

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-06A

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA ADDING A NEW TITLE TO SITKA GENERAL CODE ENTITLED "TITLE 7, MARIJUANA REGULATIONS" TO REGULATE AND TAX THE USE, POSSESSION, MANUFACTURE AND SALE OF MARIJUANA AS WELL AS PROVIDE PENALTIES FOR VIOLATION AS DEFINED IN CHAPTER 7.30, SECTION 7.30.10 ENTITLED "PUBLIC CONSUMPTION"

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code (SGC").

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

3. **PURPOSE.** This ordinance is being recommended to create a comprehensive regulatory scheme for the regulation of marijuana and associated marijuana products which became legal in the State of Alaska by popular vote. To wit, Ballot Measure 2 – An act to tax and regulate the production, sale and use of marijuana, as codified as Alaska Statutes 17.38 provides for the legalization of marijuana in the State election and certified on November 28, 2014 by the State of Alaska, Division of Elections.

4. **ENACTMENT. NOW, THEREFORE, BE IT ENACTED** by the Assembly of the City and Borough of Sitka ("CBS") that the SGC is amended to add a new Title 7, Marijuana Regulations, to read as follows:

Title 7
MARIJUANA REGULATIONS

Chapter:
7.30 Public Consumption

Chapter 7.30
Public Consumption

Section:
7.30.10 Public Consumption

7.30.10 Public Consumption

A. Pursuant to Alaska Statute 17.38.40, Public consumption of marijuana is prohibited. A person who violates this law is guilty of a violation punishable by a fine of up to \$100.00.

48 B. **Except as otherwise provided**, it is unlawful for a person to knowingly consume
49 marijuana:

50 1. Upon any public streets, alleys, sidewalks, municipally operated harbor walkways
51 and floats, restrooms and parking lots, any municipally controlled areas open to the
52 general public and public school grounds, whether in a motor vehicle or not;

53 2. At any public park, recreation area, playground, or ball field, whether in a motor
54 vehicle or not;

55 3. **In or upon those portions of any private property upon which the public has an**
56 **express or implied license to enter or remain, including but not limited to eating and/or**
57 **drinking establishments, places of business or amusement, and;**

58 4. Any other public or private property, where such area is posted that consumption of
59 marijuana is prohibited; and

60 5. Upon establishment of a local regulatory authority, or similar body, exemptions may
61 be given for special events by the assembly, upon advice by the local regulatory authority
62 or similar body, with such conditions as the assembly may require for the public good.
63

64 C. For purposes of this section, the definitions for words and phrases below shall apply:

65 1. Marijuana, per Alaska Statue 17.38.900(6): “Marijuana” means all parts of the plant
66 of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from
67 any part of the plant, and every compound, manufacture, salt, derivative, mixture, or
68 preparation of the plant, its seeds, or its resin, including marijuana concentrate.

69 “Marijuana” does not include fiber produced from the stalk, oil, or cake made from the
70 seeds of the plant, sterilized seed of the plant which is incapable of germination, or the
71 weight of any other ingredient combined with marijuana to prepare topical or oral
72 administrations, food, drink, or other products; and

73 2. Consume shall have the meaning, in all conjugate forms, of consumption set forth in
74 Alaska Statute 17.38.900(3): Consumption means the act of ingesting, inhaling, or
75 otherwise introducing marijuana into the human body.
76

77 D. **Pursuant to AS 12.25.195**, violation of this section is a minor offense punishable as set
78 forth in the **state’s minor offense fine schedule under the Alaska Court System’s Rules of**
79 **Administration bail and fine schedule**, at such time as that schedule may be updated to
80 include marijuana related violations.
81

82 5. **EFFECTIVE DATE.** This Ordinance shall become effective February 24, 2015.
83

84 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of
85 Sitka, Alaska this 24th day of February, 2015.
86

87
88 _____
Mim McConnell, Mayor

89 **ATTEST:**
90
91 _____
92 Sara Peterson, CMC
93 Acting Municipal Clerk