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**AGENDA
WORK SESSION
MAYOR AND COUNCIL
COUNCIL CHAMBERS · 473 S. Main Street, Room #106
WEDNESDAY, FEBRUARY 12, 2014 at 5:30 p.m.**

Note: Council member(s) may attend Council Sessions either in person or by telephone, video, or internet conferencing.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Discussion and consideration of a proposal by the Verde Valley Archaeological Center to lease the Town-owned property located at Oasis Road and SR 260. Staff Resource: Russ Martin**
5. **Discussion of and possible direction to staff relative to the Town's current financial status. Discussion may include, but not be limited to revenues, expenses, CIP projects, the Chamber of Commerce request for funding, Rio Verde Plaza, Council tablets, Council voting system, the upcoming budget outlook and process, etc. Staff Resource: Mike Showers**

Councilor Gordon requested the following item:

6. **Discussion and possible direction to staff to research the material provided and proceed with the zoning process to enact laws that ensure that marijuana dispensaries, infusion facilities, and growing facilities are located in appropriate areas away from schools, parks, or other areas that might be easily accessed by children.**
7. **Adjournment**

Posted by: *D. Jones*

Date/Time: *2-6-2014 11:30 a.m.*

Note: Pursuant to A.R.S. §38-431.03.A.2 and A.3, the Council may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.

The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.

**Town of Camp Verde
Financial Report – 1/21/14**

Issue:

Revenues through December are \$192K short,

-Main portion is \$168K, City Sales Tax

-Retail Sales did spike in December (November Sales) 20%

-Const. is down significantly from last year (\$6,500 from LY & \$8,500 from budget)

Current Exp's:

General Fund Exp's are approximately \$249K under budget, however this does not take into account some 1-time exp's that will be incurred in the next 6 months.

Revenue Forecast:

Expect revenues to come up somewhat but not to budgeted levels. I am figuring to be about/at least \$100K under budget over the next 6 months in city tax revenues for a total of \$270K short for the year. Other revenues will probably be about \$40K short for the year for a total of \$310K.

Potential Considerations:

- 1) Reduced Gen Fund spending
- 2) Reduced CIP spending
- 3) Use of contingency budget
- 4) Use of Reserve

Risks:

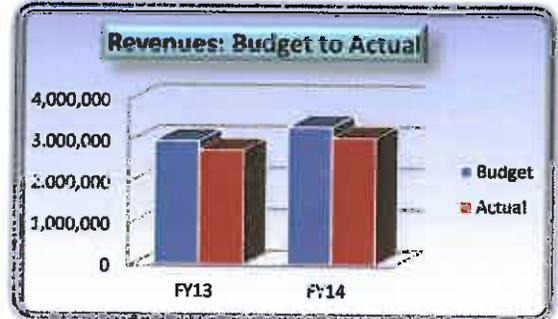
- 1) Reduced Gen Fund spending: Most budgets are right on schedule and many have one-time purchases coming up. Very difficult to find dollars here.
- 2) Reduced CIP spending: Whatever we think we'll save by deferring to next year only moves the issue to next year when the new budget will have to absorb the delayed cost.
- 3) Use of contingency budget: If another "contingency" comes up, we may have already committed our contingency budget and then be forced to look elsewhere for funds.
- 4) Use of reserve: It can be a dangerous spending philosophy to go to reserves every time we need to cover some general revenue shortages. Without spending guidelines in place we could see our healthy reserve disappear quickly.

TOWN OF CAMP VERDE
General Fund Report
FY14 - 2nd QTR ending December 2013

GENERAL FUND REVENUES

	FY 13-14 Budget	FY 13-14 Actual	% of Budget Received
Local Taxes	2,803,921	1,235,148	44%
Franchise Fees	250,950	138,314	55%
State Sales Tax	915,000	449,409	49%
Urban Revenue Sharing	1,213,000	606,524	50%
Vehicle License Tax	565,000	294,313	52%
Court Fines	300,000	72,575	24%
Other Revenues	562,245	252,980	45%
TOTAL	6,610,116	3,049,263	46%

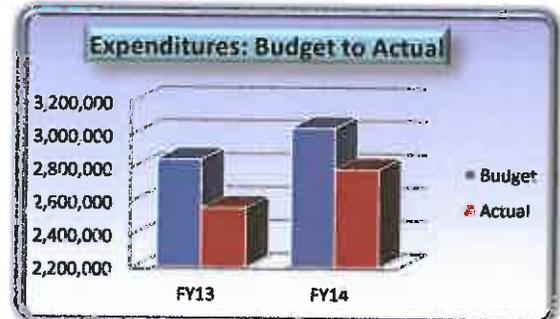
* - Court Fines are 2 months behind all other revenue lines. 4 months comparable percent would be 33%.



