

Introduced by: Vice Mayor Leif Albertson
Introduction Date: February 10, 2015
Public Hearing: February 24, 2015
Action: Failed
Vote: 0-7

CITY OF BETHEL, ALASKA

Ordinance #15-03

AN ORDINANCE ~~AMENDING~~ ADDING SECTION ~~9.04~~ 9.07 OF THE BETHEL MUNICIPAL CODE TO ADD A PROHIBITION AGAINST THE CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE

WHEREAS, 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, was passed by the voters in the recent state election and certified on November 28, 2014 by the State of Alaska, Division of Elections; and

WHEREAS, newly enacted AS 17.38.040 states:

Public consumption banned, penalty.

It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100. ; and

WHEREAS, the State statute does not define “public”; and

WHEREAS, the state statute does not discuss or mandate any enforcement mechanism; and

WHEREAS, the effective date of the state marijuana statute is February 24, 2015; and

WHEREAS, the City of Bethel previously passed an Ordinance adopting any minor offenses as they presently existed or as they may be revised [or added] in the future;

WHEREAS, with the enactment of AS 17.38.040, the City automatically adopts this new minor offense; and

WHEREAS, the City would like to clarify what is a “public place” for purposes of enforcing this new minor offense

Now, THEREFORE BE IT ENACTED by the City Council of Bethel Alaska as follows:

Bethel Municipal code chapter ~~9.04~~ 9.07, Minor Offenses, is hereby amended by adding a new section to read as follows:

9.02 9.07 Consuming Marijuana in a Public Place

- A. It is unlawful for any person to consume marijuana when the person is:
1. On, in or upon any public place, except as permitted by ordinance, regulation, statute or permit; or
 2. Outdoors on property adjacent to a public place, and without consent of the owner or person in control thereof.
- B. For purposes of this section, the definitions of the words and phrases below shall apply:
1. Consume: shall have the meaning, in all conjugate forms, of "consumption" set forth in AS 17.38.900.
 2. Marijuana: shall have the meaning set forth in AS 17.38.900.
 3. Public Place: means a place to which the public or a substantial group of persons has access and includes, but is not limited to, streets, highways, sidewalks, alleys, transportation facilities, parking areas, sports fields, schools, places of business or amusement, shopping centers, malls, parks, playgrounds, prisons or detention centers, and hallways, lobbies, doorways and other portions of apartment houses and lodging facilities not constituting apartments designed for actual residence.
- C. Violation of this section is a minor offense punishable as set forth in the minor offenses fine schedule.

SECTION 1. Classification. This ordinance is of permanent nature and shall be codified within the Bethel Municipal Code.

SECTION 2. Effective Date. This ordinance shall become effective upon passage by the Bethel City Council.

ENACTED THIS 24th DAY OF FEBRUARY 2015, BY A VOTE OF 0 IN FAVOR AND 7 OPPOSED.

ATTEST:

Richard Robb, Mayor

Lori Strickler, City Clerk