

Municipality	Type of Government	Title of Legislation	Status
City and Borough of Juneau	Unified Home Rule	Serial No. 2014-50 An Ordinance Imposing a Limited Moratorium on the Receipt or Processing of Applications, Permits, or Pending Approvals Pertaining to Marijuana Establishments	Adopted 01/12/15
City and Borough of Juneau	Unified Home Rule	Serial No. 2014-51(c) An Ordinance Amending the Second-hand Smoke Control Code to Regulate the Use of Marijuana	Adopted 02/02/15
City and Borough of Juneau	Unified Home Rule	Serial No. 2015-09 An Ordinance Amending the Penal and Traffic Codes Relating to Marijuana Offenses and Establishing Penalties.	Adopted 02/23/15
City and Borough of Sitka	Unified Home Rule	Ordinance No. 2015-06A An Ordinance of the City and Borough of Sitka Adding a New Title to Sitka General Code Entitled "Title 7, Marijuana Regulations" to Regulate and Tax the Use, Possession, Manufacture and Sale of Marijuana as Well as Provide Penalties for Violation as Defined in Chapter 7.30, Section 7.30.10 Entitled "Public Consumption"	Adopted 02/24/15
City and Borough of Wrangell	Unified Home Rule	Ordinance No. 896 An Ordinance of the Assembly of the City and Borough of Wrangell, Alaska Amending Title 10, Public Peace, Morals, and Welfare of the Wrangell Municipal Code to add a New Chapter 10.46 to Prohibit the Consumption of Marijuana in the Public Place, and Establishing a Penatly for Violation	Adopted 03/24/15
City and Borough of Yakutat	Home Rule Borough	Ordinance 15-584 An Ordinance Amending the Code of the City and Borough of Yakutat, Alaska by Adding a New Chapter 9.16, <u>Marijuana</u> , Defining "Public Places: for the Purpose of Prohibiting Consumption of Marijuana in Public Places and Prohibiting the Manufacture of Marijuana Consentrated by use of Materials or Methods Deemed Dangerous to Public Health and Safety	Introduced 02/19/05 Approved 03/05/15
City of Craig	1st Class City	Ordinance No. 663 An Ordinance Establishing a Limited Moratorium on the Receipt or Processing of Applications, Permits, or Pending Approvals Pertaining to Marijuana Establishments	Hearing Postponed until September

Municipality	Type of Government	Title of Legislation	Status
City of Craig	1st Class City	Ordinance No. 664 Amending Section 09.90 of the Craig Municipal Code to Prohibit the Consumption of Marijuana in a Public Place, and Establishing a Penalty for Violation	Approved 02/19/15
City of Dillingham	1st Class City	Ordinance 2015-04 (SUB-1) An Ordinance Amending Dillingham Municipal Code Title 8 - Health and Welfare by the Addition of a New Chapter Providing Regulation of Marijuana in the City of Dillingham, Alaska	Introduced 03/19/15 Adopted on 05/14/15
City of Dillingham	1st Class City	Ordinance 2015-05 An Ordinance Amending Dillingham Municipal Code Title 8.10 Prohibition of Smoking in Public Places, Section 8.10.010 Definitions	Introduced 03/19/15 Adopted on 05/14/15
City of Fairbanks	Home Rule City	Ordinance No. 5964 An Ordinance Amending Fairbanks General Code Chapter 46 Offenses by Adding a New Section to Prohibit the Consumption of Marijuana in a Public Place	Adopted 02/23/15
City of Fairbanks	Home Rule City	Ordinance No. 5970 An Ordinance Amending Fairbanks General Code Section 46-42 Disturbing the Peace by Adding a New Subsection Relating to Marijuana Smoke	Adopted 04/20/15
City of Fairbanks	Home Rule City	Ordinance No. 5986, As Amended, An Ordinance Enacting a Retail Sales Tax on Marijuana and Referring the Ordinance for Ratification at the General Election	Adopted 06/20/15
City of Houston	2nd Class City	Citizen Initiative Ordinance #15-12: An Initiative Ordinance of the Voters of the City of Houston Enacting Houston Code Chapter 5.10 Marijuana Regulations, Amending Title 5, Business Licenses to Prohibit the Operation of Marijuana Cultivation Facilities, Marijuana Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores Pursuant to AS 17.38.110 Local Control, but Not Restricting Industrial Hemp as Defined Herein.	Proposition No. H-1 for the October 6, 2015 City Election
City of Kenai	Home Rule City	Ordinance No. XX-2015 An Ordinance of the Council of the City of Kenai, Alaska, Imposing a Limited Moratorium on the Operations of Marijuana Establishments and/or Businesses within the City of Kenai	Failed Introduction on 07/15/15

Municipality	Type of Government	Title of Legislation	Status
City of Nome	1st Class City	Ordinance No. O-15-12-07 An Ordinance Adopting Chapter 3.07 of the Nome Code of Ordinances	1st Reading 02/09/15 2nd Reading 02/23/15 Failed Enactment
City of Nome	1st Class City	Ordinance No. O15-08-03 An Ordinance Amending Title 3 of the Nome Code of Ordinances to Establish Chapter 3.40 Marijuana Regulation and Amending Section 1.20.040 to Establish a Penalty for Violation	1st Reading 08/10/15 2nd Reading 08/24/15
City of North Pole	Home Rule City	Ordinance 15-01 An Ordinance of the City of North Pole, Alaska to Amend Chapter 8.04 Nuisances and Add Section 8.04.005 to Prohibit the Extraction of Marijuana Oils within the City Limits	Passed 02/17/15
City of North Pole	Home Rule City	Ordinance 15-02 An Ordinance of the City of North Pole, Alaska to Amend Title 12 Streets, Sidewalks and Public Places and Adding Chapter 12.03, Marijuana Use in Public Places, to Regulate the Consumption of Marijuana in a Public Place	Passed 02/17/15
City of Palmer	Home Rule City	Citizen Initiative Ordinance No. 15-020: An Initiative Ordinance of the Voters of the City of Palmer Enacting Palmer Municipal Code Chapter 5.32 Marijuana Businesses, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores Pursuant to AS 17.38.110 Local Control, but Not Restricting Industrial Hemp as Defined Herein.	Proposition No. P-1 for the October 6, 2015 City Election
City of Palmer	Home Rule City	Ordinance No. 15-013 An Ordinance of the Palmer Municipal Code Chapter 8.11 Prohibiting Consumption of Marijuana in a Public Place	Introduced 2/24/15 Public Hearing 3/10/15
City of Unalaska	1st Class City	Ordinance No. 2015-04 An Ordinance of the Unalaska City Council Amending the Unalaska Code of Ordinances to Create a New Chapter 11.28 for the Regulation of Marijuana Use	Adopted 02/20/15

Municipality	Type of Government	Title of Legislation	Status
City of Valdez	Home Rule City	Ordinance #15-5 An Ordinance of the City Council of the City of Valdez, Alaska, Amending the Valdez Municipal Code by Creating Chapter 5.06 Titled Marijuana Regulation	Introduced 08/03/15
City of Wasilla	1st Class City	Ordinance Serial No. 15-08(AM) An Ordinance of the Wasilla City Council adopting Wasilla Municipal Code, Chapter 9.40 Regulation of Marijuana, pertaining to the manufacture, transport, possession, and use of marijuana and substances derived from marijuana.	Adopted 02/23/15
City of Wasilla	1st Class City	Ordinance Serial No. 15-10(AM) An Ordinance of the Wasilla City Council amending Wasilla Municipal Code (WMC), in Regard to the Regulation of Marijuana, and adopting a Sunset Provision, all Pertaining to the Manufacture and Transport of Marijuana within the City Limits of Wasilla	Adopted 3/23/2015
Fairbanks North Star Borough	2nd Class Borough	Ordinance 2015-09 An Ordinance Amending Fairbanks North Star Borough Code Title 9 by Adding Chapter 9.17 Entitled Marijuana Regulation and Adding Definitions Pertaining to Marijuana Regulation	Adopted 02/26/15
Fairbanks North Star Borough	2nd Class Borough	Ordinance 2015-12 An Ordinance Amending Chapter 9.17 Entitled Marijuana Regulation and Amending 1.04.050 Regarding the Fine Schedule to Add Violations of Chapter 9.17	Adopted 03/12/15
Fairbanks North Star Borough	2nd Class Borough	Ordinance No. 2015-42 An Ordinance Providing for a Ballot Question to be Placed Before the Qualified Voters at the Regular Election on October 6, 2015, Asking Whether the Borough Shall Levy an Areawide 5% Tax on Sales of Marijuana and Marijuana Products	Introduced on 08/06/15 Hearing on 08/20/15
Fairbanks North Star Borough	2nd Class Borough	Ordinance No. 2015-42 Substitute An Ordinance Providing for a Ballot Question to be Placed Before the Qualified Voters at the Regular Election on October 6, 2015, Asking Whether the Borough Shall Levy an Areawide 8% Tax on Sales of Marijuana and Marijuana Products	Introduced on 08/06/15 Hearing on 08/20/15

Municipality	Type of Government	Title of Legislation	Status
Kenai Peninsula Borough	2nd Class Borough	Ordinance 2014-40 An Ordinance Amending KPB 3.04.030, Employee Conduct Requirements, to Address the Passage of Ballot Measure No. 2 Legalizing Marijuana, and to Reference the Use of, or Impairment by, Controlled Substances	Enacted 01/06/15
Kenai Peninsula Borough	2nd Class 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	Failed 02/24/15
Kenai Peninsula Borough	2nd Class Borough	Resolution 2015-013 A Resolution Establishing a Marijuana Task Force	Adopted 03/17/15
Ketchikan Gateway Borough	2nd Class Borough	Assembly MOTION: "...to not ban commercial marijuana activities at this time; to allow the regulatory process to proceed and then determine whether to make any adjustments locally"	Approved
Matanuska-Susitna Borough	2nd Class Borough	Resolution Serial No. 15-006 A Resolution of the Matanuska-Susitna Borough Assembly to Request Clarification from the State of Alaska on Ballot Measure 2, the Legalization of Marijuana	Adopted 01/20/15
Matanuska-Susitna Borough	2nd Class Borough	Resolution Serial No. 15-007 A Resolution of the Matanuska-Susitna Borough Assembly Establishing a Marijuana Advisory Committee	Adopted 01/20/15
Municipality of Anchorage	Unified Home Rule	AO No. 2015-07 An Ordinance of the Anchorage Assembly Amending Anchorage Municipal Code Chapter 8.35 with a New Section to Prohibit the Consumption of Marijuana in a Public Place; and Amending the Minor Offense Fine Schedule at AMC Section 8.05.025A Accordingly	Amended and Approved 01/27/15 Immediate Reconsideration Failed 01/27/15
Municipality of Anchorage	Unified Home Rule	AO No. 2015-13 An Ordinance Amending Anchorage Municipal Code Title 8 to Prohibit the Extraction of Tetrahydrocannabinol ("THC") or Any Cannabinoid by Use of Materials or Methods Deemed Dangerous to Public Health and Safety, Unless Otherwise Permitted by Law	Approved 02/24/15

Presented by: The Manager  
Introduced: 12/22/2015  
Drafted by: A. G. Mead

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2014-50**

**An Ordinance Imposing a Limited Moratorium on the Receipt or Processing of Applications, Permits, or Pending Approvals Pertaining to Marijuana Establishments.**

WHEREAS, on November 4, 2014, the Alaskan voters approved a ballot measure legalizing the use of marijuana, and, with a State license, the operation of marijuana establishments, defined as cultivation, manufacturing, testing and retail facilities; and

WHEREAS, the initiative, which goes into effect on February 24, 2015, requires the State to begin accepting and processing applications for the registration of marijuana establishments within one year of the effective date of the act; and

WHEREAS, the initiative authorizes local governments to enact legislation concerning the time, place and manner related to the operation of registered marijuana establishments; and

WHEREAS, it is in the public's best interest that the CBJ thoughtfully consider and adopt land use regulations that ensure the orderly development and regulation of marijuana establishments within the CBJ; and

WHEREAS, the purpose of this moratorium is to allow the CBJ a reasonable period of time to consider and enact legislation concerning the operation of marijuana establishments in the CBJ.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

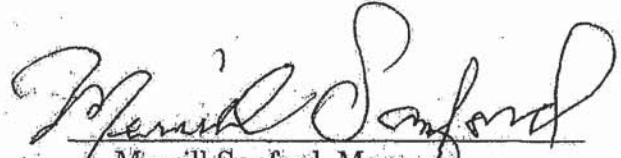
**Section 1. Classification.** This is a non-code ordinance.

**Section 2. Moratorium.** Notwithstanding CBJ 49.25.300 or any other section of the Land Use Code, no development permit application shall be accepted, or pending applications approved, pertaining to marijuana establishments, including marijuana cultivation, testing, and product manufacturing facilities and marijuana retail stores.

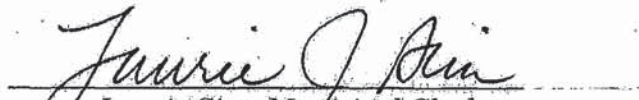
**Section 3. Moratorium Period.** The prohibition imposed by Section 2 shall be in effect through October 19, 2015.

**Section 4. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this 12<sup>th</sup> day of January, 2015.

  
Merrill Sanford, Mayor

Attest:

  
Laurie Sica, Municipal Clerk

Presented by: The Manager  
Introduced: 12/22/2014  
Drafted by: A. G. Mead

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2014-51(c)**

**An Ordinance Amending the Second-hand Smoke Control Code to Regulate the Use of Marijuana.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

**Section 2. Amendment of Section.** CBJ 36.60.005 Definitions, is amended to read:

**36.60.005 Definitions.**

In this chapter:

...

*Enclosed public place* means an enclosed area or portion thereof to which the public or a substantial group of persons has access, including:

...

- (16) Bars, private clubs, and any other enclosed place where marijuana or alcoholic beverages are sold, or food is offered for sale.

...

*Marijuana* has the same meaning as in Alaska Statute 17.38.900.

...

*Smoking* means inhaling or exhaling tobacco or marijuana smoke, or burning or carrying any lighted tobacco-product or marijuana, or the use of any noncombustible product that provides a vapor of liquid nicotine or marijuana to the user, or relies on vaporization of any liquid or solid nicotine or marijuana. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name, but shall not include a tobacco substitute prescribed by a licensed physician, or a tobacco



product that has been approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes; and which is being marketed and sold solely for that approved purpose.

**Section 3. Amendment of Section.** CBJ 36.60.010 Smoking prohibited, is amended to read:

**36.60.010 Smoking prohibited.**

(a) Smoking is prohibited in:

...

(6) Private clubs that are licensed by the State of Alaska to sell marijuana or alcoholic beverages, or that offer food for sale, regardless of the number of employees; and

...

**Section 4. Amendment of Section.** CBJ 36.60.030 Exceptions; areas where smoking is not prohibited, is amended to read:

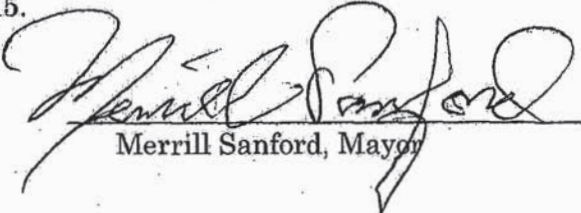
**36.60.030 Exceptions; areas where smoking is not prohibited.**

(a) Unless otherwise prohibited by State or Federal law, smoking is not prohibited in the following places:

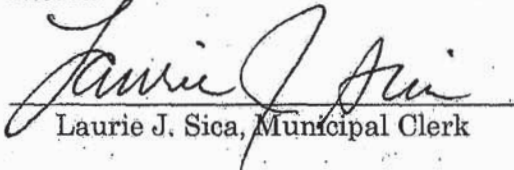
...

**Section 5. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this 2<sup>nd</sup> day of February, 2015.

  
Merrill Sanford, Mayor

Attest:

  
Laurie J. Sica, Municipal Clerk

**CITY AND BOROUGH OF SITKA**

**ORDINANCE NO. 2015-06A**

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA ADDING A NEW TITLE TO SITKA GENERAL CODE ENTITLED "TITLE 7, MARIJUANA REGULATIONS" TO REGULATE AND TAX THE USE, POSSESSION, MANUFACTURE AND SALE OF MARIJUANA AS WELL AS PROVIDE PENALTIES FOR VIOLATION AS DEFINED IN CHAPTER 7.30, SECTION 7.30.10 ENTITLED "PUBLIC CONSUMPTION"**

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code (SGC").
2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person or circumstances shall not be affected thereby.
3. **PURPOSE.** This ordinance is being recommended to create a comprehensive regulatory scheme for the regulation of marijuana and associated marijuana products which became legal in the State of Alaska by popular vote. To wit, Ballot Measure 2 – An act to tax and regulate the production, sale and use of marijuana, as codified as Alaska Statutes 17.38 provides for the legalization of marijuana in the State election and certified on November 28, 2014 by the State of Alaska, Division of Elections.
4. **ENACTMENT.** **NOW, THEREFORE, BE IT ENACTED** by the Assembly of the City and Borough of Sitka ("CBS") that the SGC is amended to add a new Title 7, Marijuana Regulations, to read as follows:

**Title 7  
MARIJUANA REGULATIONS**

**Chapter:  
7.30 Public Consumption**

\*\*\*  
**Chapter 7.30  
Public Consumption**

**Section:  
7.30.10 Public Consumption**

**7.30.10 Public Consumption**

- A. Pursuant to Alaska Statute 17.38.40, Public consumption of marijuana is prohibited. A person who violates this law is guilty of a violation punishable by a fine of up to \$100.00.

B. Except as otherwise provided, it is unlawful for a person to knowingly consume marijuana:

1. Upon any public streets, alleys, sidewalks, municipally operated harbor walkways and floats, restrooms and parking lots, any municipally controlled areas open to the general public and public school grounds, whether in a motor vehicle or not;
2. At any public park, recreation area, playground, or ball field, whether in a motor vehicle or not;
3. In or upon those portions of any private property upon which the public has an express or implied license to enter or remain, including but not limited to eating and/or drinking establishments, places of business or amusement, and;
4. Any other public or private property, where such area is posted that consumption of marijuana is prohibited; and
5. Upon establishment of a local regulatory authority, or similar body, exemptions may be given for special events by the assembly, upon advice by the local regulatory authority or similar body, with such conditions as the assembly may require for the public good.

C. For purposes of this section, the definitions for words and phrases below shall apply:

1. Marijuana, per Alaska Statute 17.38.900(6): "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" does not include fiber produced from the stalk, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products; and
2. Consume shall have the meaning, in all conjugate forms, of consumption set forth in Alaska Statute 17.38.900(3): Consumption means the act of ingesting, inhaling, or otherwise introducing marijuana into the human body.

D. Pursuant to AS 12.25.195, violation of this section is a minor offense punishable as set forth in the state's minor offense fine schedule under the Alaska Court System's Rules of Administration bail and fine schedule, at such time as that schedule may be updated to include marijuana related violations.

5. **EFFECTIVE DATE.** This Ordinance shall become effective February 24, 2015.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska this 24<sup>th</sup> day of February, 2015.



Mim McConnell, Mayor

**ATTEST:**



Colleen Ingman, MMC  
Municipal Clerk

Presented by: The Manager  
Introduced: 02/02/2015  
Drafted by: A. G. Mead

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2015-09**

**An Ordinance Amending the Penal and Traffic Codes Relating to Marijuana Offenses and Establishing Penalties.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

**Section 2. Amendment of Chapter.** CBJ 42.20 Offenses Against Public Order, is amended by adding a new section to read as follows:

**42.20.230 Consumption of marijuana in a public place prohibited.**

- (a) Consumption of marijuana in a public place is prohibited.
- (b) For purposes of this section:
  - (1) *Consumption* means ingesting, inhaling or otherwise introducing marijuana into the human body.
  - (2) *Marijuana* has the same meaning as in Alaska Statute 17.38.900.
  - (3) *Public place* means a place, enclosed or unenclosed, to which the public or a substantial group of persons has access, including, but not limited to:
    - (A) Public streets, alleys, sidewalks, easements, trails or other ways dedicated or held for public vehicular or pedestrian use, including parking lots owned or operated by the municipality;
    - (B) Transportation facilities;
    - (C) Schools;
    - (D) Places of amusement or business;
    - (E) Parks;
    - (F) Playgrounds;
    - (G) Correctional facilities; and
    - (H) The common areas of public or private buildings and facilities.
- (c) Consumption of marijuana in a public place is an infraction.

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**Section 3. Amendment of Chapter.** Chapter 72.10 Duties and Responsibilities of Drivers and Others, is amended by adding a new section to Article II, Operation of Vehicle, to read as follows:

**72.10.029 Consumption of marijuana in motor vehicles prohibited.**

- (a) A person may not drive a motor vehicle on a highway or vehicular way or area when the person driving, or any passenger in the motor vehicle at the time the vehicle is being driven, is consuming marijuana.
- (b) For purposes of this section:
  - (1) *Consuming* means ingesting, inhaling or otherwise introducing marijuana into the human body.
  - (2) *Marijuana* has the same meaning as in Alaska Statute 17.38.900.
- (c) A violation of this section is an infraction.

**Section 4. Amendment of Section.** CBJ 03.30.051 Traffic Fine Schedule, is amended to read:

**03.30.051 Traffic Fine Schedule.**

Pursuant to sections 03.30.010—03.30.015 of this chapter, those of the following traffic offenses which are amenable to disposition without court appearance may be disposed of upon payment of the fines listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed in the following schedule:

TRAFFIC FINE SCHEDULE

CBJ	Offense	Fine
...		
<b>Chapter 72.10</b>	<b>Duties and Responsibilities of Drivers and Others</b>	
....		
72.10.028	License violation	\$300.00
72.10.028	2 <sup>nd</sup> & subseq.	MCA
72.10.029	Consumption of marijuana in motor vehicle: 1st	\$200.00
72.10.029	2 <sup>nd</sup>	\$300
72.10.029	3 <sup>rd</sup> & subseq.	MCA
...		

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**Section 5. Amendment of Section.** CBJ 03.30.065 Penal code fine schedule, is amended to read:

**03.30.065 Penal code fine schedule.**

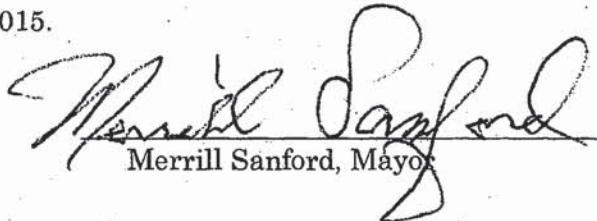
Pursuant to sections 03.30.010—03.30.015 of this chapter, the following offense which is amenable to disposition without court appearance may be disposed of upon payment of the fine listed. If a person charged with this offense appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for the offense listed in the following schedule:

**PENAL CODE FINE SCHEDULE**

<b>CBJ</b>	<b>Offense</b>	<b>No. of Offense</b>	<b>Fine</b>
...			
42.20.220	Truancy	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> and subseq.	\$100.00
42.20.230	Consumption of marijuana in a public place	1 <sup>st</sup> and 2 <sup>nd</sup>	\$100
		3 <sup>rd</sup>	MCA
...			

