



KENAI PENINSULA BOROUGH

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Dale Bagley, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*

FROM: Colette Thompson, Borough Attorney *CT*
Holly B. Montague, Deputy Borough Attorney

DATE: February 24, 2015

SUBJECT: Amendment to 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

The initiative approved by the voters provides that personal cultivation of limited quantities of marijuana is lawful and may not be a criminal or civil offense. To clarify that this ordinance does not apply to such authorized activities, the administration respectfully requests the assembly approve the following amendments to this ordinance:

- Amend section one as shown in underline and bold below:

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.

➤ Amend section two as shown in bold below:

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 [**ESTABLISHES A NEW CHAPTER IN THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES ENTITLED *CHAPTER 10.14 – MARIJUANA CONTROL PROHIBITING***] **prohibits** the operation of [**COMMERCIAL**] 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.