

**CITY OF NORTH POLE**

**ORDINANCE 15-02**

**AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA TO  
AMEND TITLE 12 STREETS, SIDEWALKS AND PUBLIC PLACES  
AND ADDING CHAPTER 12.03, MARIJUANA USE IN PUBLIC  
PLACES, TO REGULATE THE CONSUMPTION OF MARIJUANA IN  
A PUBLIC PLACE**

**WHEREAS**, changes to the North Pole Municipal Code is a continually changing requirement; and

**WHEREAS**, the City of North Pole Municipal Code should be amended to conform to the requirements of the City and to clarify questionable areas; and

**WHEREAS**, Ballot Measure 2 – An act to Tax and Regulate the Production, Sale and Use of Marijuana, and codified as Alaska Statutes 17.38, provides for the legalization of marijuana, was passed by the voters in the recent state election and certified on November 28, 2014 by the State of Alaska, Division of Elections; and

**WHEREAS**, newly enacted AS 17.38.040 states;

Public consumption banned, penalty.

It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100; and

**WHEREAS**, the state statute does not define “public”; and

**WHEREAS**, the state statute does not discuss or mandate any enforcement mechanism; and

**WHEREAS**, the effective date of the state marijuana statute is February 24, 2015.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of North Pole:

**Section 1.** This ordinance is of a general and permanent nature and shall be codified.

**Section 2.** Title 12, Chapter 12.03, Marijuana use in Public Places, is hereby added to the North Pole Code of Ordinances as follows [new text in underlined italicized red font; deleted text in ~~strike through~~ font]:

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**Title 12**  
**Chapter 12.03**

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12.03.010 Consuming marijuana in a public place.

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A. It is unlawful for any person to knowingly consume marijuana when the person is :

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1. On, in or upon any public place, except as permitted by ordinance, regulation, statute or permit; or

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2. Outdoors on property adjacent to a public place, and without consent of the owner or person in control thereof.

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3. A person who consumes marijuana must take reasonable precautions to ensure consumption is not a nuisance to neighboring properties.

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B. For purposes of this section, the definitions of the words and phrases below shall apply:

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1. Consume shall have the meaning, in all conjugated forms, of "consumption" set forth in AS 17.38.900.

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2. Marijuana shall have the meaning set forth in AS 17.38.900.

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3. Public place means a place to which the public has access and includes, but is not limited to, streets, highways, sidewalks, alleys, transportation facilities, parking areas, convention centers, sports arenas, schools, places of business or amusement, shopping centers, malls, parks, playgrounds, prisons, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence such as hallways, lobbies, and doorways.

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12.03.020 Violation

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A. Violation of this section is a minor offense punishable by a fine of \$100 as set forth in AS 17.38.040.

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**Section 3. Effective date.**

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This ordinance shall become effective at 5:00 p.m. on the first City business day following its adoption.

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**PASSED AND APPROVED** by a duly constituted quorum of the North Pole City Council this 17<sup>th</sup> day of February, 2015.

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Sponsored by: Mayor Bryce J. Ward  
Introduced & Advanced: February 2, 2015  
Possible Adoption: February 17, 2015



Bryce J. Ward, Mayor

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ATTEST:

Kathryn M. Weber, MMC  
North Pole City Clerk

**PASSED/FAILED**

Yes: 7- McGhee, Welch, Holm, Hunter, Smith, McCarthy, Ward

No: 0

Absent: 0