

Code Ordinance

By: Council Member Wall and Sullivan-Leonard

Introduced: March 4, 2015

Public Hearing: March 23, 2015

Amended: March 23, 2015

Adopted: March 23, 2015

Vote: O'Barr, Sullivan-Leonard, Wall and Wilson in favor and Buswell and Graham opposed

City of Wasilla
Ordinance Serial No. 15-10(AM)

An ordinance of the Wasilla City Council amending Wasilla Municipal Code (WMC), in regard to the Regulation of Marijuana, and adopting a Sunset Provision, all pertaining to the manufacture and transport of marijuana within the City Limits of Wasilla.

Whereas, the Wasilla City Council adopted Wasilla Municipal Code (WMC) 9.40 Regulation of Marijuana Ordinance Serial No. 15-08 on February 23, 2015 in regard to the Regulation of Marijuana; and

Whereas, Article XI, Section 6 of the Alaska State Constitution states in part that “An initiated law becomes effective 90 days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date.”;

Whereas, nowhere in the Alaska State Constitution does it give the authority to a local municipality to veto or repeal provisions of an initiated law;

Whereas, WMC 9.40.030 of Ordinance Serial No. 15-08 conflicts with Measure 2 (Alaska Statute 17.38.020), which says it is lawful and not “a criminal or civil offense under Alaska law or the law of any political subdivision of Alaska” for adults 21 and older to engage in growing and “processing” three mature plants;

Whereas, the limitations imposed by WMC 9.40.030 would also pose a hardship to medical marijuana patients, many of who respond best to extractions or to edibles, which allow them to avoid smoking;

Whereas, WMC 9.40.050 would prevent more than two ounces of marijuana to be transported in a vehicle; this conflicts with Measure 2, which allows adults to transport their six plants; and

Whereas, the limitations imposed by WMC 9.40.050 would also conflict with Measure 2 by prohibiting marijuana businesses from transporting more than two ounces of marijuana through Wasilla.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city code.

Section 2. Amendment of section. In WMC 9.40.010, the definition of “transportation device,” is hereby repealed in its entirety:

~~Transportation device. The use of a motorized and/or wheeled vehicle to move marijuana and/or manufactured from cannabis within the Wasilla city limits.~~

Section 3. Amendment of section. WMC 9.40.030, Limitations to manufacture, is hereby adopted to read as follows:

9.40.030 Limitation to manufacture.

(A) Manufacturing edible products, marijuana extracts and/or concentrates made with marijuana **for sale or other commercial use** is prohibited within the Wasilla City limits.

(B) **Manufacturing marijuana extracts and/or concentrates using a volatile or explosive gas is prohibited within the Wasilla City limits.**

Section 4. Amendment of section. WMC 9.40.040, Limitations on transport, is hereby adopted to read as follows:

9.40.040 Limitation on transport.

Transport of marijuana within the Wasilla City limits shall be limited to no more than two ~~(2.0)~~ ounces of marijuana per transportation device. **that allowed by Alaska State law.**

Section 5. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on March 23, 2015.

ATTEST:



BERT L. COTTLE, Mayor



KRISTIE SMITHERS, MMC, City Clerk

[SEAL]

