

Introduced by: Council Member Herman
Date: July 28, 2015
Public Hearing: August 11, 2015
Action: Does not Carry
Vote: 1-5

CITY OF BETHEL, ALASKA

Ordinance #15-24

AN ORDINANCE BY THE BETHEL CITY COUNCIL SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF BETHEL, A BALLOT PROPOSITION TO ADOPT LOCAL OPTION, ALASKA STATUTES 04.11.491 (a)(3)(C), PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES EXCEPT FOR A PACKAGE STORE LICENSE OPERATED BY THE MUNICIPALITY AND OPT TO NOT APPLY A CLASS C FELONY TO VIOLATIONS OF ALASKA STATUTES 04.16.051, FURNISHING OR DELIVERY OF ALCOHOLIC BEVERAGES TO PERSONS UNDER THE AGE OF 21 (AS 04.11.491 (g)(3))

WHEREAS, a majority of the voters, voting in the City of Bethel, Regular Municipal Election, October 6, 2009, voted to opt out of Local Option;

WHEREAS, the effect of that election was that Bethel went from being a damp community to being a wet community;

WHEREAS, the City of Bethel then held a Special Election, January 19, 2010, and presented the voters with five advisory questions regarding the issuance of liquor licenses in Bethel;

WHEREAS, out of the five advisory questions, Proposition #5, "Should the City of Bethel support the City to apply for a liquor license and the operation of a city owned liquor store?" received the highest number of favorable votes at 43%;

WHEREAS, as long as the City of Bethel remains wet, alcohol will continue to flow into the City in unlimited and unregulated quantities;

WHEREAS, the community would have significant control over alcohol sales if the City operated a liquor store;

WHEREAS, privately operated liquor stores are not required to impose restrictions on the sale of alcohol and have no financial reason to do so;

WHEREAS, by only allowing sales through the City, regulations could be imposed which place significant restrictions on who can purchase alcohol in Bethel:

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limits such as only legal residents of Bethel who are 21+ years of age, etc., restrictions which are not mandated or required of private package stores;

WHEREAS, in order to have a City operated liquor store, the citizens of Bethel would have to return to one of the several versions of local option: AS 04.11.491(a) (3) (C);

WHEREAS, Local Option 4.11.491 (a) (3) (C) would allow for the City of Bethel to own and operate a liquor store while prohibiting the sales of alcohol by any other agency within the City limits;

WHEREAS, if the City of Bethel returns to local option status, the citizens of Bethel can be provided a choice whether to make the sale and furnishing of alcohol to minors a felony or misdemeanor;

Now, Therefore Be It Enacted by the City Council of Bethel Alaska as follows:

SECTION 1. Classification. This ordinance is permanent in nature and shall not be incorporated into the Bethel Municipal Code.

SECTION 2. Election.

An election is to be held October 6, 2015 in and for the people of Bethel for the purpose of submitting ballot propositions to the qualified voters of the City of Bethel for approval or rejection. The propositions must receive a majority of votes from the qualified voters to be approved. The proposition must be substantially in this form:

Shall the City of Bethel adopt a local option (4.11.491 (a) (3) (C)), to prohibit the sale of alcoholic beverages except through a package store license, commonly known as a liquor store, operated by the municipality which authorizes the sale of alcoholic beverages to a person present on the licensed premises or to a person known to the licensee who makes a written solicitation to that licensee for shipment;

SECTION 3. Ballot Form. The proposition, both for paper ballots and machine ballots, shall be printed on a ballot which may set forth other propositions, and the following words shall be added as appropriate and set next to a square for marking the ballot for voting by a machine.

PROPOSITION NO. _____ Yes No

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Explanation: A "Yes" vote will prohibit the sales of alcohol in Bethel unless by the City of Bethel.

A "No" vote will mean, no change in status, Bethel remains out of local option.

SECTION 4. Election.

An election is to be held October 6, 2015 in and for the people of Bethel for the purpose of submitting ballot propositions to the qualified voters of the City of Bethel for approval or rejection. The propositions must receive a majority of votes from the qualified voters to be approved. The proposition must be substantially in this form:

Shall the City of Bethel opt to not apply a class C felony to violations of Alaska Statutes 04.16.051, Furnishing or Delivery of Alcoholic Beverages to Persons Under the Age of 21 (AS 04.11.491(g)(3))?

SECTION 5. Ballot Form. The proposition, both for paper ballots and machine ballots, shall be printed on a ballot which may set forth other propositions, and the following words shall be added as appropriate and set next to a square for marking the ballot for voting by a machine.

PROPOSITION NO. _____ Yes No

Explanation: If in local option status:

A "Yes" vote will make the crime of Furnishing or Delivery of Alcoholic Beverages to Persons Under the Age of 21 a misdemeanor.

A "No" vote would keep the crime of Furnishing or Delivery of Alcoholic Beverages to Persons Under the Age of 21 a Class C Felony.

Section 4. Effective Date.

This Ordinance shall become effective after ratification by the qualified voters of the City of Bethel voting on the question at the October 6, 2015, City of Bethel Regular Election and certification of the Election by the Bethel City Council.