Overall revenues are short through this second QTR. The largest impact is felt in Local Taxes which is now more than \$168,000 short of budget YTD. Again, the 3 largest culprits of the shortage are Retail (-\$61K), Construction (-\$51K) and Wholesale Trade (-\$22K). Our next 3 significant revenue sources, URS, State Sales and Vehicle License Taxes are generally right on budget. I don't believe that this shortage will be made up through the rest of the year. I think the best we could/should expect would be to hit budget during the next 6 months.

GENERAL FUND EXPENDITURES by DEPARTMENT

	FY 13-14 Budget	FY 13-14 Actual	% of Budget Expended
General Admin	1,641,166	702,426	43%
Court	378,315	174,644	46%
Public Works	702,175	329,588	47%
Community Development	392,180	168,112	43%
Marshall's Office	2,349,653	1,124,564	48%
Library	352,960	169,180	48%
Parks & Rec	256,173	118,655	46%
TOTAL	6,072,622	2,787,169	46%

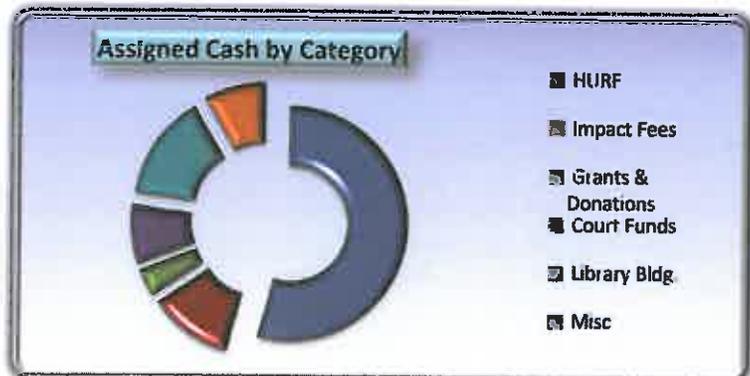


Expenses for the QTR are below budget in every category. Underspending this QTR (roughly \$249K) has once again made up for the entire revenue shortage to date. Still we are cautiously moving forward as we keep an eye on tax revenues. There are a few large one-time expenses coming in the second half of FY14.

CASH

Bank Accounts

Pooled Checking	599,839
Payroll Checking	13,803
Stifel Investment	2,789,372
LGIP Investments	540,050
Library Sales	4,977
Revolving Home Loan	120,011
Employee Assistance	9,938
Court Bail Bond	7,499
TOTAL CASH	4,085,489
Assigned Cash	(2,443,722)
Unassigned Cash	1,641,767



TOWN OF CAMP VERDE
Functional Expense Summaries
FY14 - 2nd QTR ending December 2013

Functional Expense Summaries

General Fund

	Actual	Annual Budget	\$ Remaining	% Remaining
Wages & ERE	2,065,675	4,475,420	2,409,745	54%
Operational	683,531	1,591,802	908,271	57%
Capital	37,963	5,400	(32,563)	0%
Total Expenses	2,787,169	6,072,622	3,285,453	54%

HURF Fund

	Actual	Annual Budget	\$ Remaining	% Remaining
Wages & ERE	158,383	374,385	216,002	58%
Operational	37,260	261,040	223,780	86%
Capital	2,526	75,000	72,474	97%
Total Expenses	198,169	710,425	512,256	72%

Sewer Fund

	Actual	Annual Budget	\$ Remaining	% Remaining
Wages & ERE	191,695	401,125	209,430	52%
Operational	196,102	472,750	276,648	59%
Capital	0	122,050	122,050	100%
Total Expenses	387,797	995,925	608,128	61%

TOWN OF CAMP VERDE
Special Revenue & Capital Improvement Funds Report
FY14 - 2nd QTR ending December 2013

