

Introduced by: Mayor
Date: 01/19/16
Hearing: 02/23/16
Action: Enacted as Amended
Vote: 8 Yes, 1 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2016-05**

**AN ORDINANCE ENACTING KPB 2.40.110 AND KPB CHAPTER 7.20 – MARIJUANA
REGULATION, AND DESIGNATING THE ASSEMBLY AS THE LOCAL
REGULATORY AUTHORITY WITHIN THE KENAI PENINSULA BOROUGH UNDER
ALASKA STATUTE CHAPTER 17.38 FOR MARIJUANA ESTABLISHMENTS**

WHEREAS, on November 4, 2014, the voters of the State of Alaska passed Ballot Measure 2, an Act to Tax and Regulate the Production, Sale, and Use of Marijuana, codified as Alaska Statute Chapter 17.38; and

WHEREAS, AS 17.38.210, Local Control, provides in part that a local government may designate a local regulatory authority responsible for processing applications submitted to operate marijuana establishments within the boundaries of the local government; and

WHEREAS, AS 17.38.200, Marijuana Establishment Registrations, provides in part that a copy of each application and one half of the state application fee for registration of a marijuana establishment shall be provided to the applicable local regulatory authority; and

WHEREAS, designating the Kenai Peninsula Borough Assembly as the local regulatory authority allows the borough to provide input to the State Marijuana Control Board on applications for local marijuana establishments, regulate the process itself should the state fail to do so, and afford the borough the opportunity to collect one half of the applicable state application fees for marijuana establishments; and

WHEREAS, time, place and manner restrictions are authorized by AS 17.38.210(b) and are also authorized by AS 29.40 local land use regulation; and

WHEREAS, the planning commission recommends land use regulations to the assembly and upon assembly approval implements these regulations; and

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI
PENINSULA BOROUGH:**

SECTION 1. That the Kenai Peninsula Borough Code of Ordinances is hereby amended by adding a new chapter to be numbered 7.20 which shall read as follows:

CHAPTER 7.20. MARIJUANA REGULATION

7.20.010. Local Regulatory Authority.


A. The Kenai Peninsula Borough Assembly is the local regulatory authority for regulation of local marijuana establishments in the area of the borough outside of the cities under AS Chapter 17.38 and any implementing regulations.

B. The Assembly is authorized to comment to the State of Alaska Marijuana Control Board on license applications within the Kenai Peninsula Borough consistent with the standards set forth in AS 17.38 and 3 AAC 306.

C. The planning commission, consistent with AS 29.40 and KPB 21.01.010, shall make recommendations to the borough assembly regarding land use regulation of commercial marijuana facilities as defined by AS 17.38 and administer and implement any land use regulations adopted by the borough assembly.

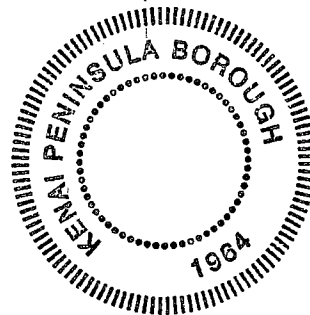
SECTION 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 23RD DAY OF FEBRUARY, 2016.


Blaine Gilman, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bagley, Dunne, Holmdahl, Johnson, Knopp, Ogle, Gilman
No: Welles
Absent: None