

Code Ordinance

By: Council Member Graham
Introduced: February 22, 2016
Public Hearing: March 21, 2016
Failed: March 21, 2016

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

**City of Wasilla
Ordinance Serial No. 16-08**

An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code (WMC) 9.40.040, Related To The Transportation Of Marijuana Within Wasilla City Limits And Amending WMC 1.20.030, Disposition Of Scheduled Offenses, In Regard To The Fine Schedule For The Regulation Of Marijuana.

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. WMC 9.40.040, Limitation on Transport, is hereby amended to read as follows:

(A) Transport of marijuana within the Wasilla City limits shall be limited to no more than that allowed by Alaska State law.

(B) No person may operate a vehicle within Wasilla City limits if there is marijuana, marijuana concentrate, or a marijuana product in the passenger compartment of the vehicle. Marijuana may be stored in the trunk of the vehicle or behind the last row of passenger seats in a station wagon, hatchback, or similar trunkless vehicle, or behind a solid partition that separates the vehicle driver from a storage area or separate passenger area.

(C) Remedies and penalties for violations of subsection (B) of this section are provided in Chapter 1.20.

(D) Any marijuana found in violation of subsection (B) in this section may be seized and held as evidence to be used in any future

Underline, added, Strikethrough, deleted

proceeding and may be disposed of as appropriate after the use for evidentiary purposes is no longer required, including in accordance with WMC Chapter 5.40, Disposition of Property in Possession of Police Department.

Section 3. Amendment of subsection. WMC 1.20.030, Disposition of Scheduled Offenses – Fine Schedule, to read 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(A)	Marijuana Transport	\$750
<u>9.40.040(B)</u>	<u>Marijuana, Marijuana Concentrate, or Marijuana Product in Passenger Compartment of Vehicle</u>	<u>\$500</u>
9.40.050	Marijuana Use	\$100
9.40.060	Marijuana Clubs Prohibited	\$1,000
9.40.062	Retail Marijuana Stores Prohibited	\$1,000
9.40.064	Marijuana Cultivation Facilities Prohibited	\$1,000

Section 4. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

FAILED by the Wasilla City Council on March 21, 2016.

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WASILLA

• ALASKA •

CITY COUNCIL LEGISLATION STAFF REPORT

Ordinance Serial No. 16-08: Amending Wasilla Municipal Code (WMC) 9.40.040, related to the transportation of marijuana within Wasilla City Limits and amending WMC 1.20.030, Disposition of Scheduled Offenses, in regard to the fine schedule for the regulation of marijuana.

Originator: Jamie Newman, City Clerk for Council Member Graham

Date: 2/8/2016

Agenda of: 2/22/2016

Route to:	Department Head	Signature	Date
X	Chief of Police		2/9/16
X	Public Works Director		2/9/16
X	Recreation & Cultural Services Director		2/9/16
X	Finance Director		2-9/16
X	Deputy Administrator		2/9/16
X	City Attorney		
X	City Clerk		2/9/16

Reviewed by Mayor Bert L. Cottle:  02:10:2016

Fiscal Impact: yes or no

Funds Available: yes or no

Account name/number: N/A

Attachments: Ordinance Serial No. 16-08 (2 pages)

Summary Statement: It is against the law to carry an open container of alcohol in the passenger compartment of a vehicle. The intent of this ordinance is to make it illegal to carry marijuana in the passenger compartment of a vehicle. If carried in a vehicle, the marijuana may be stored in the trunk of the vehicle or behind the last row of passenger seats in a station wagon, hatchback, or similar trunkless vehicle, or behind the solid partition that separates the vehicle driver from a storage area or separate passenger area.

Staff Recommendation: Introduce and set the ordinance for public hearing.