

**CITY OF CORDOVA, ALASKA
ORDINANCE 1146**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA, AMENDING CORDOVA MUNICIPAL CODE CHAPTER 8.40 ENTITLED “MARIJUANA ESTABLISHMENTS” TO PROHIBIT MARIJUANA ESTABLISHMENT OPERATIONS WITHIN THE CITY OF CORDOVA UNTIL JANUARY 1, 2017, TO ADD DEFINITIONS FOR REGULATING THE MARIJUANA INDUSTRY WITHIN THE CITY, AND TO ADD ENFORCEMENT AND PENALTY PROCEDURES AND REPEALING CORDOVA MUNICIPAL CODE CHAPTER 8.44 ENTITLED “PROHIBITED ACTS REGARDING MARIJUANA” AND INTEGRATING THE PROHIBITIONS AND DEFINITIONS FROM CHAPTER 8.44 INTO CHAPTER 8.40 OF THE CODE

WHEREAS, The Marijuana Control Board (“MCB”) started accepting and processing applications for marijuana establishments on February 24, 2016; and

WHEREAS, pursuant to Alaska Statute 17.38.210(A), local governments may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or by a voter initiative; and

WHEREAS, it is in the City’s best interest to carefully consider the potential impacts of the marijuana industry on the City and afford City Council and the community as a whole time to gain knowledge of the industry, decide whether or not to permit marijuana establishments to operate in the City, and, if such operations are permitted, develop effective and carefully tailored regulations of such operations; and

WHEREAS, it is in the City’s best interest to prohibit commercial marijuana facility operations within the City while the City considers the pros and cons of the industry and develops regulations of the industry, if necessary; and

WHEREAS, it is in the City’s best interest to have all local laws governing marijuana manufacturing in a one chapter of the Cordova Municipal Code and all definitions applicable in to that chapter in a single section.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cordova, Alaska, that:

Section 1. Cordova Municipal Code Chapter 8.40 entitled “Marijuana establishments” is amended to read as follows:

Chapter 8.40

MARIJUANA ESTABLISHMENTS

Sections:

8.40.010 Local regulatory authority

8.40.020 Marijuana establishment operations-temporarily prohibited

8.40.030 Certain manufacturing processes prohibited

8.40.040 Definitions

8.40.050 Interpretation

[ADDED LANGUAGE BOLD AND UNDERLINED, DELETED LANGUAGE STRICKEN THROUGH]

8.40.060 Penalty-violation

8.40.010 - Local regulatory authority.

The city council is designated as the "local regulatory authority" as that term is used in Alaska Statutes Chapter 17.38 and any implementing legislation or rule-making.

8.40.020-Marijuana establishment operations-temporarily prohibited

The operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores in the city is prohibited until January 1, 2017.

8.40.030-Definitions

Definitions. For purposes of this chapter:

"Manufacture" means the preparation, compounding, conversion, or processing of marijuana, hashish, or hash oil, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the marijuana, hashish, or hash oil, or labeling or relabeling of its container. It includes the organizing or supervising of the manufacturing process. It does not include the legally authorized planting, growing, cultivating, or harvesting of a plant.

"Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; "marijuana" does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

"Marijuana concentrate" means any product which, through manufacture, contains tetrahydrocannabinol (THC). Common names and types of product include "shatter", butane or CO2 hash oil, "ring pots", butter, hash, hashish, keif, oil, or wax.

"Marijuana cultivation facility" means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

"Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

"Marijuana product manufacturing facility" means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

"Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

[ADDED LANGUAGE BOLD AND UNDERLINED, DELETED LANGUAGE STRICKEN THROUGH]

"Marijuana testing facility" means an entity registered to analyze and certify the safety and potency of marijuana.

"Retail marijuana store" means an entity registered to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

8.40.040 - Certain manufacturing processes prohibited.

It shall be unlawful for any person to manufacture a marijuana concentrate, hashish, or hash oil by use of solvents containing compressed flammable gases or through use of a solvent-based extraction method using a substance other than vegetable glycerin, unless the person is validly licensed and permitted in accordance with State of Alaska law and operations of marijuana establishments or not otherwise prohibited by this chapter.

8.40.050 Interpretation.

All terms used in this chapter that are defined in AS 17.38 or the regulations promulgated thereunder shall be interpreted in accordance with such definitions.

8.40.050 Violation—penalty.

A. A violation of this chapter is an offense punishable by a fine not exceeding \$1,000, plus any surcharge required to be imposed by AS 12.55.039.

B. Any marijuana, equipment, material, product, package or container possessed, used or intended to be used, or produced in violation of this chapter may be seized and held as evidence to be used in any future proceeding and may be disposed of as appropriate after use for evidentiary purposes is no longer required.

Section 2. Cordova Municipal Code Chapter 8.44 entitled "Prohibited Acts Regarding Marijuana" is repealed.

Section 3. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted and published in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska.

1st reading: May 18, 2016

2nd reading and public hearing: June 1, 2016

PASSED AND APPROVED THIS 1st DAY OF JUNE, 2016.



Clay R. Koplin
Clay Koplin, Mayor

ATTEST: Jina Hammer
Tina Hammer, Deputy City Clerk

[ADDED LANGUAGE BOLD AND UNDERLINED, DELETED LANGUAGE STRICKEN THROUGH]