

Introduced by: Gilman
Date: 04/05/16
Action: Motion to Introduce and Set for Public Hearing, Public Comment Period Extended to 04/19/16
Date: 04/19/16
Action: Motion to Introduce and Set for Public Hearing Was Withdrawn by Sponsor

**KENAI PENINSULA BOROUGH
ORDINANCE 2016-10**

**AN ORDINANCE PLACING A QUESTION ON THE BALLOT OF WHETHER THE
KENAI PENINSULA BOROUGH SHALL ADOPT A LOCAL OPTION TO PROHIBIT
THE OPERATION OF ANY COMMERCIAL MARIJUANA ESTABLISHMENT IN
THE AREA OF THE KENAI PENINSULA BOROUGH OUTSIDE OF THE CITIES**

WHEREAS, during the election held November 4, 2014 a majority of the voters in the State of Alaska approved Proposition 2 which legalized the possession and commercial cultivation, manufacturing, testing and sale of marijuana in the State of Alaska; and

WHEREAS, the initiative in Proposition 2 specifically authorizes the local governing body by ordinance or the voters of the municipality by initiative to prohibit any or all such commercial marijuana establishments from operating in their boundaries; and

WHEREAS, any such prohibition may not prohibit the personal use and possession of marijuana and marijuana products as authorized under AS 17.38.020; and

WHEREAS, during public hearings held by borough boards and commissions for numerous marijuana-related issues, residents have stepped forward expressing their concerns about allowing commercial marijuana establishments to operate in the Kenai Peninsula Borough; and

WHEREAS, the best interests of the borough would be served by allowing the voters in the area of the borough outside of the cities to decide whether or not to adopt a local option to prohibit all commercial marijuana establishments from operating in the borough outside of the cities; and

WHEREAS, at its meeting of _____ the planning commission recommended _____
_____;

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

SECTION 1. That a question shall be placed on the ballot for the regular election of October 4, 2016, which reads as follows:

PROPOSITION NO. _____

Shall the Kenai Peninsula Borough adopt a local option to prohibit the operation of any commercial marijuana establishment including all of the following license types:

- a) A retail marijuana store;
A "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.
- b) A marijuana cultivation facility;
A "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.
- c) A marijuana product manufacturing facility; and
A "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.
- d) A marijuana testing facility
A "marijuana testing facility" means an entity registered to analyze and certify the safety and potency of marijuana.

YES _____ A "yes" vote means that commercial marijuana establishments will be prohibited in the area of the borough outside of the cities.

NO _____ A "no" vote means that commercial marijuana establishments will be allowed in the area of the borough outside of the cities subject to applicable legal requirements.

SECTION 2. If the proposition in Section 1 is approved by a majority of the voters voting on the question all commercial marijuana establishments including retail marijuana stores, marijuana cultivation facilities, marijuana product manufacturing facilities, and marijuana testing facilities are prohibited from operating in the area of the borough outside of the cities commencing immediately after certification of the election.

SECTION 3. Pursuant to 3 AAC 306.250 if a majority of the voters vote to approve the proposition in section 1 of this ordinance, all licenses for a commercial marijuana establishment within the area of the Kenai Peninsula Borough outside of the cities in the borough, and in the unincorporated area within ten miles outside of the boundary of the borough, are void 90 days after the date the results of the election are certified. A license that expires during the 90 days after the certification of this local option election may be extended until it is void under this section by payment of a prorated portion of the annual license fee.

SECTION 4. If a majority of the voters vote to adopt a local option as provided in section 1 of this ordinance the borough clerk shall notify the State of Alaska Alcohol & Marijuana Control Office of the results of the election immediately after the results of the election are certified. Additionally the borough clerk shall post public notice of the prohibition in a central location within the boundary of the area of the borough outside of the cities before the prohibition becomes effective.

SECTION 5. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2016.

Blaine Gilman, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent: