

Introduced by: Vice Mayor Leif Albertson  
Introduction Date: February 10, 2015  
Public Hearing: February 24, 2015  
Action: Failed  
Vote: 2-5

## *CITY OF BETHEL, ALASKA*

### **Ordinance #15-04**

#### **AN ORDINANCE ADDING SECTION 8.11 TO THE BETHEL MUNICIPAL CODE TO ADD A PROHIBITION AGAINST THE CONSUMPTION OF MARIJUANA ON CITY OWNED PROPERTY**

**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 17.38.120 states, in pertinent part:

#### **Employers, Driving, Minors and Control of Property**

(d) Nothing in this chapter shall prohibit a person, employer, corporation or other entity who occupies, owns or controls private property from prohibiting or otherwise regulating the possession, consumption, use display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property ; and

**WHEREAS**, the City of Bethel currently prohibits smoking in all of its buildings; and

**WHEREAS**, the City of Bethel employs several individuals who hold Commercial Driver's Licenses (CDL) or are involved with the public as part of their official duties; and

**WHEREAS**, the City of Bethel currently prohibits the use of alcohol and drugs on all of its premises as required by many of the City's grants;

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

Bethel Municipal code chapter 8, Health and Safety, is hereby amended by adding a new section to read as follows:

8.11 Prohibition of Marijuana on City owned Properties

- A. It is unlawful to ~~possess, consume, use, display, transfer, distribute, sell, transport or grow~~ marijuana on any city owned property.
- 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.
- C. Violation of this section is a minor offense punishable by a fine of up to five hundred (\$500) dollars.

**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 24<sup>th</sup> DAY OF FEBRUARY 2015, BY A VOTE OF 2 IN FAVOR AND 5 OPPOSED.**

ATTEST:

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Richard Robb, Mayor

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Lori Strickler, City Clerk