

# AGENDA

FOR THE REGULAR MEETING  
OF THE CITY COUNCIL FOR  
THE CITY OF THORNE BAY, ALASKA

TUESDAY, MARCH 16, 2021

TIME: 6:30 p.m.

LOCATION: **TELECONFERENCE/VIDEO CONFERENCING LINE**

Phone Number: 1-408-418-9388

Meeting Weblink:

<https://cityofthornebay.my.webex.com/cityofthornebay.my/j.php?MTID=m42b083fd76962762fbfe73f3a84b405b>

Meeting number (access code): 182 229 9375

Meeting password: D4gxVSXpz84 (34498797 from phones and video systems)

- 1) CALL TO ORDER:
- 2) PLEDGE TO FLAG:
- 3) ROLL CALL:
- 4) APPROVAL OF AGENDA:
- 5) MAYOR'S REPORT:
- 6) ADMINISTRATIVE REPORTS:
  - a) City Administrator:
  - b) City Clerk:
- 7) PUBLIC COMMENTS:
- 8) COUNCIL COMMENTS:
- 9) CONSENT AGENDA
  - a) MINUTES
- 10) CONTINUING BUSINESS:
  - a) Resolution 21-03-16-01, Parking Sign placement and restrictions for South Thorne Bay Subdivision, discussion only item:
- 11) ORDINANCE FOR INTRODUCTION:
  - a) Ordinance 21-04-06-01, amending Title 9-Public Peace, Morals and Welfare, adding Chapter 9.06-Marijuana Establishments, discussion and action item:
  - b) Ordinance 21-04-06-02, amending Title 9-Public Peace, Morals and Welfare, adding Chapter 9.07-Controlled substances, discussion and action item:
  - c) Ordinance 21-04-06-03, amending Title 1-General Provisions, Chapter 1.16.0.35-Minor Offense Fine Schedule, adding fines for controlled substances, discussion and action item:
  - d) Ordinance 21-04-06-04, non-code ordinance placing a 180-day moratorium on blasting within the South Thorne Bay Subdivision, discussion and action item:
  - e) Ordinance 21-04-06-05, Amending Title 2 – Administration and Personnel, Chapter 2.04 – City Council, discussion and action item:

## More ways to join on WebEx

Tap to join from a mobile device (attendees only)

<https://cityofthornebay.my.webex.com/cityofthornebay.my/j.php?MTID=m42b083fd76962762fbfe73f3a84b405b>

Join by video system

Dial 1822299375@webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-408-418-9388 United States Toll

Access code: 182 229 9375

12) EXPENDITURES EXCEEDING \$2,000.00:

13) CONTINUATION OF PUBLIC COMMENT:

14) CONTINUATION OF COUNCIL COMMENT:

15) ADJOURNMENT:

POSTED: March 12, 2021

## HOW TO PARTICIPATE:

### City Council Meeting

Tuesday, March 16, 2021 6:30 pm | 1 hour 30 minutes | (UTC-09:00) Alaska

## More ways to join on WebEx

### Tap to join from a mobile device (attendees only)

<https://cityofthornebay.my.webex.com/cityofthornebay.my/j.php?MTID=m42b083fd76962762fbfe73f3a84b405b>

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Dial 1822299375@webex.com

You can also dial 173.243.2.68 and enter your meeting number.

### Join by phone

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Access code: 182 229 9375



CITY OF THORNE BAY  
RESOLUTION 21-03-16-01

Parking Sign placement and restrictions for South Thorne Bay Subdivision



CITY OF THORNE BAY  
ORDINANCE 21-04-06-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,  
AMENDING TITLE 9 – PUBLIC PEACE, MORALS AND WELFARE, ADDING CHAPTERS 9.06-  
MARIJUANA ESTABLISHMENTS, SECTIONS 9.06.010-9.06.080

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 Section. The title and chapter of Title 9 – Public Peace, Morals and Welfare, is hereby amended and Chapter 9.06 – Marijuana Establishments, Sections 9.06.010 Local regulatory authority, 9.06.020 Marijuana establishments prohibited, 9.06.025 Registration required, 9.06.030 Limits on number of marijuana establishments, 9.06.035 Hours of operation, 9.07.040 Identification requirement to prevent sale to person under 21, 9.06.050 Production of marijuana concentrates prohibited, 9.06.055 Prohibition on on-site consumption of marijuana, 9.06.060 Enforcement and inspection, 9.06.070 Definitions, 9.06.080 Penalties for violation, are hereby added to the Thorne Bay Municipal Code.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED: April 06, 2021

