



CITY OF UNALAKLEET

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City of Unalakleet

EMERGENCY ORDINANCE NO. 2020-03

AN EMERGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF UNALAKLEET LIMITING THE IMPORTATION AND POSSESSION OF ALCOHOL BEVERAGES; RESPONDING TO THE PUBLIC HEALTH DISASTER DECLARED BY THE GOVERNOR OF THE STATE OF ALASKA AND NATIONAL EMERGENCY DECLARED BY THE PRESIDENT OF THE UNITED STATES; ESTABLISHING PROHIBITIONS, VIOLATIONS, PENALTIES, FOREFEITURES AND DEFINITIONS; PROVIDING FOR AN EFFECTIVE DATE AND IN EFFECT FOR SIXTY (60) DAYS FROM THE DATE

BE IT ENACTED BY THE COUNCIL OF THE CITY OF UNALAKLEET:

SECTION 1. COUNCIL FINDINGS

The Council may adopt under state law a non-code emergency ordinance to meet a public emergency and shall contain a finding that an emergency exists and a statement of the facts upon which the finding is based (Sec. 29.25.030). The following are the Council findings:

The United States Center for Disease Control and Prevention (CDC) has identified the COVID-19 virus as a new strain of coronavirus not previously identified in humans causing respiratory disease that can result in serious illness or death and which poses a significant public health risk. The World Health Organization declared a pandemic related to COVID-19 on March 11, 2020. The Governor of the State of Alaska declared a Public Health Disaster Emergency on March 11, 2020, and the President of the United States declared a National Emergency on March 13, 2020.

The Council acknowledges the importation and possession of alcoholic beverages (except for sacramental wine used for religious purposes) during a state and national emergency could present an unnecessary risk to peace officers, health care workers, first responders, and families.

The Council acknowledges the clerk must notify the Alcohol and Marijuana Control Office immediately of the adoption, effective date and duration of this non-code emergency ordinance.

The Council acknowledges the clerk must post a public notice of the limitation on the importation and possession of alcoholic beverages in at least three public places; and notify the applicable air carriers.

The Council acknowledges this non-code emergency ordinance does not serve as a substitute of the procedures for adopting a local option provided for by AS 04.11.491.

SECTION 2. CLASSIFICATION

This is a non-code emergency ordinance.

SECTION 3. LIMITATIONS

This ordinance limits the importation to 3 cases of beer, 12 liters wine, 2 liters of spirits (except for sacramental wine used for religious purposes) in and within five miles of the city limits.

SECTION 4. VIOLATIONS

A person found violating this ordinance shall be issued a citation by a peace officer. The citation shall bear witness to and identify the specific violation. Each violation is a separate offense.

SECTION 5. PENALTIES

A person who sends, transports, or brings less than 5 liters of distilled spirits, 12 liters of wine, or 3 cases of malt beverages in individual containers into the municipality is, not guilty of any violation.

A person who sends, transports, or brings in alcohol and the person has previously been convicted of an alcohol-related incident, is upon conviction, guilty of a Class C felony. Sec. 04.16.200(e) (3).

When a peace officer stops or contacts a person concerning a violation, the peace officer shall seize the alcoholic beverages and may issue a citation in the amount of \$100.00 plus applicable surcharge. The person may pay the bail in an amount equal to the fine, waive appearance and forfeit bail within 30 days of the offense. If bail is forfeited, the person cited shall mail or personally deliver to the clerk of the court a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered, and that the bail has been forfeited. Sec.04.16.205.

The person may elect to perform community service in lieu of a fine, at the rate of \$5.00 per hour. Upon completion of community service, the person cited shall mail or personally deliver to the clerk of the court a form indicating completion of the community service, and a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered, and that the community service has been performed. Sec. 04.16.205

SECTION 6. FORFEITURES

Under Alaska State Law, all alcoholic beverages manufactured, sold, offered for sale, possessed for sale, or bartered or exchanged for goods and services, materials and equipment; aircraft; vehicles; or vessels used to transport or facilitate the transportation of alcoholic beverages; money securities, negotiable instruments, or other things of value in the financial transactions or items of value purchased from the proceeds; firearm used in the furtherance of a violation of this emergency ordinance are subject to forfeiture. Sec. 04.16.220

SECTION 7. DEFINITIONS

The following definitions apply:

“Alcoholic beverages” means spirituous, vinous, malt, or other fermented or distilled liquids, whatever the origin, that is intended for human consumption as a beverage by the person who possesses or attempts to possess it and that contains alcohol in any amount if the liquid is produced privately, or that contains one-half on one percent or more of alcohol by volume, if the liquid is produced commercially. Sec. 04.21.080(b) (1)

“Importation” means to “bring”, “send”, or “transport” an alcoholic beverage into the municipality (except for sacramental wine used for religious purposes). “Bring” means to carry or convey or to attempt or solicit to carry or convey. “Send” means to cause to be taken or distributed or to attempt or solicit or cause to be taken or distributed, and includes use of the United States Postal Service. “Transport” means to ship by any method, and includes delivering or transferring or attempting or soliciting to deliver or transfer an alcoholic beverage to be shipped to, delivered to, or left or held for pick up by any person. Sec. 04.11.499(b) (c)

SECTION 8. ADOPTION OF EMERGENCY ORDINANCE

An emergency ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption of an emergency ordinance. Sec. 29.25.030

SECTION 9. EFFECTIVE DATE AND DURATION


Effective Date: June 22, 2020
End Date: August 22, 2020


This act is effective for duration of 60 days only. Sec. 29.25.030

Council Votes For: Councilman Busk
 Councilman Jack
 Councilwoman Jones
 Councilwoman Hanson
Council Votes Against: Councilman Bolen
 Councilwoman Harvey
Absent: Councilwoman Paniptchuk

Passed and Approved by the City Council of the City of Unalakleet this 9th day of June 2020.




Davida Hanson, Mayor

ATTEST:

Kelly Otton, City Clerk