Capital Improvement Projects Fund

Projects	Actual	Annual Budget	Difference	% Left
Gym Doors	0	20,000	20,000	100%
Public Works Remodel	0	19,000	19,000	100%
Transit Stop	0	15,000	15,000	100%
Gym Bleachers	Completed 38,487	45,000	6,513	14%
Bashas Drainage Channel	0	15,000	15,000	100%
Rezzonico Park Imprvs	13,588	25,000	11,412	46%
Field Electric Expansion	Completed 8,957	12,000	3,043	25%
Verde Lakes Dr. Culverts	0	62,400	62,400	100%
Finnie Flat Sidewalk	0	180,831	180,831	100%
Downtown Parking Lot	0	47,000	47,000	100%
Comm. Park Development	4,950	99,700	94,750	95%
Building Maint	16,696	17,000	304	2%
Park Facilities Maint.	11,069	30,000	18,931	63%
Net Exps	(93,747)	(587,931)	(494,184)	84%
Operating Transfers In	74,991	283,000	208,009	74%
Beginning Balance	397,927	397,927		
Remaining Funds	379,171	92,996	(286,175)	

HURF Fund

	Actual	Annual Budget	Difference	% Left
Revenues	367,586	756,400	388,814	51%
Expenses	(198,169)	(710,425)	512,256	72%
Operating Transfers Out	(119,001)	(293,571)	174,570	59%
Net	50,416	(247,596)	298,012	
Fund Balance	1,384,315			

Other Funds (netted Rev's and Exp's)

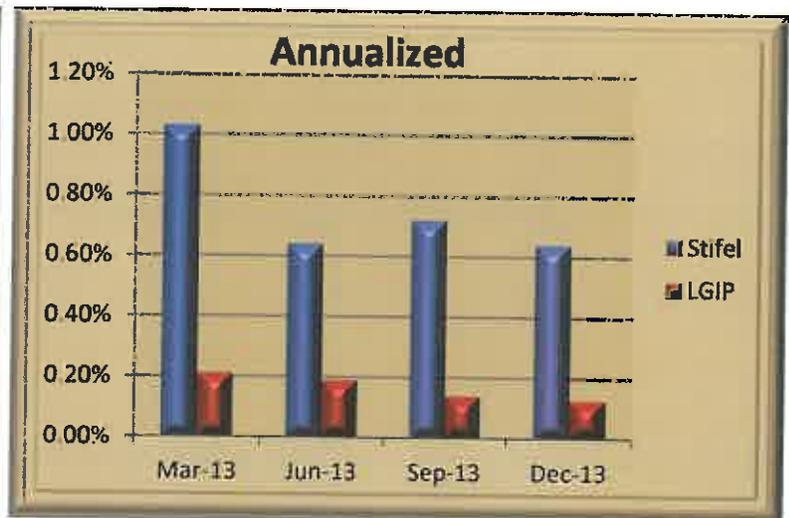
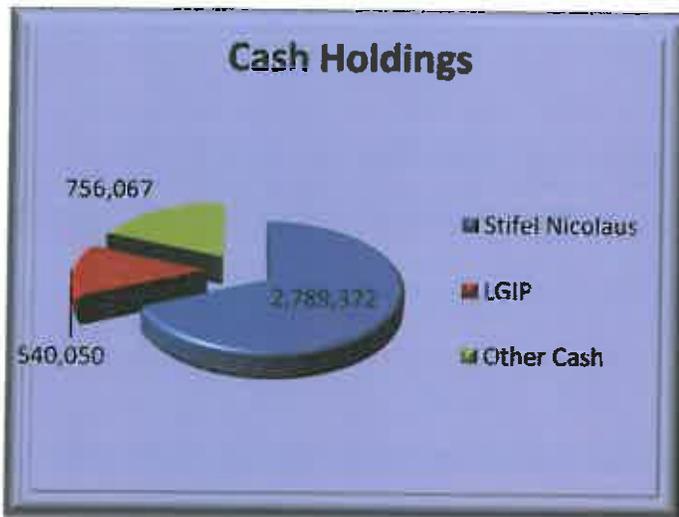
	Exp's	Rev's	Net	Annual Budget	Difference	% Left
Parks	3,663	0	(3,663)	(10,000)	(6,337)	63%
Court	1,481	11,983	10,502	50,520	40,018	79%
Grants (Funds 6 & 8)	57,871	71,945	14,074	(62,052)	(76,126)	123%
Yavapai Apache Monies	20,700	0	(20,700)	(133,051)	(112,351)	84%
Library	158,154	6,164	(151,990)	(548,126)	(396,136)	72%
Impact Fees	0	69	69	(109,317)	(109,386)	100%
Housing	14,000	8,472	(5,528)	(78,000)	(72,472)	93%
911	0	0	0	(2,560)	(2,560)	100%
Donations	4,654	5,291	637	(19,788)	(20,425)	103%
Debt	391,496	391,496	0	0	0	N/A

