143
-----------------------	--------

You must ensure that you are able to certify the following statement before signing your initials in the box to the right:

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

Initials

This subsection must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a **corporation**, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a **limited liability organization**, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a **partnership**, including a **limited partnership**, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official Name:	EDWARD KENNEDY			
Title(s):	DIRECTOR	Phone:	204-934-1482	% Owned:
Mailing Address:	111 SHORELINE DRIVE			
City:	WINNIPEG	State:	MANITOBA	ZIP: R3P2E9

Entity Official Name:	JOHN KING			
Title(s):	TREASURER VICE PRESIDENT	Phone:	204-934-1397	% Owned:
Mailing Address:	11 YAGER COVE			
City:	WINNIPEG	State:	MANITOBA	ZIP: R3R 3S8

Entity Official Name:	AMANDA SUTTON			
Title(s):	SECRETARY VICE PRESIDENT	Phone:	204-934-1756	% Owned:
Mailing Address:	216-902 HEADMASTER ROW			
City:	WINNIPEG	State:	MANITOBA	ZIP: R2G4K6

RECEIVED
 NOV 17 2017
 ALCOHOL MARIJUANA CONTROL OFFICE
 STATE OF ALASKA



Alaska Alcoholic Beverage Control Board

Package Store License

Form AB-17b: 2018/2019 Renewal License Application

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Section 5 - License Operation

Table with 3 columns: Description, 2016, 2017. Rows describe license operation frequency (regularly, seasonal, minimum 30 days, not operated).

Section 6 - Violations and Convictions

Table with 3 columns: Question, Yes, No. Questions about NOVs and convictions in 2016/2017.

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 - Alcohol Server Education

Read the line below, and then sign your initials in the box to the right of the statement: Initials

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as required under AS 04.21.025 and 3 AAC 304.465.

Handwritten initials in a box.





Alaska Alcoholic Beverage Control Board

Package Store License

Form AB-17b: 2018/2019 Renewal License Application

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Phone: 907.269.0350

Section 8 - Written Orders

Written orders in calendar years 2016 and 2017:

Yes No

Did you sell alcoholic beverages in response to written orders in calendar years 2016 or 2017?

Form with checkboxes for Yes and No, where No is checked.

Section 9 - Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

Initials box with handwritten initials AS

I certify that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

Initials box with handwritten initials AS

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently on file with the Alcoholic Beverage Control Board.

Initials box with handwritten initials AS

I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

Initials box with handwritten initials AS

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Signature of licensee

AMANDA E. SUTTON

Vice President, Legal and Corporate Secretary

Printed name of licensee

Signature of Notary Public

Paulina Hiebert

Notary Public in and for the State of Alaska

My commission expires:

Subscribed and sworn to before me this 15 day of November, 2017.

Table with 6 columns: License Fee (\$1500.00), Application Fee (\$200.00), TOTAL (\$1700.00), Late Fee (\$500.00), Miscellaneous Fees, GRAND TOTAL (\$1,700.00)



March 9, 2018

Dear ABC Board:

I am writing regarding the Alaska Commercial Liquor Store in Bethel. It is my understanding that the Bethel City Council protested the renewal of AC's liquor license and I agree with that protest.

I have lived in Bethel for 40 years. I voted for local option for Bethel so we would be able to have liquor sales here. It seemed like we could do it successfully. But the road has been so rocky with the liquor store open that I would vote differently if we had another election, for two reasons.

One of the most troublesome problems with the existing store is its location in a residential area. When the first liquor license came up for approval locally, the City Council was very concerned about the proposed location of the store but, unfortunately, they ended up approving it after pressure from the ABC Board. Since that first license was granted, we have put into place within our city a much more rigorous system for scrutinizing liquor license applications and, as the current Chair of the Bethel Planning Commission, I am pretty sure the location of AC's liquor store would never be allowed today. We have the benefit of 3 years of experience, looking at how the location of the current store in a primarily residential area has impacted that neighborhood. It is not a pretty picture. Besides people drinking in the streets and nearby park, ruining the park and making pedestrians feel uncomfortable or scared, the amount of traffic in that area can be extreme at times. There are sometimes pedestrians, children, loose dogs, people pushing strollers, cabs racing in and out, and other drivers, making for a dangerous situation. Bethel City Council was correct in their early concern about the location.

The second reason that my mind has changed about the liquor store is the impact it is having on our villages and on our first responders. No amount of money can pay for the damage that has been done by people's excessive drinking. It is ugly and sad and avoidable. The increased excessive drinking has definitely damaged the quality of life here. For example, when I take my daily walks, I see small groups of people sitting along the river drunk, passed out sometimes, leaving their empty bottles and trash, and harassing passers-by. Although we have always had problem drinkers, there are more now and they are also destroying the nearby villages. The villages don't have the means to stop all the alcohol being brought in to their villages. Bethel Search and Rescue, a volunteer group, is overwhelmed by many drunken people in distress, although they always respond to calls. The EMT's are similarly overwhelmed and the sales tax money can't cover all the increased expenses.

As far as I can tell, AC runs a decent business in the liquor store. It's clean and well managed and I often see security people working around there. To AC's credit, they



do close the store at 7:00 PM, which is more than reasonable. I have also witnessed the staff denying a customer who wanted to purchase a suspicious number of small bottles of whiskey, presumably for illegal resale. But even with that, it's hard to think of a worse location for the store. The voters of Bethel thought we wanted this, but now we see that we don't. This is all wrong and needs to be reconsidered.

Please listen to the Bethel City Council on this issue.

Sincerely,


Kathy Hanson



Alcohol Beverage Control Board
550 W 7th Ave, Ste 1600
Anchorage, AK 99501
(907)269-0350

3/7/18

To whom it may concern:

My name is Jeffrey Evon, I am from Bethel, Alaska. I am writing to you in regards to the AC Quick-stop Liquor license. My concerns for the community of Bethel are mainly the location of the store. I've noticed a growing population of intoxicated people up and down 1st road housing where the location of the liquor store is. I

I've heard numerous reports of children and adults being approached by drunks and trying to start conflict. One occasion is my kids mother's, son. Nelson is 16 years old and while walking home from basketball practice, he was approached by a drunk and Nelson had to push him down to get away from him.

The incident that really bothered me was when a 9 year old girl was pinned down by two intoxicated men who pulled a knife to her and asked her if she wanted to die.

Ive heard a lot of other stories regarding intoxicated people being bothersome and a lot of my community doesn't like to see all the drunks.

This location isn't suitable. There are far too many families with children at/around this area. The school's are located a short distance from the location. Kids walk to that store for lunch, they go to the Laundromat with their parents. T he parents and children walk to the park which is located directly across the store. Directly behind the store are children who go sledding. Down the road is a boardwalk that leads to another park.

These areas are being over-run, by intoxicated people and is a liability for any and all people of the community. AC cannot have a liquor store located in the current area. I'm writing this letter for the opposed liquor license renewal. Thank you for your time.

