

**PETERSBURG BOROUGH  
ORDINANCE #2016-10**

**AN ORDINANCE OF THE PETERSBURG BOROUGH SUBMITTING TO THE QUALIFIED  
VOTERS OF THE PETERSBURG BOROUGH THE QUESTION OF PROHIBITING THE SALE  
AND IMPORTATION FOR SALE OF MARIJUANA AND ANY MARIJUANA PRODUCT AND  
THE OPERATION OF ANY MARIJUANA ESTABLISHMENT, INCLUDING ALL OF THE  
FOLLOWING LICENSE TYPES: RETAIL MARIJUANA STORE, MARIJUANA CULTIVATION  
FACILITY, MARIJUANA PRODUCT MANUFACTURING FACILITY AND MARIJUANA  
TESTING FACILITY, WITHIN THE PETERSBURG BOROUGH, ON THE OCTOBER 4, 2016  
MUNICIPAL ELECTION BALLOT**

**Whereas**, a citizen's initiative petition to place the question of prohibiting the sale and importation for sale of marijuana and any marijuana product and the operation of any marijuana establishment within the Petersburg Borough was filed with the Borough on June 27, 2016, and thereafter certified by the Borough Clerk on July 9, 2016 under Borough Code section 2.44.050 as in proper form and sufficient with 434 verified Borough voter signatures; and

**Whereas**, under Borough Code section 2.44.080, the Borough Clerk has presented the initiative petition ordinance to the Assembly; and

**Whereas**, the petition was filed and certified less than 180 days before the date of the next regular election on October 4, 2016, thereby requiring a Special Election; and

**Whereas**, the Petersburg Borough Assembly has the opportunity to adopt an ordinance under section 2.44.080 to place the question proposed by the initiative petition on the regular Municipal Election ballot, thereby avoiding the need for and cost of a Special Election.

**Therefore, the Petersburg Borough Ordains**, that the question of prohibiting the sale and importation for sale of marijuana and any marijuana product and the operation of any marijuana establishment within the Petersburg Borough will be placed on the October 4, 2016 Municipal Election ballot.

**Section 1. Classification:** This ordinance is of a permanent nature if approved by the voters and shall be codified in the Petersburg Borough Code.

**Section 2. Purpose:** The purpose of this ordinance is to submit to the voters of the Petersburg Borough the question of prohibiting the sale and importation for sale of marijuana and any marijuana product and the operation of any marijuana establishment, including all of the following license types: retail marijuana store, marijuana cultivation facility, marijuana product manufacturing facility and marijuana testing facility, within the Petersburg Borough on the October 4, 2016 Municipal Election ballot.

**Section 3. Substantive Provisions:**

A) The question of whether or not to prohibit by local option the sale and importation for sale of marijuana and any marijuana product and the operation of any marijuana establishment, including all of the following license types: retail marijuana store, marijuana cultivation facility, marijuana product manufacturing facility and marijuana testing facility, within the Petersburg Borough (AS 17.38.110(a)) shall be submitted to the qualified voters of the Petersburg Borough at the municipal election to be held on October 4, 2016; and



B) The proposition to be submitted to the voters shall read substantially as follows:

**Shall the Petersburg Borough adopt a local option to prohibit the sale and importation for sale of marijuana and any marijuana product; and the operation of any marijuana establishment, including all of the following license types: retail marijuana store; marijuana cultivation facility, marijuana product manufacturing facility, and marijuana testing facility?**

☐ YES  
☐ NO

A "YES" vote would prohibit the sale and importation for sale of marijuana and any marijuana product and the operation of commercial marijuana establishments, including all of the following license types: retail marijuana store, marijuana cultivation facility, marijuana product manufacturing facility and marijuana testing facility within the Petersburg Borough.

A "NO" vote would allow for the sale and importation for sale of marijuana and any marijuana product and the operation of commercial marijuana establishments, including all of the following license types: retail marijuana store, marijuana cultivation facility, marijuana product manufacturing facility and marijuana testing facility within the Petersburg Borough.

**Under State Law, a local government may not prohibit the personal use and possession of marijuana and marijuana products as authorized under A.S. 17.38.020, and this ballot measure does not address such personal use and possession.**

**Authorized License Activities:**

A licensed 'retail marijuana store' is authorized to purchase marijuana and marijuana products from marijuana cultivation and product manufacturing facilities, to sell marijuana and marijuana products to consumers, to store marijuana and marijuana products on the licensed premises, and, with prior approval of the state board, to permit consumption of marijuana or marijuana product purchased on the licensed premise, in an area so designated on the licensed premises.

A licensed 'marijuana cultivation facility' is authorized to cultivate, prepare, store, package and label marijuana, to sell marijuana to a licensed retail marijuana store, cultivation facility or product manufacturing facility, to provide samples for the purposes of negotiating a sale, to transport marijuana , and to provide samples for testing to a licensed marijuana testing facility or to conduct in-house testing.

A licensed 'marijuana product manufacturing facility' is authorized to purchase marijuana from a licensed marijuana cultivation or product manufacturing facility, to extract marijuana concentrate, to manufacture, process, package, label and store marijuana product, to sell and distribute marijuana extract or a product to a licensed retail marijuana store or other licensed product manufacturing facility, to provide and transport samples, to conduct in-house testing, and to transport marijuana.

**A licensed 'testing facility' is authorized to test, analyze and certify the potency and content of marijuana and marijuana products.**

**Section 4. Severability:** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person and circumstance shall not be affected.

**Section 5. Effective Date:** This ordinance, if approved by the voters, shall become effective immediately upon certification of the October 4, 2016 election results, and the borough clerk shall provide notification of the approval as required under State law.

**Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this 15th day of August, 2016.**

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**Cindi Lagoudakis, Vice Mayor**

**ATTEST:**

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**Debra K. Thompson, Clerk**

Approval:  
Published:  
Effective:       Upon Voter  
                  Approval and Certification  
                  of Election Results