1 CITY OF HOMER 2 HOMER, ALASKA 3 City Manager/ 4 Cannabis Advisory Commission 5 **ORDINANCE 16-50** 6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, 7 AMENDING HOMER CITY CODE 21.62.040 CURRENTLY ENTITLED 8 "PRE-APPLICATION CONFERENCE," TO AUTHORIZE THE CITY 9 PLANNER TO RECOMMEND TO THE STATE OF ALASKA THAT IT 10 DENY AN APPLICATION FOR A MARIJUANA ESTABLISHMENT 11 THAT DOES NOT COMPLY WITH HOMER CITY CODE AND 12 AUTHORIZE THE CITY PLANNER TO RECOMMEND THAT THE 13 STATE IMPOSE CONDITIONS TO APPROVAL WHEN NECESSARY 14 TO ENSURE COMPLIANCE WITH THE HOMER CITY CODE. 15 16 WHEREAS, The State of Alaska marijuana establishment registration application 17 process required under Alaska Statute 17.38 subjects approval of all applications to the non-18 opposition of the city in which the applicant's establishment is located; and 19 20 WHEREAS, It is in the City's best interest to authorize the City of Homer Planner ("City 21 Planner"), or his or her designee, to review the State of Alaska applications for registration of 22 marijuana establishments within the City and ensure that all establishments operating within 23 the City comply with Homer City Code. 24 25 26 NOW, THEREFORE, THE CITY OF HOMER ORDAINS: 27 Section 1. Homer City Code 21.62.040, "Pre-application conference," is amended to 28 read as follows: 29 30 Homer City Code 21.62.040 Pre-application conference and State of Alaska application review 31 process. 32 33 a. When this title requires a conditional use permit for a marijuana facility, the 34 applicant must meet with the City Planner to discuss the conditional use permit 35 process and any issues that may affect the proposed conditional use. This meeting 36 is to provide for an exchange of general and preliminary information only and no 37 statement made in such meeting by either the applicant or the City Planner shall 38 be regarded as binding or authoritative for the purposes of this title. 39 40 b. The City Planner shall be responsible for reviewing all applications filed with the 41 State of Alaska under AS 17.38 for the operation of marijuana\_establishments in 42

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

<u>Section 2</u>. This ordinance shall take effect upon its adoption by the Homer City Council.

<u>Section 3.</u> This ordinance shall be of a permanent and general character and shall be included in the City code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 24th day of October, 2016.

DECEMBED !

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

YES: 6

74 NO: 6 75 ABSTAIN: 6

76 ABSENT: 6

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80 First Reading: 10/10/16
81 Public Hearing: 10/54/1

Public Hearing: 10/04/16
Second Reading: 10/04/16

83 Effective Date: 10/55/16

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Reviewed and approved as to form.

Holly C. Wells, City Attorney

Date: 11-8-16