Title 9

BUSINESS PERMITS, CERTIFICATES, AND LICENSES AND REGULATIONS

Chapters:

9.04 Charitable Institutions

9.08 Public Transportation Vehicles

9.12 Alcoholic Beverages

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Chapter 9.04

CHARITABLE INSTITUTIONS

Sections:

9.04.010 Charitable Organizations -- Permit Required.
9.04.020 Service Area Only.

9.04.010 Charitable Organizations -- Permit Required.

A. No person, corporation or organization of any kind, nor their agent, representative, or employee may solicit funds, or secure subscriptions for future payment of funds for religious, charitable, educational, or like organizations without first securing a permit to do so from the Mayor.

B. The applicant for a permit may be required to answer such questions as may be put to him by the Mayor. If the Mayor determines that the organization is a bona fide religious, charitable, educational, or like organization, and that the proposed solicitation will not constitute a public nuisance, a permit shall be granted. The permit shall be issued by the Mayor and directed to the chief of police, informing him that the proposed solicitation has been authorized. No fees shall be charged for a permit issued under the authority provided in this section. In the event that a person or organization deem themselves aggrieved by the determination of the Mayor, they may appeal the decision of the Mayor to the Borough Assembly.

9.04.020 Service Area Only. The provisions of this Chapter are applicable only in the Service Area defined in Chapter 1.16 of this Code.

Chapter 9.08

PUBLIC TRANSPORTATION VEHICLES

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9.08.010 Definitions.
9.08.020 Certificate of Public Convenience and Necessity Required.
9.08.030 Application for Certificate.
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9.08.080 Maximum Number of Hours Per Day.
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9.08.110 Manifests.
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9.08.010 Definitions. The following words and phrases when used in this Chapter have the meanings as set out herein.

A. "Certificate" means a certificate of public convenience and necessity issued by the Borough Assembly authorizing the holder thereof to conduct a taxicab business in the Borough;

B. "Holder" means a person to whom a certificate of public convenience and necessity has been issued;

C. "Manifest" means a daily record prepared by a taxicab holder of all trips made by the holder showing time and place of origin, destination, number of passengers and the amount of fare of each trip;

D. "Person" includes an individual, a corporation or other legal entity, a partnership, and any unincorporated association;

E. "Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than ten persons and not operated on a fixed route.

9.08.020 Certificate of Public Convenience and Necessity Required. No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the Borough without having first obtained a

certificate of public convenience and necessity from the Borough Assembly.

9.08.030 Application for Certificate. An application for a certificate shall be filed with the Borough Clerk. The application shall be verified under oath and shall furnish the following information:

A. The name and address of the applicant;

B. The financial status of the applicant, including but not limited to amounts of all unpaid judgments against the applicant and the nature of the transaction or act giving rise to the each judgment;

C. The experience of the applicant in the transportation of passengers;

D. Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate;

E. The number of vehicles to be operated or controlled by the applicant and the location of the proposed depots and terminals;

F. The distinctive color scheme, including the color scheme of any lettering or numbers the applicant intends to apply to the exterior of each vehicle;

G. The location and address of the off-street parking lots within the corporate limits of the Borough in the area in which the applicant seeks to operate; and

H. Such further information as the Borough Clerk may require.

9.08.040 Issuance of Certificate. If the Assembly finds that further taxicab service in the Borough is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this Chapter and the rules promulgated by the Borough Manager and the Assembly, then the Borough Manager shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the

In making the above findings, the Assembly shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on the local traffic conditions, and the character, experience and responsibility of the applicant.

9.08.050 Transfer of Certificates. No certificate of public convenience and necessity may be sold, assigned, leased, or otherwise transferred without the consent of the Assembly.

9.08.060 Suspension and Revocation of Certificates. A certificate issued under the provisions of this Chapter may be revoked or suspended by the Mayor if the holder thereof has:

A. Violated any of the provisions of this Chapter;

B. Discontinued operations for more than fifteen days; or

C. Violated any ordinance of the Borough or the laws of the United States or the State, the violation of which reflects unfavorably on the fitness of the holder to offer public transportation.

Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken, and shall have an opportunity to be heard, with right of appeal to the Assembly.

9.08.070 Display of License. Every driver licensed under this Chapter shall post his driver's license in such a place as to be in full view of all passengers while such driver is operating a taxicab, or shall carry the same on his person and shall show the same to all persons upon demand.

9.08.080 Maximum Number of Hours Per Day. No taxicab driver may drive a for hire vehicle in excess of twelve consecutive hours. A taxicab driver may not drive a hired vehicle until eight hours have elapsed since the end of any previous driving. No taxicab driver of a vehicle for hire may engage in other full-time employment. For the purpose of this Section, full-time employment is defined as any job or trade requiring forty or more working hours per week.

9.08.090 Duty to Serve Public.

A. No taxicab driver shall refuse or neglect to convey any orderly person or persons upon request if the proper fee is delivered or presented by such person or persons unless previously engaged or unable or forbidden by the provisions of this Chapter to do so.

