

Introduced by: Council Member Fansler  
Date: June 14, 2016  
Public Hearing: June 28, 2016  
Action: Passed  
Vote: 4-2

## *CITY OF BETHEL, ALASKA*

### **Ordinance #16-19**

#### **AN ORDINANCE BY THE BETHEL CITY COUNCIL EXTENDING A LIMITED MORATORIUM ON COMMERCIAL MARIJUANA UNTIL ~~JULY 31~~ AUGUST 31, 2016**

**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 later established regulations for commercial marijuana establishments;

**WHEREAS,** the Alaska Statute Chapter 17.38 and section 3 of the Alaska Administrative Code create 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 assembled within a commercial or industrial structure within the City of Bethel;

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**WHEREAS,** it is also in the best interest of the City of Bethel to extend the moratorium, which expires on June 26, 2016, prohibiting the consumption of marijuana and marijuana products in Marijuana Clubs, until ~~July 31~~ August 31, 2016 to allow the City of Bethel sufficient time to finalize and adopt legislation concerning the operation of marijuana establishments within the City;

**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:

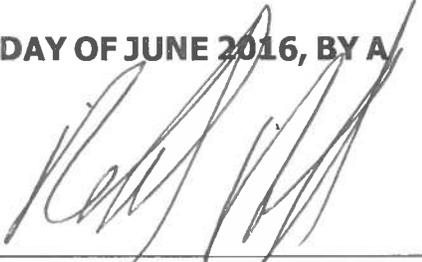
**SECTION 1. Form.** This is a non-codified Ordinance and shall not become part of the Bethel Municipal Code.

**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.

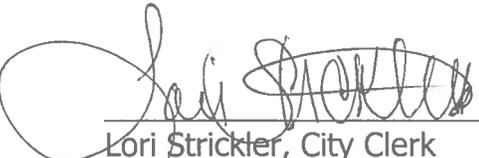
To address this situation, the City Council, imposes a one month extension to the moratorium on the processing of any land use approvals or licensing applications for marijuana establishment businesses within the City of Bethel.

**SECTION 3. Effective Date.** This ordinance shall become effective immediately upon the adoption by the City Council and shall expire on ~~July 31~~ August 31, 2016.

**BE IT ENACTED BY THE CITY COUNCIL THIS 28<sup>TH</sup> DAY OF JUNE 2016, BY A VOTE OF 4 IN FAVOR AND 2 OPPOSED.**

  
Richard Robb, Mayor

ATTEST:

  
Lori Strickler, City Clerk