

CITY OF HOMER  
HOMER, ALASKA

*Failed  
3/14/16*

Mayor

ORDINANCE 16-07(A)

AN ORDINANCE OF THE HOMER CITY COUNCIL SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY THE QUESTION WHETHER MARIJUANA ESTABLISHMENTS SHALL BE PROHIBITED IN THE CITY AT ~~THE REGULAR ELECTION TO BE HELD IN THE CITY ON OCTOBER 4, 2016;~~ **A SPECIAL ELECTION TO BE HELD IN THE CITY ON APRIL 19, 2016** AND PROHIBITING MARIJUANA ESTABLISHMENTS IN THE CITY UNTIL CERTIFICATION OF THE RESULT OF THE ELECTION ON THAT QUESTION.

WHEREAS, The State of Alaska voters passed Ballot Measure 2 at the November 4, 2014 regular State of Alaska election, effectively permitting marijuana establishments in the State of Alaska subject to State regulations; and

WHEREAS, The State of Alaska Marijuana Control Board recently adopted regulations regarding marijuana facilities in the State of Alaska that become effective February 21, 2016; and

WHEREAS, The voters' support for Ballot Measure 2 at the Statewide 2014 election may not reflect the support for the operation and regulation of marijuana establishments within the City of Homer, Alaska; and

WHEREAS, The benefits and potential consequences of permitting the commercial marijuana industry to operate within the City are significant and warrant voter approval by the qualified voters at the next regular election;

THE CITY OF HOMER ORDAINS:

Section 1. Commercial marijuana establishments shall not be permitted within the boundaries of the City of Homer prior to the certification of the election results on Proposition No. 1.

**Section 2. Commercial Marijuana establishments shall not be permitted within the boundaries of the City of Homer.**

Section 3. The City Clerk is hereby directed to submit Proposition No. 1 to the qualified voters at the ~~October 4, 2016 regular municipal election~~ **April 19, 2016 special election** in substantially the following form:

PROPOSITION NO. 1

Shall the City of Homer adopt a local option to prohibit the sale and importation for sale of marijuana and any marijuana product; the operation of any marijuana establishment, including one or more of the following license types: a retail marijuana store; a cultivation facility; a marijuana product manufacturing facility; or a marijuana testing facility?

YES       NO

A "YES" vote would prohibit the operation of any commercial marijuana establishments, including cultivation facilities, testing facilities, manufacturing facilities, and retail stores or facilities from operating within the boundaries of the City of Homer.

A "NO" vote would permit the City of Homer City Council to permit operations of commercial marijuana establishments, including cultivation facilities, manufacturing facilities, testing facilities, and/or retail stores or facilities within the boundaries of the City of Homer.

Section 4. This ordinance shall become effective immediately upon its enactment **except for Section 2 of this ordinance which shall be effective upon the passage of proposition 1.**

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

85 AYES:  
86 NOES:  
87 ABSTAIN:  
88 ABSENT:  
89  
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91  
92 First Reading:  
93 Public Reading:  
94 Second Reading:  
95 Effective Date:  
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97 Reviewed and approved as to form:  
98  
99 \_\_\_\_\_  
100 Mary K. Koester, City Manager  
101  
102 Date: \_\_\_\_\_

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney  
  
Date: \_\_\_\_\_