

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-05

AN ORDINANCE AMENDING DILLINGHAM MUNICIPAL CODE SECTION 8.10.010 DEFINITIONS

WHEREAS, use and possession of less than an ounce of marijuana by persons over the age of 21 is permitted under state law;

WHEREAS, use of electronic smoking devices for the consumption of tobacco and marijuana is increasing;

WHEREAS, these devices give off fumes and vapors containing chemicals emitted when tobacco and marijuana are smoked; and

WHEREAS, the public health risk posed by second-hand inhalation of these fumes and vapors is unknown;

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment to Section 8.10.010. That Dillingham Municipal Code Section 8.10.010 – Definitions is hereby amended to read as follows: (Additions are underlined and emboldened and deletions are shown as strikethrough.)

8.10.010 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

“Bar” means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges and cabarets.

“Business” means a person (as defined in Sections 4.20.020 and 1.16.010) providing goods or services within the city for profit.

“Electronic smoking device” means any electronic device that simulates smoking for the purpose of delivering nicotine, marijuana, or other smokable product to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, and electronic pipe.

“Employee” means any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a non-profit entity.

“Employer” means any person, partnership, corporation, including a municipal corporation, non-profit entity, business, association and trust, which employs the services of one or more individual persons.

“Enclosed area” means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of doors or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, office landscaping or similar structures.

“Health care facility” means an office or institution providing care or treatment of diseases whether physical, mental, or emotional, or other medical physiological, or psychological conditions, including but not limited to hospitals, or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

“Places of employment” means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including but not limited to work areas, employee lounges and restrooms, conference and class rooms, employee cafeterias, hallways and vehicles. A private residence is not a place of employment unless it is used as a childcare, adult day care or health care facility.

“Public place” means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to banks, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters and waiting rooms. A private residence is not a public place unless it is used as a childcare, adult day care or health care facility.

“Restaurant” means any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities. The term restaurant shall include a bar area within a restaurant. Smoking would still be permissible in stand-alone bars.

“Retail tobacco store” means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

“Service line” means any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not service involves the exchange of money.

“Smokable product” means material or preparation that is intended to be smoked in any of the methods that tobacco is smoked, including, but not limited to as a cigarette, cigar, pipe filler, or electronic smoking device filler.

“Smoking” means inhaling, exhaling, burning or carrying any lighted tobacco, ~~product and~~ lighted cigar, cigarette, or pipe nicotine, marijuana, or smokable product as well as the use of an electronic smoking device.

“Sports arena” means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

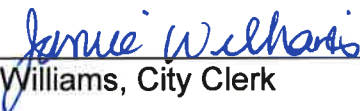
Section 3. Effective Date. This ordinance is effective upon passage.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on May 19, 2014.


Alice Ruby, Mayor

ATTEST:

[SEAL]


Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: May 14, 2015

Attachment to: 2015-05 / Resolution No. _____

Subject:

An Ordinance amending Dillingham Municipal Code Chapter 8.10, Prohibition of Smoking in Public Places, Section 8.10.010 Definitions

City Manager: Recommend Approval

Signature: Rose Loren

Route to	Department Head	Signature	Date
	Finance Director		
X	City Clerk	<i>J. Wilkerson</i>	5/7/15

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- An advertisement for a Public Hearing on Ordinance No. 2015-05 was placed in the April 30 edition of the Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing. It was readvertised in the May 7 edition due to the Council meeting being rescheduled to May 14.

Summary Statement:

On February 24, 2015 recreational use of marijuana was legalized in the State of Alaska under certain regulations. It is still illegal to buy or sell marijuana in the City of Dillingham. The State of Alaska and the City of Dillingham will continue to develop laws and regulations on the production, sale, and use of marijuana.

The definition for smoking in public places has been amended to include electronic smoking devices that give off fumes and vapors containing chemicals omitted when tobacco and marijuana are smoked, and of which the risk to public health posed by second-hand inhalation of these fumes and vapors is unknown.

This ordinance was vetted through the Code Review Committee and was recommended to the Council for introduction March 19, 2015.



Ordinance No. 2015-05 / Resolution No. _____

Summary Statement continued:

It was up for a public hearing May 7, but the meeting was rescheduled to May 14.

Since the time it was introduced, the City scheduled four Neighborhood Meetings in various locations throughout Dillingham during the week of April 27 to discuss amongst other items the new marijuana laws and future marijuana legislation and get public feedback. There are no recommended changes for Ordinance 2015-05.