Sincerely,



Jeffrey Evon
PO Box 1133
Bethel, AK 99559





March 15, 2018

Alcoholic Beverage Control Board
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501

Re: The North West Company (International) Inc. Application for Renewal of
Package Store License #5418

Dear Chairman Klein and Members of the Alcohol Beverage Control Board:

The North West Company (International) Inc. ("North West") is seeking to renew its Package Store License (#5418) for its AC Quickstop store located at 131 Akakeek Street in Bethel, Alaska (hereafter referred to as "AC" or "Quickstop") with the State of Alaska's Alcohol & Marijuana Control Office ("AMCO"). The City of Bethel, Alaska ("City") has protested this renewal application.

The purpose of this letter is to provide the Alcohol Beverage Control Board ("ABC Board") with detailed information sufficient to allow the ABC Board to make a reasoned and fair determination regarding North West's application for renewal of its package store license. As the ABC Board will see, the City's protest stems from general discontent within a small percentage of the community regarding how best to handle the presence of alcohol within Bethel and surrounding villages. The minority position within the community is to prohibit the sale of alcohol altogether, which is consistent with the purely political protest offered by the City. The rationale in support of this protest seeks to coerce the implementation of arbitrary, capricious, and unreasonable terms upon only one of the three licensees in Bethel, a clear violation of substantive due process. Notwithstanding, North West has publically expressed its desire to work collaboratively with the City to tackle the various issues presented in the City's protest, yet this effort is met with staunch resistance more akin to prohibition era mentality than a holistic community-based approach to solving a problem.

As the ABC Board well knows, North West operates numerous package store licenses throughout the state of Alaska and has a long and proud record of compliance and community stewardship before this agency and the communities it serves. While the circumstances presented in Bethel are unique, there is simply no legally sound reason offered by the City to support denying this renewal application. Therefore, North West respectfully requests that the ABC Board renew its application for package store license # 5418.



I. BACKGROUND

In 2015, Bethel voted to become a "wet community" thereby legalizing the purchase and sale of alcohol within the City's borders. Soon thereafter, North West opened AC Quickstop located at 131 Akakeek Street. AC Quickstop is a convenience store with a laundry-mat and liquor store attached. As many in the community predicted, since becoming "wet," the City has seen a steady increase in alcohol-related crimes and other negative social impacts on its community.

Despite strictly complying with, and in many cases exceeding, the state and local laws, as the only liquor store opened year-round in Bethel, AC Quickstop has caught the ire of the Bethel City Council. Consequently, the City is protesting AC's application for the renewal of its package store license. The City's protest was memorialized in Resolution 18-03,¹ which was introduced and passed during a February 13, 2018 City Council meeting. A North West representative was present to defend its application for the renewal of its package store license. The City Council was wholly uninterested in hearing, let alone considering, North West's response or request to collaborate with the City to address the City's concerns. Additionally, the City Council failed to address two factual deficiencies in the City Manager's Report to the City Council; both of which implicate procedural due process concerns and were the primary basis for the City's protest.

North West's application to renew its package store license # 5418 is now before the ABC Board for its consideration. Under AS 04.11.480(a), the protest of a local governing body to the issuance, renewal, transfer of location, or transfer to another person of an alcohol license is to be upheld by the ABC Board unless the city's protest is arbitrary, capricious, or unreasonable.² However, as demonstrated below, the City's protest is, in fact, arbitrary, capricious, and unreasonable and should, therefore, be disregarded by the ABC Board.

II. FACTUAL DEFICIENCIES IN THE CITY MANAGER'S REPORT VIOLATE NORTH WEST'S DUE PROCESS RIGHTS

On January 8, 2018, the City Manager submitted a City Manager's Report to the Mayor and City Council discussing AC's application for renewal.³ The Report contained two factual deficiencies. The first was the Planning Director's preemptive determination that AC would not be granted a conditional use permit at its current location. The second was the Police and Fire Chiefs' reliance on call-out statistics that were derived from vague and incomplete records and not actual police reports⁴. Despite identifying these deficiencies in writing for the City, neither the City Council nor the City Attorney

¹ Exhibit 1, Resolution 18-03.

² See *Stoltz v. City of Fairbanks*, 703 P.2d 115 (Alaska 1985).

³ Exhibit 2, January 8, 2018 City Manager's Report to Mayor and City Council.

⁴ A representative sample of the call-logs is being provided as Exhibit 3.



addressed these procedural due process concerns. Because Resolution 18-03 significantly relied upon the information contained in the City Manager's Report, the protest should be deemed invalid.

- a. **The Planning Director's preemptive determination that AC would not be approved for a conditional use permit is a violation of North West's due process rights**

In the City Manager's letter, the Planning Director notes the following:

The Planning Director does not feel that the Planning Commission would approve a conditional use permit for this location. The Director states that access to and from the establishment, inadequate parking, the impact to the traffic on Akakeek St. and the business not being compatible with the surrounding area are the reasons the Planning Commission would have denied the permit.

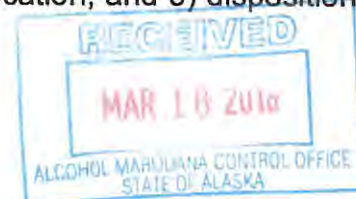
This preemptive denial of AC's conditional use permit is problematic as it violates AC's procedural due process rights under the Bethel Municipal Code. AC understands that there is no right to receive a conditional use permit; however, there is a clear right created under the Bethel Municipal Code to apply for one. Specifically, BMC 18.60.010 creates the express right to have the planning commission give fair consideration to an application for a conditional use permit. Additionally, under BMC 18.60.030, AC has the right to a public hearing on its completed application in front of the Planning Commission. And, finally, BMC 18.72.010 creates the right to appeal the Planning Commission's decision to the Board of Adjustment.

The City's reliance, in part, on the Planning Director's findings, as required by BMC 5.08.020(c), is a violation of AC's due process rights because it has not been afforded the opportunity to apply for the conditional use permit, let alone have a public hearing on its application. Thus, this preemptive denial is an arbitrary and capricious application of BMC 18.06.010 and the City Council should have disregarded the Planning Director's findings during its deliberations.

- b. **The City Council should not have relied upon the Police and Fire Chiefs' findings which were based on incomplete information**

In regards to the Police and Fire Chiefs' findings discussing the call-outs to AC, it is impossible to respond to these allegations without copies of the actual underlying police and fire reports. Under BMC 5.08.040(C): "A protest by the council under this section cannot be based in whole or in part on police reports or other written materials available to the city but which were not provided to the affected applicant before the public hearing on that protest."

In response to AC's written request for copies of the actual police and fire reports, the City provided thousands of pages of call logs that include the following information: 1) call number, 2) date, 3) call type, 4) street location, and 5) disposition of



the call. The logs are completely void of any relevant information that could potentially assist AC in responding to the call-out findings in a meaningful way.

Consequently, on February 5, 2018, AC contacted the City Clerk and City Attorney re-requesting the underlying police reports. The City Attorney clarified that the call logs, and not the actual underlying police reports, formed the basis of the Police and Fire Chiefs' findings. Therefore, according to the City Attorney, the City satisfied its requirements under BMC 5.08.030. While AC does not dispute that the City has met its obligation under BMC 5.08.030 to provide the "police reports or other written materials" the Police and Fire Chiefs relied upon in making their findings, AC does take issue with the actual content of these reports, or, more accurately, call logs.

