

**CITY OF CRAIG
ORDINANCE NO. 664**

**AMENDING SECTION 09.90 OF THE CRAIG MUNICIPAL CODE TO PROHIBIT
THE CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE, AND ESTABLISHING
A PENALTY FOR VIOLATION**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and the code sections adopted hereby shall become a part of the code of the City of Craig, Alaska.

Section 2. Severability. If any provision of this ordinance or its application 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 3. Effective Date. This ordinance shall be effective immediately upon adoption.

Section 4. Action. The Craig City Council finds the following:

WHEREAS, Ballot Measure 2 – An Act to Tax and Regulate the Production, Sale and Use of Marijuana, and codified as Alaska Statutes 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 statute does not define “public”; and

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

WHEREAS, proponents of the effort to legalize marijuana referred to itself as the “Campaign to Regulate Marijuana Like Alcohol”; and

WHEREAS, Craig Municipal Code section 5.05 bans the consumption of alcohol in a public, unlicensed place; and

WHEREAS, the effective date of the state marijuana statute is February 24, 2015; This ordinance adds a new section to the Craig Municipal Code, Section 09.90.040, as follows:

09.90.040 Consuming marijuana in a public place.

A. It is unlawful for any person to knowingly consume marijuana when the person is:

1. On, in or upon any public place, except as permitted by ordinance, regulation, statute or permit; or
2. Outdoors on property adjacent to a public place, and without consent of the owner or person in control thereof.

B. For purposes of this section, the definitions of the words and phrases below shall apply:

1. *Consume* shall have the meaning, in all conjugate forms, of “consumption” set forth in AS 17.38.900.
2. *Marijuana* shall have the meaning set forth in AS 17.38.900.
3. *Public place* means a place to which the public or a substantial group of persons has access and includes, but is not limited to, streets, highways, sidewalks, alleys, transportation facilities, parking areas, convention centers, sports arenas, schools, places of business or amusement, shopping centers, malls, parks, playgrounds, jails, and hallways, lobbies, doorways and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

C. Violation of this section is a minor offense punishable by a civil fine of \$100.

APPROVED this ____ day of _____, 2015.

Mayor Dennis Watson

ATTEST _____
Kassi Bateman, City Clerk

**CITY OF CRAIG
MEMORANDUM**

To: Craig City Council
From: Jon Bolling, City Administrator
Date: January 30, 2015
RE: Ordinance No. 664

Attached you will find Ordinance No. 664. The ordinance defines a public place for the purposes of the personal consumption of marijuana in Craig.

As the council is aware, Alaska voters approved Ballot Measure 2 last November. That ballot measure legalized the possession, commercial production, transport, and sale of marijuana in Alaska. In addition, the measure also prohibits consumption of marijuana in public places, but does not define the term public place.

The attached ordinance, drawing largely from text used in an ordinance adopted recently by the Municipality of Anchorage, defines public place. Establishing a definition will allow Craig Police Department officers the practical definition needed to enforce a ban on public consumption of marijuana, and inform marijuana users of places to avoid when consuming the substance.

The effective date of Ballot Measure 2 is February 24, 2015. As with proposed Ordinance No. 663, the council should consider putting in place measures to predictably implement the ballot measure at the local level.

Recommendation

Approve Ordinance No. 664 at first reading.