B. All for-hire vehicles licensed under this Chapter shall be used for service to the general public and shall not be used for private purposes.

9.08.100 Refusal of Passenger to Pay Legal Fare. It is unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this Chapter after having hired the

same and it is unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service.

9.08.110 Manifests. Every holder of a certificate shall maintain a daily manifest upon which is recorded all trips made each day, showing time and place of origin, destination, number of passengers and the amount of fare of each trip.

Every holder of a certificate of public convenience and necessity shall retain and preserve all manifests in a safe place for at least the calendar year next preceding the current calendar year, and said manifests shall be available to the police department.

9.08.120 Transporting Alcoholic Beverages. It is unlawful to transport any alcoholic beverage from a beverage dispensary to any residence upon request by any person or persons at any time without the presence of that person or persons at the time of the sale.

9.08.130 Service Area Only. The provisions of this Chapter are applicable only in the Service Area defined in Chapter 1.16 of this Code. certificate, and the date of issuance. Otherwise, the application shall be denied.

Chapter 9.12

ALCOHOLIC BEVERAGES

Sections:

9.12.010 Prohibited Acts.
9.12.020 Closing Hours for Licensed Premises.
9.12.030 Prosecution of Licensee for Acts of Employees.
9.12.040 Sales on Election Day.
9.12.050 Accessibility for Inspection.
9.12.060 Enforcement - Violations - Penalties.

9.12.010 Prohibited Acts. It is unlawful:

A. For a person to barter or sell intoxicating liquor on a business premises that is not licensed by the Alaska Alcoholic Beverage Control Board;

B. For a licensee or his employee or agent to permit a person to drink intoxicating liquor on a licensed premises not classified for the sale and consumption of hard or distilled liquor by the board;

C. For a person to obstruct or deny reasonable access to the licensed premises during all business hours for law enforcement officers charged with the enforcement of this Code;

D. For a licensee or his employee or agent to sell, attempt to sell, furnish, barter, deliver or permit to be consumed intoxicating liquor on licensed premises between five a.m. and eight a.m. each day;

E. For a person to give, barter or sell intoxicating liquor to any person who, within the normal powers of observation, appears to be intoxicated. For the purposes of this Section, a person appears to be intoxicated when he exhibits any symptom or symptoms that indicate substantial loss of control of physical or mental faculties, including but not limited to, bloodshot eyes, slurred speech, clumsiness, drowsiness, heavy odor of alcoholic beverages or undue or abnormal excitation or suppression of the passions or feelings;

F. For a person to give, barter or sell intoxicating liquor to a minor;

G. For a person under the age of twenty-one years to enter or remain upon licensed premises unless he is accompanied by his parent, guardian or spouse who has attained the age of twenty-one years. However, a person eighteen years of age or older may enter and remain upon licensed premises in the course of his employment as so specified in AS 04.16.049(c) and (d). In addition, a person under the age of twenty-one years may

enter and remain upon licensed premises, if the person is at least sixteen years of age, the premises are designated by the board as a restaurant for the purposes of this Section, and the person enters and remains only for dining or, if the person is under the age of sixteen years, is accompanied by a person over the age of twenty-one years, the parent or guardian of the underaged person consents, the premises are designated by the board as a restaurant for the purposes of this Section and the person enters and remains only for dining;

H. For a minor to solicit the purchase, attempt to purchase, purchase or have possession of intoxicating liquor;

I. For a minor to enter a licensed premises and offer or present to a licensee or his employee or agent or a law enforcement officer a document or statement which does not represent the true age of the minor;

J. For a person upon a licensed premises to refuse, upon demand of the person in charge of such premises or of a law enforcement officer, to produce identification sufficient to prove the age of that person is twenty-one years of age or older. For the purposes of this Section, a valid State of Alaska liquor identification card, a valid Alaska driver's license or other valid identification card, when the card is made of or enclosed in plastic and contains a photograph of the license holder and a statement of his age and date of birth, is acceptable as proof of age;

K. For a person to influence or attempt to influence the selling, giving or serving of intoxicating liquor to a minor, or to order, request, receive or procure intoxicating liquor from any person for the purpose of selling, giving, or serving the intoxicating liquor to a minor;

L. For a person in a licensed premises to induce, entice or procure another to engage in any sexual conduct prohibited by the laws of the Borough, the State of Alaska or the federal government;

M. For a licensee or his employee or agent to permit a person who violates Subsection (L) of this section to remain upon the licensed premises. If the licensee or his employee or agent has actual or constructive knowledge of a violation of Subsection (L) of this section, he "permits" that person to remain if he fails to demand that that person leave the premises and, if the demand is refused, to notify the Borough police department. As used in this Subsection, "constructive knowledge" means the awareness a licensee or his employee or agent could have through the exercise of diligence in the operation of the licensed premises;

N. For a person to remain upon the licensed premises after being demanded to leave the premises pursuant to Subsection (L) of this Section;

O. For an agent or employee of the licensee, other than a person employed as a bartender, waitress or combination entertainer/waitress, to solicit, encourage or procure the purchase of intoxicating liquor on the licensed premises;

P. For a licensee or his employee or agent to permit intoxicating liquor sold or furnished for consumption on the premises to be removed from the premises;

Q. For a person to remove from licensed premises intoxicating liquor that has been sold or furnished for consumption only on the premises.

R. To consume intoxicating liquor on the public streets, alleys, parks, and other public places unless specifically exempted in this Chapter; or

S. To sell or dispense any alcoholic beverage to a taxi operator or other public transportation carrier for delivery to any third party.

9.12.020 Closing Hours for Licensed Premises. Licensed premises shall be closed for the sale, service and consumption of intoxicating liquor between the hours of five a.m. and eight a.m. each day.

9.12.030 Prosecution of Licensee for Acts of Employees. Every licensee is personally responsible for the conduct of his licensed premises and may be prosecuted for violations of this Chapter committed by his employees or agents which occur on his licensed premises. This section shall not relieve the employee or agent of his personal criminal liability.

9.12.040 Sales on Election Day. The provisions of AS 04.16.070(a) do not apply in the City and Borough of Yakutat.

9.12.050 Accessibility for Inspection. Premises licensed by the State of Alaska for dispensing of alcoholic beverages, and every part thereof, shall be easily accessible for inspection by Borough law enforcement officers during all regular hours for the transaction of business upon the premises, and during hours closed for business when it appears there are persons on the premises or any reason for such officers to believe there might be a violation of this Chapter or other Borough laws.

9.12.060 Enforcement - Violations - Penalties. Any person violating any provision of this Chapter, or failing to comply with any mandatory requirement of this Chapter, is guilty of a violation and shall be punished by imposition of the fine established in the fine schedule set forth in Section 1.24.040 if the offense is listed in that fine schedule; if the offense is not listed in the fine schedule, the person must appear in court, and shall be punished by imposition of a fine in accordance with Section 1.24.010.

Chapter 9.16

MARIJUANA

Sections:

9.16.010 Consuming Marijuana in a Public Place.
9.16.020 Manufacture of Marijuana Concentrate by Dangerous Materials or Methods Prohibited.

9.16.010 Consuming marijuana in a public place.

A. It is unlawful for any person to knowingly consume marijuana

1. on, in or upon any public place, except as permitted by ordinance, regulation, statute or permit, or

2. outdoors on property adjacent to a public place without the consent of the owner or person in control thereof.

B. For purposes of this section, the following definitions apply:

1. *Consume* shall have the meaning, in all conjugated forms, of "consumption" set forth in AS 17.38.900.

2. *Marijuana* shall have the meaning set forth in AS 17.38.900.

3. *Public place* means a place to which the public or a substantial group of persons has access and includes, but is not limited to, streets, highways, sidewalks, alleys, transportation facilities, parking areas, convention centers, sports arenas, schools, places of business or amusement, shopping centers, malls, parks, playgrounds, prisons, and hallways, lobbies, doorways and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence, but does not include a licensed marijuana retail store where consumption of marijuana or marijuana product on site is permitted.

C. Any person violating any provision of this Section, or failing to comply with any mandatory requirement of this Chapter, is guilty of a violation and shall be punished by imposition of the fine established in the fine schedule set forth in Section 1.24.040 if the offense is listed in that fine schedule; if the offense is not listed in the fine schedule, the person must appear in court, and shall be punished by imposition of a fine in accordance with Section 1.24.010.

9.16.020 Manufacture of marijuana concentrate by dangerous materials or methods prohibited.

A. It is unlawful for any person to

1. manufacture a marijuana concentrate by use of solvents containing compressed flammable gases or through use of a solvent-based extraction method using a substance other than vegetable glycerin, unless the person is validly licensed and permitted in accordance with statute, regulation, or ordinance.

B. For purposes of this section, the following definitions apply:

1. *Manufacture* means the preparation, compounding, conversion, or processing of marijuana, hashish, or hash oil, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the marijuana, hashish, or hash oil, or labeling or relabeling of its container. It includes the organizing or supervising of the manufacturing process. It does not include the legally authorized planting, growing, cultivating, or harvesting of a plant.

2. *Marijuana concentrate* means any product which, through manufacture, contains Tetrahydrocannabinol (THC). Common names and types of product include “shatter“, butane or CO2 hash oil, “ring pots“, butter, hash, hashish, keif, oil, or wax.

C. Any marijuana, as defined in AS 17.38.900, equipment, material, product, package or container possessed, used or intended to be used, or produced in violation of this section may be seized and held as evidence to be used in any future proceeding and may be disposed of as appropriate after their use for evidentiary purposes is no longer required.

D. Violation of this section is punishable by a fine up to One Thousand Dollars ($1000).