As stated above, these call logs contain almost no substantive information thereby making an informed response to the Police and Fire Chiefs' findings nearly impossible. For example, based on the call logs, there is no way to discern whether there are repeat calls for the same individual due to a slow response time by law enforcement, where the alleged intoxicated individuals obtained their alcohol, or, frankly, whether the call related in any way to AC other than the person of interest's proximity to the store. If the purpose of BMC 5.08.040(C) is to ensure that the applicant is provided adequate notice of the allegations being lodged against it and a meaningful opportunity to respond to those allegations, then these call logs fall woefully short of accomplishing that goal. Consequently, the City's reliance on the call logs and not the actual police and fire reports is arbitrary and capricious, and certainly unreasonable.

III. THE CITY IS HOLDING AC TO A DIFFERENT STANDARD THAN OTHER BUSINESSES IN THE COMMUNITY AND, THUS, IS ACTING IN AN ARBITRARY, CAPRICIOUS, AND UNREASONABLE MANNER

As previously stated, during the February 13, 2018 Bethel City Council meeting, the City introduced and passed Resolution 18-03 protesting the renewal of AC's package store license. The following issues were identified either in Resolution 18-03 or verbally by the City Council as the basis of the protest: 1) an increase in emergency call-outs to the store; 2) lack of adequate security at the store; 3) the store's proximity to schools and subsidized housing, and 4) traffic concerns around the store.

North West has already addressed the significant issues raised by the City's reliance on call logs in determining that there has been an increase in emergency call-outs to AC. However, it bears mentioning that, because AC is the only store in Bethel that sells alcohol year-round, the call-outs will naturally be concentrated around the store. The unfortunate reality is that, so long as Bethel remains a "wet community," alcohol will continue to pose a problem for those who consume alcohol to excess, regardless of where they obtain their alcohol.

That being said, AC has made it abundantly clear to the City that it is committed to being a responsible corporate neighbor. For example, the store only sells alcohol between the hours of 11:00 a.m.–8:00 p.m., despite being legally able to sell until 11 p.m. AC also actively assists the State Troopers in their investigations of alcohol-



related crimes that occur near the store; an Alaska State Trooper visits the liquor store three to five times a month to review video footage in aid of gathering evidence to support law enforcement efforts. In fact, AC has given the Troopers the username and password to its security camera system, as well as full access to the store and its surveillance equipment at all times, to help streamline these investigations. The surveillance system alone cost over \$30,000, an investment that AC is happy to make as this cooperation has led to numerous arrests and subsequent convictions for crimes that would have otherwise gone undetected.

Finally, it should be noted that the Bethel AC liquor store has never been cited for a fire, health, or safety violation by the City or the State. This fact is significant in light of AC Quickstop being the only year-round liquor store in Bethel. In other words, AC has maintained the highest standard of compliance despite having a high-volume business. This demonstrates AC's dedication to complying with the law and community standards in Bethel.

a. The City's determination that AC has inadequate security is not supported by the facts

During the February 13, 2018 City Council meeting, several City Council members criticized AC over a perceived lack of security. In reality, despite there being no requirement under the Bethel Municipal Code, AC currently employs several full-time security guards at both the main store and at the Quickstop. These positions have been filled for four years at the Main Store and for two years at the Quickstop location. It is difficult to identify the security guards because they wear civilian clothing and act like shoppers. These security personnel are there to ensure that customers are safe and inventory protected, but have no law enforcement authority and are limited to calling the Bethel police when there is a problem at the location. There is no Bethel municipal ordinance or state law that requires on site security, yet AC exceeds what is required by the law by having one full-time security guard on the premises at all times.

Additionally, BMC 5.08.110(E) requires all package store license holders to have at least one twenty-four-hour, time-lapse security camera in the interior of the store. The cameras must also be able to capture all sales transactions. AC has exceeded this requirement by having a sophisticated network of cameras both inside and outside its store. This investment in security cameras cost AC \$30,000. AC routinely grants law enforcement access to its cameras to assist in their investigations.

The City Council made it abundantly clear during its meeting that it believes the AC store's security is woefully insufficient. When pressed as to what would be considered sufficient, one council member suggested 20 armed personnel in police uniforms would be a good start. It seems that if the City wants more armed police officers to patrol the community and its businesses, then the City should prioritize its spending of the additional \$1 million in liquor sales tax it is collecting from AC and codify this requirement in its municipal code.



Nonetheless, the AC offered to work closely with law enforcement and the City Administration to develop a plan to enhance security in and around the building, as well as the surrounding neighborhoods, to prevent alcohol-related crimes. While AC can only legally provide security inside its store and parking lot, it has now repeatedly offered to explore the option of having a trooper or police squad car parked outside or near the store during hours that are deemed problematic by the City. The City has declined AC's invitations opting rather to engage in the selective prohibition of alcohol in contrivance to the citizens' election to make Bethel a "wet" community.⁵

The City's refusal to acknowledge AC's pro-active steps in self-policing, attempts at collaboration to combat alcohol-related problems, and demands for more security, despite there being no legal requirement to do so, is arbitrary, capricious, and unreasonable.

b. The City failed to previously raise traffic concerns during AC's permitting process; however, the alleged traffic issues will decrease with the opening of two new liquor stores downtown

Shortly after the sale of alcohol was approved by the State of Alaska's Alcohol Control Board in 2015, but before any of the alcohol licensees actually opened their establishments, the City Council passed Ordinance 15-32 enacting Chapter 5.08, Alcoholic Beverages, in its current form.⁶ This portion of Bethel's Municipal Code delineates the process for obtaining an alcohol license in the City and the factors that the City Council must consider before taking any action on an alcohol license application.

Prior to the enactment of Ordinance 15-32, and during the time AC applied for its package store license in Bethel, the former BMC 5.08.050 mandated that "any use that includes the retail sale or dispensing of alcoholic beverages is permitted only by a special use permit as outlined in BMC section 16.20."⁷ At no time during the special use permit process did the City raise ingress or egress issues as areas of concern because if it had, the AC would have been forced to either correct the perceived issues or find a new location. For the City to raise this issue now is unreasonable as North West relied upon the City's prior review process before investing \$750,000 into location renovations to comply with the package store license requirements.

Additionally, the State Fire Marshal also failed to note this as an area of concern when he approved AC's renovations last year. Given the geographical layout of Bethel and the fact that there is essentially only one main road for the entire City, the traffic in and around AC seems fairly normal. Moreover, the City should anticipate traffic

⁵ Exhibit 4, February 26, 2018 Letter to City Council proposing workshop to address City's concerns.

⁶ Exhibit 5, City of Bethel Ordinance 15-32.

⁷ Id.; BMC Chapter 16.20 was repealed and is no longer accessible through Bethel's online municipal code website.



congestion given that most retail stores are located in general use zoning areas, which allow for a mix of compatible residential and commercial uses.⁸

It also makes sense that there is an increase in traffic since AC opened – a full-service retail store (and laundry-mat) is going to generate more pedestrian and vehicle traffic given the limited options in the City. Fortunately, there appears to be a natural solution to the alleged traffic congestion. Kusko Liquor is reportedly opening for business in the summer of 2018, and the Bethel Native Corporation is transferring its license to Hooper Bay's Sea Lion Corporation, which is expected to operate a year-round liquor store named Caribou Trader's Liquor.⁹ Both stores will be located across town near the Kuskokwim River.