ATTEST:

\_\_\_\_\_  
Cindy Edenfield, Mayor

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Teri Feibel, CMC

[Introduction Hearing: March 16, 2021]  
[Public Hearing: April 6, 2021]

## Chapter 9.06 MARIJUANA ESTABLISHMENTS

Sections:

<a href="#">9.06.010 Local regulatory authority</a>	2
<a href="#">9.06.020 Marijuana establishments prohibited</a>	3
<a href="#">9.06.025 Registration required</a>	3
<a href="#">9.06.030 Limits on number of marijuana establishments</a>	3
<a href="#">9.06.035 Hours of operation</a>	3
<a href="#">9.07.040 Identification requirement to prevent sale to person under 21</a>	3
<a href="#">9.06.050 Production of marijuana concentrates prohibited</a>	4
<a href="#">9.06.055 Prohibition on on-site consumption of marijuana</a>	4
<a href="#">9.06.060 Enforcement and inspection</a>	4
<a href="#">9.06.070 Definitions</a>	5
<a href="#">9.06.080 Penalties for violation</a>	5

### 9.06.010 Local regulatory authority.

- A. THE THORNE BAY CITY COUNCIL SHALL BE THE LOCAL REGULATING AUTHORITY RESPONSIBLE FOR PROCESSING APPLICATIONS SUBMITTED FOR A REGISTRATION TO OPERATE A MARIJUANA ESTABLISHMENT WITHIN THE BOUNDARIES OF THE LOCAL GOVERNMENT UNDER AS 17.38.110(C).
- B. COMPLETE COPIES OF APPLICATIONS REQUIRED BY THE MARIJUANA CONTROL BOARD FOR NEW LICENSES, LICENSE RENEWALS, CHANGES OF OWNERSHIP, AND TRANSFER OF LICENSES SHALL BE SUBMITTED BY THE LICENSE APPLICANT TO THE THORNE BAY CITY CLERK ON OR BEFORE THE SAME DAY THAT APPLICATIONS ARE SUBMITTED TO THE MARIJUANA CONTROL BOARD. THE CITY CLERK WILL PROVIDE FOR CITY COUNCIL AND CITY STAFF REVIEW OF THE APPLICATION AND COMMENT TO THE MARIJUANA CONTROL BOARD WITHIN THE TIME LIMITS SET BY THE BOARD.
- C. LICENSE APPLICATIONS SHALL BE REVIEWED BY THE THORNE BAY PLANNING OFFICIAL TO ENSURE COMPLIANCE WITH LOCAL ZONING CODE, DISTANCES FROM FACILITIES PROVIDED FOR IN 3 AAC 306.010(A), AND RELATED MUNICIPAL ORDINANCES. THE THORNE BAY PLANNING OFFICIAL WILL FORWARD COMMENTS ON EACH APPLICATION TO THE CITY CLERK FOR CITY COUNCIL REVIEW.
- D. LICENSE APPLICATIONS SHALL BE REVIEWED BY THE THORNE BAY LAW ENFORCEMENT OFFICER, AND COMMENTS WILL BE SENT TO THE CITY CLERK FOR CITY COUNCIL REVIEW. [ORD. 21-04-20-01]

### 9.06.020 MARIJUANA ESTABLISHMENTS PROHIBITED.

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COMMERCIAL MARIJUANA CULTIVATION, COMMERCIAL MARIJUANA MANUFACTURING, AND COMMERCIAL MARIJUANA TESTING FACILITIES, AS DEFINED, LICENSED, OR REGULATED BY THE ALASKA MARIJUANA CONTROL BOARD, ARE PROHIBITED. [ORD. 21-04-20-01]

### 9.06.025 REGISTRATION REQUIRED.

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- A. ALL MARIJUANA ESTABLISHMENTS SHALL BE REGISTERED WITH THE CITY AS REQUIRED BY TBMC 3.17.065, AND BE COMPLIANT WITH TBMC TITLE 18-ZONING. A REGISTRATION MAY BE ISSUED ONLY WHEN:
1. A VALID LICENSE HAS BEEN ISSUED BY THE ALASKA MARIJUANA CONTROL BOARD; AND
  2. THE THORNE BAY PLANNING OFFICIAL CERTIFIES THAT THE PROPOSED MARIJUANA ESTABLISHMENT COMPLIES WITH TBMC TITLE 17. [ORD. 21-04-20-01]

