

**ORDINANCE NO. 6002**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE  
CHAPTER 46 OFFENSES BY ADDING A NEW SECTION TO PROHIBIT  
MARIJUANA CLUBS**

**WHEREAS**, Ballot Measure 2 – An Act to Tax and Regulate the Production, Sale and Use of Marijuana, codified as Alaska Statute 17.38, providing for the legalization of marijuana, was passed by the voters and certified on November 28, 2014, by the State of Alaska, Division of Elections; and

**WHEREAS**, Ballot Measure 2 addressed regulation of only four marijuana establishments: 1) marijuana retail stores, 2) marijuana cultivation facilities, 3) marijuana product manufacturing facilities, and 4) marijuana testing facilities; and

**WHEREAS**, Ballot Measure 2 did not address “marijuana clubs,” that is, places where marijuana is brought for consumption by the public or by members of a club or association, as one of its regulated marijuana establishments; and

**WHEREAS**, the State Marijuana Control Board (MCB) initially drafted regulations that prohibited marijuana clubs, but based on an opinion from its legal staff, the proposed regulations were not included in the MCB’s final regulations; and

**WHEREAS**, nothing in Ballot Measure 2 limits home rule municipalities from enacting legislation concerning marijuana clubs; and

**WHEREAS**, until such time as the state legislature deems it necessary to enact statewide legislation on this subject, the City of Fairbanks finds it necessary to enact the following legislation;

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA**, as follows:

**SECTION 1.** Fairbanks General Code Chapter 46 Offenses is amended by adding the following section to Article II:

**Sec. 46-43. Marijuana Clubs banned.**

- (a) A person may not maintain a place where marijuana or marijuana products are received or kept, or to which marijuana or marijuana products are brought for consumption by the public or members of a club, association or corporation.
- (b) A person may not maintain, operate, or lease premises for the purpose of providing a place for consuming marijuana or marijuana products for consideration by the public or members of a club, association or corporation.
- (c) For purposes of this section, the following definitions apply:

- (1) *Marijuana and marijuana products* have the meaning set forth in AS 17.38.900.
- (2) *Consideration* includes a membership fee, a cover charge, the sale of food, ice, mixers, or other drinks, or the furnishing of marijuana accessories for use in the consumption of marijuana or any marijuana product.
- (3) *Person* includes a natural person and any business entity by which a business operation may be operated.

(d) Violation of the provisions of this section is a misdemeanor, and a person convicted under this section is subject to the penalties as provided in section 1-15.

(e) In addition to the criminal penalties set forth in subsection (c), the City may pursue civil enforcement of the provisions of this section in the superior court, to include injunctive relief to restrain the continuing violation or threat of violation and civil penalties of not more than \$1,000.00 for each offense, or both injunctive relief and civil penalties. Upon application for injunctive relief and a finding that a person is violating or threatening to violate any provision of this section, the superior court shall grant injunctive relief to restrain the violation. Each day of violation of any provision of this section shall constitute a separate offense.

**SECTION 2.** That the effective date of this Ordinance shall be the \_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
**John Eberhart, City Mayor**

AYES:  
NAYS:  
ABSENT:  
TABLED: June 6, 2016

ATTEST:

APPROVED AS TO FORM:

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D. Danyielle Snider, CMC, City Clerk

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Paul J. Ewers, City Attorney