

Introduced by: Council Member Fansler
Date: January 12, 2016
Public Hearing: January 26, 2016
Action: Passed
Vote: 7-0

CITY OF BETHEL, ALASKA

Ordinance #16-01

AN ORDINANCE BY THE BETHEL CITY COUNCIL ESTABLISHING A LIMITED MORATORIUM ON COMMERCIAL MARIJUANA

- WHEREAS,** on November 4, 2014 Alaskan voters approved Ballot Measure 2, An Act to Tax and Regulate the Production, Sale, and Use of Marijuana; codified as Alaska Statute Chapter 17.38;
- WHEREAS,** the initiative, which went into effect on February 24, 2015, requires the State to begin accepting and processing applications for the registration of marijuana establishments by February 24, 2016;
- WHEREAS,** subsequently, the State established the Marijuana Control Board, which has proposed regulations for commercial marijuana establishments;
- WHEREAS,** neither Ballot 2, nor the proposed regulations by the Marijuana Control Board have specifically addressed Marijuana Clubs, which allow for the consumption of marijuana or marijuana products on the premises;
- WHEREAS,** the Alaska Statute Chapter 17.38 creates classes of registrations, licenses, or permits to enable the lawful conduct of certain types of marijuana commerce and businesses;
- WHEREAS,** the conduct of these commercial and business activities is unlawful without the appropriate registration, license or permit;
- WHEREAS,** AS 17.38.110 Local Control, enacted by Ballot Measure 2, empowers municipalities to limit and prohibit the operation of these businesses by enactment of ordinance or voter initiative;
- WHEREAS,** the initiative also authorizes local governments to enact legislation concerning the time, place and manner related to the operation of registered marijuana establishments;
- WHEREAS,** it is in the public's best interest that the City of Bethel thoughtfully consider and adopt land use regulations that ensure the orderly development and regulation of marijuana establishments, including sale, cultivation, manufacture, transport, and/or consumption of marijuana by persons

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assembled within a commercial or industrial structure within the City of Bethel;

WHEREAS, it is also in the best interest of the City of Bethel to establish a moratorium prohibiting the consumption of marijuana and marijuana products in Marijuana Clubs, until further guidance is provided by the Marijuana Control Board or State Legislature or local ordinance ensuring minimum health and safety standards are met to protect consumers, the public, first responders, and employees of such establishments;

WHEREAS, the purpose of this moratorium is to allow the City of Bethel a reasonable period of time to consider and enact legislation concerning the operation of marijuana establishments, including Marijuana Clubs, within the City

WHEREAS, enacting a six (6) month moratorium on the operation of certain commercial marijuana businesses does not infringe upon personal use rights guaranteed by Alaska Statute Chapter 17.38;

WHEREAS, Alaska Statute 17.38.110 Local Control, specifically allows for municipalities to prohibit and regulate commercial marijuana establishments in a manner that does not conflict with the applicable statutes and, the City, as a second class municipality, has all legislative powers not prohibited by law.

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

SECTION 1. Form. This is a non-codified Ordinance and shall not become part of the Bethel Municipal Code.

SECTION 2. Moratorium. The City Council finds and determines a situation affecting the life, health, property, and the public peace exists in that, the processing of any land use, zoning, or licensing approvals for marijuana operations with the City are not in the public's interest until such time the City has adopted marijuana regulations.

To address this situation, the City Council, imposes a six month moratorium on the processing of any land use approvals or licensing applications for marijuana establishment businesses within the City of Bethel.

SECTION 3. Definition. "Marijuana Club" means a licensed or non-licensed place where: (1) Marijuana or marijuana products are received or kept, or to which marijuana or marijuana products are brought (2) for consumption by the public or members of a club, association, or corporation on the licensed or non-licensed premises and (3) any

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fee, including but not limited to a membership fee, cover charge, or the sale of food, ice, mixers, or other drinks occurs, or a fee is charged for the use of marijuana accessories for use in the consumption of marijuana or marijuana products.

SECTION 4. Disclaimer. Nothing in this Ordinance endorses or is intended to endorse the legality of a Marijuana Business or Marijuana Club operating within the State of Alaska.

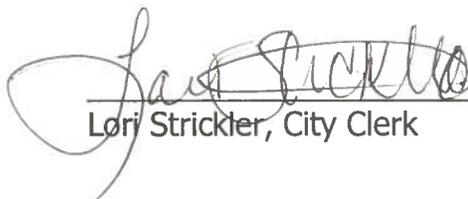
SECTION 5. Effective Date. This ordinance shall become effective immediately upon the adoption by the City Council.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA THIS 26 DAY OF JANUARY 2016, BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.



Richard Robb, Mayor

ATTEST:



Lori Strickler, City Clerk