

Application for initiative petition submitted to the City Clerk:	June 2, 2015
Application Petition Certified by City Clerk	June 12, 2015
Initiative Petition Submitted to City Clerk:	July 21, 2015
Petition Certified by City Clerk:	July 22, 2015
Measure Placed Before the Voters at the Regular Election of:	October 6, 2015
Proposition No. 1, Passed at the Regular Election of:	October 6, 2015
Election Certified by the Palmer City Council:	October 12, 2015
Vote on Certification of Election:	Unanimous
Effective Date:	October 12, 2015

CITY OF PALMER, ALASKA

Ordinance No. 15-020

An Initiative Ordinance of the Voters of the City of Palmer Enacting Palmer Municipal Code Chapter 5.32 Marijuana Businesses, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores Pursuant to AS 17.38.110 Local Control, but Not Restricting Industrial Hemp as Defined Herein

THE VOTERS OF CITY OF PALMER, ALASKA ORDAINS:

Whereas, the residents of Alaska passed Ballot Measure No. 2 - 13PSUM An Act to Tax and Regulate the Production, Sale, and Use of Marijuana, codified as Alaska Statute Chapter 17.38; and

Whereas, Alaska Statute Chapter 17.38 creates classes of registrations, licenses, or permits to enable the lawful conduct of certain types of marijuana commerce and business; and

Whereas, the conduct of these commercial and business activities is unlawful without the appropriate registration, license, or permit; and

Whereas, AS 17.38.110 Local Control, enacted by Ballot Measure 2, empowers municipalities to prohibit the operation of these businesses by enactment of an ordinance or voter initiative; and

Whereas, prohibiting the operation of commercial marijuana businesses does not infringe upon the personal use rights guaranteed by Alaska Statute Chapter 17.38; and

Whereas, the voters do not seek to inhibit the development of industrial hemp.

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

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

Section 3. Palmer Municipal Code Title 5, Business Licenses and Regulations, is hereby amended by the addition of a new Chapter 5.32, to read as follows:

**Chapter 5.32
MARIJUANA BUSINESSES**

Sections:

5.32.010 Definitions

5.32.020 Marijuana businesses prohibited

5.32.010 Definitions.

When used in the chapter, the following words and phrases shall have the meanings set forth in this section:

"Industrial hemp" means the plant cannabis sativa and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis and shall also include any definition of "industrial hemp," or similar term serving the same purpose, adopted by laws or regulations by the State of Alaska.

"Marijuana business" means any and all business, acts, or commerce subject to registration or licensure pursuant to Alaska Statute Chapter 17.38.

5.32.020 Marijuana businesses prohibited.

A. Marijuana businesses are prohibited.

B. The prohibition contained in subsection A shall not apply to or restrict any business, act, or commerce relating to the growing or processing of industrial hemp otherwise authorized by state or federal law, whether authorized by AS Chapter 17.38 or any other provision of state or federal law; nor shall the prohibition contained in subsection A preclude issuance of a license or registration required for industrial hemp-related business or commerce to a qualified person or entity.

Section 4. Effective Date. If a majority vote favors this ordinance, it shall become effective upon certification of the election.



Delena Goodwin Johnson, Mayor



Janette M. Bower, MMC, City Clerk