

CITY OF THORNE BAY
ORDINANCE 17-06-06-02

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA;
AMENDING TITLE 9-PUBLIC PEACE MORALS AND WELFARE, ADDING CHAPTER
9.30 - MARIJUANA

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA;

Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.

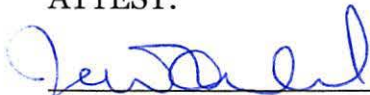
Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.

Section 3. Amendment of Title & Chapter. The title and chapter of Title 9-Public Peace Morals and Welfare, Chapter 9.30-Marijuana, Sections 9.30.010 to 9.30.050, is hereby amended and added to the Thorne Bay Municipal Code.

Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED: June 6, 2017

ATTEST:



Teri Feibel, CMC


James Gould, Mayor

[Introduction: May 2, 2017]
[2nd Introduction Hearing: May 16, 2017]
[Public Hearing: June 6, 2017]

COMPLETE CHAPTER ADDED:

TITLE 9 – PUBLIC PEACE MORALS AND WELFARE

**Adding Chapter
9.30 – Marijuana**

9.30.010 Definition

- A. **Marijuana.** Per AS 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 any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products; and
- B. **“Consume”** shall have the meaning, in all conjugate forms, of consumption set forth in AS 17.38.900(3): **“Consumption”** means the act of ingesting, inhaling, or otherwise introducing marijuana into the human body.

9.30.020 Duties and powers. The City Council of the City of Thorne Bay shall function as the local regulatory authority for the purpose of the regulation of marijuana with the authority to:

- A. Consider appeals of conditional use permits
- B. Work with the state to collect fees and administer licensing and regulations. Draft recommended laws and policies for City approval, regulating marijuana and related facilities with the City of Thorne Bay.

9.30.030 Public consumption

- A. Pursuant to AS 17.38.040, public consumption of marijuana is prohibited. A person who violates this law is guilty of a violation punishable by a fine of up to one hundred dollars.
- 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;

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 city, upon advice by the local regulator authority or similar body, with such conditions as the city may require for the public good.

C. 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.

9.30.040 License required. AS 17.38.070 designating a classification of licenses in incorporated herein and made a part hereof, and the sale of marijuana, including any derivative thereof, by any person, firm or corporation is prohibited anywhere except under and by virtue of a license secured from the Director of the Marijuana Control Board, and the sale, barter or consumption of marijuana, including any derivative thereof, on any premises not covered by a license under the classifications in AS 17.38.070 is prohibited.

9.30.050 Application for license

- A. The City of Thorne Bay will make recommendations to the state as to support for or objections to license applications.
- B. At such time that the licensee is seeking a new license, is seeking to reestablish a license that was allowed to expire, is proposing a change in the controlling interest of the establishment license, or there is a proposed change or addition to license type, the municipal clerk shall give notice of such application as follows:
 1. Notice shall be posted on the premises ten days prior to the city council meeting at which application will be heard. All time limitations, however, may be decreased at the discretion of the municipal clerk to meet any period specified by the Director of the Marijuana Control Board;
 2. Notice shall be shall be posted in all the locations used for postings of city council meetings at least one week before such meeting;
 3. The notice shall contain the time and place of the city council meeting; the type of license applied for; the name of all applying persons; and inform the public that any protest may be lodged with the city at that time;
 4. give proof to the city at the time of hearing of compliance with all phases of this chapter.
- C. By Persons Seeking to Renew Licenses. The individuals or groups of individuals holding existing Licenses shall not be affected by subsection B of this section and shall have the right to apply for renewal of their licenses unless disqualified o grounds other than contained herein.