**Section 6. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this 23<sup>rd</sup> day of February, 2015.

  
Merrill Sanford, Mayor

Attest:

  
Laurie J. Sica, Municipal Clerk

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 896

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 10, PUBLIC PEACE, MORALS, AND WELFARE, OF THE WRANGELL MUNICIPAL CODE TO ADD A NEW CHAPTER 10.46 TO PROHIBIT THE CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE, AND ESTABLISHING A PENALTY FOR VIOLATION

**WHEREAS**, Ballot Measure 2 – An Act to Tax and Regulate the Production, Sale and Use of Marijuana, and codified as Alaska Statutes 17.38, provides for the legalization of marijuana, was passed by the voters in the recent state election and certified on November 28, 2014 by the State of Alaska, Division of Elections; and

**WHEREAS**, newly enacted AS 17.38.040 states “Public consumption banned, penalty. It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100”; and

**WHEREAS**, the state statute does not define “public”; and

**WHEREAS**, the state statute does not discuss or mandate any enforcement mechanism; and

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

[The changes to the existing code are shown as follows: the words that are underlined are to be added and the words that are **[bolded and in brackets are to be deleted]**.]

SEC. 1. Action. The purpose of this ordinance is to amend the Title 10, Public Peace, Morals, and Welfare, of the Wrangell Municipal Code to add a new chapter to prohibit the consumption of marijuana in a public place and to establish a penalty for violation.

SEC. 2. Amendment. Title 10 of the Wrangell Municipal Code is amended to add a new Chapter 10.46 to the list of chapters to read:

Title 10  
PUBLIC PEACE, MORALS, AND WELFARE

Chapters:

- 10.04 False Fire Alarms
- 10.08 Interference with Officers
- 10.12 Repealed
- 10.16 Trespass on Public Floats
- 10.18 Abuse of 911 system
- 10.20 Repealed
- 10.24 Repealed
- 10.28 Curfew for Minors
- 10.32 Misconduct Involving Weapons
- 10.36 Discharge of Firearms and Other Weapons
- 10.40 Abandoned Personal Property
- 10.44 Possession, Control, or Consumption of Alcoholic Beverages
- 10.46 Possession, Control, or Consumption of Marijuana in a Public Place
- 10.48 Possession of Tobacco by a Minor

SEC. 3. New Chapter. A new Chapter 10.46 is added to Title 10 of the Wrangell Municipal Code to read:

Chapter 10.46

PROHIBITION OF CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE

Sections:

10.46.010 Consumption of Marijuana in a Public Place Prohibited

- (a) It is unlawful for any person to knowingly consume marijuana when the person is:
1. On, in, or upon any public place, except as permitted by ordinance, regulation, statute or permit; or
  2. Outdoors on ~~private~~ property adjacent to a public place, and without



consent of the owner or person in control thereof.

(b) For purposes of this section, the definitions of the words and phrases below shall apply:

1. "Consume" shall have the meaning, in all conjugate 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, jails, and hallways, lobbies, doorways, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

(c) Violation of this section is a minor offense punishable by a fine of \$100.


SEC. 4. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 5. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

SEC. 6. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: March 10, 2015.

PASSED IN SECOND READING: March 24, 2015.

  
\_\_\_\_\_  
David L. Jack, Mayor

ATTEST:

  
\_\_\_\_\_  
Kim Lane, Borough Clerk



Sponsored by: J. Erickson Borough Manager  
Introduced: 02-19-2015  
Public Hearing Date: 03-05-2015  
Date of Approval: 03-05-2015

**CITY AND BOROUGH OF YAKUTAT, ALASKA  
ORDINANCE 15-584**

AN ORDINANCE AMENDING THE CODE OF THE CITY AND BOROUGH OF YAKUTAT, ALASKA BY ADDING A NEW CHAPTER 9.16, MARIJUANA, DEFINING 'PUBLIC PLACES' FOR PURPOSES OF PROHIBITING CONSUMPTION OF MARIJUANA IN PUBLIC PLACES, AND PROHIBITING THE MANUFACTURE OF MARIJUANA CONCENTRATES BY USE OF MATERIALS OR METHODS DEEMED DANGEROUS TO PUBLIC HEALTH AND SAFETY.

WHEREAS, Ballot Measure 2 – An act to Tax and Regulate the Production, Sale and Use of Marijuana, and codified as Alaska Statutes (AS) 17.38, was passed by the voters in the recent state election and certified on November 28, 2014 by the State of Alaska, Division of Elections; and

WHEREAS, newly enacted AS 17.38.040, **Public consumption banned, penalty**, provides as follows:

It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100.; and

WHEREAS, the state statute does not define "public", or discuss or mandate any enforcement mechanism; and

WHEREAS, the Code of the City and Borough of Yakutat bans the consumption of alcoholic beverages in public places, and the Assembly wishes to treat public consumption of marijuana in the same manner, and to establish a new chapter in the borough code to address the topic of marijuana as permitted under the state initiative; and

WHEREAS, furthermore, other jurisdictions that have legalized marijuana have seen an increase in residential fires and explosions, resulting in injury and property damage, related to attempts to manufacture certain marijuana products; and

WHEREAS, the primary cause of the fires and explosions is from the use of highly flammable materials or methods to manufacture certain marijuana concentrates; and

WHEREAS, the effective date of the state marijuana statute is February 24, 2015, and the Borough anticipates that upon the effective date of legalization under the state

initiative, there could be incidents of persons causing fires and explosions by attempting said manufacture; and

WHEREAS, the attempts present an unreasonable risk to public health and safety, including possible death, severe burns, and significant property damage and immediate action is necessary, pending enactment of state legislation that may become effective later this year.

THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF YAKUTAT, ALASKA as follows:

SECTION 1: New Chapter. A new chapter 9.16, entitled Marijuana, is hereby added to the Code of the City and Borough of Yakutat, Alaska.

SECTION 2: New Section. A new section 9.16.010, *Consuming marijuana in a public place*, is added to Chapter 9.16 of the Borough Code, to read as follows:

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.
  
- C. Violation of this section is a minor offense punishable by a fine **up to of One**

Hundred Dollars (\$100), as set forth in AS 17.38.040.

**SECTION 3:** New Section. A new section 9.16.020, *Manufacture of Marijuana Concentrate by Dangerous Materials or Methods Prohibited*, is added to Chapter 9.16 of the Borough Code, to read as follows:

**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 of One Thousand Dollars (\$1000).

PASSED AND APPROVED THIS 5<sup>th</sup> DAY OF March, 2015.

CITY AND BOROUGH OF YAKUTAT, ALASKA

  
CINDY BREMNER  
MAYOR

  
CATHY BREMNER  
BOROUGH CLERK  
Yakcode/Ord229



**CITY OF CRAIG  
ORDINANCE NO. 663**

**An Ordinance Establishing a Limited Moratorium on the Receipt or Processing of Applications, Permits, or Pending Approvals Pertaining to Marijuana Establishments.**

Section 1. Classification. This is a non-code ordinance.

Section 2. Severability If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall be effective immediately upon adoption.

Section 4. Action. The Craig City Council finds the following.

**WHEREAS**, on November 4, 2014, the Alaskan voters approved a ballot measure legalizing the use of marijuana, and, with a State license, the operation of marijuana establishments, defined as cultivation, manufacturing, testing and retail facilities; and

**WHEREAS**, the initiative, which goes into effect on February 24, 2015, requires the State to begin accepting and processing applications for the registration of marijuana establishments within one year of the effective date of the act; and

**WHEREAS**, the initiative authorizes local governments to enact legislation concerning the time, place, and manner related to the operation of registered marijuana establishments, or the prohibition of marijuana establishments; and

**WHEREAS**, it is in the public's best interest that the Craig City Council thoughtfully consider and adopt legislation regulating marijuana establishments within the City of Craig; and

**WHEREAS**, the purpose of this moratorium is to allow the City of Craig a reasonable period of time to consider and enact legislation concerning the operation of commercial marijuana establishments in the Craig city limits.

**NOW, THEREFORE, BE IT ENACTED BY THE CRAIG CITY COUNCIL:**

Moratorium. The City of Craig shall accept no development permit application, proposal, or other documentation for a similar purpose, nor act on pending applications, proposals, or documentation for a similar purpose, pertaining to marijuana establishments, including marijuana cultivation, testing, and product manufacturing facilities and marijuana retail stores. The prohibition imposed by this section shall remain in effect until March 31, 2016.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor Dennis Watson

ATTEST

\_\_\_\_\_  
Kassi Bateman, City Clerk

**CITY OF CRAIG  
MEMORANDUM**

To: Craig City Council  
From: Jon Bolling, City Administrator  
Date: January 30, 2015  
RE: Ordinance No. 663

---

Attached you will find Ordinance No. 663. The ordinance sets in place a moratorium on the establishment of marijuana cultivation, testing facilities, manufacturing, and retail sales stores until March 31, 2016. The purpose of the proposed moratorium is to allow the city council time to review and assess laws and regulations adopted by the State of Alaska between now and November 24, 2015 regarding marijuana use.

As the council is aware, Alaska voters approved Ballot Measure 2 last November. That ballot measure legalized the production, transport, and sale of marijuana in Alaska. In response to voter approval of the measure, the state's executive branch is facing a deadline of November 24, 2015 to put into place regulations governing the activities approved in Ballot Measure 2. In addition, between now and then, the Alaska Legislature may choose to pass legislation relating to marijuana that impacts the regulations written by the executive branch. All this means that if the State of Alaska uses its full allotted time to write and implement any new laws and rules on this matter, the City of Craig, and other municipalities around Alaska, will at that point decide on what, if anything, they wish to do locally in response to statewide law and regulations. As I have told the council in the past, Ballot Measure 2 gives local government wide latitude to regulate or prohibit marijuana activity, so long as those regulations are not, using the words of the ballot measure, "in conflict" with state statute and regulation.

Should Craig decide to implement rules of its own regulating or prohibiting some of the activities permitted by Ballot Measure 2, and if that decision includes modification of the city's zoning code, then a months-long process will need to occur to put that effort in place. Adoption of Ordinance No. 663 provides the city council and city staff time to respond to the State of Alaska's actions without being subject to statutory deadlines to process applications for commercial production and/or sale of marijuana within the city limits that would likely occur without the moratorium.

**Recommendation**

Approve Ordinance No. 663 at first reading.

**CITY OF CRAIG  
ORDINANCE NO. 664**

**AMENDING SECTION 09.90 OF THE CRAIG MUNICIPAL CODE TO PROHIBIT  
THE CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE, AND ESTABLISHING  
A PENALTY FOR VIOLATION**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and the code sections adopted hereby shall become a part of the code of the City of Craig, Alaska.

Section 2. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall be effective immediately upon adoption.

Section 4. Action. The Craig City Council finds the following:

**WHEREAS**, Ballot Measure 2 – An Act to Tax and Regulate the Production, Sale and Use of Marijuana, and codified as Alaska Statutes 17.38, provides for the legalization of marijuana, was passed by the voters in the recent state election and certified on November 28, 2014 by the State of Alaska, Division of Elections; and

**WHEREAS**, newly enacted AS 17.38.040 states “Public consumption banned, penalty. It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100”; and

**WHEREAS**, the statute does not define “public”; and

**WHEREAS**, the statute does not discuss or mandate any enforcement mechanism; and

**WHEREAS**, proponents of the effort to legalize marijuana referred to itself as the “Campaign to Regulate Marijuana Like Alcohol”; and

**WHEREAS**, Craig Municipal Code section 5.05 bans the consumption of alcohol in a public, unlicensed place; and

**WHEREAS**, the effective date of the state marijuana statute is February 24, 2015; This ordinance adds a new section to the Craig Municipal Code, Section 09.90.040, as follows:



**09.90.040 Consuming marijuana in a public place.**

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

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, and without consent of the owner or person in control thereof.

B. For purposes of this section, the definitions of the words and phrases below shall apply:

1. *Consume* shall have the meaning, in all conjugate 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, jails, and hallways, lobbies, doorways and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

C. Violation of this section is a minor offense punishable by a civil fine of \$100.

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor Dennis Watson

ATTEST

\_\_\_\_\_  
Kassi Bateman, City Clerk

**CITY OF CRAIG  
MEMORANDUM**

To: Craig City Council  
From: Jon Bolling, City Administrator  
Date: January 30, 2015  
RE: Ordinance No. 664

---

Attached you will find Ordinance No. 664. The ordinance defines a public place for the purposes of the personal consumption of marijuana in Craig.

As the council is aware, Alaska voters approved Ballot Measure 2 last November. That ballot measure legalized the possession, commercial production, transport, and sale of marijuana in Alaska. In addition, the measure also prohibits consumption of marijuana in public places, but does not define the term public place.

The attached ordinance, drawing largely from text used in an ordinance adopted recently by the Municipality of Anchorage, defines public place. Establishing a definition will allow Craig Police Department officers the practical definition needed to enforce a ban on public consumption of marijuana, and inform marijuana users of places to avoid when consuming the substance.

The effective date of Ballot Measure 2 is February 24, 2015. As with proposed Ordinance No. 663, the council should consider putting in place measures to predictably implement the ballot measure at the local level.

**Recommendation**

Approve Ordinance No. 664 at first reading.

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-04 (SUB-1)

**AN ORDINANCE AMENDING DILLINGHAM MUNICIPAL CODE TITLE 8 – HEALTH AND WELFARE BY THE ADDITION OF A NEW CHAPTER PROVIDING REGULATION OF MARIJUANA IN THE CITY OF DILLINGHAM, ALASKA**

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WHEREAS, use and possession of less than an ounce of marijuana by persons over the age of 21 is permitted by state law;

WHEREAS, use of marijuana in public places threatens the health, welfare, and peace of the City of Dillingham and its residents;

WHEREAS, marijuana possession and use by persons under the age of 21 remains a crime; and

WHEREAS, the City has a compelling interest in regulating intoxicating substances and their use;

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Classification.** This is a code ordinance.

**Section 2. Amendment to Title 8.** That Dillingham Municipal Code Title 8 – Health and Safety is hereby amended by the addition of a new Chapter 8.30 – Marijuana Regulation to read as follows:

**Chapter 8.30.**

**MARIJUANA REGULATION**

**Sections:**

- 8.30.010**     **Definitions.**
- 8.30.020**     **Local regulatory authority.**
- 8.30.030**     **Violations and remedies.**
- 8.30.040**     **Marijuana use in public prohibited.**
- 8.30.050**     **Marijuana use in vehicles prohibited.**
- 8.30.060**     **Marijuana possession and use under the age of 21 prohibited.**

(Items highlighted in gray shading are being introduced as SUB-1; new language is underlined and **emboldened** and deleted language displayed as ~~strikethrough~~.)

### 8.30.010. Definitions.

"Marijuana" means all parts of the plant of the genus cannabis whether grown or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or its resin, including marijuana concentrate.

~~"Public place" means in or upon any city owned property, as well as any area to which the public is invited or in which the public is permitted, including, but not limited to, banks, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, bars, clubs, retail food production and marketing establishments, retail service establishments, theaters, waiting rooms, hallways, lobbies and common areas of hotels and multi-unit buildings, shorelines, waterways, and tidelands.~~

**"Public place" means a place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence. Public place also includes any property or premises owned or controlled by the City."**

### 8.30.020. Local Regulatory Authority.

The city council is designated as the "local regulatory authority" as that term is used in Alaska Statutes Chapter 17.38 and any implementing legislation or rule-making.

### 8.30.030 Violations and remedies.

A. It is unlawful for any person who operates any restaurant, eatery, bar, hotel or other lodging, or retail establishment to permit marijuana use in violation of this chapter.

B. It is unlawful for any person to consume or use marijuana in violation of this chapter.

C. Any person aggrieved by a violation of this chapter or the city may bring a civil action against a person who violates this chapter and may recover a civil penalty not to exceed three hundred dollars per violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy.

### 8.30.040. Marijuana use in public places prohibited.

Use or consumption of marijuana in a public place is prohibited. This section is not intended to restrict a property owner from further restricting use of marijuana.

### 8.30.050. Marijuana use in or on motor vehicles prohibited.

Marijuana use in or on motor vehicles, on the deck or in the wheelhouse of a watercraft, or in an aircraft is prohibited.

### 8.30.060. Marijuana possession and use under the age of 21 prohibited.

Possession and consumption of marijuana by persons less than 21 years of age are prohibited.

(Items highlighted in gray shading are being introduced as SUB-1; new language is underlined and **emboldened** and deleted language displayed as ~~strikethrough~~.)

**Section 3. Amendment to Title 1, Chapter 1.20, Section 1.20.040.** That Dillingham Municipal Code 1.20.040 – Minor Offense Fine Schedule is hereby amended by the addition of new language to read as follows:

<b>Code Section</b>	<b>Offense</b>	<b>Penalty/Fine</b>
8.30.030(A)	Permitting unlawful marijuana use	<del>75</del> <b><u>100</u></b> first offense 300 second offense Must appear – 3 <sup>rd</sup> offense
8.30.030(B)	Unlawful marijuana use	<del>75</del> <b><u>100</u></b> first offense <del>75</del> <b><u>100</u></b> second offense Must appear – 3 <sup>rd</sup> offense
8.30.060	Under-age Marijuana use or possession	<del>75</del> <b><u>100</u></b> first offense 300 second offense Must appear – 3 <sup>rd</sup> offense

**Section 4. Effective Date.** This ordinance is effective upon passage.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on

\_\_\_\_\_

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

[SEAL]

\_\_\_\_\_  
Janice Williams, City Clerk

(Items highlighted in gray shading are being introduced as SUB-1; new language is underlined and **emboldened** and deleted language displayed as ~~strikethrough~~.)

**City of Dillingham Information Memorandum**

Agenda of: May 14, 2015

Attachment to: 2015-04(Sub-1)

Ordinance No. \_\_\_\_\_ / Resolution No. \_\_\_\_\_

**Subject:**

An Ordinance amending Dillingham Municipal Code Title 8 - Health and Welfare by the addition of a new chapter providing regulation of marijuana in the City of Dillingham, Alaska

City Manager: Recommend Approval

Signature: Rose Doera

Route to	Department Head	Signature	Date
	Finance Director		
X	City Clerk	<i>William</i>	5/7/15

Fiscal Note:  Yes  No

Funds Available:  Yes  No

**Other Attachments:**

- An advertisement for a Public Hearing on Ordinance No. 2015-04 was placed in the April 30 edition of the Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing. It was readvertised in the May 7 edition due to the Council meeting being rescheduled to May 14.

**Summary Statement:**

On February 24, 2015 recreational use of marijuana became legal in the State of Alaska under certain regulations. It is still illegal to buy or sell marijuana in the City of Dillingham. The State of Alaska and the City of Dillingham will continue to develop laws and regulations on the production, sale, and use of marijuana.

State law provides a penalty of \$100 for public use and that is the maximum that the city can fine for the same offense, regardless of the number of previous offenses. Dillingham standardized its fines several years ago and set a fine of \$75 for alcohol/drunkenness offenses. When the ordinance was introduced, a first time offense fine of \$75 was recommended for consuming marijuana. The city can't fine more than \$100 for a third, fourth, or fifth, public use violation and can't fine anyone more than \$500 for any minor offense violation, but it can require that the offender appear in court.

**Summary Statement continued:**

This ordinance was vetted through the Code Review Committee and was recommended to the Council for introduction March 19, 2015.

Since the time it was introduced, the City scheduled four Neighborhood Meetings in various locations throughout Dillingham during the week of April 27 to discuss the new marijuana laws and future marijuana legislation and get public feedback.

The City scheduled four Neighborhood Meetings in various locations throughout Dillingham during the week of April 27 to discuss amongst other items the new marijuana laws and future marijuana legislation and get public feedback. The Code Committee is recommending a substitute ordinance to incorporate two changes that will be brought before the Council at their May 14 Council meeting to:

- 1). Strike the current definition and insert the State's definition for public marijuana use. This is not considered a substantive change. Since this is new territory, it makes sense to track the state law.
- 2). Increase the \$75 fine offenses to \$100 to make it a steeper fine. The Council will need to determine if the proposed increase in fines is a substantive change. If yes, this ordinance would be scheduled for another hearing for the June 4 Council meeting.

There may be some confusion that the City has two different definitions for public places, one for the marijuana ordinance and one for the smoking ordinances. The smoking ordinance is to protect people from the effects of second-hand smoke. The marijuana ordinance is to keep people from getting high in public places.

Whereas it's good to be consistent with the state definition for public marijuana use as the City and state share the same goal – preventing people from getting high in public – that's not the goal of the smoking ordinance. The primary difference between the public place definition for the smoking section and for the marijuana section is that the smoking section says "any enclosed area." The marijuana language includes places that would presumably be open-air (parks, highways, playground). The City does not want to prohibit smoking a cigarette on the street or, similarly, allow people to use marijuana while walking down the street. Of course, people also smoke marijuana. A person smoking a joint in a bar could be cited for a public smoking violation (enclosed space) AND cited for public marijuana use. If he walks outside, he's violating the public marijuana use ordinance only.

+

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### HELP WANTED

**Marrulut Enlit ("Gramma's House") Administrator**  
Objective: Provide full management, operation and supervision of the Marrulut Enlit assisted living center, responsible for the day-to-day administration of the program and financial operations: planning, development, implementation, evaluation and improvement of program services, management of staff and delivery of high quality services as determined by the residents and their families. The manager is responsible for ensuring operation of a program that is consistent with the philosophy of assisted living or an application, full job description and a list of qualifications, please contact Eileen Savo at the Bristol Bay Housing Authority at (907)842-5956. You may also call Kelly Lee at the Marrulut Enlit Assisted Living Center in Iliingham at (907)842-4600. Salary is D.O.E. and position is open until filled.

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### PUBLIC NOTICE

Igiugig Village Council (IVC) hereby gives notice of its submittal of a draft license application to the Federal Energy Regulatory Commission (FERC) on April 1, 2015 for a 10-year pilot project license for IVC's Igiugig Hydrokinetic Project (Docket P-13511-001). The purpose of the Project is to demonstrate the potential for a new source of clean, locally produced, renewable electricity generated from water currents in the Kvichak River in Igiugig, Alaska, to displace high cost diesel generated power. IVC will use the Ocean Renewable Power Company RivGen® Power System. Issuance of the pilot project license will allow IVC to demonstrate that electricity can be generated from river currents and power can be transmitted directly to a remote community isolated power grid without adverse environmental effects. The project will be located in the Kvichak River at Igiugig.

The application may be accessed online at [www.ferc.gov/docs-filing/elibrary.asp](http://www.ferc.gov/docs-filing/elibrary.asp) (Docket No P-13511-001)



### Job Opening at BBNC: Director of Land and Resources

BBNC is seeking applications for a Director of Land and Resources who will be responsible for implementing BBNC's land and resource policy and managing BBNC activities in compliance with those guidelines. Duties include serving as the liaison with land-owners and federal, state, regional and tribal organizations, and negotiating contracts with regional organizations.

**Minimum Qualifications:** Bachelor's degree and five years of relevant experience; a strong background in natural resources, Alaska Native law and BLM processes; and strong computer and public speaking skills.

The full job description and application can be found at [www.bbnc.net](http://www.bbnc.net). All qualified applicants should apply by **May 22, 2015**.

