

NON-CODE ORDINANCE

Sponsored By: Assemblymembers Kowalke
and Sykes

Introduced: 04/19/16

Public Hearing: 05/03/16

Amended: 05/03/16

Adopted: 05/03/16

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-046**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY
ESTABLISHING A TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS
TO EXPIRE ON OCTOBER 19, 2016.

WHEREAS, AS 17.38.900 defines "marijuana establishment" to
include marijuana cultivation facilities, marijuana testing
facilities, marijuana product manufacturing facilities, and
marijuana retail stores; and

WHEREAS, the Alaska State Marijuana Control Board has also
addressed marijuana clubs which allow consumption of marijuana
on premises and which the Borough considered included in the
definition of marijuana establishments; and

WHEREAS, AS 17.38.110 allows municipalities to limit or
prohibit operation of marijuana establishments; and

WHEREAS, at the October 4, 2016, regular election, Borough
voters will decide whether to prohibit all marijuana
establishments except industrial hemp; and

WHEREAS, the Borough has not yet established local rules
regarding the operations of marijuana establishments; and

WHEREAS, it is in the public interest that the Assembly
thoughtfully consider and adopt rules and regulations that

ensure the orderly development and regulation of marijuana establishments; and

WHEREAS, implementation dates of State of Alaska licensing rules are still unknown and public concern has been raised about enacting Borough regulations prior to consideration of a marijuana ballot initiative on October 4, 2016, and

WHEREAS, it is also in the best interest of the Borough to establish a moratorium until issues regarding locations of businesses and residential areas is more fully addressed; and

WHEREAS, state law on licensing requires background checks which has not yet been signed into law or taken effect; and

WHEREAS, no matter how voters decide the October 4, 2016, ballot question on marijuana, local rules will still be needed to regulate marijuana establishments; and

WHEREAS, nothing in this ordinance infringes on the personal use rights guaranteed by AS 17.38; and

WHEREAS, this moratorium is temporary in nature and expires the day after the certification date for the results of the October 4, 2016, regular Borough election.

BE IT ENACTED:

Section 1. Classification and applicability. This ordinance is a non-code ordinance and applies to all areas of the Matanuska-Susitna Borough outside the incorporated cities of Palmer, Wasilla, and Houston.

Section 2. Moratorium. As per the authority granted by AS 17.38.110, the Matanuska-Susitna Borough establishes a moratorium and prohibits: 1) the processing of applications for approval of marijuana establishments; and 2) operation of marijuana establishments.

Section 3. Definitions. In this ordinance, "marijuana establishment" is defined as per AS 17.38.900 and further includes all forms of commercial marijuana activity and marijuana clubs whatever their nature.

Section 4. Effective date. This ordinance shall take effect upon adoption.

Section 5. Sunset clause. This ordinance shall expire October 19, 2016, except as provided below.

Section 6. Early sunset for cultivation facilities. As it applies to marijuana cultivation facilities, this moratorium shall expire on August 17, 2016.

ADOPTED by the Matanuska-Susitna Borough Assembly this
3 day of May, 2016.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk
(SEAL)

PASSED UNANIMOUSLY: Sykes, Beck, McKee, Colligan, Mayfield,
Doty, and Kowalke