

1 By: Bryce J. Ward, Mayor  
2 Leah Berman Williams  
3 Introduced: 07/25/2019  
4 Advanced: 07/25/2019  
5 Adopted: 08/08/2019

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7 FAIRBANKS NORTH STAR BOROUGH

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9 ORDINANCE NO. 2019-33

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11 AN ORDINANCE AMENDING CHAPTER 9.12 FNSBC REGARDING MARIJUANA  
12 LICENSING PROCEDURE

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14 WHEREAS, State regulations were recently amended to allow onsite  
15 consumption of marijuana upon issuance of an endorsement to a retail marijuana store  
16 license, and provide for local government protests similar to other license applications;  
17 and

18  
19 WHEREAS, Borough code prohibits a business permitting the public  
20 consumption of marijuana on its premises without a valid, current state registration and  
21 allows for protests of an application for a marijuana license, and should expressly  
22 provide for the application types that a local government may protest or recommend  
23 approval subject to a condition in accordance with state law.

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25 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks  
26 North Star Borough:

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28 Section 1. Classification. This ordinance is of a general and permanent  
29 nature and shall be codified.

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31 Section 2. Subsection A of FNSBC 9.12.080, Licensing Procedure, is  
32 hereby added as follows:

33 A. Upon receipt of notice from the Marijuana Control Board for the state of Alaska  
34 of the Board's receipt of an application or intent to approve [THE TRANSFER, RENEWAL  
35 OR ISSUANCE OF A NEW MARIJUANA LICENSE] a new marijuana establishment license,  
36 a new onsite consumption endorsement, renewal of a marijuana establishment license,  
37 renewal of an onsite consumption endorsement, license conversion, endorsement, or  
38 transfer of a marijuana establishment license to another person:

39 1. The borough mayor or their authorized agent shall investigate to  
40 determine if the borough has an interest which can be protected by protesting the

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is underlined

Text to be *deleted* is [BRACKETED, CAPITALIZE]

41 approval of the application [FOR TRANSFER, RENEWAL OR ISSUANCE OF A NEW  
42 MARIJUANA LICENSE BY] to the state Board.

43 2. If the borough mayor or their authorized agent determines that an  
44 applicant has delinquent borough taxes or that the operation of the marijuana  
45 establishment in the proposed location violates the zoning code, they shall protest the  
46 application and provide written notice to the applicant, and so inform the borough  
47 assembly. The mayor shall request such protest be lifted if the basis for protest is  
48 remedied.

49 3. If the borough mayor determines that another interest of the borough can  
50 be protected by recommending conditions or protesting the granting of the application,  
51 they shall so inform the borough assembly and may bring forth conditions or a protest  
52 for the assembly's consideration. The borough mayor shall ensure that a copy of the  
53 application and the investigation results are provided to the assembly in a timely  
54 manner but no later than 15 days before the final scheduled assembly meeting  
55 occurring during the protest time period.

56 4. Except as otherwise provided in this section, the borough clerk shall duly  
57 advertise and place the matter of the application upon the agenda for the next meeting  
58 of the borough assembly in order that citizens may express their desires as to whether  
59 or not the assembly should approve or protest the application or recommend that the  
60 [LICENSE BE ISSUED, RENEWED, RELOCATED OR TRANSFERRED WITH CONDITIONS]  
61 board approve the application subject to a condition. The applicant shall be provided  
62 notice of any recommendation to protest and allowed a reasonable opportunity to  
63 defend the application at the public hearing.

64 5. License renewals will be scheduled for public hearing only if the borough  
65 mayor or an assemblymember determines that an interest of the borough can be  
66 protected by recommending conditions or protesting the application.

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68 Section 3. Effective date. This ordinance shall be effective at 5:00 p.m.  
69 on the first borough business day following its adoption.

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PASSED AND APPROVED THIS 8<sup>TH</sup> DAY OF AUGUST, 2019.

  
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Matt Cooper  
Presiding Officer

ATTEST:

  
\_\_\_\_\_  
April Trickey, CMC  
Borough Clerk

- Yeses: Wildridge, Lyke, Lojewski, Williams, Sanford, O’Neill, Quist
- Noes: None
- Other: Tacke (Excused), Cooper (Excused)

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