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### PUBLIC NOTICE Public Hearing on Ordinance Nos. 2015-04, 05, 06, 07

The City of Dillingham will hold a Public Hearing on **Thursday, May 7, 2015, at 7:00 P.M.** in the **City Council Chambers** for the purpose of taking comment from the public on the following ordinance:

- Ordinance No. 2015-04, An Ordinance of the Dillingham City Council Amending Dillingham Municipal Code Title 8 - Health and Welfare by the Addition of a New Chapter Providing Regulation of Marijuana in the City of Dillingham, Alaska
- Ordinance No. 2015-05, An Ordinance of the Dillingham City Council Amending Dillingham Municipal Code Chapter 8 10, Prohibition of Smoking in Public Places, Section 8 10 010 Definitions
- Ordinance No. 2015-06, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Lease
- Ordinance No. 2015-07, An Ordinance of the Dillingham City Council Amending Title 8, Health and Safety, of the Dillingham Municipal Code to Prohibit Improper Deposit of Fish Waste

If you have any questions, please contact the City Clerk's office at 842-5212 or email [cityclerk@dillinghamak.us](mailto:cityclerk@dillinghamak.us)



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CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-05

**AN ORDINANCE AMENDING DILLINGHAM MUNICIPAL CODE SECTION 8.10.010 DEFINITIONS**

---

WHEREAS, use and possession of less than an ounce of marijuana by persons over the age of 21 is permitted under state law;

WHEREAS, use of electronic smoking devices for the consumption of tobacco and marijuana is increasing;

WHEREAS, these devices give off fumes and vapors containing chemicals emitted when tobacco and marijuana are smoked; and

WHEREAS, the public health risk posed by second-hand inhalation of these fumes and vapors is unknown;

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Classification.** This is a code ordinance.

**Section 2. Amendment to Section 8.10.010.** That Dillingham Municipal Code Section 8.10.010 – Definitions is hereby amended to read as follows: (Additions are underlined and emboldened and deletions are shown as strikethrough.)

**8.10.010 Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

“Bar” means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges and cabarets.

“Business” means a person (as defined in Sections 4.20.020 and 1.16.010) providing goods or services within the city for profit.

“Electronic smoking device” means any electronic device that simulates smoking for the purpose of delivering nicotine, marijuana, or other smokable product to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, and electronic pipe.

**"Employee"** means any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a non-profit entity.

**"Employer"** means any person, partnership, corporation, including a municipal corporation, non-profit entity, business, association and trust, which employs the services of one or more individual persons.

**"Enclosed area"** means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of doors or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, office landscaping or similar structures.

**"Health care facility"** means an office or institution providing care or treatment of diseases whether physical, mental, or emotional, or other medical physiological, or psychological conditions, including but not limited to hospitals, or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

**"Places of employment"** means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including but not limited to work areas, employee lounges and restrooms, conference and class rooms, employee cafeterias, hallways and vehicles. A private residence is not a place of employment unless it is used as a childcare, adult day care or health care facility.

**"Public place"** means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to banks, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters and waiting rooms. A private residence is not a public place unless it is used as a childcare, adult day care or health care facility.

**"Restaurant"** means any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities. The term restaurant shall include a bar area within a restaurant. Smoking would still be permissible in stand-alone bars.

**"Retail tobacco store"** means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

**"Service line"** means any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not service involves the exchange of money.

**"Smokable product" means material or preparation that is intended to be smoked in any of the methods that tobacco is smoked, including, but not limited to as a cigarette, cigar, pipe filler, or electronic smoking device filler.**

**"Smoking" means inhaling, exhaling, burning or carrying any lighted tobacco, ~~product and lighted cigar, cigarette, or pipe~~ nicotine, marijuana, or smokable product as well as the use of an electronic smoking device.**

**"Sports arena" means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.**

**Section 3. Effective Date.** This ordinance is effective upon passage.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on \_\_\_\_\_.

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

[SEAL]

\_\_\_\_\_  
Janice Williams, City Clerk

**City of Dillingham Information Memorandum**

Agenda of: May 14, 2015

Attachment to: 2015-05

Ordinance No. \_\_\_\_\_ / Resolution No. \_\_\_\_\_

**Subject:**

An Ordinance amending Dillingham Municipal Code Chapter 8.10, Prohibition of Smoking in Public Places, Section 8.10.010 Definitions

City Manager: Recommend Approval

Signature: Rose Koller

Route to	Department Head	Signature	Date
	Finance Director		
X	City Clerk	<i>J. Silvanis</i>	5/7/15

Fiscal Note:  Yes  No

Funds Available:  Yes  No

**Other Attachments:**

- An advertisement for a Public Hearing on Ordinance No. 2015-05 was placed in the April 30 edition of the Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing. It was readvertised in the May 7 edition due to the Council meeting being rescheduled to May 14.

**Summary Statement:**

On February 24, 2015 recreational use of marijuana was legalized in the State of Alaska under certain regulations. It is still illegal to buy or sell marijuana in the City of Dillingham. The State of Alaska and the City of Dillingham will continue to develop laws and regulations on the production, sale, and use of marijuana.

The definition for smoking in public places has been amended to include electronic smoking devices that give off fumes and vapors containing chemicals omitted when tobacco and marijuana are smoked, and of which the risk to public health posed by second-hand inhalation of these fumes and vapors is unknown.

This ordinance was vetted through the Code Review Committee and was recommended to the Council for introduction March 19, 2015.



Ordinance No. 2015-05 / Resolution No. \_\_\_\_\_

**Summary Statement continued:**

It was up for a public hearing May 7, but the meeting was rescheduled to May 14.

Since the time it was introduced, the City scheduled four Neighborhood Meetings in various locations throughout Dillingham during the week of April 27 to discuss amongst other items the new marijuana laws and future marijuana legislation and get public feedback. There are no recommended changes for Ordinance 2015-05.

However, there may be some confusion that the City has two different definitions for public places, one for the marijuana ordinance and one for the smoking ordinances. The smoking ordinance is to protect people from the effects of second-hand smoke. The marijuana ordinance is to keep people from getting high in public places.

Whereas it's good to be consistent with the state definition for public marijuana use as the City and state share the same goal – preventing people from getting high in public – that's not the goal of the smoking ordinance. The primary difference between the public place definition for the smoking section and for the marijuana section is that the smoking section says "any enclosed area." The marijuana language includes places that would presumably be open-air (parks, highways, playground). The City does not want to prohibit smoking a cigarette on the street or, similarly, allow people to use marijuana while walking down the street. Of course, people also smoke marijuana. A person smoking a joint in a bar could be cited for a public smoking violation (enclosed space) AND cited for public marijuana use. If he walks outside, he's violating the public marijuana use ordinance only.

+

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**HELP WANTED**

**Marrulut Enlit ("Gamma's House") Administrator**  
Objective: Provide full management, operation and supervision of the Marrulut Enlit assisted living center. Responsible for the day-to-day administration of the program and financial operations: planning, development, implementation, evaluation and improvement of program services; management of staff and delivery of high quality services as determined by the residents and their families. The manager is responsible for ensuring operation of a program that is consistent with the philosophy of assisted living or an application, full job description and a list of qualifications, please contact Eileen Savo at the Bristol Bay Housing Authority at (907) 842-5956. You may also call Eileen Lee at the Marrulut Enlit Assisted Living Center in Dillingham at (907) 842-4600.  
*Salary is D.O.E. and position is open until filled.*

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006 - 21' Boullon Jet Boat 350 engine Hamilton Jet  
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**PUBLIC NOTICE**

Igiugig Village Council (IVC) hereby gives notice of its submittal of a draft license application to the Federal Energy Regulatory Commission (FERC) on April 1, 2015 for a 10-year pilot project license for IVC's Igiugig Hydrokinetic Project (Docket P-13511-001). The purpose of the Project is to demonstrate the potential for a new source of clean, locally produced, renewable electricity generated from water currents in the Kvichak River in Igiugig, Alaska, to displace high cost diesel generated power. IVC will use the Ocean Renewable Power Company RivGen® Power System. Issuance of the pilot project license will allow IVC to demonstrate that electricity can be generated directly to a remote community isolated power grid without adverse environmental effects. The project will be located in the Kvichak River at Igiugig.

The application may be accessed online at [www.ferc.gov/docs-filing/elibrary.asp](http://www.ferc.gov/docs-filing/elibrary.asp) (Docket No P-13511-001)

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**Job Opening at BBNC:  
Director of Land and Resources**

BBNC is seeking applications for a Director of Land and Resources who will be responsible for implementing BBNC's land and resource policy and managing BBNC activities in compliance with those guidelines. Duties include serving as the liaison with land-owners and federal, state, regional and tribal organizations, and negotiating contracts with regional organizations.

Minimum Qualifications: Bachelor's degree and five years of relevant experience; a strong background in natural resources, Alaska Native law and BLM processes; and strong computer and public speaking skills.

The full job description and application can be found at [www.bbnc.net](http://www.bbnc.net). All qualified applicants should apply by **May 22, 2015**.

BBNC gives employment preference to shareholders, their spouses and descendants.



**PUBLIC NOTICE**  
*Public Hearing on Ordinance  
Nos. 2015-04, 05, 06, 07*

The City of Dillingham will hold a Public Hearing on **Thursday, May 7, 2015, at 7:00 P.M. in the City Council Chambers** for the purpose of taking comment from the public on the following ordinance:

- Ordinance No. 2015-04, An Ordinance of the Dillingham City Council Amending Dillingham Municipal Code Title 8 - Health and Welfare by the Addition of a New Chapter Providing Regulation of Marijuana in the City of Dillingham, Alaska
- Ordinance No. 2015-05, An Ordinance of the Dillingham City Council Amending Dillingham Municipal Code Chapter 8.10, Prohibition of Smoking in Public Places, Section 8.10.010 Definitions
- Ordinance No. 2015-06, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Lease
- Ordinance No. 2015-07, An Ordinance of the Dillingham City Council Amending Title 8, Health and Safety, of the Dillingham Municipal Code to Prohibit Improper Deposit of Fish Waste

If you have any questions, please contact the City Clerk's office at 842-5212 or email [cityclerk@dillinghamak.us](mailto:cityclerk@dillinghamak.us).

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**ORDINANCE NO. 5964**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE CHAPTER  
46 OFFENSES BY ADDING A NEW SECTION TO PROHIBIT THE  
CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE**

**WHEREAS**, Ballot Measure 2 – An Act to Tax and Regulate the Production, Sale and Use of Marijuana, codified as Alaska Statute 17.38, providing for the legalization of marijuana, was passed by the voters in the recent state election and certified on November 28, 2014, by the State of Alaska, Division of Elections; and

**WHEREAS**, newly enacted AS 17.38.040 states as follows:

**Public consumption banned, penalty.**

It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100.

; and

**WHEREAS**, the state statute does not define “public”; and

**WHEREAS**, the state statute does not discuss or mandate any enforcement mechanism; and

**WHEREAS**, the proponents of the effort to legalize marijuana referred to themselves as the “campaign to Regulate Marijuana Like Alcohol”; and

**WHEREAS**, the Fairbanks General Code, FGC Sec. 46-80, bans the consumption of alcohol in certain public places; and

**WHEREAS**, the effective date of the legislation enacted by Ballot Measure 2 is February 24, 2015; and

**WHEREAS**, within the City of Fairbanks, the enforcement of the state’s smoking in public statute would be the responsibility of the Fairbanks Police Department; and

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA**, as follows:

**SECTION 1.** Fairbanks General Code Chapter 46 Offenses is amended by adding the following section to Article II:

**Sec. 46-44. Consuming marijuana in public place.**

(a) It is unlawful for any person to knowingly consume marijuana when the person is:

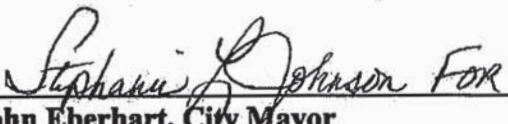
- (1) On, in, or upon any public place, except as permitted by ordinance, regulation, statute or permit; or
- (2) Outdoors on property adjacent to a public place, and without consent of the owner or person in control thereof.

(b) For purposes of this section, the following definitions apply:

- (1) *Consume* has the meaning, in all conjugate forms, of "consumption" set forth in AS 17.38.900.
- (2) *Marijuana* has 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 arena, 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.

(c) Violation of this section is a minor offense punishable by a fine of \$100.00. Disposition of this offense may be without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules upon payment of the \$100 fine and payment of the state surcharge required by AS 12.55.039 and AS 29.25.074. This fine may not be judicially reduced.

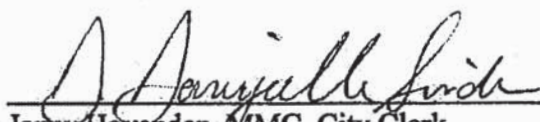
**SECTION 2.** That the effective date of this Ordinance shall be the 28th day of February 2015.

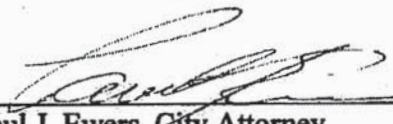
  
\_\_\_\_\_  
John Eberhart, City Mayor

AYES: Matherly, Cleworth, Walley, Staley, Gatewood, Pruhs  
NAYS: None  
ABSENT: None  
ADOPTED: February 23, 2015

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
for Janey Hovenden, MMC, City Clerk

  
\_\_\_\_\_  
Paul J. Ewers, City Attorney



**ORDINANCE NO. 5970**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE SECTION  
46-42 DISTURBING THE PEACE BY ADDING A NEW SUBSECTION  
RELATING TO MARIJUANA SMOKE**

**WHEREAS**, Ballot Measure 2 – An Act to Tax and Regulate the Production, Sale and Use of Marijuana, codified as Alaska Statute 17.38, providing for the legalization of marijuana, was passed by the voters in the recent state election and certified on November 28, 2014, by the State of Alaska, Division of Elections; and

**WHEREAS**, the effective date of the legislation enacted by Ballot Measure 2 was February 24, 2015; and

**WHEREAS**, on February 23, 2015, the City Council passed Ordinance No. 5964 defining those “public places” where consuming marijuana is prohibited; and

**WHEREAS**, consumption of marijuana by smoking produces an airborne by-product that could affect and possibly harm those in close proximity to its consumption; and

**WHEREAS**, FGC Sec. 46-42 (Disturbing the Peace) currently does not take into account when the smoke and odor of marijuana consumption disturbs the peace and privacy of others.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA**, as follows:

**SECTION 1.** Fairbanks General Code Section 46-42 Disturbing the Peace is amended by adding subsections (g), (h), and (i) as follows:

**Sec. 46-42. Disturbing the peace.**

\* \* \* \* \*

- (g) In addition to subsections (a) and (b), a person commits the offense of disturbing the peace if they:
- (1) In a private place, consume marijuana with the intent to disturb or in reckless disregard of the peace and privacy of others after having been informed by another that the conduct is disturbing the peace and privacy of others not in the same place; or
  - (2) After being informed by a police officer that their consumption of marijuana is in violation of subpart (1), refuses to abate the consumption.

(h) For purposes of this section, the following definitions and conditions apply:

- (1) *Consume* has the meaning, in all conjugate forms, of "consumption" set forth in AS 17.38.900.
  - (2) *Marijuana* has the meaning set forth in AS 17.38.900.
  - (3) *Private place* means any place that is not a "public place" as defined in FGC Sec. 46-44(b)(3).
  - (4) To disturb the peace and privacy of others, the consumption of marijuana must be of such a nature that it would disturb a not unduly sensitive individual.
- (i) Violation of subsection (g) above is a minor offense punishable by a fine of \$100.00. Disposition of this offense may be without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules upon payment of the \$100 fine and payment of the state surcharge required by AS 12.55.039 and AS 29.25.074. This fine may not be judicially reduced.

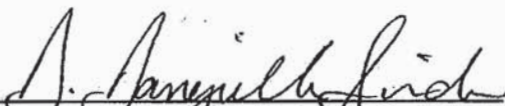
**SECTION 2.** That the effective date of this Ordinance shall be the 25th day of April 2015.

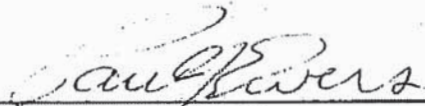
  
John Eberhart, City Mayor

AYES: Pruhs, Gatewood, Staley, Cleworth, Matherly, Walley  
NAYS: None  
ABSENT: None.  
ADOPTED: April 20, 2015

ATTEST:

APPROVED AS TO FORM:

  
D. Danyielle Snider, CMC, City Clerk

  
Paul J. Ewers, City Attorney

**ORDINANCE NO. 5986, AS AMENDED**

**AN ORDINANCE ENACTING A RETAIL SALES TAX ON MARIJUANA  
AND REFERRING THE ORDINANCE FOR RATIFICATION AT THE  
NEXT GENERAL ELECTION**

**WHEREAS**, Alaska Statute 17.38 was adopted by Ballot Measure 2, An Act to Tax and Regulate the Production, Sale and Use of Marijuana, and provided for legal sale of marijuana in Alaska; and

**WHEREAS**, under the provisions of AS 17.38, retail sales of marijuana will begin sometime in 2016; and

**WHEREAS**, Fairbanks Charter Section 6.5 provides that any new or additional sales tax levied by the City Council, other than hotel/motel, alcohol, or tobacco, must be approved by the voters in a general election; and

**WHEREAS**, in order to be in place when the legal sale of marijuana begins in 2016, the ratification of an ordinance imposing a sales tax on the sale of marijuana must be on the ballot for the City's general election in October of 2015;

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**SECTION 1.** Fairbanks General Code, Chapter 74, is hereby amended by adding a new Article VI – Marijuana Sales Tax, as follows:

**ARTICLE VI. MARIJUANA SALES TAX**

**Sec. 74-200. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Marijuana* means all parts of the plant (genus) Cannabis, whether growing or not, the seed thereof, the resin extracted from any part of the plant, and any compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; *marijuana* does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

*Buyer* means without limiting the scope thereof, any person or other entity that purchases or contracts to purchase marijuana.

*Certification of registration* means the certificate issued by the chief financial officer under section 74-204.

*Consideration* means anything of value, including but not limited to money, credit, rights, goods, services, and property, received by a seller from a buyer.

*Estimated tax* means the tax determined under section 74-207.

*Retail sale* means the transfer of any marijuana from a marijuana retail establishment to any person or entity, for any consideration. If state law is amended to allow other marijuana establishments to conduct sales of marijuana directly to buyers who are not licensed marijuana establishments, such sales will also be considered retail sales subject to taxation under this Article.

*Sale made within the city* means any retail sale where: (1) the buyer takes possession of, or title to, the purchased marijuana within the city; and/or (2) the seller receives consideration for the purchased marijuana within the city.

*Sales price* means the price of any marijuana.

*Seller* means any person or any other entity that sells or contracts to sell any marijuana to a buyer.

*Tax* means the marijuana sales tax as levied under this article.

*Taxable retail sale* means any sale made within the city that is not entirely exempt from the tax levied under this article.

*Unremitted tax* means

- (1) Any tax not remitted to the city that a seller is required by this article to collect from a buyer, notwithstanding whether the seller actually collects such tax from a buyer; and
- (2) Any estimated tax not remitted to the city.

**Sec. 74-201. Marijuana sales tax levy.**

There is levied within the corporate limits of the city a tax of five percent upon the sales price of all retail sales of marijuana made within the corporate limits of the city.

**Sec. 74-202. Due date; delinquency.**

The obligation for the payment of the tax is upon the buyer. All taxes imposed by this article are due and payable by the buyer at the time of sale, or with respect to credit transactions at the time of collection, and are delinquent if not paid when due.

**Sec. 74-203. Obligation of seller to collect.**

Every seller making sales taxable under this article shall collect the taxes from the buyer at the time of sale, or with respect to credit transactions at the time of collection of sales price, and shall deliver the same to the City of Fairbanks in accordance with the requirements in this article. The seller will be compensated the amount of two percent of the taxes transmitted to the city for the use of seller's resources in collecting the taxes. This compensation will only occur when the seller submits reports and pays the taxes on time.

**Sec. 74-204. Seller registration; certification; revocation.**

(a) All sellers of marijuana within the City of Fairbanks must possess a current certificate of registration, for the purpose of collecting and remitting the tax under this article, prior to engaging in any retail sales or opening additional places of business.

(b) All sellers requiring a certificate of registration under subsection (a) of this section must first possess current State of Alaska and City of Fairbanks business licenses, and a current state marijuana license as required by AS 17.38, and, if applicable, a City of Fairbanks marijuana license. Copies of the business licenses and all applicable marijuana licenses must be provided to the city before a certificate of registration will be issued.

(c) Upon receipt of a properly executed application for the certificate of registration, on a form prescribed by the chief financial officer, the chief financial officer will issue without charge to the seller a certificate of registration. The certificate of registration shall bear the name of the seller and the address of the registered place of business. The certificate must be prominently displayed at the place of business along with all business and marijuana licenses.

(d) The certificate of registration is neither assignable nor transferable. The seller must immediately surrender the certificate to the chief financial officer if the seller ceases to do business at the location named on the certificate, or if the seller otherwise sells, assigns, transfers, conveys, or abandons the seller's business to any person or any other entity. When there is a change of address for the seller's place of business, a new certificate of registration is required bearing the same registration number, but showing the new location address.

(e) A seller must submit an updated application as prescribed by the chief financial officer upon any change in form of ownership, business name, or contact information. The chief financial officer, after receipt of the updated application, shall then determine whether a new certificate of registration should be issued. If a new certificate of registration is issued, the seller must first surrender the prior certificate of registration to the chief financial officer before taking possession of the new certificate.

(f) The chief financial officer may revoke a certificate of registration if a seller fails to comply with any of the provisions of this article. A seller may not engage in retail sales while the certificate of registration is revoked.

(g) Any seller who violates any requirement of this section is subject to the penalties provided under this article. The city is also entitled to injunctive relief to prevent the seller from engaging in retail sales until the seller complies with the requirements of this section.

**Sec. 74-205. Segregation of taxes collected; title.**

Upon collection by the seller of the taxes imposed in this article, title to the collected taxes vests in the city. Pending transmittal to the city, the seller shall hold the tax funds in trust for the benefit of the city.

**Sec. 74-206. Sales tax returns; transmittal; payment of taxes due.**

(a) Every seller possessing a current certificate of registration shall, on or before the 15th day of the month, file a properly completed return for the preceding month upon forms furnished by the city and remit payment for the amount received from the following:

- (1) All retail sales made within the city.
- (2) The amount received from nontaxable sales.
- (3) The amount received from all taxable sales.
- (4) The amount of tax.
- (5) The taxes collected.
- (6) Such other information and supporting papers as the chief financial officer may require.

(b) Every seller holding a certificate of registration in the city shall sign and transmit the return together with taxes collected to the city on or before the proper date.

(c) A report shall be filed by every seller possessing a current certificate of registration even if the seller has not engaged in taxable retail sales during the reporting period.

(d) All returns must be received by the city clerk's office no later than 4:00 p.m. on the 15th day of the month following tax collection. Postmarks will not be considered.

**Sec. 74-207. Estimated tax.**

If the city is unable to ascertain the tax due to be remitted by a seller by reason of the failure of the seller to keep accurate books, allow inspection, failure to file a return or falsification of

records, the city may make an estimate of the tax due based on any available evidence. Notice of the city's estimate of taxes due will be mailed to the seller. Unless the seller files an accurate monthly report covering the time period subject to the city's estimate or files a written appeal within 30 days of the mailing of the city's estimate, the city's estimate becomes final for the purpose of determining the seller's tax liability.

