



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.

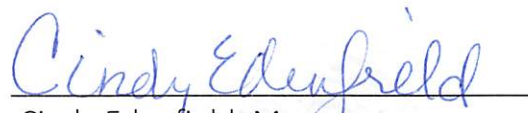
Section 3. Amendment of Section. The title and chapter of Title 9 – Public Peace, Morals and Welfare, is hereby amended and Chapter 9.07- Controlled Substances, Sections 9.07.010 Misconduct involving a controlled substance in the sixth degree, 9.07.020 Misconduct involving a controlled substance in the 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 this 6th day of April 2021, by a duly constituted quorum of the City Council with a vote of Six (6) yeas and One (1) nay.

ATTEST:


Teri Feibel, CMC


Cindy Edenfield, Mayor

[Introduction Hearing: March 16, 2021]

[Public Hearing: April 6, 2021]

THE FOLLOWING CHAPTER OF TITLE 9-PUBLIC PEACE, MORALS AND WELFARE IS HEREBY ADDED TO THE THORNE BAY MUNICIPAL CODE AS FOLLOWS:

Adding Chapter 9.07-Controlled Substances, Adding Sections 9.07.010, 020, 030, 035 & 040

CHAPTER 9.07 CONTROLLED SUBSTANCES

Sections:

9.07.010 MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN THE SIXTH DEGREE.2
9.07.020 MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN THE SEVENTH DEGREE.....3
9.07.030 SCHEDULES OF CONTROLLED SUBSTANCES.....3
9.07.040 CONSUMING MARIJUANA IN A PUBLIC PLACE.....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.

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.

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.

- 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.