These new stores will dilute the amount of business and traffic going to AC. This includes pedestrian traffic – individuals who use the river as an access point to the City will likely visit the more conveniently located liquor stores near the river. In the meantime, AC expressed its commitment to work with the City to address the traffic issues that are within its control.

Again, the City Council refused to even consider these options during the City Council meeting demonstrating what can only be considered as clear bias toward AC that is not consistent with the manner in which other licensee are treated by the City. AC relied, apparently to its detriment, on the City's prior determination that its current location is conducive to its business operations. However, the City is only now, when North West's application for renewal is on the line, raising the traffic issues. Had the City at any point in time prior to this process identified traffic congestion as being problematic, North West would have taken immediate action to work with the City to find a resolution. The City's unreasonable posture on this particular issue is arbitrary, capricious, and certainly unreasonable.

c. The City erroneously relied upon a statute that prohibits the sale of alcohol in multi-unit residential housing development

Resolution 18-03 states: "City Council believes Alaska Statute 04.11.365 Licensed premises in multi-unit residential housing development owned or financed by the Alaska Housing Finance Corporation, has legislative intent which is not being acknowledged with the continued operation of this package store license."¹⁰ The City erroneously relied on a City Council member's incorrect interpretation of AS 04.11.365 as a basis for its protest.

⁸ It is also worth noting that AC applied for and received a conditional use permit for 1110 Bridge Street in 2017, which is near a residential area that has a similar, if not identical, traffic pattern.

⁹ See Exhibit 6, KYUK's Jan. 30, 2018 article: "Bethel Native Corporation Trying to Transfer Liquor License to Hooper Bay's Sea Lion Corporation."

¹⁰ See Resolution 18-03, at p. 3.



AS 04.11.365 pertains to a licensed premise located in a multi-unit residential housing development, not to a licensed premise adjacent to a multi-unit residential housing development. While AC fully recognizes the City's inherent discretion in determining whether AC's current location comports with its surrounding neighborhood, AC cautioned the City Council that applying a strict reading of AS 04.11.365 as a factor for protesting AC's application for renewal would constitute an arbitrary and capricious application of its zoning laws. Again, neither the City Council nor the City Attorney addressed this error during the February 13, 2018 City Council meeting. The City Council's reliance on one councilmember's misinterpretation of a non-existent statutory prohibition on package stores being located near subsidized housing is arbitrary, capricious, and unreasonable.

Additionally, AC is located in a general use zoning district, that the City previously reviewed and approved, which allows for a mix of compatible residential and commercial uses. Historically, this location has been a large retail area. This was particularly true at the time AC purchased the building from ANICA. Nothing has changed about this area's historic use since AC obtained its license and started operating. For the City to now raise AC's location as being incompatible with the neighborhood's standards is, again, arbitrary, capricious, and unreasonable.

d. The City's is improperly imposing a distance requirement between AC and the schools

The City also improperly relies upon AC's proximity to schools as a basis for the protest. The Bethel's Municipal Code currently does not contain a distance requirement between an establishment selling alcohol and a school. However, its prior code, which was in effect during the initial permitting process, prohibited package store licensees from selling any alcoholic beverages within 300 feet of any school grounds. Therefore, the store's proximity to the school was already considered by the City when AC's license was initially issued and determined not to be a basis for denying AC's license.¹¹ Additionally, for the City to now raise this as an issue despite there being no distance requirement in its municipal code is clearly an arbitrary, capricious, and unreasonable application of its laws.

IV. CONCLUSION

Despite representing a constituency that lawfully voted for the right to purchase alcohol in the community of Bethel, the City Council simply does not want to have the AC commercial liquor store in its community. The City refuses to work collaboratively with North West to implement appropriate safeguards that may actually address the stated concerns. Instead, the City's protest provides yet another example of how uninformed, goal-oriented decision making leads to poor public policy that is not only unfounded, but legally vulnerable. There can be no question that the legal foundation upon which the protest sits is simply without factual or legal merit. Therefore, the City's

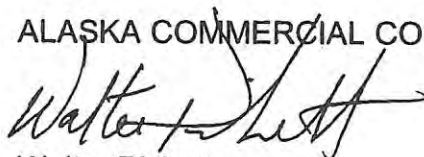
¹¹ AS 04.11.410 requires a 200-foot buffer between an alcohol establishment and a school. The AC store is well beyond 200 feet from the schools.



protest cannot be sustained as it is clearly arbitrary, capricious, and unreasonable and should be disregarded by the ABC Board. In light of the City's concerns, AC simply asks that we be allowed to continue operations for two more years while the store moves to a different location in Bethel.

Sincerely,

ALASKA COMMERCIAL COMPANY



Walter Pickett



Introduced by: Council Member Albertson
Date: February 13, 2018
Action: Passed
Vote: 4-1

CITY OF BETHEL, ALASKA

Resolution # 18-03

CITY OF BETHEL PROTEST OF PACKAGE STORE LIQUOR LICENSE #5418 RENEWAL FOR AC QUICKSTOP, LOCATED AT 131 AKAKEEK ST., OWNED BY THE NORTH WEST COMPANY (INTERNATIONAL) INC.

- WHEREAS,** the North West Company submitted an application to the Alaska Alcohol and Marijuana Control Office (AMCO) to renew AC Quickstop Package Store License #5418, located at 131 Akakeek St., Bethel, Alaska 99559;
- WHEREAS,** AC Quickstop was issued the Package Store License on April 5, 2016 and began operation on May 3, 2016;
- WHEREAS,** the City Clerk received a copy of this renewal application on December 20, 2017 and has determined that the last day for the Council to file a protest is February 18, 2018;
- WHEREAS,** City of Bethel Administration submitted a report to the Bethel City Council on January 9, 2018 with the following findings:
- Excessive calls for service in and around AC Quickstop,
 - The location does not comply with the City's Conditional Use Permitting Standards;
- WHEREAS,** after a review of all relevant information, the Council finds that the renewal of Package Store License 5418, AC Quickstop, Located at 131 Akakeek St. would not be in the best interest of the public and asks the Alcohol Beverage Control Board to deny the renewal;
- WHEREAS,** the community of Bethel is facing an outstanding rate of increase in emergency calls and social service needs since AC Quickstop initiated their sales of alcohol in the community;
- WHEREAS,** the Police Department's total calls for service in the community have increase from 17,052 in 2015, to 17,705 in 2016 and 20,634 in 2017, this represents a total increase of 21% between 2015 and 2017;
- WHEREAS,** the Fire Department's Emergency Medical Services total calls for service in the community have increase from 1,172 in 2015, to 1,335 in 2016 and 1,734 in 2017, this represents a total increase of 48% between 2015 and 2017;

