

Introduced By: Fannie Suvlu, Mayor
Date: December 21, 2017
Public Hearing: January 25, 2018

Action: Motion Passed
Vote: 5 to 0

CITY OF UTQIAGVIK, ALASKA

ORDINANCE #19-2017

**AN ORDINANCE AMENDING CHAPTER 8.15
OF THE CITY OF UTQIAGVIK CODE OF ORDINANCES
TO CLARIFY SECTION 8.15.080.D REGARDING CONFIDENTIAL RECORDS, TO ADD VIOLATION OF
ANY PROVISION OF CHAPTER 8.15 AS A REASON TO SUSPEND OR REVOKE AN ALCOHOL
DELIVERY SITE PERMIT, AND TO PROVIDE THAT THE MAYOR MAY INVESTIGATE WHETHER
ALCOHOL DELIVERY SITE PERMITS SHOULD BE SUBJECT TO REVOCATION OR SUSPENSION
BECAUSE A PERMITTEE HAS VIOLATED A COURT ORDER OR OTHERWISE VIOLATED CHAPTER 8.15**

WHEREAS the City Council of Utqiagvik, Alaska desires that the City administration take reasonable steps to investigate whether alcohol delivery site permittees have violated any of the conditions of Chapter 8.15.150.A which can result in revocation or suspension of an alcohol delivery site permit and to make the other changes described in the title of this Ordinance.

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

SECTION 1. Classification. This ordinance is permanent and general in nature and shall be incorporated into the City of Utqiagvik Code of Ordinances (“Code”).

SECTION 2. Amendment to Chapter 8.15.080, entitled “Receipt and processing--Package store shipments.”

Subsection D of Section 8.15.150 (“Receipt and processing – Package store shipments”) shall be amended as follows (deleted language stricken through):

D. The records created or maintained by a delivery site concerning recipients and alcoholic beverages delivered to and released by the delivery site are confidential and are not public records, and shall ~~not~~ be disclosed only to those city and delivery site officials and employees who require access to such records for the purpose of operating the delivery site. Additionally, at reasonable times, such records shall be made available to the Alaska State Troopers, the North Slope Borough Police Department and the Alcoholic Beverage Control Board for inspection. No other disclosures shall be made unless required by court order.

SECTION 3. Amendment to Chapter 8.15.150, entitled “Permit revocation or suspension.”

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Section 8.15.150 ("Permit revocation or suspension") shall be amended as follows (new language underlined; deleted language stricken through):

A. The person's permit issued under this chapter shall be revoked or suspended upon a determination by the mayor or his or her designee that any of the following have occurred:

1. The permittee has permitted another person to use the permittee's permit for any purpose;
2. The permittee's permit has been altered, copied or otherwise used as the basis for the making of a false or imitation permit;
3. The permittee is the subject of a court order described in Section 8.15.100(B)(7) or a condition of release described in Section 8.15.100(B)(8), or has a criminal record as described in Section 8.15.100(B)(10); the burden of showing that the court order, condition of release or criminal record is not in effect is upon the permittee; or if less than two years has elapsed from the person's unconditional discharge due to a conviction, or an adjudication as a delinquent, for any of the following crimes against the family: endangering the welfare of a child in the first or second degree (AS 11.51.100 or AS 11.51.110), criminal nonsupport (AS 11.51.120) or contributing to the delinquency of a minor (AS 11.51.130); with the burden of showing that two or more years have elapsed from the person's unconditional discharge due to a conviction or an adjudication as a delinquent, upon the permittee;
4. The permittee has failed or refused to pay an amount owing the city for fees, charges or taxes due for alcoholic beverages received by the delivery site addressed to or for the permittee if such amount remains unpaid more than thirty days following the mailing to the permittee of an invoice for the amount owing;
5. The permittee has used the permit of another person for any purpose;
6. The permittee submitted untrue or misleading statements or false, altered or misleading documents in connection with the application for the permit;
7. The permittee is no longer domiciled in the city of Barrow or a place where the importation or possession of alcohol has not been prohibited under any of the local options set out in AS 4.11.491 or its predecessor or a successor statute; or
8. The permittee has otherwise violated Chapter 8.15.

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B. Upon receiving notice from the city delivery site or a city officer or employee that any of the conditions set out in subsection A of this section exist, the mayor or his designee shall immediately notify the permittee of the allegation and that the permit will be suspended or revoked ten days from the date the notice is mailed unless the permittee files an appeal to the mayor. An appeal shall be processed as provided in Section 8.15.130.

C. The mayor or his or her designee shall take reasonable steps to investigate whether any of the conditions set out in subsection A of this section exist with respect to permittees. Such steps may include, but are not limited to, periodic review of publicly available court records to determine whether any of the conditions listed in subsection A.3 exist.

D. Upon a finding that one or more of the conditions set out in Section 8.15.150(A) have occurred, the mayor shall suspend or revoke the person's permit, as determined to be appropriate under the circumstances by the mayor or his designee. The order of suspension or revocation shall state the length of time the suspension or revocation shall remain in effect and any additional requirements the permittee must meet before the suspension ends or before a new permit may be issued to a person whose permit has been revoked. A suspended permit shall be retained by the mayor and returned to the permittee when the period of suspension ends. A revoked permit shall be destroyed by the mayor after the time for the appeal of the mayor's decision has expired.

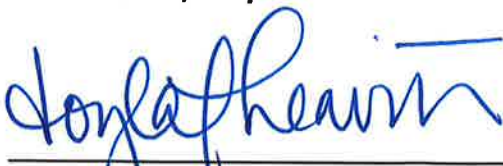
SECTION 4. Effective Date. This ordinance shall become effective upon adoption.

ENACTED THIS 25TH DAY OF JANUARY, 2018; by a vote of 5 in favor and 0 opposed.



Fannie Suvlu, Mayor

ATTEST:



Loyla T. Leavitt, City Clerk