### 9.06.030 LIMITS ON NUMBER OF MARIJUANA ESTABLISHMENTS.

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- A. THERE SHALL BE A LIMIT ON THE NUMBER OF LICENSED RETAIL MARIJUANA STORES LOCATED WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF THORNE BAY AS FOLLOWS: 1. NO MORE THAN TWO LICENSED RETAIL MARIJUANA STORES. [ORD. 21-04-20-01]

### 9.06.035 HOURS OF OPERATION.

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A LICENSED RETAIL MARIJUANA STORE MAY NOT CONDUCT ANY BUSINESS ON, OR ALLOW ANY CONSUMER TO ACCESS, THE RETAIL MARIJUANA STORE'S LICENSED PREMISES BETWEEN THE HOURS OF 3:00 A.M. AND 8:00 A.M. EACH DAY. [ORD. 21-04-20-01]

### 9.06.040 IDENTIFICATION REQUIREMENT TO PREVENT SALE TO PERSON UNDER 21.

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- A. A LICENSED RETAIL MARIJUANA STORE SHALL REFUSE ENTRY INTO THE LICENSED PREMISES TO ANY PERSON FAILING TO PRODUCE A FORM OF VALID PHOTO IDENTIFICATION SHOWING THAT PERSON IS 21 YEARS OF AGE OR OLDER. A VALID FORM OF IDENTIFICATION INCLUDES:
1. AN UNEXPIRED, UNALTERED PASSPORT;
  2. AN UNEXPIRED, UNALTERED DRIVER'S LICENSE; INSTRUCTION PERMIT, OR IDENTIFICATION CARD OF ANY STATE OR TERRITORY OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, OR A PROVINCE OF CANADA;

3. AN IDENTIFICATION CARD ISSUED BY A FEDERAL OR STATE AGENCY AUTHORIZED TO ISSUE A DRIVER'S LICENSE OR IDENTIFICATION CARD.
- B. A LICENSED RETAIL MARIJUANA STORE SHALL REFUSE TO SELL MARIJUANA OR A MARIJUANA PRODUCT TO ANY PERSON WHO DOES NOT PRODUCE A FORM OF VALID PHOTO IDENTIFICATION SHOWING THAT PERSON IS 21 YEARS OF AGE OR OLDER. [ORD. 21-04-20-01]

#### 9.06.050 PRODUCTION OF MARIJUANA CONCENTRATES PROHIBITED.

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- A. NO PERSON MAY PRODUCE SOLVENT BASED MARIJUANA CONCENTRATE USING THE HYDROCARBONS NBUTANE, ISOBUTENE, PROPANE, OR HEPTANE OR OTHER EXPLOSIVE OR CORROSIVE CHEMICALS, SOLVENTS, OR GASES.
- B. ANY VIOLATION OF THIS CHAPTER IS AN INFRACTION AND SHALL BE PUNISHED BY THE FINE ESTABLISHED IN TBMC 1.16.035 FOR VIOLATION OF TBMC 9.06.010.
- C. EACH DAY SUCH VIOLATION IS COMMITTED OR PERMITTED TO CONTINUE SHALL CONSTITUTE A SEPARATE OFFENSE AND SHALL BE PUNISHABLE AS SUCH HEREUNDER.
- D. IN THIS SECTION, "CONCENTRATE," "MARIJUANA CONCENTRATE," AND "MARIJUANA" HAVE THE MEANING GIVEN IN 3 AAC 306.990. [ORD. 21-04-20-01]

#### 9.06.055 PROHIBITION ON ON-SITE CONSUMPTION OF MARIJUANA.

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NO LICENSED RETAIL MARIJUANA STORE SHALL PERMIT CONSUMPTION OF MARIJUANA OR A MARIJUANA PRODUCT ON THE LICENSED PREMISES WITHIN THE CITY LIMITS OF THORNE BAY. A LICENSED RETAIL MARIJUANA STORE IS CONSIDERED A "PUBLIC PLACE" AS THE TERM IS USED AT TBMC 9.07.040. [ORD. 21-04-20-01]

