

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-06

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

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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.

49 B. It is unlawful for a person to knowingly consume marijuana, except as otherwise  
50 provided:

51 1. Upon any public street, alley, sidewalk, municipally operated harbor walkways and  
52 floats, restrooms and parking lots, any municipally controlled area open to the general  
53 public and public school grounds, whether in a motor vehicle or not;

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

56 3. Any other public or private property, where such area is posted that consumption of  
57 marijuana is prohibited; and

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

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

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

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

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

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75 D. Violation of this section is a minor offense punishable as set forth in the minor offense  
76 fine schedule.

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

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80 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of  
81 Sitka, Alaska this 10<sup>th</sup> day of February, 2015.

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85 Mim McConnell, Mayor

86 **ATTEST:**

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89 Sara Peterson, CMC  
90 Acting Municipal Clerk  
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