

By: Administration
Introduced: January 11, 2016
Public Hearing: January 25, 2016
Amended: January 25, 2016
Adopted: January 25, 2016
Vote: Burney, Graham, O'Barr, Wall, Wilson in favor
Sullivan-Leonard absent

**City of Wasilla
Ordinance Serial No. 16-07(AM)**

An ordinance of the Wasilla City Council amending Wasilla Municipal Code 9.40.010 to include definitions of retail marijuana stores and marijuana cultivation facilities, adding section 9.40.062 to ban the retail sale of marijuana within the Wasilla City limits, adding section 9.40.064 to ban marijuana cultivation facilities, amending WMC 9.40.050, to clarify that marijuana may not be consumed in public, and amending WMC 1.20.030, Disposition-Scheduled Offenses, in regard to the fine schedule for the regulation of marijuana.

WHEREAS, the voters of the City of Wasilla precincts voted in opposition of Ballot Measure 2, An Act to Tax and Regulate the production, sale, and use of marijuana, which was codified as Alaska Statute 17.38 et seq.; and

WHEREAS, in response to the voters, on February 23, 2015, the Wasilla City Council adopted Ordinance Serial No. 15-08(AM), an ordinance of the Wasilla City Council adopting Wasilla Municipal Code, Chapter 9.40 Regulation of Marijuana, pertaining to the manufacture, transport, possession, and use of marijuana and substances derived from marijuana; and

WHEREAS, Ordinance Serial No. 15-08(AM) banned certain activities related to marijuana, including the manufacture of marijuana, public use of marijuana, and marijuana clubs within the Wasilla City limits; and

WHEREAS, consistent with the will of the City of Wasilla voters regarding Ballot Measure 2, the City of Wasilla seeks to amend the Wasilla Municipal Code, Chapter 9.40 Regulation of Marijuana, to ban the retail sale of marijuana and marijuana cultivation facilities within the Wasilla City limits and to clarify that marijuana may not be consumed in public.

Section 1. Classification. Sections 1 through 5 of this ordinance are of a general and permanent nature and shall become part of the city code.

Section 2. Amendment of section. WMC 9.40.010, Definitions, is amended to include the following definitions:

RETAIL MARIJUANA STORE. An entity registered with the Alaska Marijuana Control Board 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 as defined in Alaska Statute 17.38.900.

Bold and underline, added. ~~Strikethrough, deleted~~

MARIJUANA CULTIVATION FACILITY. An entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail stores, to marijuana product manufacturing facilities, to other marijuana cultivation facilities, and to act as a wholesaler, but not to sell marijuana to consumers, as defined in Alaska Statute 17.38.900.

Section 3. Amendment of chapter to add new section. WMC 9.40.062, Retail marijuana stores prohibited – Chapter is amended as follows:

9.40.062 RETAIL MARIJUANA STORES PROHIBITED

(A) Retail marijuana stores are prohibited within the Wasilla City limits.

(B) Each day in which a violation of this provision is committed shall be deemed a separate violation.

Section 4. Amendment of chapter to add new section. WMC 9.40.064, Marijuana cultivation facilities prohibited – Chapter is amended as follows:

9.40.064 MARIJUANA CULTIVATION FACILITIES PROHIBITED

(A) Marijuana cultivation facilities are prohibited within the Wasilla City limits.

(B) Each day in which a violation of this provision is committed shall be deemed a separate violation.

Section 5. Amendment of section. WMC 9.40.050, Limitations on use, is amended as follows:

(A) Marijuana may be consumed only on private residential real property with consent of the owner pursuant to AS 17.38.040.

(B) Use of marijuana may not disturb other residents of the same or neighboring properties. Any use disturbing other residents or neighbors must cease immediately.

Bold and underline, added. ~~Strikethrough, deleted~~

Section 6. Amendment of section. WMC 1.20.030, Disposition of Scheduled Offenses – Fine Schedule, is amended as follows:

Code Section	Description of Offense	Fine
9.40.030(A)	Marijuana Manufacture - For Sale or Commercial Use	\$750
9.40.030(B)	Marijuana Manufacture - Using Volatile or Explosive Gas	\$750
9.40.040	Marijuana Transport	\$750
9.40.050	Marijuana Use	\$100
9.40.060	Marijuana Clubs Prohibited	\$1,000
<u>9.40.062</u>	<u>Retail Marijuana Stores Prohibited</u>	<u>\$1,000</u>
<u>9.40.064</u>	<u>Marijuana Cultivation Facilities Prohibited</u>	<u>\$1,000</u>

Section 7. Effective date. Sections 1 through 6 of this ordinance shall become effective upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on January 25, 2016.


 BERT L. COTTLE, Mayor

ATTEST:


 JAMIE NEWMAN, MMC, City Clerk

[SEAL]

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CITY COUNCIL LEGISLATION STAFF REPORT

Ordinance Serial No. 16-07: Amending Wasilla Municipal Code 9.40.010, and adding section 9.40.065 to ban the retail sale of marijuana within the Wasilla City limits and amending WMC 9.40.050, to clarify that marijuana may not be consumed in public.

Originator: Mayor Bert L. Cottle

Date: December 29, 2015

Agenda of: January 11, 2015

Route to:	Department Head	Signature	Date
X	Police Chief		12-28-15
X	Public Works Director		12/28/15
X	Finance Director		12-28-15
X	Deputy Administrator		12/28/15
X	City Clerk		12/28/15

Reviewed by Mayor Bert L. Cottle:

 12:29:2015

Fiscal Impact: yes no

Account name/number:

Attachments: none

Summary Statement: This ordinance is proposed to amend Wasilla Municipal Code Title 9 to ban the retail sale of marijuana within the Wasilla City limits and to clarify that marijuana may not be consumed in public. The city adopted Ordinance Serial No. 15-08 to limit the manufacture, transport, and use of marijuana in clubs within the city limits. Ordinance Serial No. 16-07 is proposed to expand and clarify additional limitations; prohibiting the sale of marijuana within the city limits, and to clarify that marijuana may only be consumed on residential private property in accordance with Alaska Statute 17.38.040.

Staff Recommendation: Adopt Ordinance Serial No. 16-07.