#### 9.06.060 ENFORCEMENT AND INSPECTION.

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- A. THE CODE ENFORCEMENT OFFICER SHALL BE RESPONSIBLE FOR ENSURING COMPLIANCE, INCLUDING ALL CONDITIONS OF APPROVAL APPLIED BY STATE AND LOCAL REGULATORY AUTHORITIES, FOR MARIJUANA ESTABLISHMENTS WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF THORNE BAY. THE THORNE BAY POLICE DEPARTMENT SHALL ASSIST THE CITY'S CODE ENFORCEMENT OFFICER IN THE COURSE OF INSPECTING MARIJUANA ESTABLISHMENTS, ENSURING COMPLIANCE WITH CONDITIONS OF APPROVAL,

AND ISSUING CITATIONS FOR NONCOMPLIANCE OF ORDINANCES, REGULATIONS, AND IMPOSED LICENSE, ZONING, AND REGISTRATION CONDITIONS.

- B. IT IS UNLAWFUL FOR ANY LICENSEE OR EMPLOYEE OF LICENSEE TO REFUSE A LAW ENFORCEMENT OFFICER, OR CODE ENFORCEMENT OFFICER, ACCESS TO AND INSPECTION OF ALL AREAS OF A LICENSED PREMISE. [ORD. 21-04-20-01]

#### 9.06.070 DEFINITIONS.

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IN THIS SECTION:

“CONCENTRATE” OR “MARIJUANA CONCENTRATE” HAS THE MEANING GIVEN IN 3 AAC 306.990.

“MARIJUANA” AND “MARIJUANA PRODUCTS” HAS THE MEANING GIVEN IN AS 17.38.900.

“MARIJUANA ESTABLISHMENT” AND “LICENSED PREMISES” MEANS A COMMERCIAL MARIJUANA RETAIL, CULTIVATION, PRODUCT MANUFACTURING, OR TESTING FACILITY LICENSED BY THE STATE OF ALASKA UNDER AS 17.38 AND 3 AAC 306.

“THC” HAS THE MEANING GIVEN IN 3 AAC 306.990.

“THC-BEARING” MEANS ANY PRODUCT CONTAINING AN AMOUNT EQUAL TO OR GREATER THAN 0.01 MILLIGRAMS OF THC PER GRAM OF PRODUCT, OR 0.001 PERCENT THC CONCENTRATE. [ORD. 21-04-20-01]

#### 9.06.080 PENALTIES FOR VIOLATION.

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ANY VIOLATION OF THIS CHAPTER IS AN INFRACTION AND SHALL BE PUNISHED BY THE FINE ESTABLISHED IN TBMC 1.16.035 FOR VIOLATION OF TBMC 9.07.010. [ORD. 21-04-20-01]





CITY OF THORNE BAY  
ORDINANCE 21-04-06-02

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,  
AMENDING TITLE 9 – PUBLIC PEACE, MORALS AND WELFARE, ADDING CHAPTER 9.07 –  
CONTROLLED SUBSTANCES, SECTIONS 9.07.010-9.07.040

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 Section. The title and chapter of Title 9 – Public Peace, Morals and Welfare, is hereby amended and Chapter 9.07- Controlled Substances, Sections 9.07.010 Misconduct involving a controlled substance in the sixth degree, 9.07.020 Misconduct involving a controlled substance in the seventh degree, 9.07.030 Schedules of controlled substances, and 9.07.040 Consuming marijuana in a public place, are hereby added to the Thorne Bay Municipal Code.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED: April 6, 2021

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Cindy Edenfield, Mayor

ATTEST:

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Teri Feibel, CMC

[Introduction Hearing: March 16, 2021]  
[Public Hearing: April 6, 2021]

## CHAPTER 9.07 CONTROLLED SUBSTANCES

Sections:

<a href="#">9.07.010 MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN THE SIXTH DEGREE.</a>	2
<a href="#">9.07.020 MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN THE SEVENTH DEGREE.</a>	3
<a href="#">9.07.030 SCHEDULES OF CONTROLLED SUBSTANCES.</a>	3
<a href="#">9.07.040 CONSUMING MARIJUANA IN A PUBLIC PLACE.</a>	3

### 9.07.010 MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN THE SIXTH DEGREE.

EXCEPT AS AUTHORIZED IN AS CHAPTER 17.30, A PERSON COMMITS THE CRIME OF MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN THE SIXTH DEGREE IF THE PERSON:

- A. USES OR DISPLAYS ANY AMOUNT OF A SCHEDULE VIA CONTROLLED SUBSTANCE OR POSSESSES ONE OR MORE PREPARATIONS, COMPOUNDS, MIXTURES, OR SUBSTANCES OF AN AGGREGATE WEIGHT OF ONE OUNCE OR MORE CONTAINING A SCHEDULE VIA CONTROLLED SUBSTANCE ON A PUBLIC STREET OR SIDEWALK OR ON THE PREMISES OF A PUBLIC CARRIER OR BUSINESS ESTABLISHMENT OR IN ANY OTHER PUBLIC PLACE;
- B. KNOWINGLY POSSESSES ANY AMOUNT OF A SCHEDULE VIA CONTROLLED SUBSTANCE WITHIN THE IMMEDIATE CONTROL OF THAT PERSON WHILE OPERATING A PROPELLED VEHICLE;
- C. BEING UNDER 19 YEARS OF AGE, POSSESSES ONE OR MORE PREPARATIONS, COMPOUNDS, MIXTURES, OR SUBSTANCES OF AN AGGREGATE WEIGHT OF LESS THAN FOUR OUNCES CONTAINING A SCHEDULE VIA CONTROLLED SUBSTANCE;
- D. POSSESSES ONE OR MORE PREPARATIONS, COMPOUNDS, MIXTURES, OR SUBSTANCES OF AN AGGREGATE WEIGHT OF FOUR OUNCES OR MORE CONTAINING A SCHEDULE VIA CONTROLLED SUBSTANCE; OR E. REFUSES ENTRY INTO A PREMISES FOR AN INSPECTION AUTHORIZED UNDER AS CHAPTER 17.30.  
[ORD. 21-04-20-01]

9.07.020 MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN THE SEVENTH DEGREE.

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EXCEPT AS AUTHORIZED IN AS CHAPTER 17.30, A PERSON COMMITS THE OFFENSE OF MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN THE SEVENTH DEGREE IF THE PERSON:

- A. MANUFACTURES OR DELIVERS, OR POSSESSES WITH THE INTENT TO MANUFACTURE OR DELIVER, ONE OR MORE PREPARATIONS, COMPOUNDS, MIXTURES, OR SUBSTANCES OF AN AGGREGATE WEIGHT OF LESS THAN ONE-HALF OUNCE OF A SCHEDULE VIA CONTROLLED SUBSTANCE; OR
- B. POSSESSES ONE OR MORE PREPARATIONS, COMPOUNDS, MIXTURES, OR SUBSTANCES OF AN AGGREGATE WEIGHT OF LESS THAN ONE OUNCE CONTAINING A SCHEDULE VIA CONTROLLED SUBSTANCE ON A PUBLIC STREET OR SIDEWALK OR ON THE PREMISES OF A PUBLIC CARRIER OR BUSINESS ESTABLISHMENT OR IN ANY OTHER PUBLIC PLACE. [ORD. 21-04-20-01]

9.07.030 SCHEDULES OF CONTROLLED SUBSTANCES.

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CONTROLLED SUBSTANCES REFERRED TO HEREIN BY SCHEDULE NUMBER ARE THE SAME AS THOSE IDENTIFIED BY THE CORRESPONDING SCHEDULE NUMBERS IN AS 11.71.140 THROUGH 11.71.190. [ORD. 21-04-20-01]

9.07.040 CONSUMING MARIJUANA IN A PUBLIC PLACE.

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- 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.

C. 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 AND HIGHWAYS; MOTORIZED VEHICLES OCCUPYING STREETS, HIGHWAYS OR OTHER PUBLIC PLACES; 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.