City of Bethel, Alaska



Resolution #18-03
1 of 4

Exhibit 1
Page 1 of 4

Introduced by: Council Member Albertson
Date: February 13, 2018
Action: Passed
Vote: 4-1

- WHEREAS,** the increases are not limited to the City's emergency response team, the Yukon Kuskokwim Health Corporation presented statistics on the Hospital's Sobering Center, which faced a 32% increase in their encounters over the previous year;
- WHEREAS,** specific to the Northwest Company, the City's administrative report details the increased number of calls in the area of AC Quickstop as well as the other property owned and operated by Northwest Company: AC Main Store;
- WHEREAS,** the overall call volume at these two properties has spiked to exorbitant levels clearly showing a significant lack of control and oversight at the properties;
- WHEREAS,** the calls for intoxicated pedestrians at AC Quickstop totaled 51 for 2015, 85 in 2016 and 147 in 2017, this represents a total increase of 188% between 2015 and 2017;
- WHEREAS,** the excessive calls for service extend to the Northwest Company's other store, the AC Main store located .6 miles from AC Quickstop at 135 Ridgecrest Dr.,
- WHEREAS,** the calls for service for intoxicated pedestrians at the AC Main store totaled 211 in 2015, 419 for 2016 and 967 for 2017, this represents a total increase of 358% between 2015 and 2017;
- WHEREAS,** the call volume at these two locations demonstrates a negligence of the business owner, Northwest Company at ensuring public safety is maintained at their places of business;
- WHEREAS,** in addition to the excessive calls for service, the Council finds the location of this package store to be a significant public safety concern;
- WHEREAS,** AC Quickstop was issued a package store license prior to the City's finalization of the Conditional Use Permitting (CUP) process;
- WHEREAS,** had the applicant been required to obtain a CUP for the Akakeek location, the applicant would have had to convince the Planning Commission that the operation of a package store would be conducive to the neighborhood;



Introduced by: Council Member Albertson
Date: February 13, 2018
Action: Passed
Vote: 4-1

- WHEREAS,** AC Quickstop is located in a neighborhood commonly referred to as ASHA Housing (Alaska State Housing Authority) a subdivision primarily made up of Alaska Housing Finance Corporation (AHFC), State subsidized housing;
- WHEREAS,** a high school, two elementary schools, a preschool and playgrounds are adjacent to the ASHA Subdivision, just a five minute walk from the store;
- WHEREAS,** the City Council believes Alaska Statutes 04.11.365 Licensed premises in multi-unit residential housing development owned or financed by the Alaska Housing Finance Corporation, has legislative intent which is not being acknowledged with the continued operation of this package store license;
- WHEREAS,** AS 04.11.365 states:
"for premises located in a multi-unit residential housing development owned or financed by the Alaska Housing Finance Corporation, the board may... renew a license under AS 04.11.330, ...if the Alaska Housing Finance Corporation authorizes the use under AS 18.56.340...";
- WHEREAS,** there are 200 homes in the ASHA Subdivision, 121 of those are owned by AHFC and are within a quarter mile of the liquor store, of the five homes directly adjacent to AC Quickstop, four are owned by AHFC;
- WHEREAS,** if the effects of alcohol sales in a housing development owned or financed by AHFC were a concern enough for the legislature to establish this legislation, it has to be assumed that the location of this package store is not meeting the intent of the regulation;
- WHEREAS,** if the Planning Commission determined the location is conducive to the neighborhood, the property would have had to undergo a number of improvements before it would be considered compliant with the City's Conditional Use Standards;
- WHEREAS,** the Planning Director identified concerns with the adequacy of parking, ingress and egress to the property, the traffic impacts due to the inadequacy of the parking as well as the accessibility for fire as being the highest areas of concern;
- WHEREAS,** in the absence of the Conditional Use Permitting process, the Council must evaluate the effects of this license on the surrounding neighborhood and



Introduced by: Council Member Albertson
Date: February 13, 2018
Action: Passed
Vote: 4-1

ensure the health safety and welfare of the area and the citizens are protected;

NOW, THEREFORE, BE IT RESOLVED with the information provided and all relevant facts considered the Council finds the location of the AC Quickstop to be a public safety concern and implores the Alcohol Beverage Control Board not renew the AC Quickstop Package Store License at the current location.

ENACTED THIS 13 DAY OF FEBRUARY 2018 BY A VOTE OF 4 IN FAVOR AND 1 OPPOSED.

ATTEST:

Lori Strickler, City Clerk


Fred Watson, Vice-Mayor





City of Bethel

Administration
P.O. Box 1388 Bethel, Alaska 99559
Phone # 907-543-1371
Fax # 907-543-4171

January 8, 2018

Bethel City Council
P.O. Box 1388
300 state highway
Bethel, AK 99559

Mayor, Vice-Mayor and Members of City Council;

In the matter of an application by The ACC Liquor Store located at 131 Akakeek St. Bethel Alaska #1052119, owned by the NW Co. (International), Inc., 77 Main St. Winnipeg MB R3C1A3 - State of Alaska Alcohol & Marijuana Control Office and in accordance with AS 04.11.150.

Bethel Municipal Code (BMC) 5.08.020(d) requires the City Manager provide a written report to City Council, with a copy to the applicant, listing any objections to the Board issuance of the application.

According to BMC 5.08.020(c) City Planner, City Finance Director, City Fire Chief and Police chief shall forward written statements to the City Manager outlining their findings:

- a) Finance Director- Sales Tax Filings, Utility Bills, State and City Business License are all-current.
- b) Planning Director-A conditional use permit, a scaled map and a Fire Marshall Plan was not required of this business because the license was approved before a CUP was required of an applicant. The Planning Director does not feel that the Planning commission would approve a Conditional Use Permit for this location. The Director states that access to and from the establishment, inadequate parking ,the impact to the traffic on Akakeek St. and the business not being compatible with the surrounding area are the reasons the Planning Comm. Would have denied the permit.
- c) Police Dept.- The police Chief reports that Calls For Service(CFS) for AC Quickstop from 4/1/2015-3/31/2016 totaled 33. CFS jumped to 231 in



2016 and 193 in 2017. Calls for intoxicated pedestrians totaled 19 for 2015(CFS QS IP), 109 in 2016 and 84 in 2017.

- d) Fire Dept.-Fire Chief reports that there were eight calls for service at the AC Quickstop. There also were forty-four CFS at the adjacent BNC parking lot.

City Manager Concerns

After reviewing the Departments comments, it appears to me that this not a good location for a liquor store. Setting aside the CFS from the Police and Fire Depts. the Planning Dept. comments about the parking and the interference of the traffic on Akekeek St. do not seem situations that can be resolved with the space that is available to the store. Regarding the CFS it appears that security is lax. It also appears that would cost the adjacent property owners to secure their properties.

Peter Williams

Peter Williams
City Manager, City of Bethel



Quick Search Results

Address: 131 AKAKEEK | Date Range: 1/1/2017 - 12/31/2017 Page 1

Call Number	Case No	Date	Call Type	Street	Disposition
1720 610		12/31 /2017 10:26 :52	intoxicated pedest p	131 AKAKEEK ST	CLEARED NO REPORT
1720 586		12/30 /2017 21:46 :23	TRAFFIC STOP	131 AKAKEEK ST	CLEARED NO REPORT
1720 567		12/30 /2017 18:38 :56	concealment of merchandise p	131 AKAKEEK ST	CLEARED NO REPORT
1720 562		12/30 /2017 17:26 :33	harassment p	131 AKAKEEK ST	CLEARED NO REPORT
1720 425		12/27 /2017 20:55 :35	robbery p	131 AKAKEEK ST	CLEARED NO REPORT
1720 416		12/27 /2017 16:57 :56	intoxicated pedest p	131 AKAKEEK ST	CLEARED NO REPORT
1720 399		12/27 /2017 00:38 :28	TRAFFIC STOP	131 AKAKEEK ST	CLEARED NO REPORT



Quick Search Results

Address: 131 AKAKEEK | Date Range: 1/1/2017 - 12/31/2017 Page 2

Call Number	Case No	Date	Call Type	Street	Disposition
1720 398	172 039 8	12/27 /2017 00:11 :37	robbery p	131 AKAKEEK ST	REPORT DUE
1720 388		12/26 /2017 20:43 :54	ems call ems	131 AKAKEEK ST	CLEARED NO REPORT
1720 250		12/23 /2017 19:19 :28	concealment of merchandise p	131 AKAKEEK ST	CLEARED NO REPORT
1720 248		12/23 /2017 19:01 :15	intoxicated pedest p	131 AKAKEEK ST	CLEARED NO REPORT
1720 243		12/23 /2017 18:08 :02	ems call ems	131 AKAKEEK ST	CLEARED NO REPORT
1719 967		12/18 /2017 15:52 :35	intoxicated pedest p	131 AKAKEEK ST	CLEARED NO REPORT
1719 886		12/17 /2017 01:36 :33	intoxicated pedest p	131 AKAKEEK ST	CLEARED NO REPORT



Quick Search Results

Address: 131 AKAKEEK | Date Range: 1/1/2017 - 12/31/2017 Page 3

Call Number	Case No	Date	Call Type	Street	Disposition
1719 870		12/16 /2017 22:04 :31	citizen assists p	131 AKAKEEK ST	CLEARED NO REPORT
1719 863	171 986 3	12/16 /2017 20:02 :00	trespass p	131 AKAKEEK ST	REPORT DUE
1719 799		12/15 /2017 22:05 :06	intoxicated pedest p	131 AKAKEEK ST	CLEARED NO REPORT
1719 558		12/11 /2017 18:01 :33	dui p	131 AKAKEEK ST	GONE ON ARRIVAL
1719 533		12/11 /2017 03:36 :14	Probation Violation p	131 AKAKEEK ST	CLEARED NO REPORT
1719 519		12/10 /2017 18:50 :21	ems call ems	131 AKAKEEK ST	CLEARED NO REPORT
1719 517		12/10 /2017 17:45 :23	intoxicated pedest p	131 AKAKEEK ST	CLEARED NO REPORT



Quick Search Results

Address: 131 AKAKEEK | Date Range: 1/1/2016 - 12/31/2016 Page 1

Call Number	Cas e No	Date	Call Type	Street	Dispositi on
1617 640		12/30 /2016 11:57 :53	CHAUFFEUR/ PERMITTED VEHICLE COMPLAINT	131 AKAKEEK ST	CLEARE D NO REPORT
1617 633	16 17	12/30 /2016 04:50	ems call ems	131 AKAKEEK ST	REPORT DUE
	63 3				
1617 583		12/29 /2016 00:06 :54	intoxicated pedest p	131 AKAKEEK ST	CLEARE D NO REPORT
1617 494		12/26 /2016 22:28 :54	intoxicated pedest p	131 AKAKEEK ST	CLEARE D NO REPORT
1617 406		12/24 /2016 04:27 :05	assault p	131 AKAKEEK ST	CLEARE D NO REPORT
1617 391		12/23 /2016 23:05 :19	intoxicated pedest p	131 AKAKEEK ST	CLEARE D NO REPORT
1617 368		12/23 /2016 16:12 :36	traffic accident p	131 AKAKEEK ST	CLEARE D NO REPORT



Quick Search Results

Address: 131 AKAKEEK | Date Range: 1/1/2016 - 12/31/2016 Page 2

Call Number	Cas e No	Date	Call Type	Street	Dispositi on
1617 155		12/19 /2016 04:11 :05	assault p	131 AKAKEEK ST	CLEARE D NO REPORT
1617 110		12/18 /2016 03:54 :29	intoxicated pedest p	131 AKAKEEK ST	CLEARE D NO REPORT
1617 076		12/17 /2016 15:03 :37	ems call ems	131 AKAKEEK ST	CLEARE D NO REPORT
1617 049		12/17 /2016 00:18 :43	alarms	131 AKAKEEK ST	CLEARE D NO REPORT
1617 048		12/17 /2016 00:09 :38	citizen assists p	131 AKAKEEK ST	CLEARE D NO REPORT
1616 985		12/15 /2016 20:00 :12	intoxicated pedest p	131 AKAKEEK ST	CLEARE D NO REPORT
1616 757		12/10 /2016 17:48 :37	intoxicated pedest p	131 AKAKEEK ST	CLEARE D NO REPORT



Quick Search Results

Address: 131 AKAKEEK | Date Range: 1/1/2016 - 12/31/2016 Page 3

Call Number	Cas No	Date	Call Type	Street	Dispositi on
1616 509		12/04 /2016 07:55 :22	burglary p	131 AKAKEEK ST	CLEARE D NO REPORT
1616 493		12/03 /2016 23:24 :36	intoxicated pedest p	131 AKAKEEK ST	CLEARE D NO REPORT
1616 414 41 4	16 16	12/02 /2016 16:59 :05	dui p	131 AKAKEEK ST	REPORT DUE
1616 289		11/29 /2016 12:25 :37	concealment of merchandise p	131 AKAKEEK ST	CLEARE D NO REPORT
1616 276		11/29 /2016 04:35 :42	APSIN CHECK	131 AKAKEEK ST	CLEARE D NO REPORT
1616 088		11/23 /2016 22:57 :46	domestic violence p	131 AKAKEEK ST	CLEARE D NO REPORT
1616 015		11/22 /2016 07:39 :54	alarms	131 AKAKEEK ST	CLEARE D NO REPORT





February 26, 2018

Bethel City Council
Mayor Richard Robb
P.O. Box 1388
Bethel, AK 99559

Re: Work session with Bethel City Council and AC representatives

Dear Mayor Robb and City Council Members:

During the February 13, 2018 City Council meeting various concerns were raised regarding alcohol abuse that can only be addressed through collaborative efforts between the City and licensees in Bethel. There is no question that an individual's abuse of alcohol can have a disproportionate impact on a City such as Bethel and that combating these ill effects requires broad community input and fresh ideas.

AC is well aware that these issues are larger than one person or one entity can solve and that a multifaceted community effort is necessary before a workable solution is found. At the City Council meeting, AC posited the idea of conducting a joint work session between members of the Bethel City Council and AC representatives to formulate ideas that proactively address concerns regarding alcohol in Bethel and surrounding communities. Regardless of how alcohol arrives in Bethel, it is imperative that entities such as the City Council and AC agree to work together to find solutions that best serve the diverse interests of our community.