**Sec. 74-208. Administrative appeals.**

(a) A seller or buyer may appeal to the city mayor any estimated tax, penalties, costs, fees, or other decision under this article made by the chief financial officer. Any appeal must be filed within 30 days after the notice of any decision is mailed to the seller or buyer. The failure to appeal a decision of the chief financial officer renders the decision final.

(b) The appeal must state the legal and factual basis for the appeal and include all written evidence relevant to the appeal within the appellant's possession. If the appeal raises relevant questions of fact, the city mayor shall conduct a hearing. At the hearing, the parties shall have the right to present testimony and cross-examine witnesses. The mayor shall then issue a written decision that includes findings of fact.

(c) An administrative appeal decision by the mayor is a final decision that shall be enforced under this article unless stayed by court order or by agreement of the city and appellant. The mayor's final decision may be appealed to superior court in the fourth judicial district as provided by state law.

**Sec. 74-209. Presumption; credit.**

(a) Every sale made within the city, unless explicitly exempted by this article, is presumed to be subject to the tax imposed under this article in any action to enforce the provisions of this article.

(b) A credit will be allowed for taxes erroneously collected. Such credit will be made by the chief financial officer after receipt and review of documentation and amended return supporting such request. Upon receipt of such documentation, the chief financial officer will examine the documentation and submit a written decision within 15 days.

**Sec. 74-210. Sales tax returns; confidential information.**

(a) All returns filed with the city for the purpose of complying with the terms of this article and all data obtained from such returns are declared to be confidential, and such returns and data obtained from such returns will be kept from inspection of all persons, except the chief financial officer and the city attorney; nevertheless, upon the advice of the city attorney, the chief financial officer may present to the finance committee or city council in private sessions assembled, any return or data obtained from such returns.

(b) It is unlawful for any city employee to publicly divulge any financial information obtained from any return filed with the city or from any data obtained from any such returns unless authorized by the seller or unless the person receiving such information is permitted to view such

returns under the terms of this article.

(c) It is the duty of the chief financial officer to safely keep the returns referred to in this article and all data taken from such returns secure from public inspection and secure from all private inspection except as provided in the article. The chief financial officer may, after six years from the date any such return has been filed, destroy the return.

(d) The use of such returns in a criminal or civil action brought to enforce the terms of this article against any person is not a violation of this article. The city in the prosecution of any such action may allege, prove, and produce any return filed by and on behalf of the defendant, including any data obtained from such return.

(e) Nothing in this article will be construed to prohibit a seller or their duly authorized representative from receiving a copy of any return or report filed by the seller, or to prohibit the publication by the city of statistics classified so as to prevent the identification of particular reports or returns.

**Sec. 74-211. Recordkeeping duty; investigation.**

(a) A seller shall keep complete and accurate books, records, and accounts, showing all inventory purchases and the gross receipts for all sales made within the city, for a period of three years from the date of each sale. In addition to all their record keeping requirements under this article, a seller shall maintain all written and electronic records relating to any marijuana sale, for a period of three years after such sale, including but not limited to:

1. All local, state, and federal tax reports and forms;
2. All accounting records;
3. All sales receipts; and
4. All documentary evidence supporting any exemption provided under this article.

(b) Upon reasonable notice, a seller must make all records and materials specified in subsection (a) of this section available for inspection by the chief financial officer or authorized representative during customary business hours.

(c) The chief financial officer may conduct random audits of seller's monthly reports by examining any of the records and materials specified in subsection (a) of this section and other data deemed necessary.

(d) For the purpose of ascertaining the correctness of a return or for the purpose of determining the amount of tax collected or which should have been collected by any person, the chief financial officer or mayor may hold investigations and hearings concerning any matters covered by this article and may examine any relevant books, papers, records or memoranda of any such person, and may require the attendance of such person, or any officer or employee of such



person. The mayor shall have the power to administer oaths to such persons. The mayor shall issue all formal subpoenas to compel attendance or to require production of relevant books, papers, records or memoranda.

(e) All subpoenas issued under the terms of this article may be served by any person. The fees of witnesses for attendance and trial shall be the same as the fees of witnesses before the superior court, such fees to be paid when the witness is excused from further attendance. When a witness is subpoenaed at the instance of any party to any such proceeding, the mayor may require that the cost of service of the subpoena and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case the mayor may, at his discretion, require a deposit to cover the cost of such service and witness fees. A subpoena issued shall be served in the same manner as a subpoena issued out of a court of record.

(f) The superior court, upon the application of the mayor, is empowered to compel obedience to such subpoena and compel the attendance of witnesses, the production of relevant books, papers, records or memoranda, and the giving of testimony before the city attorney or any of his duly authorized representatives in the same manner and extent as witnesses may be compelled to obey the subpoenas and order of the court. For purposes of this section, the term "witness," in addition to any person covered under the terms of this article, shall include any person or entity with knowledge or information relevant to sales made under this article.

(g) The mayor, or any party in an investigation or hearing before the mayor, may cause the deposition of witnesses residing within or outside the state to be taken in the manner prescribed by law for like depositions in civil actions in courts of this state, and to that end compel the attendance of witnesses and the production of relevant books, papers, records or memoranda.

**Sec. 74-212. Recovery of taxes.**

(a) Taxes due but not paid may be recovered by the city by an action at law against the buyer. Taxes collected but not transmitted may be recovered by an action against the seller, and sales tax returns shall be prima facie proof of taxes collected but not transmitted.

(b) In addition to any other remedies and administrative procedures provided under this article, the city may file a civil action against any seller or buyer for recovery of any tax, unremitted tax, penalties, interest, costs, and fees, that have not been paid or remitted when due.

(c) Any person who holds an ownership interest in a seller, or any other person who is an agent of the seller, is personally liable for all taxes, penalties and interest due from such seller under this article.

**Sec. 74-213. Tax lien.**

(a) Any tax, unremitted tax, penalties, interest, costs and fees that this article requires a seller or buyer to pay or remit shall constitute a lien in favor of the city upon all assets, earnings, revenue and property of the seller, other persons liable under subsection 74-212(c) (recovery of taxes), or the buyer. This lien arises when any such payment or remittance is not made when due and continues until the payment or remittance is fully satisfied through execution, foreclosure sale, or

any other legal means. This lien is not valid as against a mortgagee, pledgee, purchaser, or judgment creditor until notice of the lien is recorded in the office of the district recorder for the fourth judicial district.

(b) When recorded, a lien authorized under this section has priority over all other liens except those for property taxes and special assessments and all liens perfected before the recording of the sales tax lien for amounts actually advanced before the recording of the sales tax lien and mechanics' and materialmen's liens which have been recorded before the recording of the sales tax lien. Upon such filing, the lien is superior to all other liens except as otherwise provided by state or federal law.

**Sec. 74-214. Foreclosure.**

(a) Delinquent sales tax liens on real property shall be enforced by quarterly foreclosures on March 31, June 30, September 30 and December 31.

(b) Tax liens shall be foreclosed in the manner provided for in sections 58-49 through 58-61.

**Sec. 74-215. Interest rate; administrative costs.**

(a) A simple interest rate of 1.25 percent per month, or a lesser rate if required by state law, shall accrue on all unremitted taxes, not including penalty and administrative fees, from the original due date provided under this section until remitted in full.

(b) In addition to any other penalties imposed under this article, a seller shall pay any administrative fees, outside collection agency fees, attorney fees, and other costs and fees incurred by the city or its agent(s) in connection with any collection, or attempted collection, from the seller of any unremitted tax, unpaid interest, or unpaid penalties due under this article.

(c) The city will apply a seller's payment in the following order: first to any unpaid administrative fees, outside collection agency fees, attorney fees, and other collection costs and fees; second to any unpaid penalties; third to any unpaid interest that has accrued on un-remitted taxes; and fourth, to the principal of any un-remitted taxes.

**Sec. 74-216. Penalties for violations.**

(a) *Failure to file or remit.* A seller who has made sales in the city and who thereafter fails to file a sales tax return or remit the collected tax as required by this article shall incur a civil penalty of \$100.00 if the return or the tax is received later than the last day of the month in which it is due and shall incur a civil penalty of \$1,000.00 if the return or the tax is received later than the last day of the next month following the month in which it was due.

(b) *Non-retention of records.* A seller who does not provide required records upon request as listed in Section 74-211 shall incur a civil penalty of \$1,000.00.

(c) *Collection of taxes.* A seller who in the course of his business makes sales upon which a tax

is levied under this article and who fails to collect such taxes shall incur a civil penalty of double the tax which should have been collected.

(d) *False statements.* Any person who makes any false statement to a seller or to the chief financial officer or mayor which is material in determining whether a sale is taxable under this article is guilty of a misdemeanor and shall be punished as provided in section 1-15.

(e) *Certificate of registration.* Any seller and any officer of a corporate seller failing to file a certificate of registration or failing to furnish the data required in connection with such certificate or failing to display or surrender the certificate of registration as required by this article, or attempting to assign or transfer such certificate shall be guilty of a misdemeanor and shall be punished as provided in section 1-15.

(f) *Penalty.* Any person who violates any of the provisions of this article shall be punishable as provided in section 1-15. A separate offense shall be deemed committed upon each day of a continuing violation.

**Sec. 74-217. Collection policy.**

It shall be the policy of the city that delinquent taxes shall be promptly collected without offset, compromise or time extensions for payment.

**Sec. 74-218. Rules and regulations.**

(a) The mayor is empowered to enact rules and regulations to implement the sales tax levied under this article.

(b) The chief financial officer shall take all lawful and necessary actions to administer this article including, but not limited to, adopting and revising procedures, fees, and written guidelines for the determination of the taxability of sales.

(c) The chief financial officer may also take other lawful actions to administer this article including, but not limited to, issuing written determinations of the taxability of specific sales upon request and contracting services for collection of delinquent accounts.

(d) With the approval of the chief financial officer, the finance department staff shall prepare, implement, and revise forms for the administration of this article.

**Section 2.** The City Clerk is directed to place this ordinance on the ballot for ratification by the voters of the City of Fairbanks at the next general election, with the ballot proposition to read as follows:

**Ballot Question No.** \_\_\_\_\_

**Information:** On July 20, 2015, the Fairbanks City Council passed Ordinance No. 5986, as Amended; which enacted a five percent retail sales tax on Marijuana sold within the City of Fairbanks. Fairbanks Charter Section 6.5 provides that any new or additional sales tax levied by the City Council must be approved by the voters in a general election.

Should Ordinance No. 5986, as Amended, An Ordinance Enacting a Retail Sales Tax on Marijuana and Referring the Ordinance for Ratification at the Next General Election, be ratified?

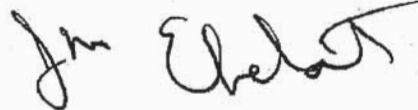
\_\_\_\_\_ Yes

\_\_\_\_\_ No

A "Yes" vote ratifies Ordinance No. 5986, as Amended, and allows the City of Fairbanks to impose a 5% retail sales tax on any sale of marijuana within the City of Fairbanks.

A "No" vote rejects Ordinance No. 5986, as Amended, and no sales tax may be imposed by the City of Fairbanks on the sale of marijuana.

**Section 3.** This ordinance was passed by this Council on the 20th day of July 2015 but does not become effective until ratified by the voters of the City of Fairbanks.

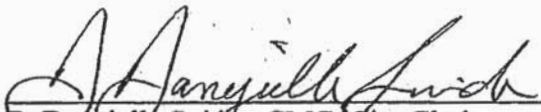


\_\_\_\_\_  
**JOHN EBERHART, MAYOR**


AYES: Walley, Matherly, Gatewood, Pruhs, Cleworth, Staley  
NAYS: None  
ABSENT: None  
ADOPTED: July 20, 2015

ATTEST:

APPROVED AS TO FORM:



\_\_\_\_\_  
D. Daniyelle Snider, CMC, City Clerk



\_\_\_\_\_  
Paul J. Ewers, City Attorney



DATE: August 5, 2015  
 TO: Mayor and City Council  
 FROM: Sonya Dukes, CMC  
 SUBJECT: Initiative Petition

On July 27, 2015 I received an application for an initiative petition, Enacting Houston Municipal Code Chapter 5.10 Marijuana Regulations Amending Title 5, Business Licenses To Prohibit The Operation Of Marijuana Cultivation Facilities, Marijuana Manufacturing Facilities, Marijuana Testing Facilities, And Retail Marijuana Stores Pursuant To AS 17.38.110 Local Control , But Not Restricting Industrial Hemp As Defined Herein”.

The application met Alaska Statutes 29.26.110 criteria. I certified the application and issued an initiative petition instrument on July 29, 2015.

The petitioners submitted the initiative petition instrument on August 3, 2015. Following my review, I concluded the petitioners met the signature requirements.

As a matter of information, the number of signatures gathers and counted is listed below.

<b>BOOK #</b>	<b>Signatures Gathered</b>	<b>Signatures Accepted</b>	<b>Signatures Rejected</b>
1	9	8	1
2	29	29	0
3	11	8	3
Total number of signatures required to certify the petition:			35
Total amount received			49
Total accepted			45
Total rejected			4
Did the petition meet the signature requirements			Yes

Based on the timelines listed in AS 29.26.170 and HMC 3.05.130 unless the council enacts substantially the same measure, the initiative question will be placed before the voters on the October 6, 2015 ballot.

The question before the voters will be *substantially* as follows:

Ordinance #15-12: An initiative Ordinance of the Voters of the City of Houston Enacting Houston Code Chapter 5.10 Marijuana Regulations, Amending Title 5, Business Licenses to Prohibit the Operation of Marijuana Cultivation Facilities, Marijuana Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores Pursuant to AS 17.38.110 Local Control, but Not Restricting Industrial Hemp as Defined Herein.

Shall ordinance 15-12 be enacted? Ordinance #15-12, as initiated proposes to enact Houston Municipal Code 5.10 Marijuana Regulations in the City of Houston, Houston Municipal Code as enacted:

- Prohibits marijuana businesses,
- Prohibits marijuana cultivation facilities,
- Prohibits marijuana manufacturing facilities,
- Prohibits marijuana testing facilities,
- Prohibits retail marijuana stores,
- Industrial hemp as described in the ordinance is not restricted,
- Contains definitions of "Industrial hemp" and "Marijuana businesses".

Proposition H-1

Yes ( ) ( A yes vote enacts the ordinance)

No ( ) (A no vote fails the ordinance)

The effect of voter approval of the ordinance may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed.

If an initiative measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified.

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Sonya Dukes, CMC, City Clerk



### **Certificate**

I, Sonya Dukes, the duly appointed and qualified City Clerk of the City of Houston, Alaska, do hereby certify the petition submitted by the petitioners regarding enacting Houston Municipal Code 5.10 Marijuana Regulations was filed in proper format and bears in excess of the 35 signatures required for certification.

In Witness Whereof, I hereunto set my hand as of this fifth day of August, 2015.

CITY OF HOUSTON, ALASKA

Sonya Dukes, CMC  
City Clerk



Sponsored by: Mayor Porter

**CITY OF KENAI  
ORDINANCE NO. XX-2015**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, IMPOSING A LIMITED MORATORIUM ON THE OPERATIONS OF MARIJUANA ESTABLISHMENTS AND/OR BUSINESSES WITHIN THE CITY OF KENAI.

WHEREAS, on November 4, 2014 Alaskan voters approved a ballot measure legalizing the use of marijuana, and, with a State license, the operation of marijuana establishments, defined as cultivation, manufacturing, testing and retail facilities; and,

WHEREAS, the initiative, which went into effect on February 24, 2015, requires the State to begin accepting and processing applications for the registration of marijuana establishments within one year of the effective date of the act; and,

WHEREAS, the initiative authorizes local governments to enact legislation concerning the time, place, and manner related to the operation of registered marijuana establishments; and,

WHEREAS, it is in the public's best interest that the City of Kenai carefully consider and adopt land use regulations that ensure the orderly development and regulation of marijuana establishments, including, sale, cultivation, manufacture, transport, and/or consumption of marijuana by persons assembled within a commercial or industrial structure, in the City of Kenai ; and,

WHEREAS, the purpose of this moratorium is to allow the City of Kenai a reasonable period of time to consider and enact legislation concerning the operation of marijuana establishments within the City of Kenai.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

**Section 1.** Form: That this is a non-code ordinance.

**Section 2.** Moratorium: No Marijuana establishments and/or businesses shall be permitted within the City of Kenai. Marijuana establishments and/or businesses are defined as those which provide for the sale, cultivation, manufacture, transport, and/or consumption of marijuana by persons assembled within a commercial or industrial structure.



**Section 3.** Moratorium Period: The Prohibition imposed by Section 2 shall be in effect through February 23, 2016, or when Regulations are adopted by the State of Alaska, whichever comes first.

**Section 4.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 5.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after passage.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 19th day of August, 2015.

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PAT PORTER, MAYOR

ATTEST:

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Sandra Modigh, City Clerk

Introduced: XX  
Public Hearing: XX  
Enacted: XX  
Effective: XX

Presented By:  
City Manager

Action Taken:  
Yes \_\_\_\_\_  
No \_\_\_\_\_  
Abstain \_\_\_\_\_

**CITY OF NOME, ALASKA**

**ORDINANCE NO. O-15-02-07**

**AN ORDINANCE ADOPTING CHAPTER 3.07 OF THE NOME CODE OF ORDINANCES**

**WHEREAS**, the City of Nome has the power to regulate the conduct of persons within City limits pursuant to a number of provisions of the Nome Code of Ordinances; and,

**WHEREAS**, the passage of Ballot Measure #2 in the 2014 State of Alaska Election has provided for the legalization of various marijuana-related activities on a specific timeline; and,

**WHEREAS**, the City wishes to be proactive in regulating the marijuana-related behaviors that can be regulated by individual municipalities; and,

**WHEREAS**, in order for the City to regulate such behaviors, an applicable ordinance must be in place; and,

**WHEREAS**, on January 26, 2015, the City Council requested that such an ordinance be drafted by the City Attorney and the Police Chief.

**NOW, THEREFORE, BE IT ORDAINED BY THE NOME COMMON COUNCIL THAT CHAPTER 3.07 OF THE NOME CODE OF ORDINANCES BE ENACTED AS FOLLOWS:**

**Section 1. Classification.** This is a Code ordinance.

**Section 2.**

**Chapter 3.07  
MARIJUANA REGULATION**

Sections:

- 3.07.010 Advisory board—Established—Membership.
- 3.07.020 Advisory board—Powers and authority.
- 3.07.030 State laws and regulations adopted.
- 3.07.040 Marijuana consumption in public prohibited.
- 3.07.050 Marijuana consumption in vehicles prohibited.
- 3.07.060 Marijuana smoke as nuisance.
- 3.07.070 Production or sale of edible marijuana products.
- 3.07.080 Possession, sale, or production of marijuana concentrates.
- 3.07.090 Allowing unlawful marijuana use prohibited.

- 3.07.100 Marijuana use without consent of property owner prohibited.
- 3.07.110 Violation—Enforcement
- 3.07.120 Definitions.

**3.07.010 Advisory board—Established—Membership.**

(a) There is established a Nome marijuana advisory board consisting of five members. The mayor shall appoint the members of the board, subject to confirmation by the city council. Terms shall expire upon resignation or reappointment. All board members serve at the pleasure of the Mayor.

(b) All members of the board shall be residents of the city during the term of their appointment. Members of the board may hold municipal, state or federal office, either elective or appointive.

(c) Two members of the board constitute a quorum for the conduct of business. The board shall meet at least once each year, and at such other times as directed by the city council. (Ord. O-93-6-6 § 1 (part), 1994)

**3.07.020 Advisory board—Powers and authority.**

(a) The board shall conduct studies and investigations to insure the proper administration of marijuana regulations in a manner that will protect the public health, safety and welfare, and shall report to the city council at least one time each year.

(b) The board shall be advisory by nature, and shall possess none of the legal powers or authorities of the city unless specifically delegated by ordinance hereafter. (Ord. O-93-6-6 § 1 (part), 1994)

**3.07.030 State laws and regulations adopted.**

All laws and regulations of the state of Alaska regarding licensed marijuana sales, service, distribution, and consumption apply within the city of Nome unless otherwise stated in this chapter.

**3.07.040 Marijuana consumption in public prohibited.**

No person shall consume marijuana, in any form, in any public place.

**3.07.050 Marijuana consumption in vehicles prohibited.**

Marijuana consumption in or on motor vehicles, on the deck or in the wheelhouse of a watercraft, or in an aircraft is prohibited.

**3.07.060 Marijuana smoke as nuisance.**

No person shall disturb the peace and privacy of another by marijuana odors, smoke, or vapors that drift onto the property of another, including into any residential or commercial unit rented, leased, or owned by another.

**3.07.070 Production and sale of edible marijuana products.**

(a) No person shall solicit or engage in the production, sale, barter or exchange of any edible marijuana product.

(b) No person shall possess, sell, barter, or exchange any edible marijuana product unless the product contains a label accurately identifying all information required by 21 CFR 101 as well as the amount of THC in a serving.

(c) All edible marijuana products must be contained in child-resistant packaging except for when being actively consumed.

**3.07.080 Production of marijuana concentrates.**

No person shall manufacture marijuana concentrates through use of a solvent-based extraction method using a substance other than vegetable glycerin.

**3.07.090 Permitting unlawful marijuana use prohibited.**

No owner, operator, manager or other person in control of any area where marijuana use is prohibited by this chapter shall allow or permit unlawful use of marijuana on said premises.

**3.07.100 Marijuana use without consent of property owner prohibited.**

(a) No person shall consume marijuana on private property without the affirmative consent of the property owner is prohibited.

(b) If a person has a possessory interest in private property but is not the owner and the owner prohibits the use or consumption of marijuana, use or consumption of marijuana on or in that property is prohibited.

**3.07.110 Enforcement.**

(a) A person who violates any provision of this chapter is guilty of an infraction, and upon conviction shall be fined as set forth in NCO Section 1.20.040 or if no fine is there established, not more than five hundred dollars plus any surcharge required to be imposed by AS 12.55.039. Each violation is a separate offense.

(b) Notwithstanding the availability of any other remedy provided by the provisions of this chapter, the city or any person aggrieved by a violation of this chapter may apply for injunctive relief to enforce these provisions in any court of competent jurisdiction.

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**3.07.120 Definitions.**

As used in this chapter:

"Child-resistant" means packaging specially constructed to be significantly difficult for children under ten years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 as well as opaque so that the packaging does not allow the product to be seen without opening the packaging material.

"Edible Marijuana Product" means any marijuana product which is intended to be chewed or swallowed, including but not limited to, any type of food, drink, pill or product intended for human consumption that contains any form of marijuana. Edible marijuana product does not include marijuana flowers.

"Marijuana" means all the parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; "marijuana" does not include fiber produced from the stalks, oil, cake made from the seed of the plant, sterilized seeds of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

"Marijuana accessories" means any equipment, products, or materials of any kind which are used, intended for use, or designed for or for the ingesting, inhaling, or otherwise introducing marijuana into the human body.

"Marijuana concentrates" means any oil, liquid, or other substance created by extracting cannabinoids from marijuana through the use of a solvent other than water for the purpose of increasing the strength or proportion of the cannabinoids.

