

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2016-21

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA REPEALING CHAPTER 7.20 "MARIJUANA ADVISORY COMMITTEE", AND CREATING CHAPTER 7.40 "LOCAL REGULATORY AUTHORITY", FORMALLY DISSOLVING THE EXISTING LOCAL REGULATORY AUTHORITY AND ITS FRAMEWORK AND DESIGNATING THE CITY ASSEMBLY AS THE PERMANENT LOCAL REGULATORY AUTHORITY, AND CREATING CHAPTER 7.50 "LICENSING", DETAILING THE PROCEDURE OF THE CITY ASSEMBLY IN REVIEWING, APPROVING AND PROTESTING MARIJUANA LICENSES

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. PURPOSE. The purpose of this ordinance is to dissolve the existing Local Regulatory Authority and designate the City Assembly as the permanent Local Regulatory Authority. This ordinance also clarifies that the Assembly has the authority to review and approve or protest State marijuana licensing applications, as well as determining marijuana regulatory issues that affect the municipality.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC Chapter 7.20 is repealed and SGC Chapters 7.40 and 7.50 are created (old or repealed language stricken, new language underlined) as follows:

Title 7
MARIJUANA REGULATIONS

Chapters:

- ~~7.20 Marijuana Advisory Committee~~
- 7.30 Public Consumption**
- 7.40 Local Regulatory Authority
- 7.50 Licensing

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~~Chapter 7.20~~
~~MARIJUANA ADVISORY COMMITTEE~~

Sections:

- ~~7.20.010 Marijuana advisory committee.~~
- ~~7.20.030 Proceedings of the committee.~~
- 7.20.040 Sunset clause.

51 ~~**7.20.050 Duties and responsibilities of the committee.**~~

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53 ~~**7.20.040 Marijuana advisory committee.**~~

54 ~~A. There is created the marijuana advisory committee, referred to in this chapter as~~
55 ~~the committee. The committee shall serve as the local regulatory authority for purposes~~
56 ~~of AS 17.38~~

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58 ~~B. The committee consists of nine voting members; the composition is as follows:~~

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60 ~~1. Six members; three from the public at large and one each from the police and~~
61 ~~fire commission, health needs and human services commission, and the school~~
62 ~~board. If no volunteers from each of these boards and commissions can be found,~~
63 ~~the assembly may select members from the public to fill each vacant seat.~~

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65 ~~2. Two assembly members and one member from the planning commission.~~

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67 ~~3. The city attorney will sit on the committee in an advisory capacity, with no voting~~
68 ~~rights.~~

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70 ~~4. The committee will receive staff support processing applications, setting up~~
71 ~~rules and regulations for time, place and manner restriction from the office of~~
72 ~~planning and community development.~~

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74 ~~**7.20.030 Proceedings of the committee.**~~

75 ~~The committee shall meet regularly as needed and at the call of the chair. Permanent~~
76 ~~records or minutes shall be kept of the vote of each member upon every question.~~
77 ~~Every decision of finding shall immediately be filed in the office of the city clerk, and~~
78 ~~shall be public record open to inspection by any person. Every decision of finding shall~~
79 ~~be directed to the assembly at the earliest possible date.~~

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81 ~~**7.20.040 Sunset clause**~~

82 ~~If no permanent body is designated by February 24, 2016, the committee shall continue~~
83 ~~as the local regulatory authority until a permanent body is appointed by the assembly.~~

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85 ~~**7.20.050 Duties and responsibilities of the committee.**~~

86 ~~It shall be the duty of the committee to act in an advisory capacity to the administrator~~
87 ~~and assembly on the regulation of marijuana and operation of marijuana facilities within~~
88 ~~the city and borough of Sitka. Further duties shall include but not be limited to:~~

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90 ~~A. Work with the state to collect fees and administer licensing and regulations. Draft~~
91 ~~recommended laws and policies for assembly approval, regulating marijuana and~~
92 ~~related facilities within the city and borough of Sitka.~~

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94 ~~B. Make recommendations, for assembly approval, on time, place and manner~~
95 ~~regulations related to use, manufacturing and distribution of marijuana.~~

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97 ~~C. Supervise and monitor the implementation and enforcement of laws and policies~~
98 ~~governing marijuana, in conjunction with the city attorney, department of planning and~~
99 ~~community development, the city administrator, and the state authorities.~~

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101 ~~D. Analyze the economic impact of marijuana regulation in the city and borough of~~
102 ~~Sitka, and working with the city finance department, make recommendations on taxation~~
103 ~~of marijuana.~~

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105 ~~E. Analyze the environmental impact of manufacturing of marijuana, working with both~~
106 ~~the electric department and wastewater treatment department.~~

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109 **Chapter 7.40**
110 **Local Regulatory Authority**

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112 **Sections:**

113 **7.40.010 Duties and powers.**

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115 **7.40.010 Duties and powers.**

116 The Assembly of the City and Borough shall function as the Local Regulatory Authority
117 for the purpose of the regulation of marijuana with the authority to:

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119 A. Consider appeals of conditional use permits.

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121 B. Work with the state to collect fees and administer licensing and regulations. Draft
122 recommended laws and policies for assembly approval, regulating marijuana and
123 related facilities within the City and Borough of Sitka.

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126 **Chapter 7.50**

127 **Licensing**

128 **Sections:**

129 **7.50.010 License required**

130 **7.50.020 Application for license**

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132 **7.50.010 License required.**

133 AS 17.38.070 designating a classification of licenses is incorporated herein and made a
134 part hereof, and the sale of marijuana, including any derivative thereof, by any person,
135 firm or corporation is prohibited anywhere except under and by virtue of a license
136 secured from the Director of the Marijuana Control Board, and the sale, barter or
137 consumption of marijuana, including any derivative thereof, on any premises not
138 covered by a license under the classifications in AS 17.38.070 is prohibited.

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7.50.020 Application for license

A. The Assembly of the City and Borough of Sitka will make recommendations to the State as to support for or objections to license applications.

B. At such time that the licensee is seeking a new license, is seeking to reestablish a license that was allowed to expire, is proposing a change in the controlling interest of the establishment license, or there is a proposed change or addition to license type, the municipal clerk shall give notice of such application as follows:

1. Notice shall be posted on the premises ten days prior to the assembly meeting at which application will be heard. All time limitations, however, may be decreased at the discretion of the municipal clerk to meet any period specified by the Director of the Marijuana Control Board;

2. Notice shall be published once in a local newspaper at least one week before such meeting;

3. The notice shall contain the time and place of assembly meeting; the type of license applied for; the name of all applying persons; and inform the public that any protest may be lodged with the assembly at that time;

4. Give proof to the assembly at the time of hearing of compliance with all phases of this chapter.

C. By Persons seeking to renew a Licenses. The individuals or groups of individuals holding existing licenses shall not be affected by subsection (B) and shall have the right to apply for renewal of their licenses unless disqualified on grounds other than contained herein.

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5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 28th day of June, 2016.

Mim McConnell, Mayor

ATTEST:

Melissa Henshaw
Acting Municipal Clerk