The purpose of this letter is it to determine whether the City Council is interested in engaging in such a work session and under what terms and constraints such a work session can take place. If members of the City Council are interested in pursuing this option, please let me know as soon as possible so that representatives from AC can be prepared to discuss the implementation of practical solutions that address the community's concerns.

Please contact me directly at wpickett@northwest.ca or (907) 273-4642 to schedule the work session.

Sincerely,

Walter Pickett
General Manager



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

CITY OF BETHEL, ALASKA

Ordinance #15-32

AN ORDINANCE BY THE BETHEL CITY COUNCIL, REPEALING AND REPLACING BETHEL MUNICIPAL CODE 5.08, ALCOHOLIC BEVERAGES

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

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

SECTION 2. Amendment. Bethel Municipal Code Chapter 5.08 is repealed and replaced, (old language is stricken):

Chapter 5.08 ***ALCOHOLIC BEVERAGES***

Sections:

- ~~5.08.010~~—Defined.
- ~~5.08.011~~—Consumption, sale and service of alcoholic beverages prohibited.
- ~~5.08.020~~—Closing hours.
- ~~5.08.030~~—Bringing liquor to licensed premises—Leaving partial containers.
- ~~5.08.040~~—Maintenance of order.
- ~~5.08.050~~—Liquor handler permit—Required.
- ~~5.08.060~~—Liquor handler permit—Issuance—Revocation.
- ~~5.08.070~~—Liquor handler permit—Cost.
- ~~5.08.080~~—Sunday and holiday sales.
- ~~5.08.090~~—Election day sales.
- ~~5.08.100~~—Minors.
- ~~5.08.110~~—Permitting violation.
- ~~5.08.120~~—Inspection of premises.
- ~~5.08.130~~—Violation—Penalty.

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of the City Attorney
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~~5.08.010-Defined.~~

~~For the purpose of this chapter, "intoxicating liquors" and/or "alcoholic beverages" mean all spirituous, vinous, salt and other fermented and/or distilled liquors intended, or used, for human consumption and containing more than one (1) percent alcohol by volume.~~

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

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

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

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

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

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

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

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

City of Bethel, Alaska



Ordinance # 15-32

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Exhibit 5

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1. ~~From the main parking lot entrance of the establishment from which alcoholic beverages are sold or offered for sale;~~
2. ~~In a straight line, regardless of obstructions, to the nearest public sidewalk, walkway, street, road or highway by the nearest route;~~
3. ~~To the main entrance of the church building or to the nearest portion of the school grounds.~~

5.08.020 Closing hours:

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

5.08.030 Bringing liquor to licensed premises—Leaving partial containers.

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

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

5.08.040 Maintenance of order:

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

5.08.050 Liquor handler permit—Required:

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



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

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

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

~~5.08.070 Liquor handler permit—Cost.~~

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

~~5.08.080 Sunday and holiday sales.~~

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

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

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



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~~5.08.090 Election day sales:~~

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

~~5.08.100 Minors:~~

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

~~5.08.110 Permitting violation:~~

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

~~5.08.120 Inspection of premises:~~

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

~~5.08.130 Violation — Penalty:~~

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

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



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

5.08.10 Definitions.

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



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combination acting as a unit.

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

5.08.020 Procedure for Administrative Review of License Applications.

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



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

5.08.030 City Council Review of License.

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

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



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

5.08.40 Council Action on Liquor License Applications.

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



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

5.08.050—Special Use Permit Required.

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

5.08.050 Recordkeeping required of all sellers.

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



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

5.08.060 — Restriction on Location of Alcohol Sales.

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



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- ~~B. No other type of premises licensed under AS 04.11.080 may sell or offer to sell any alcoholic beverage in or within two hundred (200) feet of a church building, school grounds, senior housing facility, or alcohol treatment facility.~~
- ~~C. For purposes of this section, distance shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:~~
- ~~1. From the main parking lot street entrance off of an established roadway of the establishment from which alcoholic beverages are sold or offered for sale;~~
 - ~~2. In a straight line, regardless of obstructions, to the nearest public sidewalk, walkway, street, road or highway by the nearest route;~~
 - ~~3. To the main entrance of the church building, senior housing facility, alcohol treatment facility or to the nearest portion of the school grounds.~~

5.08.060 Conditional use permit required.

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

5.08.070 Licensee Responsible for Employees' Actions on Premises.

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

05.08.080 Hours and Days of Operation.

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



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

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

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

5.08.090 Obligation to Enforce Restrictions within Licensed Premises.

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

5.08.100 Alcohol Server Training Course Requirement.

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



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

5.08.110 Operation of Licensed Premises.

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

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

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

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



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



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

7. Warning signs required other. The City adopts Alaska Statutes 4.21.065 b.
- C. *Mandatory identification check in the retail sale of alcoholic beverages:* Licensee or licensee's employee or agent shall require any purchaser (and anyone accompanying the purchaser) of alcoholic beverages to produce a current government-issued identification with birth date and photograph for identification check prior to any on-premises sale. The purpose of the identification check is to verify age and eligibility to purchase alcoholic beverages. Failure to conduct the mandatory identification check required by this section is a violation of code and the licensee or licensee's employee or agent failing to conduct the mandatory identification check shall be subject to the civil penalty provisions of this chapter. For purposes of mandatory identification check required by this section:
1. "Current government-issued" means a state, federal or foreign government picture identification in force and effect for a specified period stated within the identification, when presented prior to expiration of the period stated. A state government identification with birth date and photograph issued by any state of the United States is included within the meaning of "current government-issued" if the period of validity is specified and the identification is presented prior to expiration of the period stated.
 2. The subsequent invalidation of the identification as a bona fide government-issued identification does not invalidate the compliance.
 3. An ongoing pattern of non-compliance with the mandatory identification check required by this code may result in review of the conditions of use or may result in the revocation of a special use permit previously approved by the city council. Action by the city council on licensee's special use permit under this section shall be in addition to any criminal or civil penalty



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

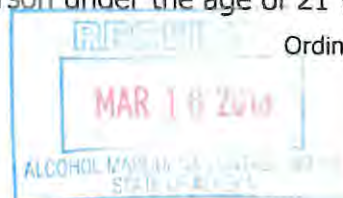
- D. ~~Security Personnel.~~ ~~Package stores and bars shall have security personnel on the premises at all times that the premises are open to the public.~~

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

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

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

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



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

5.08.120 Restrictions on Purchase and Sale of Alcoholic Beverages.

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

5.08.130 Sale to Intoxicated Persons.

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

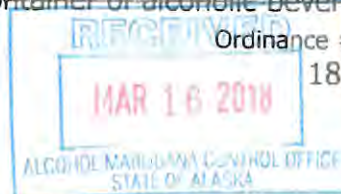
5.08.140 Eviction of Patrons.

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

5.08.150 Open Container.

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

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

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

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

5.08.160 Transportation of Alcohol.

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

5.08.170 — Keg Registration.

