

Proposed by:	Assembly
Attorney Review:	11/13/2015
First Reading:	11/24/2015
Second Reading:	12/03/2015
Vote: 5 Aye	0 Nay 1 Absent

MUNICIPALITY OF SKAGWAY, ALASKA ORDINANCE NO. 15-25

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC CHAPTER 5.12 SALE OF ALCOHOLIC BEVERAGES TO ADD REGULATIONS SPECIFIC TO THE CONSUMPTION OF MARIJUANA.

WHEREAS, Ballot Measure 2 – An Act to Tax and Regulate the Production, Sale and Use of Marijuana, and codified as Alaska Statute 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 17.38.040 states, “Public consumption banned, penalty. 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”; and

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

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

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

Section 2. Purpose. To amend SMC Chapter 5.12 Sale of Alcoholic Beverages to add regulations specific to the consumption of marijuana.

Section 3. Addition. The Skagway Municipal Code Chapter 5.12 Sale of Alcoholic Beverages is hereby amended as follows:

Chapter 5.12 SALE OF MARIJUANA AND ALCOHOLIC BEVERAGES

Sections:

5.12.005 Marijuana defined.

5.12.010 Alcoholic beverage defined.

5.12.020 State license required **for alcoholic beverage.**

5.12.025 State license required for marijuana.

5.12.030 Municipal business license required.

5.12.040 Recommendation by assembly--Application.

5.12.050 Sale of alcoholic beverages on election day.

5.12.060 General provisions applicable.

5.12.005 Marijuana defined.

“Marijuana” shall have the meaning set forth in AS 17.38.900.

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 15-25

Page 2 of 3

5.12.010 Alcoholic beverage defined.

"Alcoholic beverage" includes whiskey, brandy, rum, gin, wine, ale, porter, beer and all other spirituous, vinous, malt and other fermented or distilled liquors intended for human consumption and containing more than one percent (1%) alcohol by volume.

5.12.020 State license required **for alcoholic beverage.**

It shall be a violation of municipal law for any person, club, corporation, organization, **LLC,** or **any** other entity to manufacture, sell, offer for sale, **dispense for wholesale or retail,** or possess for sale, or barter any alcoholic beverage without having and displaying ~~an appropriate~~ **the** license obtained as required by state law **statutes and regulations.**

5.12.025 State license required for marijuana.

It shall be a violation of municipal law for any person, corporation, organization, LLC, or any other entity to manufacture, cultivate, broker, test, transfer, dispose of, sell, offer for sale, dispense for wholesale or retail, or possess for sale, or barter any marijuana, marijuana product, or marijuana derivative without having and displaying the license obtained as required by state statutes and regulations.

5.12.030 Municipal business license required.

Notwithstanding possession of a valid **marijuana or** alcoholic beverage license from the state, every person engaged in a "business" (as defined in Section 5.04.010) involving **marijuana or** alcoholic beverages shall be subject to the provisions of Chapter 5.04 of this title concerning business licenses.

5.12.040 Recommendation by assembly--Application.

Any person seeking the recommendation of the municipality, prior to issuance or renewal of an **marijuana or** alcoholic beverage license by the state, shall present to the assembly a copy of his application to the state for a license or renewal fully completed and executed, together with a current statement prepared by the borough clerk that any and all taxes, fees, assessments, utility bills and remittance of sales tax due to the municipality by the applicant have been paid in full.

5.12.050 Sale of alcoholic beverages on election day.

The provisions of AS 04.16.070 (2) do not apply within the limits of the Municipality of Skagway when elections are being held.

5.12.060 General provisions applicable.

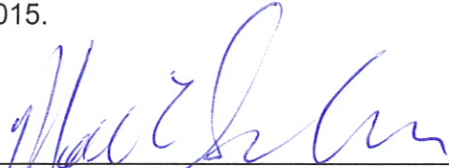
The provisions of Chapter 5.01 of this title shall apply to administration and enforcement of this chapter.

Section 4. 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 the application to other persons or circumstances shall not be affected thereby.

Section 5. Effective Date. This ordinance shall become effective immediately upon adoption.

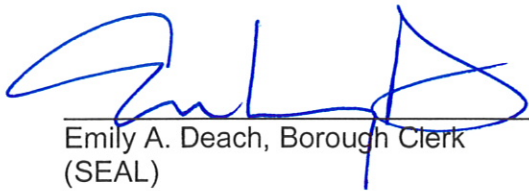
MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 15-25
Page 3 of 3

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 3rd day of December, 2015.



Mark Schaefer, Mayor

ATTEST:



Emily A. Deach, Borough Clerk
(SEAL)