CITY OF THORNE BAY  
ORDINANCE 21-04-06-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,  
AMENDING TITLE 1 – GENERAL PROVISIONS, CHAPTER 1.16 – GENERAL PENALTY,  
SECTION 1.16.035-MINOR OFFENSE FINE SCHEDULE, ADDING FINES FOR VIOLATION OF  
CHAPTER 9.07-CONTROLLED SUBSTANCES

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 Section. The title and chapter of Title 1 – General Provisions, Chapter 1.16-General Penalty, Section 1.16.035-Minor Offense Fine Schedule, is hereby added to the Thorne Bay Municipal Code.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED: April 6, 2021

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Cindy Edenfield, Mayor

ATTEST:

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Teri Feibel, CMC

[Introduction Hearing: March 16, 2021]  
[Public Hearing: April 6, 2021]

**Chapter 1.16 GENERAL PENALTY**

Section:

**1.16.035 MINOR OFFENSE FINE SCHEDULE**

TITLE 9-PUBLIC PEACE MORALS AND WELFARE				
ORDINANCE #	ORDINANCE DESCRIPTION	OFFENSE APPEARANCE TYPE:	FINE SCHEDULE AMOUNT	MAXIMUM FINE FOR MANDATORY
TBMC 9.07.010	Misconduct Involving a Controlled Substance Sixth Degree - 1ST+ OFF	OPTION	\$150.00	
TBMC 9.07.020	Misconduct Involving a Controlled Substance Seventh Degree - 1ST+ OFF	OPTION	\$150.00	
TBMC 9.07.040 (A)(1)	Consuming Marijuana in Public Place - 1ST+ OFF	OPTION	\$150.00	
TBMC 9.07.040 (A)(2)	Consuming Marijuana Outdoors Adjacent to a Public Place - 1ST+ OFF	OPTION	\$150.00	



**CITY OF THORNE BAY  
ORDINANCE 21-04-06-04**

**A NON-CODE ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY,  
ALASKA, PLACING A 180 DAY MORATORIUM ON BLASTING IN SOUTH THORNE BAY**

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

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

**Section 2. Purpose. Place a 180-day moratorium on blasting in the South Shore subdivision for the purpose of holding hearings with residents regarding the safety issues involved, such that regulations can be established to protect the residents.**

**Section 3. Affect. Who will this ordinance this effect? This ordinance would affect all residents of the South Shore subdivision and any commercial interest intent on blasting and transporting rock for profit within the subdivision.**

**How will this ordinance effect residents of Thorne Bay? While it will cause slight inconvenience to a very few individuals, this action will force resolution of the safety issues involved in a limited residential area with a rapidly expanding population.**

**Section 4. Existing City Ordinances. Does the Thorne Bay City Code currently address the topic of the proposed ordinance? If so, what title, chapter and sections does it cover? The 1991 South Shore zoning ordinance covers this issue. At enactment the Goose Creek industrial area was in the planning phase and opened in 1993. Residents at the public hearing agreed to allow in-home businesses; what they did not want was industrial development within the subdivision. Almost immediately following passage of the zoning ordinance Kieth Landers was denied permission to construct and operate a mill at the intersection of Setter Lake Road and Thorne Bay Road for these very reasons. The history of intent and previous actions guides us now.**

Section 4. Effective Date. This ordinance shall become effective upon adoption and last for the duration of 180 days.

PASSED AND APPROVED: April 6, 2021

ATTEST:

\_\_\_\_\_  
Cindy Edenfield, Mayor

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Teri Feibel, CMC

[Introduction Hearing: March 16, 2021]

[Public Hearing: April 6, 2021]





CITY OF THORNE BAY  
ORDINANCE 21-04-06-05

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,  
AMENDING TITLE 2 – ADMINISTRATION AND PERSONNEL, CHAPTERS 2.04 -CITY COUNCIL,  
SECTIONS 2.04.115, RULES OF ORDER, 2.04.180, MEETINGS, ORDER OF BUSINESS,  
2.04.210-MOTIONS SECOND REQUIRED, AND SECTION 2.04.055 SUSPENSION OF THE  
RULES

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 Section. The title and chapter of Title 2 – Administration and Personnel, Chapters 2.04 -City Council, Sections 2.04.115, Rules Of Order, 2.04.180, Meetings, Order Of Business, 2.04.210-Motions Second Required, and Section 2.04.055 Suspension Of **THE RULES**, are hereby added to the Thorne Bay Municipal Code.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED: April 06, 2021

ATTEST:

\_\_\_\_\_  
Cindy Edenfield, Mayor

\_\_\_\_\_  
Teri Feibel, CMC

[Introduction Hearing: March 16, 2021]

