

Presented by: The Manager

Presented: 02/07/2022

Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-10

An Ordinance Amending the Land Use Code Regarding Marijuana Establishment Requirements.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJC 49.65.1245 Marijuana establishment conditional use permits, is amended to read:

49.65.1245 Marijuana establishment conditional use permits.

(a) In addition to the permit application and supporting materials required by CBJ 49.15.330(c), an applicant for a conditional use permit for a marijuana establishment must submit the following additional materials:

- (1) A site plan of all buildings on the property where the marijuana use will be located, including, but not limited to: A floor plan showing how the floor space is or will be used to include, but not limited to, restricted access areas and the total floor area of the building(s);
- (2) A security plan indicating how the applicant will comply with the requirements imposed by state law;
- (3) A waste disposal plan indicating how the applicant will comply with the requirements imposed by state law;
- (4) A screening plan illustrating the applicants compliance with AS 17.38.070 making it unlawful to display marijuana or marijuana products in a manner that is visible to the general public from a public right-of-way;
- (5) If the establishment is to be served by a private septic system, certification from a registered, qualified engineer licensed by the State of Alaska that the system has adequate capacity for the proposed use, or will with improvements;

- (6) Marijuana cultivation facility license applicants must provide a ventilation and filtration plan describing the systems that will be used to ensure compliance with CBJ 49.65.1260 and whether the applicant intends on using carbon dioxide. The applicant shall specify if carbon dioxide enrichment will be used in cultivation and by what means the carbon dioxide will be produced. Plans should indicate the storage area for fuels used to produce carbon dioxide;
 - (7) Marijuana product manufacturing facility license applicants, marijuana cultivation facility license applicants, and marijuana testing facility license applicants must specify all means to be used for cultivating, growing, extracting, heating, washing or otherwise changing the form of the marijuana plant, along with proposed ventilation and safety measures to be implemented for each process;
 - (8) Marijuana cultivation facility license applicants and marijuana product manufacturing facility license applicants must specify the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system; and
 - (9) Any additional documentation determined by the director to be necessary for the commission to make a decision whether to approve or deny the permit, or approve with conditions, to ensure compliance with this chapter or CBJ 49.15.330(f).
- (b) If a licensee desires to modify the licensed premises by changes to equipment, increased use, such as in accordance with an approved state license endorsement, or any approved plan, an amendment to the original application and required fee shall be submitted for review and approval.
- (c) In addition to any conditions imposed under CBJ 49.15.330(g), the commission may impose any conditions necessary to ensure compliance with this chapter or state law or designed to mitigate impacts of the development on surrounding residences.
- (d) The commission shall impose as a condition of any permit issued by the commission under this title a requirement that the applicant submit a complete copy of the applicant's approved state license application to the department for review prior to operating. If the director determines there are substantive inconsistencies between the state license application and the conditional use permit application, the commission shall review the development for consistency with this title.
- (e) Conditional use permits issued to marijuana establishments shall expire 180 days after issuance if (i) the developer takes action consistent with an intent to abandon the conditional use permit or (ii) the developer ceased operating the marijuana establishment and has not substantially restarted operations. Determination of expiration shall be made by the director and supported by written findings. An expiration determination may be reconsidered within 20 days of the date of the determination.
- (1) A director's determination of abandonment is rebuttable and may be overcome upon a finding that the information submitted establishes all of the following:

- (A) The developer has been maintaining the land and structure(s) in accordance with applicable building, fire, and other codes and regulations;
 - (B) The developer has been maintaining or pursuing applicable permits and licenses;
 - (C) The developer has filed applicable taxes and documents; and
 - (D) The developer has been engaged in activities that are consistent with or would affirmatively prove there was no intent to abandon, such as actively and continuously marketing the land, business, or structure for sale or lease.
- (2) The burden of proof for overcoming a presumption of abandonment is on the developer.

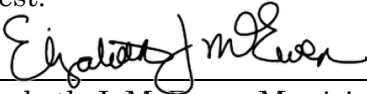
Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 28th day of February, 2022.



Beth A. Weldon, Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk