

Introduced by: Deputy Mayor Carrington
and Council Member DeVries
Date: March 10, 2015
Public Hearing: March 24, 2015
Action: Postponed Indefinitely
causing the ordinance to fail

Vote on motion to postpone indefinitely:

Yes:	No:
Combs	Best
Erbey	DeVries
Hanson	Carrington
Johnson	

CITY OF PALMER, ALASKA

Ordinance No. 15-013

An Ordinance of the Palmer City Council Enacting Palmer Municipal Code Chapter 8.11 Prohibiting Consumption of Marijuana in a Public Place

Whereas, Ballot Measure 2 – An Act to Tax and Regulate the Production, Sale and Use of Marijuana, and 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 17.28.040 states:

AS 17.28.040 Public consumption banned.

It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100.

Whereas, the state statute does not define “public”; and

Whereas, the state statute does not discuss or mandate any enforcement mechanism; and

Whereas, the effective date of the state marijuana statute is February 24, 2015.

Now, therefore:

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Chapter 8.11 is hereby enacted to read as follows:

Chapter 8.11
PROHIBITING CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE

8.11.010 Definitions.

For purposes of this chapter, the definitions of the words and phrases below shall apply:

- A. Consume shall have the meaning, in all conjugate forms, of "consumption" set forth in AS 17.38.900.
- B. Marijuana shall have the meaning set forth in AS 17.38.900.
- C. Public place means a place to which the public or a substantial group of persons has access and includes, but is not limited to, streets, highways, sidewalks, alleys, bike or pedestrian trails, transportation facilities, parking areas, sports arenas, schools, places of business or amusement, shopping centers, malls, parks, park trails, playgrounds, prisons, hallways, lobbies, doorways and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence, or while occupying any type of motor vehicle unless the vehicle is on the private property of the registered owner of said vehicle.

8.11.020 Consuming marijuana in a public place.

- A. It is unlawful for any person to knowingly consume marijuana in a public place or when the person is outdoors on private property adjacent to a public place or private place of another without consent of the owner or person in control thereof.
- B. Violation of this section is an offense punishable by the fine established in the current, adopted budget.

8.11.030 Marijuana oil extraction-prohibited.

- A. Any method to process oil or any substance from marijuana using an extraction method is hereby prohibited.
- B. Extraction is defined as using a chemical, series of chemicals or fluid or any other method to extract oil or another substance from a marijuana plant.
- C. Any person or business that processes marijuana oil using an extraction method is in violation of this section and subject to the fine established in the current, adopted budget.

Section 4. Effective Date. Ordinance No. 15-011 shall take effect upon adoption by the City of Palmer City Council.

FAILED BY MOTION TO POSTPONE INDEFINITELY