[Public Hearing: April 6, 2021]

# City Council Meetings Order of Business

CHAPTER 2.04 - CITY COUNCIL.....	2
2.04.115 RULES OF ORDER .....	2
2.04.180 MEETINGS-ORDER OF BUSINESS. ....	2
2.04.210 MEETINGS-MOTIONS-SECOND REQUIRED. ....	5
2.04.055 SUSPENSION OF THE RULES .....	5

## CHAPTER 2.04 - CITY COUNCIL

### 2.04.115 RULES OF ORDER

**The most recent edition of Robert’s Rules of Order Newly Revised is adopted and made part of these rules of procedure and governs the conduct of meetings of the Council except as otherwise provided by the Thorne Bay Municipal Code, these rules of procedure, or the Alaska Statutes.**

### 2.04.180 MEETINGS-ORDER OF BUSINESS.

~~THE ORDER OF BUSINESS FOR REGULAR MEETINGS OF THE CITY SHALL BE AS PRESCRIBED BY THE CITY CLERK AND APPROVED BY THE CITY COUNCIL. (ORD. 92-085 5,1992)~~

AT ALL REGULAR MEETINGS OF THE COUNCIL, THE ORDER OF BUSINESS SHALL BE:

**A. CALL TO ORDER.**

THE MAYOR OR PRESIDING OFFICER SHALL CALL THE MEETING TO ORDER AND STATE THE DATE AND TIME OF THE MEETING FOR THE RECORD.

IF A WORKSHOP IS SCHEDULED PRECEDING THE REGULAR COUNCIL MEETING, PUBLICATION SHALL BE MADE ON THE WEBSITE AND POSTED AT CITY HALL AND THE POST OFFICE THAT THE WORKSHOP WILL BE HELD AND STATE THE DATE AND TIME OF THE MEETING.

**B. PLEDGE OF ALLEGIANCE.**

**C. CEREMONIAL MATTERS – OATH OF OFFICES**

**D. ROLL CALL.**

**E. APPROVAL OF THE AGENDA.**

**F. ADMINISTRATIVE REPORTS**

ADMINISTRATIVE REPORTS ARE PROVIDED AT EACH MEETING OF THE CITY COUNCIL. THE COUNCIL MAY ASK CLARIFICATION QUESTIONS OF THE ADMINISTRATOR BUT SHALL NOT ENTER INTO ANY DEBATE.

**G. DEPARTMENT REPORTS.**

DEPARTMENT REPORTS ARE PROVIDED AT THE SECOND MEETING OF EVERY MONTH FOR EACH DEPARTMENT OF THE CITY.

- **DEPARTMENT REPORTS**

- HARBOR
- WATER
- SOLID WASTE
- VPSO REPORTS
- EMS REPORT
- FIRE REPORT

**H. MAYOR AND COUNCIL COMMENTS.**

THIS AGENDA ITEM IS RESERVED FOR THE MAYOR AND COUNCIL TO PROVIDE REPORTS OR COMMENTS AND TO INTRODUCE ITEMS NOT PREVIOUSLY ON THE AGENDA WHICH NEED TO BE BROUGHT TO THE ATTENTION OF THE ENTIRE COUNCIL OR THE STAFF. COUNCIL MEMBERS MAY HOLD LIMITED DISCUSSION ON THESE TOPICS OR ASK THE CITY ADMINISTRATOR OR THE CITY CLERK FOR CLARIFYING INFORMATION.

BY MAJORITY CONSENT OF THE COUNCIL, THE MAYOR OR COUNCIL MAY GIVE DIRECTION TO THE CITY ADMINISTRATOR OR THE CITY CLERK TO ADD AN ITEM FOR CONSIDERATION FOR THE NEXT REGULAR COUNCIL MEETING. OTHER THAN AS DESCRIBED IN THIS SUBSECTION, NO ACTION MAY BE TAKEN BY THE COUNCIL UNDER THIS AGENDA ITEM.

THE COUNCIL SHALL RESPECTIVELY ADDRESS THE MAYOR WHEN REQUESTING TO SPEAK PER THE THORNE BAY MUNICIPAL CODE 2.04.200.