However, there may be some confusion that the City has two different definitions for public places, one for the marijuana ordinance and one for the smoking ordinances. The smoking ordinance is to protect people from the effects of second-hand smoke. The marijuana ordinance is to keep people from getting high in public places.

Whereas it's good to be consistent with the state definition for public marijuana use as the City and state share the same goal – preventing people from getting high in public – that's not the goal of the smoking ordinance. The primary difference between the public place definition for the smoking section and for the marijuana section is that the smoking section says "any enclosed area." The marijuana language includes places that would presumably be open-air (parks, highways, playground). The City does not want to prohibit smoking a cigarette on the street or, similarly, allow people to use marijuana while walking down the street. Of course, people also smoke marijuana. A person smoking a joint in a bar could be cited for a public smoking violation (enclosed space) AND cited for public marijuana use. If he walks outside, he's violating the public marijuana use ordinance only.



HELP WANTED

Marrullut Enit ("Gramma's House") Administrator
Objective: Provide full management, operation and supervision of the Marrullut Enit assisted living center, responsible for the day-to-day administration of the program and financial operations: planning, development, implementation, evaluation and improvement of program services; management of staff and delivery of high quality services as determined by the residents and their families. The manager is responsible for ensuring operation of a program that is consistent with the philosophy of assisted living.
or an application, full job description and a list of qualifications, please contact Eileen Savo at the Bristol Bay Housing Authority at (907)842-5956. You may also call Betty Lee at the Marrullut Enit Assisted Living Center in Dillingham at (907)842-4600.
Salary is D.O.E. and position is open until filled.

FOR SALE

006 - 21' Boulton Jet Boat. 350 engine Hamilton Jet. See www.alaskaboatbrokers.com for details. 37,000.00 delivered to Bristol Bay. 907-518-0101

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PUBLIC NOTICE

Igiugig Village Council (IVC) hereby gives notice of its submittal of a draft license application to the Federal Energy Regulatory Commission (FERC) on April 1, 2015 for a 10-year pilot project license for IVC's Igiugig Hydrokinetic Project (Docket P-13511-001). The purpose of the Project is to demonstrate the potential for a new source of clean, locally produced, renewable electricity generated from water currents in the Kvichak River in Igiugig, Alaska, to displace high cost diesel generated power. IVC will use the Ocean Renewable Power Company RivGen® Power System. Issuance of the pilot project license will allow IVC to demonstrate that electricity can be generated from river currents and power can be transmitted directly to a remote community isolated power grid without adverse environmental effects. The project will be located in the Kvichak River at Igiugig.

The application may be accessed online at www.ferc.gov/docs-filing/elibrary.asp (Docket No. P-13511-001).



**Job Opening at BBNC:
Director of Land and Resources**

BBNC is seeking applications for a Director of Land and Resources who will be responsible for implementing BBNC's land and resource policy and managing BBNC activities in compliance with those guidelines. Duties include serving as the liaison with land-owners and federal, state, regional and tribal organizations, and negotiating contracts with regional organizations.

Minimum Qualifications: Bachelor's degree and five years of relevant experience; a strong background in natural resources, Alaska Native law and BLM processes; and strong computer and public speaking skills.

The full job description and application can be found at www.bbnc.net. All qualified applicants should apply by **May 22, 2015**.

BBNC gives employment preference to shareholders, their spouses and descendants.



PUBLIC NOTICE
Public Hearing on Ordinance
Nos. 2015-04, 05, 06, 07

The City of Dillingham will hold a **Public Hearing** on **Thursday, May 7, 2015, at 7:00 P.M.** in the **City Council Chambers** for the purpose of taking comment from the public on the following ordinance:

- Ordinance No. 2015-04, An Ordinance of the Dillingham City Council Amending Dillingham Municipal Code Title 8 - Health and Welfare by the Addition of a New Chapter Providing Regulation of Marijuana in the City of Dillingham, Alaska
- Ordinance No. 2015-05, An Ordinance of the Dillingham City Council Amending Dillingham Municipal Code Chapter 8.10, Prohibition of Smoking in Public Places, Section 8.10.010 Definitions
- Ordinance No. 2015-06, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Lease
- Ordinance No. 2015-07, An Ordinance of the Dillingham City Council Amending Title 8, Health and Safety, of the Dillingham Municipal Code to Prohibit Improper Deposit of Fish Waste

If you have any questions, please contact the City Clerk's office at 842-5212 or email cityclerk@dillinghamak.us.

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