TOWN OF CAMP VERDE

As of December 31st, 2013

INVESTMENTS

<u>Account</u>	<u>Balances at Sept 30th</u>	<u>FYTD Interest</u>	<u>FY ROI Annualized</u>
Stifel Nicolaus	3,186,817	10,875.06	0.72%
LGIP	337,680	200.96	0.14%
Other Cash	495,168	N/A	N/A
TOTAL	4,019,665	11,076.02	



Comparative Rates:

Banking Savings – .05%

2 YR Treasury Note Rate – .38%

5 YR Treasury Note Rate – 1.74%

Stifel Investment Info:

Avg. Maturity Length of Investments – .83 years

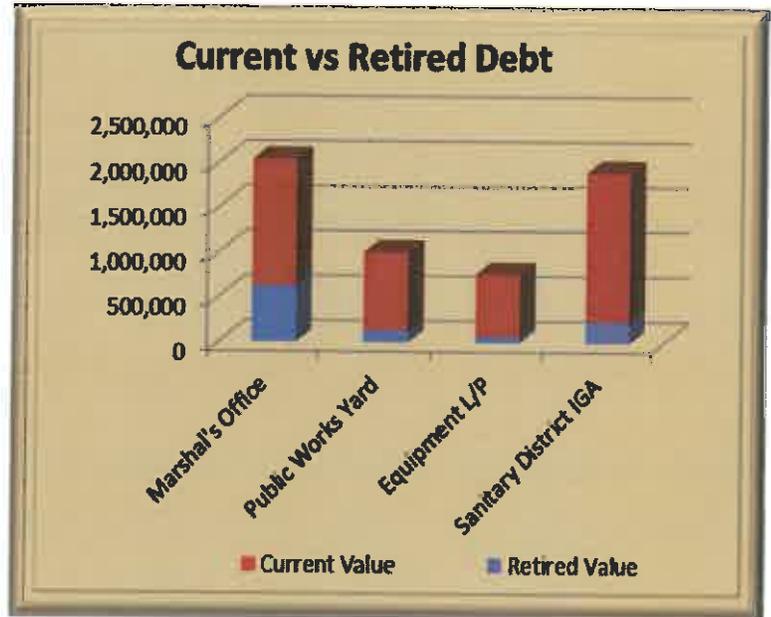
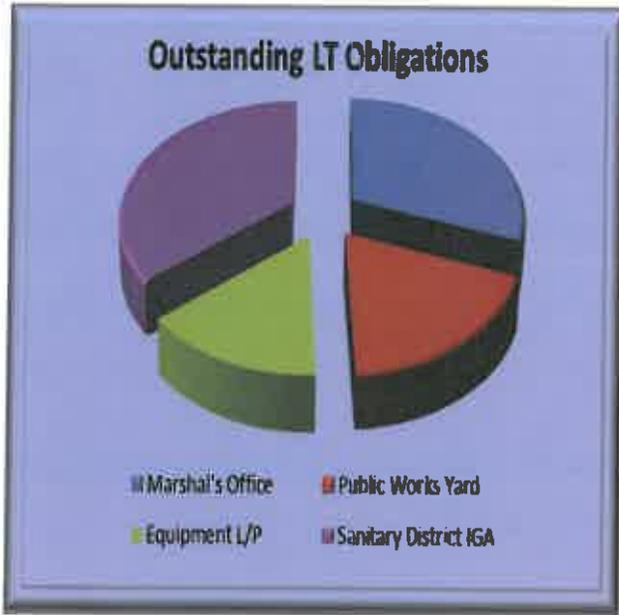
Current Expected Yield-to-Maturity – .96%

TOWN OF CAMP VERDE

As of June 30th, 2013

LONG-TERM DEBT

Purpose	Type	Maturity	Original		FY14 Budget	Current Obligation	Next Disbursement		Debt Retired
			Debt	Int Rate			Amount	Date	
Marshal's Office	Bonds	7/1/2024	2,040,000	2.75% - 5.00%	166,125	1,410,000	33,975	1/1/2014	630,000
Public Works Yard	Bonds	7/1/2023	1,005,000	3.91%	107,346	871,085	17,030	1/1/2014	133,915
Equipment L/P	Note	1/28/2018	764,664	1.61%	159,383	689,086	79,691	1/28/2014	75,578
Sanitary District IGA	IGA Pledge	7/1/2032	1,902,000	3.34%	118,736	1,665,347	27,795	1/1/2014	236,653
TOTALS					551,590	4,635,518	158,491		



