

**SUBJECT:** AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.60 TO ADD HOURS OF OPERATION FOR MARIJUANA RETAIL FACILITIES AND ADDING ADDITIONAL STANDARDS FOR RETAIL FACILITIES THAT ALLOW ON-SITE CONSUMPTION OF MARIJUANA.

**AGENDA OF:** December 6, 2022

**ASSEMBLY ACTION:**

**MANAGER RECOMMENDATION:** Introduce and set for public hearing.

**APPROVED BY MICHAEL BROWN, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
	Originator - A. Strawn		
	Planning and Land Use Director		
	Borough Attorney		
	Borough Clerk		

**ATTACHMENT (S):** Fiscal Note: YES \_\_\_\_\_ NO X  
 Planning Commission Resolution 22-38 (2 pp)  
 MSB 17.60 (16 pp)  
 Ordinance Serial No. 22-137(12 pp)

**SUMMARY STATEMENT:**

This ordinance is at the request of Assembly Member Hale. The intent of this ordinance is to establish standard hours of operation for marijuana retail facilities and address potential land use impacts associated with onsite consumption of marijuana.

Hours of operation

This ordinance requires marijuana retail facilities to be closed between midnight and 8:00 a.m. unless otherwise specified by the Planning Commission. It is intended that the Planning Commission only deviate from the standard hours of operation if unusual conditions exist that make it appropriate to loosen or restrict the hours of operation.

Onsite Consumption

In December 2018 the Alaska Marijuana Control Board adopted rules which allow for and regulate onsite consumption of marijuana within licensed marijuana retail facilities. Permitted marijuana retail facilities within the borough are required to obtain a modification to their conditional use permit to allow onsite consumption, and to date the Borough has not received any requests to do so. This ordinance would require additional parking spaces for designated consumption areas and a security plan to manage outdoor loitering. Additionally, the ordinance requires a 100-foot setback from property lines and rights-of-way for outdoor onsite consumption areas to ensure neighbors and passersby do not consume secondhand smoke.

**RECOMMENDATION OF ADMINISTRATION:**

Introduce and set for public hearing.

DRAFT