

Introduced by: Borough Manager
Drafted by: Finance Director
Introduced on: 03/23/2017
Public Hearing Date: 04/06/2017
Adopted on: 04/06/2017

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2017-28**

AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH ENACTING A NEW KODIAK ISLAND BOROUGH CODE SECTION WITHIN TITLE 5, MARIJUANA BUSINESSES, 5.02.005, LOCAL REGULATORY AUTHORITY, TO DESIGNATE THE BOROUGH ASSEMBLY AS THE LOCAL REGULATORY AUTHORITY FOR THE KODIAK ISLAND BOROUGH, PURSUANT TO A.S. 17.38.210.

WHEREAS, the passage of Ballot Measure #2 in the 2014 State of Alaska Election has legalized various marijuana-related activities, and authorized the State to regulate and tax such activities; and

WHEREAS, AS 17.38.210 authorizes local governments to enact ordinances and regulations governing the time, place, manner, and number of marijuana establishment operations that do not conflict with State law; and

WHEREAS, AS 17.38.210 authorizes the Borough to designate a local regulatory authority that is responsible for processing any applications submitted for a registration to operate a marijuana establishment within the Borough; and,

WHEREAS, AS 17.38.200 provides that a copy of each application and one half of any application fee paid to the State of Alaska will be forwarded to the applicable local regulatory authority; and,

WHEREAS, designating the Kodiak Island Borough Assembly as the local regulatory authority will permit the Borough to provide input to the State Marijuana Control Board regarding applications for marijuana establishments that, if granted, will be situated within the Borough, and to receive one half of the application fees for such marijuana establishments.

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

Section 1: This ordinance is of a general and permanent nature and shall become a part of the Kodiak Island Borough Code of Ordinances.

Section 2: Chapter 5.02.005 of the Kodiak Island Borough Code of Ordinances is amended to read as follows:

5.02.005 Local regulatory authority.

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A. The Kodiak Island Borough Assembly is the local regulatory authority for the regulation of marijuana establishments in all areas of the borough outside of cities as provided by AS 17.38 and any implementing regulations.

B. The Assembly is authorized to provide comments to the State of Alaska Marijuana Control Board regarding any application for a license to operate any marijuana establishment within the Kodiak Island Borough, consistent with the standards set forth at AS 17.38 and 3 AAC 306.

Effective Date: This ordinance takes effect immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS SIXTH DAY OF APRIL, 2017**

KODIAK ISLAND BOROUGH



Daniel A. Rohrer, Mayor

ATTEST:



Nova M. Javier, MMC, Clerk

UNANIMOUS VOTE:

Ayes: Skinner, Smiley, Symmons, Townsend, Van Daele, LeDoux

Absent: Crow