

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2015-09

**An Ordinance Amending the Penal and Traffic Codes Relating to
Marijuana Offenses and Establishing Penalties.**

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 Chapter. CBJ 42.20 Offenses Against Public Order, is amended by adding a new section to read as follows:

42.20.230 Consumption of marijuana in a public place prohibited.

(a) Consumption of marijuana in a public place is prohibited.

(b) For purposes of this section:

(1) *Consumption* means ingesting, inhaling or otherwise introducing marijuana into the human body.

(2) *Marijuana* has the same meaning as in Alaska Statute 17.38.900.

(3) *Public place* means a place, enclosed or unenclosed, to which the public or a substantial group of persons has access, including, but not limited to:

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- (A) Public streets, alleys, sidewalks, easements, trails or other ways dedicated or held for public vehicular or pedestrian use, including parking lots owned or operated by the municipality;
- (B) Transportation facilities;
- (C) Schools;
- (D) Places of amusement or business;
- (E) Parks;
- (F) Playgrounds;
- (G) Correctional facilities; and
- (H) The common areas of public or private buildings and facilities.

(c) Consumption of marijuana in a public place is an infraction.

Section 3. Amendment of Chapter. Chapter 72.10 Duties and Responsibilities of Drivers and Others, is amended by adding a new section to Article II, Operation of Vehicle, to read as follows:

72.10.029 Consumption of marijuana in motor vehicles prohibited.

(a) A person may not drive a motor vehicle on a highway or vehicular way or area when the person driving, or any passenger in the motor vehicle at the time the vehicle is being driven, is consuming marijuana.

(b) For purposes of this section:

(1) *Consuming* means ingesting, inhaling or otherwise introducing marijuana into the human body.

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(2) *Marijuana* has the same meaning as in Alaska Statute 17.38.900.

(c) A violation of this section is an infraction.

Section 4. Amendment of Section. CBJ 03.30.051 Traffic Fine Schedule, is amended to read:

03.30.051 Traffic Fine Schedule.

Pursuant to sections 03.30.010—03.30.015 of this chapter, those of the following traffic offenses which are amenable to disposition without court appearance may be disposed of upon payment of the fines listed ~~to the clerk of the court~~. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed in the following schedule:

TRAFFIC FINE SCHEDULE

CBJ	Offense	Fine
...		
Chapter 72.10	Duties and Responsibilities of Drivers and Others	
....		
72.10.028	License violation	\$300.00
72.10.028	2 nd & subseq.	MCA
<u>72.10.029</u>	<u>Consumption of marijuana in motor vehicle: 1st</u>	<u>\$200.00</u>
<u>72.10.029</u>	<u>2nd</u>	<u>\$300</u>
<u>72.10.029</u>	<u>3rd & subseq.</u>	<u>MCA</u>
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Section 5. Amendment of Section. CBJ 03.30.065 Penal code fine schedule, is amended to read:

03.30.065 Penal code fine schedule.

Pursuant to sections 03.30.010—03.30.015 of this chapter, the following offense which is amenable to disposition without court appearance may be disposed of upon payment of the fine listed ~~to the municipal clerk of the court~~. If a person charged with this offense appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for the offense listed in the following schedule:

PENAL CODE FINE SCHEDULE

CBJ	Offense	No. of Offense	Fine
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42.20.220	Truancy	1 st , 2 nd , 3 rd and subseq.	\$100.00
<u>42.20.230</u>	<u>Consumption of marijuana in a public place</u>	<u>1st and 2nd</u>	<u>\$100</u>
		<u>3rd</u>	<u>MCA</u>
...			

Section 6. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2015.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk