

Introduced: 10-26-2016
Posted: 10-21-2016
Public Hearing: 11-9-2016
Adopted: 11-9-2016

**CITY OF SELDOVIA
ORDINANCE 17-07**

ORDINANCE 17-07 AN ORDINANCE OF THE CITY COUNCIL OF SELDOVIA, ALASKA, AMENDING SELDOVIA MUNICIPAL CODE TITLE 18 OF THE FOLLOWING SECTIONS; 18.32 RESIDENTIAL GENERAL DISTRICT, 18.36 RESIDENTIAL, SPECIAL MULTIFAMILY DISTRICT, 18.40 WATERFRONT COMMERCIAL RESIDENTIAL DISTRICT, 18.44 COMMERCIAL DISTRICT, 18.48 INDUSTRIAL DISTRICT, 18.52 COMMERCIAL MARINE, 18.56 COMMERCIAL RESIDENTIAL; TO IDENTIFY THE ZONING DISTRICTS PERMITTING BY CONDITIONAL USE MARIJUANA FACILITIES; AND ADOPTING SELDOVIA MUNICIPAL CODE CHAPTER 18.78, MARIJUANA CULTIVATION, MANUFACTURING, TESTING, AND RETAIL FACILITIES.

WHEREAS, It is in the City's best interest to draft comprehensive regulations regarding the use of property within the City to cultivate or manufacture marijuana or to operate a retail store selling marijuana; and

WHEREAS, The City is dedicated to drafting regulations that prevent the distribution of marijuana to minors; prevent revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; prevent the diversion of marijuana from states where it is legal under state law in some form to other states; prevent state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; prevent violence and the use of firearms in the cultivation and distribution of marijuana; prevent drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; prevent the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public land; and prevent marijuana possession or use on federal property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SELDOVIA

SECTION 1. CLASSIFICATION. This ordinance is permanent in nature and shall become a part of the Municipal Code of the City of Seldovia.

SECTION 2.- AMENDING TITLE 18 BY ADDING LANGUAGE IN HIGHLIGHT TO READ AS FOLLOWS:

Adding:

Chapter 18.78, MARIJUANA CULTIVATION, MANUFACTURING, RETAIL, AND TESTING FACILITIES:

18.78.010 Scope.

18.78.020 Intent.

18.78.030 Definitions.

18.78.040 Application Process.

18.78.050 Costs.

18.78.060 Safety and Security Plan.

18.78.070 Buffers.

Chapter 18.78.010 Scope.

A. This chapter applies to the operation of all marijuana cultivation, manufacturing, retail, and testing facilities within the city boundaries.

B. All marijuana facilities in all districts shall comply with Section 18.78.030 of this title and all State Statutes regarding the cultivation, manufacturing and retail sales and testing of marijuana.

C. This chapter in no way protects marijuana facilities from enforcement of federal law nor is it intended to sanction conduct or operations prohibited by law. All persons engaged in the marijuana industry within the city operate at their own risk and have no legal recourse against the City in the event that city laws are preempted, negated or otherwise found unenforceable based upon federal law prohibiting the sale, distribution, consumption or possession of marijuana.

18.78.020 Intent.

A. This chapter is intended to impose regulations that prevent:

1. The distribution of marijuana to minors;
2. Revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
3. The diversion of marijuana from states where it is legal under state law in some form to other states where it is unlawful;
4. State-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
5. Violence and the use of firearms in the cultivation and distribution of marijuana;
6. Drugged driving and the exacerbation of other adverse public

health consequences associated with marijuana use;

7. The growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public land; and

8. Marijuana possession or use on federal property.

18.78.030 Definitions.

Marijuana and *marijuana products* have the meaning given in AS 17.38.900

18.78.040 Application Process.

A. Refer to Chapter 18.72 Conditional Use for the process for approval of a marijuana cultivation facility, manufacturing facility, retail facility, or testing facility applications.

B. An application for a conditional use permit under this chapter shall not be approved if the location of the facility violates the regulatory intent in Section 18.78.020

18.78.050 Costs.

The cost of all permits, studies and investigation required under this chapter shall be borne by the applicant.

18.78.060 Safety and Security Plan.

A conditional use permit for a marijuana facility required by this title shall include an analysis of the ways in which the intent and purpose of this chapter have been met and the safety concerns identified in Sections 18.78.010 and 18.78.020 will be addressed.

18.78.070 Buffers.

A. The Commission may require buffers, including berms, fences, trees, and shrubs, to minimize impacts to adjacent property.

B. The following buffer zones shall be applied to all marijuana facilities in all districts:

1. Schools 500 feet

2. Churches 500 feet

C. For purposes of this section, "schools" mean property primarily used as a private or public elementary or secondary education facility or property primarily used as a post-secondary education facility, including but not limited to private, faith-based, and public colleges and universities.

18.32 Residential General District

18.32.030 Conditional Uses.

L. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law, SMC 18.78 and SM Ord. 16-09

18.36 Residential, Special Multifamily District

18.36.020 Conditional Uses.

C. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law, SMC 18.78 and SMC Ord. 16-09

18.40 Waterfront Commercial Residential District

18.40.100 Conditional Uses.

B. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law, SMC 18.78 and SMC Ord. 16-09

18.44 Commercial District

18.44.030 Conditional Uses.

J. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law, SMC 18.78 and SMC Ord. 16-09

18.48 Industrial District

18.48.030 Conditional Uses.

D. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law, SMC 18.78 and SMC Ord. 16-09

18.52 Commercial Marine

18.52.100 Conditional Uses.

B. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law, SMC 18.78 and SMC Ord. 16-09

18.56 Commercial Residential

18.56.090 Conditional Uses.

B. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law, SMC 18.78 and SMC Ord. 16-09

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon adoption by the Council.

ADOPTED by a duly constituted quorum of the City Council of the City of Seldovia this 9 day of Nov. 2016.

ATTEST:

APPROVED:


Lisa Stanish, City Clerk


Mayor

Vote:
ROJAS- Absent
LETHIN- Y

MORRISON- Y
COLBERG- Absent

SWEATT- Y
PATRICK- Y