"Minor" means any person under twenty-one years of age.

"Public place" means any place to which the public or a substantial group of persons has access, including but not limited to streets, highways, alleys, sidewalks, transportation facilities, schools, places of amusement or business, food and beverage service facilities, offices, retail stores, parks, playgrounds, hallways, lobbies, vehicles available for commercial hire, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence and waterways. All property owned or leased by the city shall be considered a public place regardless of the public's access.

**Section 3.** Effective date. This ordinance is effective upon passage.

**APPROVED** and **SIGNED** the 23<sup>rd</sup> day of February, 2015.

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**DENISE MICHELS**  
Mayor

**ATTEST:**

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**TOM MORAN**  
City Clerk

Presented By:  
City Attorney  
Action Taken:  
Yes \_\_\_  
No \_\_\_  
Abstain \_\_\_

**CITY OF NOME, ALASKA**

**ORDINANCE NO. O-15-08-03**

**AN ORDINANCE AMENDING TITLE 3 OF THE NOME CODE OF ORDINANCES TO ESTABLISH CHAPTER 3.40 MARIJUANA REGULATION AND AMENDING SECTION 1.20.040 TO ESTABLISH A PENALTY FOR VIOLATION**

**WHEREAS**, the State of Alaska has legalized personal use of marijuana; and

**WHEREAS**, marijuana, as an intoxicant, is rightfully regulated by the City of Nome for the health and safety of its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE NOME COMMON COUNCIL THAT:**

**Section 1.** Amendment to Title 3. Nome Municipal Code Title 3 (Business Licenses and Regulations) is hereby amended by the addition of a new Chapter 3.40 (Marijuana Regulation) to read as follows:

**Chapter 3.40  
MARIJUANA REGULATION**

- 3.40.010**      **Definitions.**
- 3.40.020**      **Local regulatory authority.**
- 3.40.030**      **Violations and penalties.**
- 3.40.040**      **Marijuana establishment registrations.**
- 3.40.050**      **Marijuana use in public prohibited.**
- 3.40.060**      **Marijuana use in motorized vehicles prohibited.**
- 3.40.070**      **Marijuana use without consent of property owner prohibited.**

**3.40.010.      Definitions.**

“In public” means in or upon any city-owned property, as well as any place that members of the public are able to congregate regardless of whether the property is privately or publically owned. Examples include, but are not limited to: restaurants, bars, clubs, hallways, lobbies and common areas of hotels and multi-unit buildings, shorelines, waterways and tidelands.

“Marijuana” means all parts of the plant of the genus cannabis whether grown or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or its resin, including marijuana concentrate.

“Marijuana establishment” means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store that has been licensed by the State of Alaska.

“Marijuana products” means items containing concentrated marijuana and items that are comprised of marijuana and other ingredients, and are intended for use or consumption, such as, but not limited to: edible products, ointments, and tinctures.

**3.40.020. Local Regulatory Authority.**

The City Council is designated as the “local regulatory authority” as that term is used in Alaska Statutes Chapter 17.38 and any implementing legislation or rule-making.

**3.40.030. Violations and Penalties.**

A. It is unlawful for any person who operates any restaurant, eatery, bar, hotel, or other lodging to permit marijuana use in violation of the chapter.

B. It is unlawful for any person to send, transport, bring, consume or use marijuana or marijuana products in violation of this chapter.

C. Any person aggrieved by a violation or threatened violation of this chapter, or the city, may bring a civil action against a person who violates this chapter and may recover a civil penalty in an amount equal to the fine amount for the violation as set forth in the bail forfeiture and fine schedule. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy.

**3.40.040. Importation of Marijuana for Sale or Commercial Manufacture Prohibited.**

A. No person shall send, transport or bring marijuana or marijuana products into the City of Nome for commercial manufacture of marijuana products or for sale within the City of Nome.

B. This provision does not prohibit transport of marijuana or marijuana products:

1. Through the City of Nome by a marijuana establishment located outside city limits when such transport is documented as required by law;
2. For lawful personal use.

**3.40.050. Marijuana use in public prohibited.**

Use or consumption of marijuana in public is prohibited. This section is not intended to restrict the owner of any property from further restricting use of marijuana.

**3.40.060. Marijuana use in or on motor vehicles is prohibited.**

Marijuana use in or on motor vehicles, watercraft, or aircraft is prohibited.

**3.40.070. Marijuana use without consent of property owner.**

A. Use or consumption of marijuana on private property without the affirmative consent of the property owner is prohibited.

B. If a person has a possessory interest in private property but is not the owner and the owner prohibits the use or consumption of marijuana, use or consumption of marijuana on or in that property is prohibited.

**Section 2.** Amendment to Title 1. Nome Municipal Code Title 1 (1.20.040 Minor Offense Fine Schedule) is hereby amended by the additions of new language to read as follows:

<b>NCO Section</b>	<b>Offense</b>	<b>Penalty/Fine</b>
<b>3.40.030 (A)</b>	<b>Permitting prohibited marijuana use</b>	
	First violation within a twelve-month period	\$100
	Second violation within a twelve-month period	\$500
	Third violation within a twelve-month period	Mandatory Court
<b>3.40.030 (B)</b>	<b>Prohibited marijuana use or transport</b>	
	First violation within a twelve-month period	\$100
	Second violation within a twelve-month period	\$500
	Third violation within a twelve-month period	Mandatory Court

**Section 3.** Effective Date. This ordinance shall be effective upon passage.

**APPROVED** and **SIGNED** the 24<sup>th</sup> day of August, 2015.

\_\_\_\_\_  
**DENISE MICHELS, Mayor**

**ATTEST:**

\_\_\_\_\_  
**TOM MORAN, Clerk**



**CITY OF NORTH POLE**

**ORDINANCE 15-01**

**AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA TO  
AMEND CHAPTER 8.04 NUISANCES AND ADD SECTION 8.04.005 TO  
PROHIBIT THE EXTRACTION OF MARIJUANA OILS WITHIN CITY  
LIMITS.**

**WHEREAS**, Ballot Measure 2 – An act to Tax and Regulate the Production, Sale and Use of Marijuana, and codified as Alaska Statutes 17.38, provides for the legalization of marijuana, was passed by the voters in the recent state election and certified on November 28, 2014 by the State of Alaska, Division of Elections; and

**WHEREAS**, the effective date of the state marijuana statute is February 24, 2015; and

**WHEREAS**, marijuana extraction of “hash oils” is an extremely dangerous process, and

**WHEREAS**, cooking of “hash oils” poses an extreme danger to our residents, homes and businesses, and

**WHEREAS**, “hash oil” cookers are not listed as approved devices in Alaska for commercial or home use, and

**WHEREAS**, the personal use and consumption of marijuana is not affected by the decision to ban the extraction of marijuana oils within North Pole City Limits, and;

**WHEREAS**, The state of Alaska has yet to determine regulations for the extracting of marijuana oils, and

~~**WHEREAS** it is extremely unlikely that the State of Alaska will establish guidelines for personal extraction of marijuana oils, and~~

**WHEREAS**, North Pole is interested in keeping its neighborhoods as safe as possible from fire and explosion risk.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of North Pole:

**Section 1.** This ordinance is of a general and permanent nature and shall be codified.

**Section 2.** Title 8 Chapter 4 Section .005 Marijuana oil extraction-prohibited, is hereby added to the North Pole Municipal Code of Ordinances as follows [new text in underlined italicized red font; deleted text in strikethrough font]:

**Title 8**  
**Chapter 04**

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**Section 8.04.005 Marijuana oil, flammable extraction-prohibited.**

- 42 A. Methods to process marijuana oil using a flammable extraction method is hereby
- 43 prohibited within North Pole City Limits.
- 44 B. "Flammable extraction method" is defined as using a flammable or explosive chemical,
- 45 series of chemicals or fluid to extract oil from a marijuana plant.
- 46 C. Methods of marijuana oil extraction that do not involve flammable or explosive materials
- 47 are not a violation of this section.
- 48 D. A person or corporation that processes marijuana oil using an flammable extraction
- 49 method is in violation of this section and subject to a \$1,500 (fifteen hundred dollar) fine.

50 **Section 3. Effective date.**

51 This ordinance shall become effective on the first City business day following its adoption.


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**PASSED AND APPROVED** by a duly constituted quorum of the North Pole City Council this  
17<sup>th</sup> day February, 2015.



  
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Bryce J. Ward, Mayor

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61 ATTEST:

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64 Kathryn M. Weber, MMC  
65 North Pole City Clerk  
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<b>PASSED/FAILED</b> Yes: 7 – McGhee, Welch, Holm, Hunter, Smith, McCarthy, Ward No: 0 Absent: 0
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**CITY OF NORTH POLE**

**ORDINANCE 15-02**

**AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA TO  
AMEND TITLE 12 STREETS, SIDEWALKS AND PUBLIC PLACES  
AND ADDING CHAPTER 12.03, MARIJUANA USE IN PUBLIC  
PLACES, TO REGULATE THE CONSUMPTION OF MARIJUANA IN  
A PUBLIC PLACE**

**WHEREAS**, changes to the North Pole Municipal Code is a continually changing requirement; and

**WHEREAS**, the City of North Pole Municipal Code should be amended to conform to the requirements of the City and to clarify questionable areas; and

**WHEREAS**, Ballot Measure 2 – An act to Tax and Regulate the Production, Sale and Use of Marijuana, and codified as Alaska Statutes 17.38, provides for the legalization of marijuana, was passed by the voters in the recent state election and certified on November 28, 2014 by the State of Alaska, Division of Elections; and

**WHEREAS**, newly enacted AS 17.38.040 states;

Public consumption banned, penalty.

It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100; and

**WHEREAS**, the state statute does not define “public”; and

**WHEREAS**, the state statute does not discuss or mandate any enforcement mechanism; and

**WHEREAS**, the effective date of the state marijuana statute is February 24, 2015.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of North Pole:

**Section 1.** This ordinance is of a general and permanent nature and shall be codified.

**Section 2.** Title 12, Chapter 12.03, Marijuana use in Public Places, is hereby added to the North Pole Code of Ordinances as follows [new text in underlined italicized red font; deleted text in ~~strike through~~ font]:

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**Title 12**  
**Chapter 12.03**

43 12.03.010 Consuming marijuana in a public place.

44 A. It is unlawful for any person to knowingly consume marijuana when the  
45 person is :

- 46 1. On, in or upon any public place, except as permitted by ordinance,  
47 regulation, statute or permit; or  
48 2. Outdoors on property adjacent to a public place, and without consent  
49 of the owner or person in control thereof.  
50 3. A person who consumes marijuana must take reasonable precautions  
51 to ensure consumption is not a nuisance to neighboring properties.

52 B. For purposes of this section, the definitions of the words and phrases  
53 below shall apply:

- 54 1. Consume shall have the meaning, in all conjugated forms, of  
55 "consumption" set forth in AS 17.38.900.  
56 2. Marijuana shall have the meaning set forth in AS 17.38.900.  
57 3. Public place means a place to which the public has access and  
58 includes, but is not limited to, streets, highways, sidewalks, alleys,  
59 transportation facilities, parking areas, convention centers, sports  
60 arenas, schools, places of business or amusement, shopping centers,  
61 malls, parks, playgrounds, prisons, and other portions of apartment  
62 houses and hotels not constituting rooms or apartments designed for  
63 actual residence such as hallways, lobbies, and doorways.

64 12.03.020 Violation

65 A. Violation of this section is a minor offense punishable by a fine of \$100 as set  
66 forth in AS 17.38.040.

67 **Section 3. Effective date.**

68 This ordinance shall become effective at 5:00 p.m. on the first City business day  
69 following its adoption.

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71 **PASSED AND APPROVED** by a duly constituted quorum of the North Pole  
72 City Council this 17<sup>th</sup> day of February, 2015.

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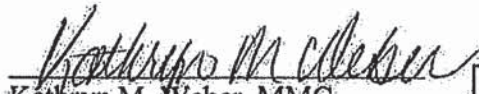
Sponsored by: Mayor Bryce J. Ward  
Introduced & Advanced: February 2, 2015  
Possible Adoption: February 17, 2015



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\_\_\_\_\_  
Bryce J. Ward, Mayor

ATTEST:

  
\_\_\_\_\_  
Kathryn M. Weber, MMC  
North Pole City Clerk

<p><b>PASSED/FAILED</b> Yes: 7- McGhee, Welch, Holm, Hunter, Smith, McCarthy, Ward No: 0 Absent: 0</p>
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**City Clerk's Office**

Phone: (907) 745-3271  
 Direct: (907) 761-1301  
 Fax: (907) 745-0930

231 W. Evergreen Ave.  
 Palmer, Alaska 99645-6952  
 www.cityofpalmer.org

TO: Mayor and City Council  
 FROM: Janette Bower, MMC *JTB*  
 DATE: July 22, 2015  
 SUBJECT: Initiative Petition

On June 2, 2015, I received an application for an initiative petition, proposing to enact Palmer Municipal Code 5.32 Marijuana Businesses, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores Pursuant to AS 17.38.110 Local Control, but Not Restricting Industrial Hemp as Defined Herein. The application met the Palmer Municipal Code and Charter criteria. I certified the application and issued the initiative petition instrument on June 12, 2015.

The petitioners submitted the initiative petition instrument on July 21, 2014. Following my review, I concluded the petitioners met the signature requirements. As a matter of information, the number of signatures gathered and counted is listed below:

Book #	Signatures Gathered	Signatures Accepted	Signatures Rejected
1	13	13	6
2	25	25	0
3	24	21	3
4	4	4	0
5	25	23	2
6	25	25	0
7	24	24	0
8	11	9	2
9	24	17	14
10	Not Used – Not Issued		
11	Not Used – Not Issued		
12	Not Used – Not Issued		
<b>Total number of signatures required to certify the petition:</b>			<b>134</b>
<b>Total amount received:</b>			<b>175</b>
<b>Total accepted votes:</b>			<b>161</b>
<b>Total rejected votes:</b>			<b>14</b>
<b>Did the petition meet the signature requirements:</b>			<b>Yes</b>

Based on the timeframes listed in the Code, unless the council enacts substantially the same measure, the initiative question will be on the October 6, 2015, ballot. The question before the voters will be substantially as follows:

**CITY OF PALMER**  
**PROPOSITION NO. P-1**  
(Initiative Ordinance No. 15-020)

INITIATIVE ORDINANCE

Ordinance No. 15-020: An Initiative Ordinance of the Voters of the City of Palmer Enacting Palmer Municipal Code Chapter 5.32 Marijuana Businesses, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores Pursuant to AS 17.38.110 Local Control, but Not Restricting Industrial Hemp as Defined Herein

Shall Ordinance No. 15-020 be enacted? Ordinance no. 15-020, as initiated, proposes to enact Palmer Municipal Code Chapter 5.32. In the City of Palmer, Palmer Municipal Code Chapter 5.32 as enacted:

- Prohibits marijuana businesses,
- Prohibits marijuana cultivation facilities,
- Prohibits marijuana manufacturing facilities,
- Prohibits marijuana testing facilities,
- Prohibits retail marijuana stores,
- Industrial hemp as described in the ordinance is not restricted,
- Contains definitions of "Industrial hemp" and "Marijuana businesses".

Proposition No. P-1    Yes ( )    (A yes vote enacts the ordinance).  
                                      No ( )    (A no vote fails the ordinance).

Please note: "the council may at any time not less than 20 days from the date of the election adopt an ordinance or resolution to implement the petition. In that event, a vote on the initiative shall not be held". (PMC 18.07.045 E)

The effect of voter approval of the ordinance is that it may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed. (PMC 18.07.055 A)

If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified. (PMC 18.07.055 C)



## Certificate

I, Janette M. Bower, the duly appointed and qualified City Clerk of the City of Palmer, Alaska, do hereby certify the petition submitted by the Petitioners regarding enacting Palmer Municipal Code 5.32, Marijuana Businesses, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores Pursuant to AS 17.38.110 Local Control, but Not Restricting Industrial Hemp as Defined Herein, was filed in proper format and bears in excess of the 134 signatures required for certification.

In Witness Whereof, I hereunto set my hand as of this twenty-second day of July, 2015.

CITY OF PALMER, ALASKA

Janette M. Bower, MMC  
City Clerk



Application for initiative petition submitted to the City Clerk: June 2, 2015  
Application Petition Certified by City Clerk: June 12, 2015  
Initiative Petition Submitted to City Clerk: July 21, 2015  
Petition Certified by City Clerk: July 22, 2015  
Measure Placed Before the Voters at the Regular Election of:  
Proposition No. 1, XXXX at the Regular Election of:  
Election Certified by the Palmer City Council:  
Vote on Certification of Election:  
Effective Date:

CITY OF PALMER, ALASKA

**Ordinance No. 15-020**

**An Initiative Ordinance of the Voters of the City of Palmer Enacting Palmer Municipal Code Chapter 5.32 Marijuana Businesses, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores Pursuant to AS 17.38.110 Local Control, but Not Restricting Industrial Hemp as Defined Herein**

THE VOTERS OF CITY OF PALMER, ALASKA ORDAINS:

Whereas, the residents of Alaska passed Ballot Measure No. 2 - 13PSUM An Act to Tax and Regulate the Production, Sale, and Use of Marijuana, codified as Alaska Statute Chapter 17.38; and

Whereas, Alaska Statute Chapter 17.38 creates classes of registrations, licenses, or permits to enable the lawful conduct of certain types of marijuana commerce and business; and

Whereas, the conduct of these commercial and business activities is unlawful without the appropriate registration, license, or permit; and

Whereas, AS 17.38.110 Local Control, enacted by Ballot Measure 2, empowers municipalities to prohibit the operation of these businesses by enactment of an ordinance or voter initiative; and

Whereas, prohibiting the operation of commercial marijuana businesses does not infringe upon the personal use rights guaranteed by Alaska Statute Chapter 17.38; and

Whereas, the voters do not seek to inhibit the development of industrial hemp.

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. Palmer Municipal Code Title 5, Business Licenses and Regulations, is hereby amended by the addition of a new Chapter 5.32, to read as follows:

**Chapter 5.32**  
**MARIJUANA BUSINESSES**

**Sections:**

5.32.010 Definitions

5.32.020 Marijuana businesses prohibited

**5.32.010 Definitions.**

When used in the chapter, the following words and phrases shall have the meanings set forth in this section:

"Industrial hemp" means the plant cannabis sativa and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis and shall also include any definition of "industrial hemp," or similar term serving the same purpose, adopted by laws or regulations by the State of Alaska.

"Marijuana business" means any and all business, acts, or commerce subject to registration or licensure pursuant to Alaska Statute Chapter 17.38.

**5.32.020 Marijuana businesses prohibited.**

A. Marijuana businesses are prohibited.

B. The prohibition contained in subsection A shall not apply to or restrict any business, act, or commerce relating to the growing or processing of industrial hemp otherwise authorized by state or federal law, whether authorized by Chapter 17.38 or any other provision of state or federal law; nor shall the prohibition contained in subsection A preclude issuance of a license or registration required for industrial hemp-related business or commerce to a qualified person or entity.

Section 4. Effective Date. If a majority vote favors this ordinance, it shall become effective upon certification of the election.

\_\_\_\_\_  
DeLena Goodwin Johnson, Mayor

\_\_\_\_\_  
Janette M. Bower, MMC, City Clerk

CITY OF UNALASKA  
UNALASKA, ALASKA

ORDINANCE NO. 2015-04

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING THE UNALASKA CODE OF ORDINANCES TO CREATE A NEW CHAPTER 11.28 FOR THE REGULATION OF MARIJUANA USE.

**BE IT ENACTED** by the City Council of the City of Unalaska:

**Section 1:** Form. This is a Code ordinance.

**Section 2:** Amendment of Title 11. Title 11 Health and Safety of the Unalaska Code of Ordinances is amended by the addition of a new Chapter 11.28 Marijuana Regulation to read as follows:

**Chapter 11.28**

**MARIJUANA REGULATION**

- 11.28.010 **Definitions.**
- 11.28.020 **Local regulatory authority.**
- 11.28.030 **Remedies.**
- 11.28.040 **Marijuana use in public places prohibited.**
- 11.28.050 **Allowing unlawful marijuana use prohibited.**
- 11.28.060 **Marijuana possession and use under the age of 21 prohibited.**
- 11.28.070 **Unregistered commercial cultivation of marijuana prohibited.**

**11.28.010 Definitions.**

“Business” means any natural person or legal entity such as, without limitation, a business-for-profit corporation, nonprofit corporation, partnership, limited liability company or trust that undertakes to provide goods or services to the public or to persons who are members of a private group that is eligible to obtain the goods or services, regardless of whether the business exists or is conducted for the purpose of making a profit.

“Marijuana” means all parts of the plant of the genus cannabis whether grown or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or its resin, including marijuana concentrate.

“Public place” means any area to which the public is invited or into which the public is permitted, including, but not limited to, educational facilities, entertainment, food and

beverage services, offices, retail stores, common areas in multi-unit buildings such as lobbies, stairwells and hallways, transportation facilities and vehicles accessible to the general public, parks, public rights-of-way, shorelines, waterways, tidelands, as well as all city-owned property.

“Commercial cultivation” means the cultivation of more than six marijuana plants, or more than three mature, flowering marijuana plants:

- (a) in any non-dwelling structure;
- (b) in a dwelling unit or in any non-dwelling unit area within a dwelling;
- (c) if cultivated outside of a structure, upon the smallest recorded subdivision of the land; or
- (d) by a business.

This chapter also adopts the definitions contained in UCO Chapter 8.06

**11.28.020 Local Regulatory Authority.**

The city council is designated as the “local regulatory authority” as that term is used in Alaska Statutes Chapter 17.38 and any implementing legislation or rule-making.

**11.28.030 Remedies.**

A. The city may cite any violation of this chapter as a minor offense. The fine for a minor offense citation may not be reduced below the fine amount established by ordinance.

B. Any person aggrieved by a violation of this chapter may bring a civil action against a person who violates this chapter and may recover, for each violation, a civil penalty not to exceed the fine amount established by ordinance.

C. The city or any person aggrieved by a violation of this chapter may bring an action to enjoin a violation notwithstanding the availability of any other remedy.

**11.30.040 Marijuana use in public places prohibited.**

Use or consumption of marijuana in a public place is prohibited. This section is not intended to restrict a property owner from further restricting use of marijuana. A fine of \$100 shall be assessed for violation of this section.

**11.30.050 Allowing unlawful marijuana use prohibited.**

No person who manages, oversees, controls, or has an ownership interest in any business shall allow marijuana use in violation of this chapter in or on the premises of the business or on property owned, leased, or rented by the business. A fine of \$100 shall be assessed for a first violation of this section. Subsequent violations on the same property or premises in a twelve-month period shall be assessed a fine of \$500.

**11.30.060 Marijuana possession and use under the age of 21 prohibited.**

No person under 21 years of age shall possess or use marijuana. A fine of \$100 shall be assessed for a first violation of this section. Subsequent offenses in a twelve-month period shall be assessed a fine of \$300.

**11.30.070 Unregistered commercial cultivation of marijuana prohibited.**

No person shall commercially cultivate marijuana unless the facility and cultivator are validly registered under AS 17.38.100. Each unlawfully cultivated plant shall be considered a separate violation. Each violation of this section shall incur a fine of \$500.

