

Introduced by: Wolf
Date: 01/20/15
Hearing: 02/24/15
Action: Introduced and Set for
Public Hearing on 02/24/15
Date: 02/24/15
Action: Failed to Enact as Amended
Vote: 3 Yes, 6 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2015-02**

**AN ORDINANCE ENACTING KPB CHAPTER 10.14 PROHIBITING THE
OPERATION OF MARIJUANA CULTIVATION FACILITIES IN THE AREA OF THE
KENAI PENINSULA BOROUGH OUTSIDE OF THE CITIES, SUBJECT TO VOTER
APPROVAL**

WHEREAS, during the November 4, 2014, general election the voters approved the initiative in ballot measure no. 2 (initiative) which was an act to tax and regulate the production, sale and use of marijuana; and

WHEREAS, the initiative at AS 17.38.110(A) authorizes local governments to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores within their boundaries through the enactment of an ordinance or by a voter initiative; and

WHEREAS, residents of the borough should have the opportunity to vote on whether to have marijuana cultivation facilities for the intent of resale within the borough boundaries; and

WHEREAS, as the initiative grants all local governments including cities and boroughs the authority to regulate or prohibit the operation of marijuana cultivation facilities it is appropriate for the cities to decide for themselves whether to exercise this authority within their own boundaries; and

WHEREAS, as this would not apply within the incorporated cities only borough residents outside of the cities may vote on this question;

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 KPB 10.14 which shall read as follows:

CHAPTER 10.14 MARIJUANA CONTROL

10.14.010. Prohibition. The operation of marijuana cultivation facilities other than for personal use as authorized by AS 17.38.020 is prohibited in the area of the borough outside the cities.

10.14.020. Definitions. The terms used in this chapter have the same meaning as defined in AS 17.38.900 as now enacted or may be amended.

SECTION 2. That a proposition shall be placed before the voters of the Kenai Peninsula Borough for the regular election to be held on October 6, 2015, which reads as follows:

PROPOSITION No. _____

Shall Ordinance 2015-02, which prohibits the operation of marijuana cultivation facilities other than for personal use as authorized by AS 17.38.020, in the area of the Kenai Peninsula Borough outside of the cities, be enacted?

Yes _____

A "yes" vote means marijuana cultivation facilities, other than for personal use as authorized by AS 17.38.020 will be prohibited in the area of the borough outside of the cities.

No _____

A "no" vote means marijuana cultivation facilities will not be prohibited in the area of the borough outside of the cities.

SECTION 3. That Section 2 of this ordinance takes effect immediately upon its enactment. Section 1 of this ordinance shall take effect upon certification of the election approving the proposition.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2015.

Dale Bagley, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes: Gilman, Welles, Wolf
No: Cooper, Haggerty, Johnson, McClure, Ogle, Bagley
Absent: None