- ~~A. Obligations of seller. Any person who sells or offers for sale kegs or other containers containing four (4) gallons or more of alcoholic beverages, or leases kegs or other containers capable of holding four (4) gallons or more of alcoholic beverage to consumers who are not licensed under AS 04.11 shall, prior to surrendering physical possession of the keg or other container:~~
- ~~1. Require the purchaser of the alcoholic beverages to sign a declaration and keg registration form for the keg or other container on a form approved by the chief of police. The form shall contain:~~
 - ~~i. The name and address of the seller and the purchaser;~~
 - ~~ii. The type and identifying number of the identification presented by the purchaser pursuant to AS 04.21.050~~
 - ~~iii. A sworn statement, signed by the purchaser under penalty of perjury, stating that the purchaser is twenty one (21) years of age or older; will not allow persons under twenty one (21) years of age to consume the alcoholic beverages purchased pursuant to AS 04.16.051, will not remove or obliterate or allow the removal or obliteration of the temporary registration tag affixed to the keg or other container, and will return the keg to the seller within the time constraints set by the seller;~~



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



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

~~C. Identification of containers:~~

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

5.08.180 170 Inspection of premises.

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



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

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

5.08.190 180 Access for Enforcement.

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



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

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

5.08.200 190 Alcohol Offenses.

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

5.08.210 200 Penalties.

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
Premises Open during non-permissible hours	5.08.080A & B	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Premises Open during non-permissible days	5.08.080A & B	No	1st Offense: \$500 2nd Offense: \$700 3rd & subsequent offenses: \$1,000
Selling, Offering for Sale, Giving, Furnishing, Delivering or Consuming Alcohol on Premises during hours of Closure	5.08.080C	No	\$300
Allowing person to consume alcohol on premises during hours of closure	5.08.080D	No	\$300



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Allowing non-employee onto premises during hours of closure	5.08.090E	No	\$300
Allowing consumption on premises in violation of license	5.08.090	No	\$500
Selling or dispensing alcohol prior to successful completion of a liquor server awareness training program	5.08.100A	Yes	\$1,000
Allowing employee to sell or dispense alcohol prior to their successful completion of a liquor server awareness training program	5.08.100A	Yes	\$1,000
Failure to show proof of successful completion of a liquor server awareness training program	5.08.100C	Correctable	\$300
Violation of Happy Hour rules	5.08.110B1	No	\$300
Failure to provide access to means of public transportation to patrons <u>or to arrange for transportation off premises</u>	5.08.110B2	No	\$150 \$500
Failure to permit patron to arrange for transportation off premises	5.08.110B2	No	\$500
Failure to <u>properly post clear and legible signs describing applicable penalties for DUI and for service of alcoholic beverages to minors or intoxicated persons</u>	5.08.110B3,6,7	No	\$250
Failure to have non-alcoholic drinks available	5.08.110B4	No	\$150
Failure to submit an alcoholic beverage compliance form upon request	5.08.110B5	No	\$300



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Solicitation by employee of the purchase of an alcoholic beverage for personal consumption by the employee	5.08.110B6	Yes	\$500
Failure to post warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal	5.08.110B7	No	\$250
Improper sized warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal	5.08.110B7	No	\$150
Failure to check identification of purchaser	5.08.110C	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Acceptance of non-conforming identification for purchase of alcoholic beverage	5.08.110C	Yes	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Failure to have security personnel on premises during hours of operation as required	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



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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	5.08.150-110G	No	\$300
Sale of alcoholic beverages improperly obtained	5.08.120	Yes	\$700
Sale of alcohol to an intoxicated person	5.08.130	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Providing alcohol to an intoxicated person	5.08.130	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Allowing another person to sell or provide alcohol to an intoxicated person	5.08.130A2	Yes	1st Offense: \$500 2nd Offense: \$700 3rd & subsequent offenses: \$1,000
Allowing an intoxicated person to enter and remain within licensed premises	5.08.130A3	Yes	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Permitting intoxicated person to consume alcoholic beverage within a licensed premise	5.08.130A3	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Permitting an intoxicated person to sell or serve an alcoholic beverage	5.08.130A4	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Carrying, transporting or possessing or <u>consuming</u> an open container in public	5.08.150	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700

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

Transportation of alcohol by common carrier	5.08.160	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Transportation of alcohol by commercial carrier	5.08.160	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Failure to Require or complete keg registration form	5.08.170	No	1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700
Incomplete keg registration form	5.08.170	No	1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700
Failure to tag or improperly tagged keg	5.08.170	No	1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700
Removal or damaging of tag on keg	5.08.170	No	\$500
Failure to display keg registration form	5.08.170	No	\$300
Failure to affix keg declaration form to keg	5.08.170	No	\$300
Failure to retain keg declaration forms for one (1) year	5.08.170	No	\$500
Failure to make premises easily accessible for inspection by police officers	5.08. 180 170A	Yes	\$700
Failing to maintain premises unlocked while patrons are on premises	5.08. 190 180A	Yes	\$1,000
Failure to permit or aid the entry of law enforcement during hours of operation	5.08. 190 180B	Yes	\$700

City of Bethel, Alaska



Ordinance # 15-32
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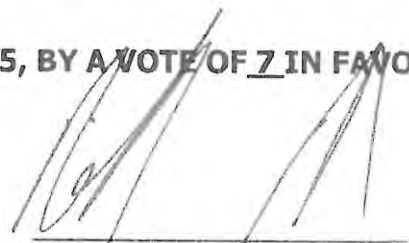
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Page 27 of 28

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Failure to permit or aid the entry of law enforcement any time there are two (2) or more persons on the premises	5.08. 190 180B	Yes	\$700
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SECTION 3. Effective Date. This Ordinance shall become effective upon passage by the City Council.

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



Richard Robb, Mayor

ATTEST:



Lori Strickler, City Clerk





Bethel Native Corporation Trying To Transfer Liquor License To Hooper Bay's Sea Lion Corporation

By ANNA ROSE MACARTHUR (/PEOPLE/ANNA-ROSE-MACARTHUR) • JAN 30, 2018

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Bethel Native Corporation holds one of Bethel's three package liquor store licenses. It runs its alcohol business under Bethel Spirits and rents space for its liquor store from Hooper Bay's Sea Lion Native Village Corporation. Now Bethel Native Corporation wants to transfer that license to the landlord, who would run the store under the name Caribou Traders Liquor.

Sea Lion Corporation applied for a liquor license in May of 2017. It proposed turning the Swanson's quonset hut in Bethel into a liquor store, but Bethel City Council protested the application because of the building's poor condition.

The public is asked to send its comments on the license transfer to the Bethel City Council, the applicants, and the Alaska Alcoholic Beverage Control Board.





Sea Lion Corporation is the native corporation for the dry village of Hooper Bay.

(http://mediad.publicbroadcasting.net/p/kyuk/files/styles/x_large/public/201801/20180204_SwansonsMarina_Photo-by-Dean-Swope_0031.jpg)

Bethel Native Corporation is working to transfer its liquor license to Hooper Bay's Sea Lion Native Village Corporation.

CREDIT DEAN SWOPE / KYUK



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