**Section 3. Amendment to Minor Offense Table.** The city clerk is instructed to update the city's minor offense table in accordance with this ordinance and provide notice thereof to the Alaska Court System.

**Section 4. Effective Date.** This ordinance is effective upon passage.

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE UNALASKA CITY COUNCIL THIS 20<sup>th</sup> DAY OF January, 2015.

  
HON. SHIRLEY MARQUARDT  
MAYOR

ATTEST:

  
CATHERINE HAZEN, CITY CLERK



## MEMORANDUM

To: Chris Hladick  
City Manager

Shirley Marquardt  
Mayor

Patrick Jordan  
Assistant City Manager

From: Boyd, Chandler & Falconer, LLP  
Charles A. Cacciola

Date: February 2, 2015

Re: Marijuana Ordinance

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Chris asked us to prepare an ordinance to prohibit public marijuana use and limit marijuana cultivation for personal use.

We believe it best to proceed with the understanding that a body of local regulation will develop over time, particularly as the state and ABC clarify existing regulations. Therefore, we have created a new chapter for the Unalaska Code of Ordinances to house marijuana regulation and, following input from Mayor Marquardt, have designated the city council as the regulatory authority.

For the purpose of prohibiting public use, the definition of "public place" is similar to the definition in the Secondhand Smoke chapter, except that we have struck "enclosed" and broadened the examples to specify open spaces such as roads and parks. The definition also includes *all* city property even if the space is not open to the public. Examples of public places are provided to give guidance for enforcement as well as notice to potential offenders. We believe that this definition provides the broadest restriction on public use permissible. If the City would like to further restrict quasi-public use, such as use in an automobile or boat (distinct from operating under the influence of marijuana, which is a crime under state law), further restrictions are viable based upon the inherent authority of municipal government to regulate public safety even if the restrictions fall outside of public use.

State law limits public use fines to \$100. We have therefore set the fine for public use at \$100. The City cannot implement a fine higher than this, though it can require court appearances for a first or subsequent offense.

Fining an establishment that condones public use may prove to be a better enforcement mechanism for some public use violations, such as use in bars. State law allows fines in excess of \$100 for an establishment that permits patrons to use marijuana on the premises. We have set the fine at \$100 for a first offense and \$500 for subsequent offenses. The amounts can be amended as the City sees fit, but cannot exceed \$500 if the violation is to be enforced as a minor offense. The fine for "commercial cultivation" is set as \$500 per plant in excess of six or three budding plants.

State marijuana law permits a person to grow up to six marijuana plants. A grow operation larger than six plants could be lawful on the basis of several people participating in one grow. To prevent this, cultivation of more than six plants in one dwelling unit, non-dwelling structure, or in one place outdoors, as well as the cultivation of *any* plants by a business, is defined as commercial cultivation and thus prohibited unless expressly licensed. Further, state law prohibits marijuana cultivation where the marijuana is subject to public view, which significantly restricts outdoors marijuana grows in Unalaska.

The ordinance also creates a minor offense for any possession or use by a person under the age of 21. The fine for this is currently set at \$100 for the first offense and \$300 for subsequent offenses.

Please let us know if you have any questions regarding the proposed ordinances or would like to discuss further ordinances relating to marijuana use or cultivation. Please keep in mind that possession of up to 1 ounce of marijuana becomes legal February 24 so this ordinance needs to move quickly through the council. Please let us know if you would like us to attend either the February 10 or February 24 meeting telephonically or in Unalaska. We will also provide a memo to city employees regarding marijuana use.

CITY OF VALDEZ, ALASKA

ORDINANCE #15-5

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA,  
AMENDING THE VALDEZ MUNICIPAL CODE BY CREATING CHAPTER 5.06  
TITLED MARIJUANA REGULATION

WHEREAS, on November 4, 2014 the voters approved Ballot Measure 2 which provided for general legalization of marijuana and adopted a new chapter in the Alaska Statutes, which has been codified as Alaska Statute 17.38; and

WHEREAS, Alaska Statute 17.38 authorizes municipal regulation of the commercial transfer of marijuana, marijuana products, and of marijuana establishments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that

Section 1. Chapter 5.06 titled Marijuana Regulation is created to read as follows:

CHAPTER 5.06

MARIJUANA REGULATION

- 5.06.010 Definitions.
- 5.06.020 Local regulatory authority.
- 5.06.030 Remedies and conformance with State Law.
- 5.06.040 Marijuana use in public places prohibited.
- 5.06.050 Allowing unlawful marijuana use prohibited.
- 5.06.060 Marijuana possession and use under the age of 21 prohibited.
- 5.06.070 Unregistered commercial cultivation of marijuana prohibited.

5.06.010 Definitions

The following words and phrases when used in this chapter have the meanings as set out herein:

"Business" means any natural person or legal entity such as, without limitation, a business-for-profit corporation, nonprofit corporation, partnership, limited liability company or trust that undertakes to provide goods or services to the public or to persons who are members of a private group that is eligible to obtain the goods or services, regardless of whether the business exists or is conducted for the purpose of making a profit.



"Marijuana" means all parts of the plant of the genus cannabis whether grown or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or its resin, including marijuana concentrate.

"Public place" means any area to which the public is invited or into which the public is permitted, including, but not limited to, educational facilities, entertainment, food and beverage services, offices, retail stores, common areas in multi-unit buildings such as lobbies, stairwells and hallways, transportation facilities and vehicles accessible to the general public, parks, public rights-of-way, shorelines, waterways, tidelands, as well as all city-owned property.

"Commercial cultivation" means the cultivation of more than six marijuana plants, or more than three mature, flowering marijuana plants:

- (a) in any non-dwelling structure;
- (b) in a dwelling unit or in any non-dwelling unit area within a dwelling;
- (c) if cultivated outside of a structure, upon the smallest recorded subdivision of the land; or
- (d) by a business.

#### 5.06.020 Local Regulatory Authority

The City Council is designated as the "local regulatory authority" as that term is used in Alaska Statutes Chapter 17.38 and any implementing legislation or rule-making.

#### 5.06.030 Remedies and Conformance with State Law

A. The City may cite any violation of this chapter as a minor offense. Any violation of this chapter is an offense punishable pursuant to Section 1.08.010 of the Valdez Municipal Code.

B. Except as otherwise provided, the Alaska Statutes relating to the provisions of this title shall apply and are hereby incorporated by reference as though fully set forth herein.

#### 5.06.040 Marijuana use in public places prohibited.

Use or consumption of marijuana in a public place is prohibited. This section is not intended to restrict a property owner from further restricting use of marijuana.

#### 5.06.050 Allowing unlawful marijuana use prohibited.

No person who manages, oversees, controls, or has an ownership interest in any business shall allow marijuana use in violation of this chapter in or on the premises of the business or on property owned, leased, or rented by the business.

5.06.060 Marijuana possession and use under the age of 21 prohibited.

No person under 21 years of age shall possess or use marijuana.

5.06.070 Unregistered commercial cultivation of marijuana prohibited.

No person shall commercially cultivate marijuana unless the facility and cultivator are validly registered under AS 17.38.100. Each unlawfully cultivated plant shall be considered a separate violation.

Section 2. This ordinance shall take effect immediately upon passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF VALDEZ, ALASKA

\_\_\_\_\_  
Larry Weaver, Mayor

ATTEST:

\_\_\_\_\_  
Sheri L. Pierce, MMC, City Clerk

APPROVED AS TO FORM:

First Reading:  
Second Reading:  
Yeas:  
Nays:  
Absent:  
Abstain:

\_\_\_\_\_  
By: Anthony S. Guerriero  
Brena, Bell & Clarkson, P.C.

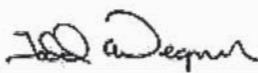
MEETING DATE: 8/3/2015

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ITEM TITLE:

SUBMITTED BY: Sheri Pierce  
City Clerk

Ordinance #15-5

CITY MANAGER: 

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FISCAL  
NOTES:

Expenditure  
Required:  
\$0

Unencumbered  
Balance:  
\$0

Funding Source:  
N/A

---

EXHIBITS ATTACHED:

Resolution  Ordinance  Other: City Attorney Memo - Status Update  
Marijuana

---

RECOMMENDATION:

Approve Ordinance #15-5

SUMMARY STATEMENT:

On November 4, 2014 the voters approved Ballot Measure 2 which provided for general legalization of marijuana and adopted a new chapter in the Alaska Statutes, which has been codified as Alaska Statute 17.38. Ballot Measure 2 provided basic parameters to the legalization of marijuana but relies upon the State of Alaska to adopt more specific tailored laws and regulations.

Ballot Measure 2 also permits municipalities to prohibit or govern the number, time, place, and manner of marijuana cultivation and manufacturing facilities, retail stores and testing facilities within their borders. Alaska Statute 17.38 authorizes municipal regulation of the commercial transfer of marijuana, marijuana products, and of marijuana establishments.

Following a work session with the City Attorney on July 20, 2015, the Valdez City Council directed that an ordinance be created for the purpose of establishing local regulation of Marijuana and designating the City Council as the local regulatory authority under 17.38.110 (c).

Based on the timeline provided in a memorandum from the City Attorney, provided as "Attachment A", city administration will move forward in assisting the city council as the local regulatory authority to adopt local regulations and policies within these timelines.

Code Ordinance

By: Council Member Stu Graham  
Introduced: February 9, 2015  
Public Hearing: February 23, 2015  
Amended: February 23, 2015  
Action: February 23, 2015

Vote: Buswell, Graham, O'Barr, and Wilson in favor; Sullivan-Leonard and Wall opposed

**City of Wasilla  
Ordinance Serial No. 15-08(AM)**

**An ordinance of the Wasilla City Council adopting Wasilla Municipal Code, Chapter 9.40 Regulation of Marijuana, pertaining to the manufacture, transport, possession, and use of marijuana and substances derived from marijuana.**

Whereas, the voters of the Alaska recently passed Ballot Measure 2, An Act to Tax and Regulate the production, Sale, and use of marijuana, and which would be codified as Alaska Statute 17.38 et seq.; and

Whereas, AS 17.38.110, "local control" in subsection (a) provides: "A local government may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, or retail marijuana stores through the enactment of an ordinance or voter initiative"; and

Whereas, the personal use of marijuana as described in AS 17.38.020 will not be affected by this ordinance; and

Whereas, enactment of AS 17.38 is phased in with the first actions under said statute becoming effective in late February 2015; and

Whereas, State regulations influencing actions permitted beginning in late February 2015 will not be in place by the time said actions are allowed by passage of the statewide voter initiative; and

Whereas, the voters in the City of Wasilla precincts voted in opposition to Ballot Measure 2; and

Whereas the Wasilla City Council is charged with enacting law to best assure the public health and safety; and

Whereas; the Wasilla City Council must enact regulations which express the will of the voters of the city of Wasilla.

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

**Section 2. Adoption of chapter.** WMC 9.40, Regulation of Marijuana, is hereby adopted to read as follows:

## CHAPTER 9.40 REGULATION OF MARIJUANA

### 9.40.010 Definitions.

When used in the chapter, the following words and phrases shall have the meanings set forth in this section:

*Consume or consumption.* The act of ingesting, inhaling, or otherwise introducing marijuana into the human body.

*Manufacture.* Any operation to cultivate marijuana or manufacture products in which marijuana or any extract therefrom is an ingredient.

*Marijuana.* As defined in Alaska Statute 17.38.900(6).

*Marijuana Club.* The consumption of marijuana by persons assembled within a commercial or industrial structure, where such consumption is permitted, encouraged, promoted, enabled or condoned by persons assembled therein, whether such consumption is the primary intended purpose or an intended purpose incidental to other reasons for assembly therein.

*Transportation device.* The use of a motorized and/or wheeled vehicle to move marijuana and/or manufactured from cannabis within the Wasilla City limits.

### 9.40.020 Purpose.

The purpose of this chapter is to enhance public safety by regulating availability and use of marijuana as marijuana is a psychoactive substance.

### 9.40.030 Limitations to manufacture.

Manufacturing edible products, marijuana extracts and/or concentrates made with marijuana is prohibited within the Wasilla City limits.

### 9.40.040 Limitation on transport.

Transport of marijuana within the Wasilla City limits shall be limited to no more than two (2.0) ounces of marijuana per transportation device.

### 9.40.050 Limitations on use.

(A) Marijuana may be consumed only on private real property with consent of the owner.

(B) Use of marijuana may not disturb other residents of the same or neighboring properties. Any use disturbing other residents or neighbors must cease immediately.

**9.40.060 Marijuana clubs prohibited.**

(A) Marijuana clubs are prohibited within the Wasilla City limits.

(B) Each day in which a violation of this provision is committed shall be deemed a separate violation.

**9.40.070 Remedies and Penalties.**

(A) Remedies and penalties for violations of this chapter are as provided in Chapter 1.20.

(B) Each full ounce or portion thereof in excess of the permitted amount shall constitute basis for violation of this chapter and constitute a separate violation pursuant to Chapter 1.20.

(C) Manufacturing of edible products and/or concentrates or derivatives shall constitute a violation pursuant to Chapter 1.20.


(D) Any products found in violation of this chapter 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, in accordance with Chapter 5.40.

**Section 3. Amendment of subsection.** WMC 1.20.030, Disposition of Scheduled Offenses—Fine Schedule, is hereby amended to add a fine for Excessive responses violations as follows:

Code Section	Description of Offense	Fine
9.40.030	Marijuana Manufacture	\$300
9.40.040	Marijuana Transport	\$100
9.40.050	Marijuana Use	\$100
9.40.060	Marijuana Clubs Prohibited	\$1,000

**Section 4. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on February 23, 2015.

  
BERT L. COTTLE, Mayor

ATTEST:


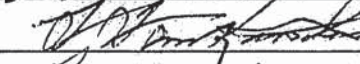
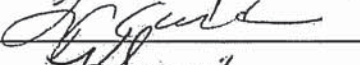

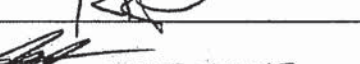
  
KRISTIE SMITHERS, MMC, City Clerk

[SEAL]

**CITY COUNCIL LEGISLATION STAFF REPORT**

**Ordinance Serial No. 15-08: Adopting Wasilla Municipal Code, Chapter 9.40 Regulation of Marijuana, pertaining to the manufacture, transport, possession, and use of marijuana and substances derived from marijuana.**

Originator: Council Member Stu Graham  
 Date: 1/28/2015 Agenda of: 2/9/2015

Route to:	Department Head	Signature	Date
X	Chief of Police		2-2-15
X	Finance Director		2-2-15
X	Deputy Administrator		2/2/15
X	City Clerk		1.30.15
X	City Attorney		2/2/15

Reviewed by Mayor Bert L. Cottle:  01:30:2015

**Fiscal Impact:**  yes or  no      **Funds Available:**  yes or  no

**Account name/number:**

Account Name	Account #	Dollar Amount
		Total: \$

**Attachments:** Ordinance Serial No. 15-08 (3 pages)  
 Ballot Measure No. 2 Ballot Language (27 pages)

**Summary Statement:** Please see attached Ordinance Serial No. 15-08, for consideration by the City Council.

**Staff Recommendation:** Introduce and set for public hearing Ordinance Serial No. 15-08.



**CITY AND BOROUGH OF SITKA**

**ORDINANCE NO. 2015-06A**

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA ADDING A NEW TITLE TO SITKA GENERAL CODE ENTITLED "TITLE 7, MARIJUANA REGULATIONS" TO REGULATE AND TAX THE USE, POSSESSION, MANUFACTURE AND SALE OF MARIJUANA AS WELL AS PROVIDE PENALTIES FOR VIOLATION AS DEFINED IN CHAPTER 7.30, SECTION 7.30.10 ENTITLED "PUBLIC CONSUMPTION"**

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code (SGC").
2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person or circumstances shall not be affected thereby.
3. **PURPOSE.** This ordinance is being recommended to create a comprehensive regulatory scheme for the regulation of marijuana and associated marijuana products which became legal in the State of Alaska by popular vote. To wit, Ballot Measure 2 – An act to tax and regulate the production, sale and use of marijuana, as codified as Alaska Statutes 17.38 provides for the legalization of marijuana in the State election and certified on November 28, 2014 by the State of Alaska, Division of Elections.
4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka ("CBS") that the SGC is amended to add a new Title 7, Marijuana Regulations, to read as follows:

**Title 7  
MARIJUANA REGULATIONS**

**Chapter:  
7.30 Public Consumption**

\*\*\*  
**Chapter 7.30  
Public Consumption**

**Section:  
7.30.10 Public Consumption**

**7.30.10 Public Consumption**

- A. Pursuant to Alaska Statute 17.38.40, Public consumption of marijuana is prohibited. A person who violates this law is guilty of a violation punishable by a fine of up to \$100.00.

B. Except as otherwise provided, it is unlawful for a person to knowingly consume marijuana:

1. Upon any public streets, alleys, sidewalks, municipally operated harbor walkways and floats, restrooms and parking lots, any municipally controlled areas open to the general public and public school grounds, whether in a motor vehicle or not;

2. At any public park, recreation area, playground, or ball field, whether in a motor vehicle or not;

3. In or upon those portions of any private property upon which the public has an express or implied license to enter or remain, including but not limited to eating and/or drinking establishments, places of business or amusement, and;

4. Any other public or private property, where such area is posted that consumption of marijuana is prohibited; and

5. Upon establishment of a local regulatory authority, or similar body, exemptions may be given for special events by the assembly, upon advice by the local regulatory authority or similar body, with such conditions as the assembly may require for the public good.

C. For purposes of this section, the definitions for words and phrases below shall apply:

1. Marijuana, per Alaska Statute 17.38.900(6): "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate.

"Marijuana" does not include fiber produced from the stalk, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products; and

2. Consume shall have the meaning, in all conjugate forms, of consumption set forth in Alaska Statute 17.38.900(3): Consumption means the act of ingesting, inhaling, or otherwise introducing marijuana into the human body.

D. Pursuant to AS 12.25.195, violation of this section is a minor offense punishable as set forth in the state's minor offense fine schedule under the Alaska Court System's Rules of Administration bail and fine schedule, at such time as that schedule may be updated to include marijuana related violations.


5. **EFFECTIVE DATE.** This Ordinance shall become effective February 24, 2015.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska this 24<sup>th</sup> day of February, 2015.



Mim McConnell, Mayor

**ATTEST:**



Colleen Ingman, MMC  
Municipal Clerk

Code Ordinance

By: Council Member Wall and Sullivan-Leonard

Introduced: March 4, 2015

Public Hearing: March 23, 2015

Amended: March 23, 2015

Adopted: March 23, 2015

Vote: O'Barr, Sullivan-Leonard, Wall and Wilson in favor and Buswell and Graham opposed

**City of Wasilla  
Ordinance Serial No. 15-10(AM)**

**An ordinance of the Wasilla City Council amending Wasilla Municipal Code (WMC), in regard to the Regulation of Marijuana, and adopting a Sunset Provision, all pertaining to the manufacture and transport of marijuana within the City Limits of Wasilla.**

Whereas, the Wasilla City Council adopted Wasilla Municipal Code (WMC) 9.40 Regulation of Marijuana Ordinance Serial No. 15-08 on February 23, 2015 in regard to the Regulation of Marijuana; and

Whereas, Article XI, Section 6 of the Alaska State Constitution states in part that "An initiated law becomes effective 90 days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date.";

Whereas, nowhere in the Alaska State Constitution does it give the authority to a local municipality to veto or repeal provisions of an initiated law;

Whereas, WMC 9.40.030 of Ordinance Serial No. 15-08 conflicts with Measure 2 (Alaska Statute 17.38.020), which says it is lawful and not "a criminal or civil offense under Alaska law or the law of any political subdivision of Alaska" for adults 21 and older to engage in growing and "processing" three mature plants;

Whereas, the limitations imposed by WMC 9.40.030 would also pose a hardship to medical marijuana patients, many of who respond best to extractions or to edibles, which allow them to avoid smoking;

Whereas, WMC 9.40.050 would prevent more than two ounces of marijuana to be transported in a vehicle; this conflicts with Measure 2, which allows adults to transport their six plants; and

Whereas, the limitations imposed by WMC 9.40.050 would also conflict with Measure 2 by prohibiting marijuana businesses from transporting more than two ounces of marijuana through Wasilla.

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

**Section 2. Amendment of section.** In WMC 9.40.010, the definition of "transportation device," is hereby repealed in its entirety:

~~Transportation device. The use of a motorized and/or wheeled vehicle to move marijuana and/or manufactured from cannabis within the Wasilla city limits.~~

**Section 3. Amendment of section.** WMC 9.40.030, Limitations to manufacture, is hereby adopted to read as follows:

**9.40.030 Limitation to manufacture.**

(A) Manufacturing edible products, marijuana extracts and/or concentrates made with marijuana for sale or other commercial use is prohibited within the Wasilla City limits.

(B) Manufacturing marijuana extracts and/or concentrates using a volatile or explosive gas is prohibited within the Wasilla City limits.

**Section 4. Amendment of section.** WMC 9.40.040, Limitations on transport, is hereby adopted to read as follows:

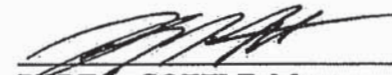
**9.40.040 Limitation on transport.**

Transport of marijuana within the Wasilla City limits shall be limited to no more than two ~~(2.0) ounces of marijuana per transportation device.~~ that allowed by Alaska State law.

**Section 5. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on March 23, 2015.

ATTEST:

  
BERT L. COTTLE, Mayor

  
KRISTIE SMITHERS, MMC, City Clerk

[SEAL]

1 By: Lance Roberts  
2 Introduced: 01/29/2015  
3 Advanced: 01/29/2015  
4 Substituted: 02/26/2015  
5 Amended: 02/26/2015  
6 Adopted: 02/26/2015  
7  
8

9 FAIRBANKS NORTH STAR BOROUGH

10 ORDINANCE NO. 2015 - 09

11 AN ORDINANCE AMENDING FAIRBANKS NORTH STAR BOROUGH CODE TITLE 9  
12 BY ADDING CHAPTER 9.17 ENTITLED MARIJUANA REGULATION AND ADDING  
13 DEFINITIONS PERTAINING TO MARIJUANA REGULATION  
14  
15

16 WHEREAS, on November 26, 2014 the election results passing Alaska  
17 Statute 17.38 were certified; and  
18

19 WHEREAS, February 24, 2015 will be the effective date of AS 17.38; and  
20

21 WHEREAS, AS 17.38 authorizes municipal regulation of the commercial  
22 transfer of marijuana, marijuana products, and of marijuana establishments; and  
23

24 WHEREAS, municipal regulation of marijuana establishments will  
25 additionally be accomplished through zoning regulations within Title 18; and  
26

27 WHEREAS, the personal use of marijuana provisions set forth in AS 17.38  
28 will become effective on February 24, 2015; and  
29

30 WHEREAS, AS 17.38 does not provide a definition of the term "public" as  
31 it relates to the personal use of marijuana; and  
32

33 WHEREAS, proponents of the effort to legalize marijuana referred to the  
34 initiative as the "Campaign to Regulate Marijuana Like Alcohol."  
35

36 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks  
37 North Star Borough:  
38

39 Section 1. This ordinance is of a general and permanent nature and shall  
40 be codified.  
41  
42

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT  
Text to be added is **bold and underlined**  
Text to be deleted is **[BRACKETED, BOLDED, AND CAPITALIZED]**

43 Section 2. Title 9, Public Peace, Morals and Welfare, of the Fairbanks  
44 North Star Borough Code of Ordinances is amended to add the following:

45 **Chapter 9.17 MARIJUANA REGULATION**

46 **9.17.010 Purpose and Scope of Authority**

47 A. Purpose. The purpose of this chapter is to provide for the municipal regulation of  
48 marijuana and marijuana establishments as allowed by state law. This chapter and the  
49 regulations related to marijuana establishments herein are adopted pursuant to the  
50 express authority granted by Alaska Statute 17.38.110. This chapter and the regulations  
51 herein are intended to allow the borough to regulate marijuana and marijuana  
52 establishments within the broadest range of municipal control contemplated by state  
53 statute.

54 B. Local control of marijuana establishments. The borough may by ordinance  
55 exercise local control of marijuana establishments within the broadest range of  
56 municipal control contemplated by state law, including the following types of local  
57 control:

- 58 1. Prohibit the operation of all or any type of marijuana establishments;
- 59 2. Regulate marijuana establishments in a manner more restrictive than state  
60 law;
- 61 3. Establish a local registration procedure for marijuana establishments;
- 62 4. Designate a local regulatory authority for the following purposes:
  - 63 i. Receive half of the state registration application fee;
  - 64 ii. Receive a copy of each state registration application and provide  
65 input to the state on such application; and
  - 66 iii. Process applications for registration to operate a marijuana  
67 establishment within the borough and to issue registrations in the event that the state  
68 authority fails to process applications in accordance with AS 17.38.090 and AS  
69 17.38.100; provided that, all such applications for registration must be processed within  
70 90 days of receipt of the application or resubmitted application unless the application is  
71 not in compliance with ordinances and regulations and the applicant is so notified;
- 72 5. Establish a schedule of annual operating fees;
- 73 6. Regulate the time and manner of operations of marijuana establishments;
- 74 7. Regulate the number of marijuana establishments;
- 75 8. Regulate the manner in which marijuana and marijuana products may be  
76 displayed by a retail marijuana store; and
- 77 9. Establish civil penalties for violation of borough ordinance.

78  
79 **9.17.020 Definitions**

80 "Consume" means, in all conjugate forms, the act of ingesting, inhaling, or  
81 otherwise introducing marijuana into the human body.

82 "Local regulatory authority" means the office or entity designated to process  
83 marijuana establishment applications by a local government.

84

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT  
Text to be added is bold and underlined  
Text to be deleted is [BRACKETED, BOLDED, AND CAPITALIZED]

85 "Marijuana" means all parts of the plant of the genus cannabis whether growing or not,  
86 the seeds thereof, the resin extracted from any part of the plant, and every compound,  
87 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin,  
88 including marijuana concentrate. "Marijuana" does not include fiber produced from the  
89 stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is  
90 incapable of germination, or the weight of any other ingredient combined with marijuana  
91 to prepare topical or oral administrations, food, drink, or other products.

92 "Marijuana cultivation facility" means an entity registered to cultivate, prepare,  
93 and package marijuana and to sell marijuana to retail marijuana stores, to marijuana  
94 product manufacturing facilities, and to other marijuana cultivation facilities, but not to  
95 consumers.

96 "Marijuana establishment" means a marijuana cultivation facility, a marijuana  
97 testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

98 "Marijuana product manufacturing facility" means an entity registered to purchase  
99 marijuana; manufacture, prepare, and package marijuana products; and sell marijuana  
100 and marijuana products to other marijuana product manufacturing facilities and to retail  
101 marijuana stores, but not to consumers.

102 "Marijuana products" means concentrated marijuana products and marijuana  
103 products that are comprised of marijuana and other ingredients and are intended for use  
104 or consumption, such as, but not limited to, edible products, ointments, and tinctures.

105 "Marijuana testing facility" means an entity registered to analyze and certify the  
106 safety and potency of marijuana.

107 "Public," as used in AS 17.38.020 and AS 17.38.040 and as used in this chapter,  
108 means a place to which the public or a substantial group or persons has access and  
109 includes highways, rivers, lakes, transportation facilities, schools, places of amusement  
110 or business, parks, playgrounds, prisons, and hallways, lobbies and other parts of  
111 apartment houses and hotels not constituting rooms or apartments designated for actual  
112 residence. Notwithstanding the foregoing, a location with proper licensure in place and  
113 that is in compliance with applicable state law and regulation, borough ordinance,  
114 including borough licensure requirements, if any, and that is operating within the  
115 restrictions of such law and licensure is not a public place within the meaning of AS  
116 17.38.020 and AS 17.38.040.

117 "Retail marijuana store" means an entity registered to purchase marijuana from  
118 marijuana cultivation facilities, to purchase marijuana and marijuana products from  
119 marijuana product manufacturing facilities, and to sell marijuana and marijuana products  
120 to consumers.

121  
122 Section 3. Effective Date. This ordinance shall be effective at 5:00 p.m.  
123 of the first Borough business day following its adoption.  
124

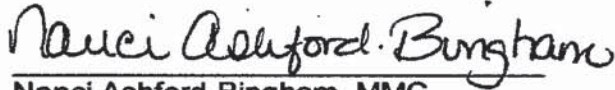
CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT  
Text to be added is **bold and underlined**  
Text to be deleted is [BRACKETED, BOLDED, AND CAPITALIZED]

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PASSED AND APPROVED THIS 26<sup>TH</sup> DAY OF FEBRUARY, 2015.

  
Karl Kassel  
Presiding Officer

ATTEST:

  
Nanci Ashford-Bingham, MMC  
Borough Clerk

Ayes: Golub, Sattley, Hutchison, Roberts, Lawrence, Dodge, Quist, Davies, Kassel  
Noes: None

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT  
Text to be added is **bold and underlined**  
Text to be deleted is [BRACKETED, BOLDED, AND CAPITALIZED]



By: Luke Hopkins, Mayor  
Introduced: 02/26/2015  
Advanced: 02/26/2015  
Substituted: 03/12/2015  
Amended: 03/12/2015  
Adopted: 03/12/2015

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2015 - 12

AN ORDINANCE AMENDING CHAPTER 9.17 ENTITLED MARIJUANA REGULATION AND AMENDING 1.04.050 REGARDING THE FINE SCHEDULE TO ADD VIOLATIONS OF CHAPTER 9.17

WHEREAS, the Assembly of the Fairbanks North Star Borough adopted Ordinance Number 2015-09 on February 26, 2015; and

WHEREAS, AS 17.38 and Ordinance Number 2015-09 do not provide a definition of marijuana concentrate or fully address what constitutes marijuana product manufacturing; and

WHEREAS, AS 17.38 limits production of marijuana products to marijuana product manufacturing facilities with a current valid registration; and

WHEREAS, AS 17.38 grants municipalities the power to regulate and prohibit the operation of marijuana product manufacturing facilities; and

WHEREAS, Ordinance Number 2015-09 does not provide for the enforcement of violations of Chapter 9.17.

NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough:

Section 1. This ordinance is of a general and permanent nature and shall be codified.

Section 2. FNSBC 9.17.020, Definitions, is amended to add the following:

"Marijuana concentrate" means the product created by extracting cannabinoids from marijuana.

CODE AMENDMENTS ARE SHOWN IN SUBSTITUTE LEGISLATIVE FORMAT

Text to be added is underlined

Text to be deleted is [BRACKETED AND CAPITALIZED]


46 Section 3. FNSBC Chapter 9.17 is amended to add the following section:  
 47 9.17.050 Prohibiting certain product manufacturing methods of marijuana concentrates.  
 48 Production of or attempting to produce a marijuana concentrate by a method of  
 49 extraction using flammable or combustible chemicals including, but not limited to,  
 50 butane, acetone, hexane, naphtha, ethanol, methanol, petroleum ether, and alcohol,  
 51 constitutes marijuana product manufacturing and is prohibited except where such  
 52 marijuana extraction is authorized by state law or regulation, permit, license, or  
 53 registration or where such marijuana extraction is authorized by borough ordinance,  
 54 license, registration, or permit.

55  
 56 Section 3. FNSB 1.04.050 Fine Schedule is amended to add the following:  
 57

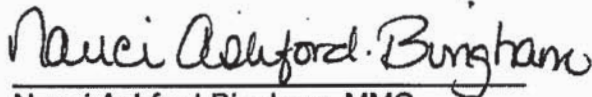
<u>Code Section</u>	<u>Offense</u>	<u>Penalty/Fine</u>	<u>Mandatory Warning Required</u>
9.17.050	<u>Production of marijuana concentrate by prohibited methods</u>	<u>\$1,000.00</u>	<u>No</u>

58  
 59 Section 4. Effective Date. This ordinance shall be effective at 5:00 p.m. of the  
 60 first Borough business day following its adoption.

61  
 62 PASSED AND APPROVED THIS 12<sup>th</sup> DAY OF MARCH, 2015.  
 63

  
 Karl Kassel  
 Presiding Officer

ATTEST:

  
 Nanci Ashford-Bingham, MMC  
 Borough Clerk

64  
 65 Ayes: Sattley, Roberts, Hutchison, Golub, Lawrence, Dodge, Quist, Davies Kassel  
 66 Noes: None

CODE AMENDMENTS ARE SHOWN IN SUBSTITUTE LEGISLATIVE FORMAT  
 Text to be added is underlined  
 Text to be deleted is [BRACKETED AND CAPITALIZED]

## Chapter 9.17 MARIJUANA REGULATION

### Sections:

- 9.17.010 Purpose and scope of authority.
- 9.17.020 Definitions.
- 9.17.050 Prohibiting certain product manufacturing methods of marijuana concentrates.

### **9.17.010 Purpose and scope of authority.**

---

A. Purpose. The purpose of this chapter is to provide for the municipal regulation of *marijuana* and *marijuana establishments* as allowed by state law. This chapter and the regulations related to *marijuana establishments* herein are adopted pursuant to the express authority granted by AS 17.38.110. This chapter and the regulations herein are intended to allow the borough to regulate *marijuana* and *marijuana establishments* within the broadest range of municipal control contemplated by state statute.

B. Local Control of *Marijuana Establishments*. The borough may by ordinance exercise local control of *marijuana establishments* within the broadest range of municipal control contemplated by state law, including the following types of local control:

1. Prohibit the operation of all or any type of *marijuana establishments*;
2. Regulate *marijuana establishments* in a manner more restrictive than state law;
3. Establish a local registration procedure for *marijuana establishments*;
4. Designate a *local regulatory authority* for the following purposes:
  - a. Receive half of the state registration application fee;
  - b. Receive a copy of each state registration application and provide input to the state on such application; and
  - c. Process applications for registration to operate a *marijuana establishment* within the borough and to issue registrations in the event that the state authority fails to process applications in accordance with AS 17.38.090 and 17.38.100; provided, that all such applications for registration must be processed within 90 days of receipt of the application or resubmitted application unless the application is not in compliance with ordinances and regulations and the applicant is so notified;

5. Establish a schedule of annual operating fees;
6. Regulate the time and manner of operations of *marijuana establishments*;
7. Regulate the number of *marijuana establishments*;
8. Regulate the manner in which *marijuana* and *marijuana products* may be displayed by a *retail marijuana store*; and
9. Establish civil penalties for violation of borough ordinance. (Ord. 2015-09 § 2, 2015)

#### **9.17.020 Definitions.**

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“*Consume*” means, in all conjugate forms, the act of ingesting, inhaling, or otherwise introducing marijuana into the human body.

“*Local regulatory authority*” means the office or entity designated to process *marijuana establishment* applications by a local government.

“*Marijuana*” means all parts of the plant of the genus *cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including *marijuana concentrate*. “*Marijuana*” does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with *marijuana* to prepare topical or oral administrations, food, drink, or other products.

“*Marijuana concentrate*” means the product created by extracting cannabinoids from *marijuana*.

“*Marijuana cultivation facility*” means an entity registered to cultivate, prepare, and package *marijuana* and to sell *marijuana* to *retail marijuana stores*, to *marijuana product manufacturing facilities*, and to other *marijuana cultivation facilities*, but not to consumers.

“*Marijuana establishment*” means a *marijuana cultivation facility*, a *marijuana testing facility*, a *marijuana product manufacturing facility*, or a *retail marijuana store*.

“*Marijuana product manufacturing facility*” means an entity registered to purchase *marijuana*; manufacture, prepare, and package *marijuana products*; and sell *marijuana* and *marijuana products* to other *marijuana product manufacturing facilities* and to *retail marijuana stores*, but not to consumers.

"*Marijuana products*" means concentrated *marijuana products* and *marijuana products* that are comprised of *marijuana* and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

"*Marijuana testing facility*" means an entity registered to analyze and certify the safety and potency of *marijuana*.

"*Public*," as used in AS 17.38.020 and 17.38.040 and as used in this chapter, means a place to which the *public* or a substantial group of persons has access and includes highways, rivers, lakes, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designated for actual residence. Notwithstanding the foregoing, a location with proper licensure in place and that is in compliance with applicable state law and regulation, borough ordinance, including borough licensure requirements, if any, and that is operating within the restrictions of such law and licensure is not a *public* place within the meaning of AS 17.38.020 and 17.38.040.

"*Retail marijuana store*" means an entity registered to purchase *marijuana* from *marijuana cultivation facilities*, to purchase *marijuana* and *marijuana products* from *marijuana product manufacturing facilities*, and to sell *marijuana* and *marijuana products* to consumers. (Ord. 2015-12 § 2, 2015; Ord. 2015-09 § 2, 2015)

**9.17.050 Prohibiting certain product manufacturing methods of marijuana concentrates.**

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Production of or attempting to produce a *marijuana concentrate* by a method of extraction using flammable or combustible chemicals including, but not limited to, butane, acetone, hexane, naphtha, ethanol, methanol, petroleum ether, and alcohol constitutes *marijuana product* manufacturing and is prohibited except where such *marijuana* extraction is authorized by state law or regulation, permit, license, or registration or where such *marijuana* extraction is authorized by borough ordinance, license, registration, or permit. (Ord. 2015-12 § 3, 2015)

1 Revised 7/29/15

By: Van Lawrence  
Christopher Quist  
Kathryn Dodge  
Introduced: August 6, 2015

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6  
7 FAIRBANKS NORTH STAR BOROUGH

8  
9 ORDINANCE NO. 2015 - 42

10  
11 AN ORDINANCE PROVIDING FOR A BALLOT QUESTION TO BE PLACED BEFORE  
12 THE QUALIFIED VOTERS AT THE REGULAR ELECTION ON OCTOBER 6, 2015,  
13 ASKING WHETHER THE BOROUGH SHALL LEVY AN AREAWIDE 5% TAX ON  
14 SALES OF MARIJUANA AND MARIJUANA PRODUCTS  
15

16 WHEREAS, a sales tax or a change in the rate of levy of a sales tax must  
17 be approved by the voters; and  
18

19 WHEREAS, Alaska Statute 17.38 was adopted by Ballot Measure 2, An  
20 Act to Tax and Regulate the Production, Sale and Use of Marijuana, and provided for  
21 legal sale of marijuana and marijuana products in Alaska; and  
22

23 WHEREAS, under the provisions of AS 17.38 retail sales of marijuana and  
24 marijuana products will begin sometime in 2016.  
25

26 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks  
27 North Star Borough:  
28

29 Section 1. Section 3 of this ordinance is of a general and permanent  
30 nature and shall be codified.  
31

32 Section 2. Election. At the regular election to be held on October 6, 2015,  
33 the following question shall be placed before the qualified voters of the borough:  
34

35 "Shall the Fairbanks North Star Borough levy an areawide 5% tax on the  
36 retail sale of marijuana and marijuana products with limited exemptions for

37 marijuana and marijuana products sales taxed by the City of Fairbanks  
38 and the City of North Pole?"

39  
40 Section 3. FNSBC Title 3, is amended to add a new chapter, to read as  
41 follows:

42  
43 Chapter 3.56 Marijuana and Marijuana Products Sales Tax

44 3.56.010 Areawide Sales Tax Levy. There is hereby levied a tax, equal to 5% of  
45 the sales price, upon buyers of all retail sales of marijuana and marijuana products  
46 made within the Fairbanks North Star Borough. This tax is imposed on all retail sales of  
47 marijuana and marijuana products unless the sale is specifically exempted herein or by  
48 other applicable law.

49  
50 3.56.020 Exemptions. Sales within the City of Fairbanks and the City of North  
51 Pole are exempt subject to the following limitations:

52 A. The borough does not intend to act as a collection agent for taxes on marijuana  
53 or marijuana products sales imposed by the City of Fairbanks and the City of North  
54 Pole.

55 B. If the City of Fairbanks or the City of North Pole imposes a tax on marijuana or  
56 marijuana products sales exceeding that imposed by the borough, the operator is not  
57 entitled to a refund from the borough.

58 C. If the City of Fairbanks or the City of North Pole does not tax marijuana or  
59 marijuana products sales or imposes a tax on marijuana or marijuana products sales  
60 less than the borough's, the tax imposed in this chapter shall be collected and remitted  
61 to the borough. The borough will then remit to the applicable city its portion of the tax, if  
62 any.

63  
64 3.56.030 Definition. "Marijuana" means all parts of the plant (genus) Cannabis,  
65 whether growing or not, the seed thereof, the resin extracted from any part of the plant,  
66 and any compound, manufacture, derivative, mixture, or preparation of the plant, its  
67 seeds, or its resin, including marijuana concentrate; marijuana does not include fiber

68 produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed  
69 of the plant that is incapable of germination, or the weight of any other ingredient  
70 combined with marijuana to prepare topical or oral administrations, food, drink, or other  
71 products.

72 "Marijuana Products" means concentrated marijuana products and marijuana  
73 products that are comprised of marijuana and other ingredients and are intended for use  
74 or consumption, such as, but not limited to, edible products, ointments, and tinctures.

75  
76 Section 4. Effective date. Section 2 of this ordinance shall be effective at  
77 5:00 p.m. on the first Borough business day following its adoption. Section 3 of this  
78 ordinance shall become effective on May 1, 2016, if a majority of the qualified voters  
79 voting on the question called for in Section 2 have cast their votes in favor of the  
80 question.

81

82 PASSED AND APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_, 2015.

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ATTEST:

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95 \_\_\_\_\_  
Nanci Ashford-Bingham, MMC  
96 Borough Clerk

\_\_\_\_\_  
Karl Kassel  
Presiding Officer

APPROVED:

  
\_\_\_\_\_  
A. René Broker  
Borough Attorney



1 **PROPOSED SUBSTITUTE**  
2 **By: Diane Hutchison**  
3 **Guy Sattley**

By: Van Lawrence  
Christopher Quist  
Kathryn Dodge  
Introduced: August 6, 2015

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6  
7 **FAIRBANKS NORTH STAR BOROUGH**

8  
9 **ORDINANCE NO. 2015 - 42**

10  
11 **AN ORDINANCE PROVIDING FOR A BALLOT QUESTION TO BE PLACED BEFORE**  
12 **THE QUALIFIED VOTERS AT THE REGULAR ELECTION ON OCTOBER 6, 2015,**  
13 **ASKING WHETHER THE BOROUGH SHALL LEVY AN AREAWIDE 8[5]% TAX ON**  
14 **SALES OF MARIJUANA AND MARIJUANA PRODUCTS**  
15

16 WHEREAS, a sales tax or a change in the rate of levy of a sales tax must  
17 be approved by the voters; and

18  
19 WHEREAS, Alaska Statute 17.38 was adopted by Ballot Measure 2, An  
20 Act to Tax and Regulate the Production, Sale and Use of Marijuana, and provided for  
21 legal sale of marijuana and marijuana products in Alaska; and

22  
23 WHEREAS, under the provisions of AS 17.38 retail sales of marijuana and  
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35 "Shall the Fairbanks North Star Borough levy an areawide 8[5]% tax on  
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37 exemptions for marijuana and marijuana products sales taxed by the City  
38 of Fairbanks and the City of North Pole?”

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44 3.56.010 Areawide Sales Tax Levy. There is hereby levied a tax, equal to 8[5]%  
45 of the sales price, upon buyers of all retail sales of marijuana and marijuana products  
46 made within the Fairbanks North Star Borough. This tax is imposed on all retail sales of  
47 marijuana and marijuana products unless the sale is specifically exempted herein or by  
48 other applicable law.

49  
50 3.56.020 Exemptions. Sales within the City of Fairbanks and the City of North  
51 Pole are exempt subject to the following limitations:

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54 Pole.

55 B. If the City of Fairbanks or the City of North Pole imposes a tax on marijuana or  
56 marijuana products sales exceeding that imposed by the borough, the operator is not  
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58 C. If the City of Fairbanks or the City of North Pole does not tax marijuana or  
59 marijuana products sales or imposes a tax on marijuana or marijuana products sales  
60 less than the borough's, the tax imposed in this chapter shall be collected and remitted  
61 to the borough. The borough will then remit to the applicable city its portion of the tax, if  
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63  
64 3.56.030 Definition. "Marijuana" means all parts of the plant (genus) Cannabis,  
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66 and any compound, manufacture, derivative, mixture, or preparation of the plant, its  
67 seeds, or its resin, including marijuana concentrate; marijuana does not include fiber

68 produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed  
69 of the plant that is incapable of germination, or the weight of any other ingredient  
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79 voting on the question called for in Section 2 have cast their votes in favor of the  
80 question.

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82 PASSED AND APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_, 2015.

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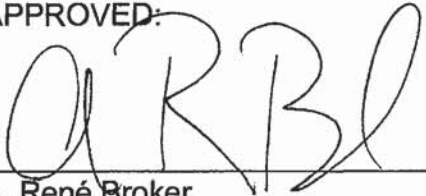
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ATTEST:

\_\_\_\_\_  
Nanci Ashford-Bingham, MMC  
Borough Clerk

\_\_\_\_\_  
Karl Kassel  
Presiding Officer

APPROVED:

  
\_\_\_\_\_  
A. René Broker  
Borough Attorney

Introduced by: Cooper, Mayor  
Date: 03/17/15  
Action: Adopted  
Vote: 7 Yes, 2 No, 0 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2015-013**

**A RESOLUTION ESTABLISHING A MARIJUANA TASK FORCE**

**WHEREAS,** on November 4, 2014 Ballot Measure 2, which generally legalizes marijuana and enacts a new chapter 17.38 in the Alaska Statutes, was approved statewide by the voters; and

**WHEREAS,** Ballot Measure 2 provides the framework for legalization of marijuana but many issues remain to be addressed by the State of Alaska; and

**WHEREAS,** Ballot Measure 2 also authorizes the borough to prohibit, and/or implement regulations governing the number, time, place and manner of, marijuana cultivation facilities, manufacturing facilities, testing facilities and retail stores; and

**WHEREAS,** there is uncertainty about what regulations or laws the State of Alaska may pass relating to Ballot Measure 2; and

**WHEREAS,** the Kenai Peninsula Borough needs to consider possible comments and testimony to the State Legislature as well as the state control board regarding proposed laws and regulations governing marijuana; and

**WHEREAS,** there are many issues and factors to be considered by the borough in deciding how to address the local issues associated with the legalization of marijuana; and

**WHEREAS,** forming a task force to research and advise the assembly and administration on these issues would provide a valuable resource for reaching these decisions;

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

**SECTION 1.** A Marijuana Task Force is established which shall research, advise and make recommendations to the borough assembly and administration regarding how the borough should proceed in light of the passage of Ballot Measure 2.

**SECTION 2.** That the Marijuana Task Force shall submit quarterly reports to the administration and assembly which shall include:

(A) a summary of legislative and administrative actions taken by the State of Alaska and other municipalities of the State;

(B) how the borough should comment to the State of Alaska regarding the implementation of Alaska Statute Chapter 17.38;

(C) how the borough should implement AS Chapter 17.38 at the local level; and

(D) recommendations on taking any actions similar to those taken by other municipalities.

Informal updates between quarterly reports may also be provided in response to assembly or administration requests, or as deemed appropriate by the Task Force.

**SECTION 3.** That the Marijuana Task Force, in order to gather input and consider all sides of all issues, shall be composed of up to 11 members who, as feasible, shall be drawn from the following categories:

- Two members of the Assembly, appointed by the Assembly

The following members shall be appointed by the Mayor:

- One member of the Mayor's staff
- Three members of the public with knowledge of the issue
- One member of the law enforcement community
- Up to four members who shall be appointed by the Mayor after considering recommendations of the above members of the Task Force.

**SECTION 4.** All meetings of the Task Force shall be open to the public in accordance with the Alaska Open Meetings Act. The Task Force shall have no authority to act on behalf of the assembly or administration or communicate on the borough's behalf other than to make recommendations to the assembly and administration.

**SECTION 5.** That the Marijuana Task Force shall discontinue effective June 30, 2016, unless continued by the assembly.

**SECTION 6.** That this resolution takes effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF MARCH, 2015.**

*Dale L Bagley*

Dale Bagley, Assembly President

ATTEST:

*John Blankenship*  
Johni Blankenship, MMC, Borough Clerk



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

Introduced by: Mayor  
Date: 12/09/14  
Hearing: 01/06/15  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2014-40**

**AN ORDINANCE AMENDING KPB 3.04.030, EMPLOYEE CONDUCT  
REQUIREMENTS, TO ADDRESS THE PASSAGE OF BALLOT MEASURE NO. 2  
LEGALIZING MARIJUANA, AND TO REFERENCE THE USE OF, OR IMPAIRMENT  
BY, CONTROLLED SUBSTANCES**

**WHEREAS,** KPB 3.04.030 was adopted in 1967 and sets forth basic borough employee conduct requirements; and

**WHEREAS,** in 1989, KPB 3.04.030 was amended to specifically prohibit employees and volunteers from using, or being impaired by the use of, alcohol or illegal drugs at the workplace; and

**WHEREAS,** it is necessary to update this section of code to account for other types of drug use that may impair an employee's ability to conduct themselves in a manner fitting of a government employee; and

**WHEREAS,** specifically, Alaska Ballot Measure No. 2, An Act to Tax and Regulate the Production, Sale, and Use of Marijuana, was passed by the voters in the November 4, 2014 statewide election, making the use and possession of marijuana legal within certain limits; and

**WHEREAS,** the Kenai Peninsula, like many other areas of the state and the nation, has seen a rise in the abuse of prescription drugs and other controlled substances, and employee impairment by such substances is not addressed under the current version of KPB 3.04.030; and

**WHEREAS,** impairment by drugs or alcohol in the workplace can result in an increased safety risk to employees, their co-workers, and the public; and

**WHEREAS,** updating KPB 3.04.030 to appropriately address the range of substances that may cause impairment and impact an employee's conduct and ability to perform their job duties will bring the code into alignment with the current legal landscape regarding legal, controlled, and illegal drugs;

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

**SECTION 1.** That KPB 3.04.030 is hereby amended as follows:

**3.04.030. Employee conduct requirements.**

Borough employees are required at all times to conduct themselves in an exemplary manner befitting the public service in which they are employed. Employees and volunteers shall not use or be impaired by the use of marijuana, alcohol, controlled substances or illegal drugs at the workplace. Employees or volunteers who are prescribed marijuana or other controlled substances by a physician as part of a medical treatment plan may work unless impaired by their use.

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

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF JANUARY, 2015.**

*Dale 2 Bagley*

Dale Bagley, Assembly President

ATTEST:

*Johni Blankenship*  
Johni Blankenship, MMC, Borough Clerk



Yes: Cooper, Haggerty, Gilman, Johnson, McClure, Ogle, Welles, Wolf, Bagley

No: None

Absent: None



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

By: Mayor DeVilbiss  
Amended: 01/20/15  
Adopted: 01/20/15

**MATANUSKA-SUSITNA BOROUGH  
RESOLUTION SERIAL NO. 15-006**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY TO  
REQUEST CLARIFICATION FROM THE STATE OF ALASKA ON BALLOT  
MEASURE 2, THE LEGALIZATION OF MARIJUANA.

WHEREAS, in the primary election, registered Alaskan voters voted in favor of Ballot Measure 2, *An Act to tax and regulate the production, sale, and use of marijuana*; and

WHEREAS, some clarification is needed to properly evaluate the regulations to put in place; and

WHEREAS, clarification is needed regarding the powers granted to borough's and the cities within those boroughs; and

WHEREAS, clarification is needed on the "one-ounce" for personal and recreational use and if it will include the liquid concentrate; and

WHEREAS, international transport and shipping is illegal, the State must consider prohibiting non-Alaskan produced marijuana to curb the black market sales and support Alaskan agriculture and business; and

WHEREAS, it is not clear if the per person rules are for each adult over the age of 21, or if that the maximum limit is per household; and

WHEREAS, we also request to restrict certain packaging that is enticing to minors; and

WHEREAS, a large number of people were concerned about access to medicinal cannabis, there is currently no differentiation between recreational marijuana high in Tetrahydrocannabinol (THC), medicinal cannabis high in Cannabinoids (CBD), and Industrial hemp or the State should consider differentiation by both definition and distinct regulations; and

WHEREAS, there is currently no control of contaminants or potency in marijuana products, minimum standards need to be established and appropriate labeling required to include both THC and CBD levels; and

WHEREAS, please clarify by law whether a passenger vehicle is considered a non-public place and whether "public" for purposes of the prohibition on consumption of marijuana in "public" include things such as private baseball fields, smoking clubs or standing on the edge of your private property; and

WHEREAS, will there be an agricultural farm use tax exemption for locally produced marijuana; and

WHEREAS, it is suggested that a percentage of the marijuana initiative authorized taxation be put toward prevention, treatment, testing, enforcement, and security; and

WHEREAS, one possibility for the control of marijuana has been using the Alcohol Control Board we recommend, based on corroborating testimony, the State should set up a separate board for the regulation of marijuana; and

WHEREAS, unanswered questions have arisen pertaining to marijuana production, processing and sales outside municipalities in the unorganized borough and the State should address these issues; and

WHEREAS, other states have found infused edible products to be problematic and their regulation should be addressed very clearly in Alaska; and

WHEREAS, licensing for commercial production, processing, and sales should not disallow or limit the number of small (which needs to be defined) local, vertically integrated operations that are suitable for many other of Alaska's agricultural products; and

WHEREAS, the Alaska landlord/tenant act needs to be clear on what rights both the landlord and tenant have, with respect to personal marijuana use, production and the right to evict; and


WHEREAS, whether any public advertising for marijuana and related products should be prohibited; and

WHEREAS, the State should consider regulation of business hours; and


WHEREAS, the State should consider allowing permits for cultivation facilities three to four months before retail sales and consider how people would obtain seeds and original cuttings.

NOW, THEREFORE, BE IT RESOLVED, the Matanuska-Susitna Borough Assembly approves of this draft for legislative and regulatory issues.

ADOPTED by the Matanuska-Susitna Borough Assembly this 20 day of January, 2015.

  
LARRY DEVILBISS, Borough Mayor

ATTEST:

  
LONNIE R. McKECHNIE, CMC, Borough Clerk  
(SEAL)

YES: Sykes, Beck, Arvin, Colligan, Mayfield

NO: Halter

By: Assemblymember Sykes  
Amended: 01/20/15  
Adopted: 01/20/15

**MATANUSKA-SUSITNA BOROUGH  
RESOLUTION SERIAL NO. 15-007**

**A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY  
ESTABLISHING A MARIJUANA ADVISORY COMMITTEE.**

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WHEREAS, on November 4, 2014, Ballot Measure 2 was approved statewide by the voters; and

WHEREAS, Ballot Measure 2 generally legalizes marijuana and adopts a new chapter in the Alaska Statutes found at Alaska Statute 17.38; and

WHEREAS, Ballot Measure 2 provides the framework for legalization of marijuana but there are many laws and regulations that remain to be addressed by the state of Alaska; and

WHEREAS, Ballot Measure 2 also allows for the Borough to prohibit and/or implement regulations governing the number, time, place and manner of marijuana cultivation facilities, manufacturing facilities, retail stores and testing facilities; and

WHEREAS, there is uncertainty about what regulations or laws the state of Alaska may pass; and

WHEREAS, the Borough needs to consider possible comments to the State Legislature as well as the control committee regarding laws and regulations governing marijuana; and



WHEREAS, there are many issues and factors to be considered by the Borough in deciding all the local issues associated with the legalization of marijuana; and

WHEREAS, the Assembly is creating an advisory committee, known as the Marijuana Advisory Committee, to advise the Assembly and Administration on any and all aspects, impacts and concerns related to the legalization of marijuana; and

WHEREAS, it is the intent of this resolution that the scope of review by the advisory board include, but not be limited to, considering input from the public, research on aspects of marijuana legalization faced by other municipalities, such as land use, regulatory compliance, law enforcement, taxes and revenue, health, education, cultivation, transportation, testing, and retail sales, become aware of legislative developments and those of other Alaska municipalities and states where marijuana is legal, and offer advice and recommendations to the Assembly and administration on both the upsides and downsides of any issue related to or impacted by the legalization of marijuana deems necessary to consider; and

WHEREAS, the board has no authority to act on behalf of the Borough or communicate on the Borough's behalf other than to make recommendations to the Assembly and Administration.

NOW, THEREFORE, BE IT RESOLVED, the Assembly hereby establishes the Marijuana Advisory Committee to be provided

secretarial and staff support principally from the Clerk's department.

BE IT FURTHER RESOLVED, the Marijuana Advisory Committee will advise the Assembly and Administration on any and all impacts of the legalization of marijuana and any issues to consider including, but not limited to, impacts on commerce, law, health, safety, education, planning, land use, and implementation of Alaska Statute 17.38.

BE IT FURTHER RESOLVED, that the Marijuana Advisory Committee shall include, but not be limited to, research on aspects of marijuana legalization faced by other municipalities, such as land use, regulatory compliance, law enforcement, taxes and revenue, health, education, cultivation, transportation, testing, and retail sales, become aware of Alaska legislative developments and those of other Alaska municipalities and states where marijuana is legal, and offer advice and recommendations to the Assembly and administration on both the upsides and downsides of any issue related to or impacted by the legalization of marijuana the board deems necessary to consider; and

BE IT FURTHER RESOLVED, the Marijuana Advisory Committee will advise and recommend how the Borough Assembly and/or Administration should comment to the state of Alaska regarding

the implementation of Alaska Statute 17.38, and report at least quarterly to the Assembly.

BE IT FURTHER RESOLVED, the Marijuana Advisory Committee will advise and recommend how the Assembly and/or Administration should implement Alaska Statute 17.38 at the local level.

BE IT FURTHER RESOLVED, the Marijuana Advisory Committee may advise and recommend how the Assembly and/or Administration should act with regards to any issue or matter affected or impacted or related to marijuana and the implementation of Alaska Statute 17.38,

BE IT FURTHER RESOLVED, in order to gather input and consider all sides of all issues, the Marijuana Advisory Committee will be comprised of 17 members who, as feasible, shall be drawn from the following broad categories:

- One from a potentially interested marijuana grower
- One from non marijuana farming operation
- One from a potentially interested marijuana retailer
- One from financial community
- One from a local business organization, (i.e. Chamber of Commerce)
- One from law enforcement
- One from health community
- One from education community


- One from planning and zoning type experience
- One from sales/marketing advertising
- Three citizens of the Matanuska-Susitna Borough who do not live in city limits
- One member representing the city government of Houston
- One member representing the city government of Palmer
- One member representing the city government of Wasilla
- One member representing the Matanuska-Susitna Borough at the Department Director or equivalent level.

BE IT FURTHER RESOLVED, the Marijuana Advisory Committee will exist until June 30, 2018.

ADOPTED by the Matanuska-Susitna Borough Assembly this 20 day of January, 2015.

  
LARRY DEVILBISS, Borough Mayor

ATTEST:

  
LONNIE B. McKECHNIE, CMC, Borough Clerk  
(SEAL)

PASSED UNANIMOUSLY: Sykes, Beck, Arvin, Colligan, Mayfield, and Halter

Submitted by: Chair of the Assembly at the  
Request of the Mayor

Prepared by: Dept. of Law

For reading: February 3, 2015

CLERK'S OFFICE

APPROVED

Date:

2/24/2015

ANCHORAGE, ALASKA

AO No. 2015-13

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 8 TO  
2 PROHIBIT THE EXTRACTION OF TETRAHYDROCANNABINOL ("THC") OR ANY  
3 CANNABINOID BY USE OF MATERIALS OR METHODS DEEMED DANGEROUS TO  
4 PUBLIC HEALTH AND SAFETY, UNLESS OTHERWISE PERMITTED BY LAW.  
5

---

6  
7 WHEREAS, other jurisdictions that have legalized marijuana have seen an increase in  
8 residential fires and explosions, resulting in injury and property damage, related to  
9 attempts to manufacture marijuana products;

10  
11 WHEREAS, the primary cause of the fires and explosions is from the use of highly  
12 flammable materials or methods to extract THC from marijuana;

13  
14 WHEREAS, the Municipality anticipates that upon the effective date of legalization under  
15 the state initiative (February 24, 2015), there will be incidents of persons causing fires  
16 and explosions by attempting extraction;

17  
18 WHEREAS, the attempts present an unreasonable risk to public health and safety,  
19 including possible death, severe burns, and significant property damage; and

20  
21 WHEREAS, immediate action is necessary, pending enactment of state legislation that  
22 may become effective, if at all, later this year; now, therefore,

23  
24 **THE ANCHORAGE ASSEMBLY ORDAINS:**

25  
26 **Section 1.** Anchorage Municipal Code chapter 8.35 is hereby amended by adding a  
27 new section to read as follows:

28  
29 **8.35.350 Prohibited acts regarding marijuana.**

30  
31 A. It is unlawful for any person to:

- 32  
33 1. manufacture a marijuana concentrate, hashish, or hash oil by use of  
34 solvents containing compressed flammable gases or through use of a  
35 solvent-based extraction method using a substance other than  
36 vegetable glycerin, unless the person is validly licensed and  
37 permitted in accordance with statute, regulation, or ordinance.

38  
39 B. *Definitions.* For purposes of this section:

- 40  
41 1. *manufacture* means the preparation, compounding, conversion, or  
42 processing of marijuana, hashish, or hash oil, either directly or  
43 indirectly by extraction from substances of natural origin,

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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 THC. Common names and types of product include "shatter", butane or CO2 hash oil, "ring pots", butter, hash, hashish, keif, oil, or wax.

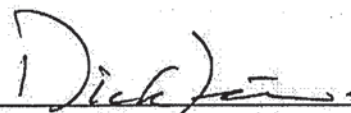
C. Seizure.

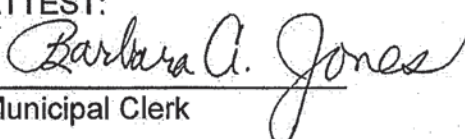
1. Any marijuana as defined in AS 17.38.900, equipment, material, product, package or container possessed, used or intended to be used, or produced in violation of this section may be seized and held as evidence to be used in any future proceeding and may be disposed of as appropriate after their use for evidentiary purposes is no longer required, including in accordance with chapter 7.25.

D. Violation of this section is a Class A misdemeanor.

**Section 2.** This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 24th day of February, 2015.

  
\_\_\_\_\_  
Chair of the Assembly

ATTEST:  
  
\_\_\_\_\_  
Municipal Clerk

CLERK'S OFFICE  
**AMENDED AND APPROVED**

Date: 1-27-15  
IMMEDIATE RECONSIDERATION  
FAILED F-27-F5

Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Dept. of Law  
For reading: January 13, 2015

**ANCHORAGE, ALASKA**  
**AO No. 2015-7**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**  
2 **MUNICIPAL CODE CHAPTER 8.35 WITH A NEW SECTION TO PROHIBIT THE**  
3 **CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE; AND AMENDING THE**  
4 **MINOR OFFENSE FINE SCHEDULE AT AMC SECTION 8.05.025A.**  
5 **ACCORDINGLY.**  
6

7  
8 **WHEREAS**, Ballot Measure 2 – An Act to Tax and Regulate the Production, Sale and  
9 Use of Marijuana, and codified as Alaska Statutes 17.38, provides for the legalization  
10 of marijuana, was passed by the voters in the recent state election and certified on  
11 November 28, 2014 by the State of Alaska, Division of Elections; and  
12

13 **WHEREAS**, newly enacted AS 17.38.040 states:

14  
15 **Public consumption banned, penalty.**

16  
17 It is unlawful to consume marijuana in public. A person who violates this  
18 section is guilty of a violation punishable by a fine of up to \$100.

19  
20 ; and  
21

22 **WHEREAS**, the state statute does not define "public"; and  
23

24 **WHEREAS**, the state statute does not discuss or mandate any enforcement  
25 mechanism; and  
26

27 **WHEREAS**, proponents of the effort to legalize marijuana referred to itself as the  
28 "Campaign to Regulate Marijuana Like Alcohol"; and  
29

30 **WHEREAS**, Anchorage Municipal Code section 8.35.400 bans the consumption of  
31 alcohol in a public place; and  
32

33 **WHEREAS**, the effective date of the state marijuana statute is February 24, 2015;  
34 now, therefore,  
35

36 **THE ANCHORAGE ASSEMBLY ORDAINS:**  
37

38 **Section 1.** Anchorage Municipal Code chapter 8.35, Alcohol and Drug Offenses, is  
39 hereby amended by adding a new section to read as follows:  
40

41 **8.35.300 Consuming marijuana in a public place.**  
42

- 1 A. It is unlawful for any person to knowingly consume marijuana when  
2 the person is:  
3
- 4 1. On, in or upon any public place, except as permitted by  
5 ordinance, regulation, statute or permit; or  
6
- 7 2. Outdoors on property adjacent to a public place, and without  
8 consent of the owner or person in control thereof.  
9
- 10 B. For purposes of this section, the definitions of the words and phrases  
11 below shall apply:  
12
- 13 1. *Consume* shall have the meaning, in all conjugate forms, of  
14 "consumption" set forth in AS 17.38.900.  
15
- 16 2. *Marijuana* shall have the meaning set forth in AS 17.38.900.  
17
- 18 3. *Public place* means a place to which the public or a  
19 substantial group of persons has access and includes, but is  
20 not limited to, streets, highways, sidewalks, alleys,  
21 transportation facilities, parking areas, convention centers,  
22 sports arenas, schools, places of business or amusement,  
23 shopping centers, malls, parks, playgrounds, prisons, and  
24 hallways, lobbies, doorways and other portions of apartment  
25 houses and hotels not constituting rooms or apartments  
26 designed for actual residence.  
27
- 28 **C. This section shall not apply where consumption is authorized**  
29 **by a state permit or license, or authorized by a municipal permit**  
30 **or lease.**  
31
- 32 **D.[G-]** Violation of this section is a minor offense punishable as set forth in  
33 the minor offenses fine schedule.  
34

35 **Section 2.** Anchorage Municipal Code section 8.05.025 is hereby amended to read  
36 as follows (*the remainder of the section omitted is not affected and therefore not set*  
37 *out*):  
38

39 **8.05.025 Minor Offense Fine Schedule; Misdemeanor penalty**  
40 **reference table; and state surcharge.**  
41

- 42 A. *Minor Offense Fine Schedule.* In accordance with AS 29.25.070(a),  
43 citations for the following offenses may be disposed of as provided in  
44 AS 12.25.195-.230, without a court appearance, upon payment of the  
45 fine amounts listed below plus the state surcharge required by AS  
46 12.55.039 and AS 29.25.074, if applicable. The Rules of Minor Offense  
47 Procedure in the Alaska Rules of Court apply to all offenses listed  
48 below. Citations charging these offenses must meet the requirements  
49 of Minor Offense Rule 3. If a person charged with one of these



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offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below. Reduction of the scheduled fine amount is prohibited pursuant to Alaska Rules of Minor Offense Procedure 10(a). If an offense is not listed on this fine schedule or another fine schedule, the defendant must appear in court to answer to the charges. A person must respond to the citation within 30 days. Reduction of the scheduled fine amount is prohibited pursuant to Alaska Rules of Minor Offense Procedure 10(a).

Title	Section	Fine amount
Impersonating paramedic or emergency medical technician	8.30.075	300.00
<u>Consuming marijuana in public place</u>	<u>8.35.300</u>	<u>100.00</u>
Consuming alcoholic beverage in public place.	8.35.400 [300]	100.00
Intoxicated persons on roadway	8.35.410 [310]	500.00
*** **	*** **	*** **

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B. *Misdemeanor offenses reference table.*

\*\*\* \*\*

(AO No. 2014-42, § 1, 6-21-14)

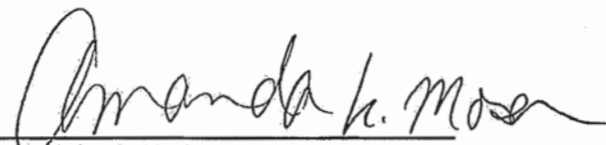
**Section 3.** This ordinance shall be effective on February 24, 2015.

**Section 4.** This ordinance shall come before the Assembly for review prior to February 24, 2016.

PASSED AND APPROVED by the Anchorage Assembly this 27 day of January, 2015.

  
Chair of the Assembly

ATTEST:

  
Municipal Clerk

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2015-7

Title: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.35 WITH A NEW SECTION TO PROHIBIT THE CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE; AND AMENDING THE MINOR OFFENSE FINE SCHEDULE AT AMC SECTION 8.05.025A. ACCORDINGLY.

Sponsor: MAYOR  
 Preparing Agency: Department of Law  
 Others Impacted: APD

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>						(In Thousands of Dollars)				
	FY15	FY16	FY17	FY18	FY19					
<b>Operating Expenditures</b>										
1000 Personal Services										
2000 Non-Labor										
3900 Contributions										
4000 Debt Service										
<b>TOTAL DIRECT COSTS:</b>	\$ -	\$ -	\$ -	\$ -	\$ -					
Add: 6000 Charges from Others										
Less: 7000 Charges to Others										
<b>FUNCTION COST:</b>	\$ -	\$ -	\$ -	\$ -	\$ -					
<b>REVENUES:</b>										
<b>CAPITAL:</b>										
<b>POSITIONS: FT/PT and Temp</b>										

**PUBLIC SECTOR ECONOMIC EFFECTS:**

The economic effects are speculative and cannot be reasonably estimated because of the changing status of marijuana laws and its use. There is no basis on which to realistically estimate the revenue from this new minor offense fine.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

None.

Prepared by: Department of Law

Telephone: 343-4545