**I. PUBLIC COMMENTS.**

THIS IS THE OPPORTUNITY FOR THE PUBLIC TO SPEAK IN REFERENCE TO ITEMS ON THE AGENDA-IF NO ONE WANTS TO SPEAK IN REFERENCE TO ITEMS ON THE AGENDA THEN OPEN TO GENERAL COMMENTS.

THE CITY COUNCIL ENCOURAGES PUBLIC PARTICIPATION IN THE DECISION-MAKING PROCESS AND APPRECIATES WHEN RESIDENTS BRING ISSUES OF COMMUNITY CONCERN TO THEIR ATTENTION.

COMMENTS ARE LIMITED TO NO MORE THAN **3 MINUTES PER SPEAKER**, BUT THAT TIME LIMIT MAY BE REDUCED AT THE MAYOR'S DISCRETION IF THERE ARE NUMEROUS SPEAKERS ON A PARTICULAR ITEM.

**J. CONFLICT OF INTEREST.**

THE PURPOSE OF THIS AGENDA ITEM IS TO PROVIDE A TIME FOR ANY CONFLICT-OF-INTEREST DISCLOSURES AND DETERMINATIONS ON SUCH DISCLOSURES BY THE MAYOR, AS MAY BE NECESSARY.

**K. CONSENT AGENDA.**

THE CONSENT AGENDA CONSISTS OF MATTERS THAT ARE ROUTINE IN NATURE, SUCH AS MINUTES, BUDGETED AGREEMENTS AND RESOLUTIONS. THEY ARE APPROVED UNDER ONE BLANKET MOTION, WITH THE EXCEPTION OF ITEMS THAT ARE PULLED OFF BY COUNCILMEMBERS FOR DISCUSSION. THOSE ITEMS ARE CONSIDERED SEPARATELY AFTER THE CONSENT AGENDA IS APPROVED.

**L. PUBLIC HEARING AND PUBLIC PARTICIPATION ON AGENDA ITEMS.**

PUBLIC HEARINGS ARE REQUIRED ON CERTAIN AGENDA ITEMS, INCLUDING ORDINANCES. AN OPPORTUNITY FOR PUBLIC PARTICIPATION WILL BE ALLOWED ON ALL OTHER AGENDA ITEMS OTHER THAN APPEALS. PERSONS WISHING TO BE HEARD WILL BE RECOGNIZED BY THE MAYOR TO SPEAK FOLLOWING ANY ADMINISTRATIVE OR COMMITTEE DISCUSSION ON THE ITEM. ADDITIONAL RULES ON THE CONDUCT OF PUBLIC HEARINGS AND PUBLIC PARTICIPATION ON AGENDA ITEMS ARE SET OUT IN THE POLICIES AND PROCEDURES OF CITY COUNCIL MEETINGS MANUAL, FOUND ON THE CITY WEBSITE OR OBTAIN A COPY BY REQUEST TO THE CITY CLERK.

**M. UNFINISHED BUSINESS.**

THIS AGENDA ITEM INCLUDES UNFINISHED MATTERS TRANSFERRED FROM PREVIOUS MEETINGS AND OTHER ITEMS OF UNFINISHED BUSINESS.

**N. NEW BUSINESS.**

THIS AGENDA ITEM INCLUDES ITEMS NOT PREVIOUSLY ADDRESSED BY THE COUNCIL, AND ITEMS MOVED FROM THE CONSENT AGENDA DURING A MEETING.

**O. EXECUTIVE SESSION.**

THE PROCEDURE FOR EXECUTIVE SESSION IS SET OUT IN TBMC 2.04.160.

**P. FINAL COUNCIL COMMENTS**

**Q. FINAL PUBLIC COMMENTS.**

**R. ADJOURNMENT.**

2.04.210 Meetings-Motions-Second required.

**UNTIL A MATTER HAS BEEN BROUGHT BEFORE THE COUNCIL IN THE FORM OF A MOTION PROPOSING A SPECIFIC ACTION, IT CANNOT BE DEBATED.** All motions shall require a second, unless otherwise provided by special rule. (Prior code Ch. 7 § 5)

2.04.055 SUSPENSION OF THE RULES

**THE RULES OF ORDER AND THE ORDER OF BUSINESS SHALL BE OBSERVED IN ALL CASES UNLESS TEMPORARILY SUSPENDED FOR A SPECIAL PURPOSE BY VOTE OF THE MAJORITY OF THE COUNCIL PRESENT.**