

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager/
4 Cannabis Advisory Commission

5 **ORDINANCE 16-50**
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING HOMER CITY CODE 21.62.040 CURRENTLY ENTITLED
9 "PRE-APPLICATION CONFERENCE," TO AUTHORIZE THE CITY
10 PLANNER TO RECOMMEND TO THE STATE OF ALASKA THAT IT
11 DENY AN APPLICATION FOR A MARIJUANA ESTABLISHMENT
12 THAT DOES NOT COMPLY WITH HOMER CITY CODE AND
13 AUTHORIZE THE CITY PLANNER TO RECOMMEND THAT THE
14 STATE IMPOSE CONDITIONS TO APPROVAL WHEN NECESSARY
15 TO ENSURE COMPLIANCE WITH THE HOMER CITY CODE.
16

17 WHEREAS, The State of Alaska marijuana establishment registration application
18 process required under Alaska Statute 17.38 subjects approval of all applications to the non-
19 opposition of the city in which the applicant's establishment is located; and
20

21 WHEREAS, It is in the City's best interest to authorize the City of Homer Planner ("City
22 Planner"), or his or her designee, to review the State of Alaska applications for registration of
23 marijuana establishments within the City and ensure that all establishments operating within
24 the City comply with Homer City Code.
25

26 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
27

28 Section 1. Homer City Code 21.62.040, "Pre-application conference," is amended to
29 read as follows:
30

31 Homer City Code 21.62.040 Pre-application conference **and State of Alaska application**
32 **review process.**
33

34 **a.** When this title requires a conditional use permit for a marijuana facility, the
35 applicant must meet with the City Planner to discuss the conditional use permit
36 process and any issues that may affect the proposed conditional use. This meeting
37 is to provide for an exchange of general and preliminary information only and no
38 statement made in such meeting by either the applicant or the City Planner shall
39 be regarded as binding or authoritative for the purposes of this title.
40

41 **b.** **The City Planner shall be responsible for reviewing all applications filed with**
42 **the State of Alaska under AS 17.38 for the operation of marijuana**

43 **establishments in the City of Homer once those applications have been**
44 **submitted to the city for its review by the State of Alaska. The City Planner, or**
45 **his or her designee, shall recommend to the State of Alaska, within 15 days of**
46 **receipt of an application denying an application that does not comply with**
47 **this code or he or she may recommend approving the application with**
48 **conditions that, if adopted, will result in compliance with this code.**

49
50 Section 2. This ordinance shall take effect upon its adoption by the Homer City
51 Council.

52
53 Section 3. This ordinance shall be of a permanent and general character and shall be
54 included in the City code.

55
56 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
57 _____, 2016.

58
59 CITY OF HOMER

60
61

62
63 _____
64 MARY E. WYTHE, MAYOR

65 ATTEST:

66

67
68 _____
69 JO JOHNSON, MMC, CITY CLERK

70
71

72
73

74 YES:

75 NO:

76 ABSTAIN:

77 ABSENT:

78
79

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81 First Reading:
82 Public Hearing:
83 Second Reading:
84 Effective Date:

85 Reviewed and approved as to form.

86

87

88

89 _____
Mary K. Koester, City Manager

Holly C. Wells, City Attorney

90

91 Date: _____

Date: _____

92

93

94 Fiscal Note: N/A