Debt Service Fund

Category	Actual	Annual Budget	\$ Remaining	% Remaining
Principal Retired	302,801	376,929	74,128	20%
Interest Paid	88,119	172,061	83,942	49%
Misc Fees	1,000	2,600	1,600	62%
Total	391,920	551,590	159,670	29%

Mid-Year Public Works Projects Status



MAINTENANCE & PARKS/RECREATION

PROJECT	CURRENT STATUS	NOTES & INFORMATION
Rezzonico Park	Fencing on the west side of the park is complete. Fencing on east side is budgeted, installation is pending. Cul De Sac construction: pending design Signage: Staff has fabricated and installed a metal sign frame that will hold the Park Rules sign. Signs (including donation plaque) will be ordered upon Council's approval of Park Rules.	Remaining budget: \$11,412. Fencing estimated at \$5K - \$16K this spread is based on chain link vs. vinyl coated, & the exact linear feet needed based on location of roundabout. Cul De Sac design and exact location is in design. Quotes for custom signage will be obtained upon Council approval.
Community Park	Forest service has approved survey – waiting to get signatures for recordation. NAU students under the Capstone Project have designed the grading & drainage for the road and preliminary grading plan for the park. Hydrology study on hold.	Remaining budget: \$94,750 upon recordation of survey staff will work with Forest Service to review the road construction for the park and sewer access. Staff is working on alternative plan to use reclaimed water for irrigation; if reclaimed water is sufficient the hydrology study will not be needed. Funds would be used to complete a design plan for the irrigation system.
Senior Center	Commercial Freezer has been ordered. Requested quote to correct stove vent from the attic to the outside, and add a chair rail	Remaining budget: \$5,000 Staff intends to use all remaining funds to complete any projects that can be done with the \$5,000
Gymnasium Doors	Card Reader Door: Initial quote for is \$20,000 for the installation of the door only; and does not include the cost of technology hardware that is required to activate and control the access mechanism	Remaining Budget: \$20,000 Staff is working w/vendor to assess options for a door that will meet our needs that may be less expensive and obtain the specific technology needs for each option. Then will discuss with IT staff to determine total cost to install and maintain.
Gymnasium Floor	Re-Coat Gym Floor: this step will add one more layer of protection to the new flooring and should be sufficient for the next year to maintain our floor in optimal condition.	Remaining Budget: \$759 estimated cost to re-coat will exceed this amount (\$2,300), Maintenance will have an excess balance in the field electric expansion to cover overage

Mid-Year Public Works Projects Status



(Maintenance & Parks/Recreation Continued)		
Safety modifications to Public Works Entrance	Staff is obtaining quotes for the current door that is too small for the opening and has an un-reliable lock. As a safety measure, a front counter is needed.	Remaining Budget \$19,000 -Work has not started, The P/W (P/R & Finance) building is the last office to get a front desk area that allows staff to screen the public. This becomes a safety/security issue when public has unfettered access to the building, employees materials and equipment.
Heritage Pool Improvements	Staff is assessing priorities & getting quotes for: Hard surface improvements around the pool deck, new flooring in office and restroom.	Remaining Budget: \$18,931 The project has not started. Staff desires to complete the project. The decking improvements will provide a sitting area protected from mud, interior flooring is old and condition is degraded. Any improvements will be made prior to pool opening.

ENGINEERING		
PROJECT	CURRENT STATUS	NOTES & INFORMATION
Transit Stop	Ron has worked with the YAN to accommodate their requests for bus stops on Finnie Flat Rd. next to the Verde Medical Center and at Goswick Way/Geroge Rothrock Rd. (Behind Burger King)	Remaining Budget: \$15,000 – we will match the same style that the YAN will be using: a shaded bench. Staff desires to complete this project prior to end of fiscal year
Down Town Parking Lots	Staff is considering options for pavement including alternatives to asphalt this will depend on finding a cost efficient option and what will be most practical in terms of initial application and maintenance	Remaining Budge: \$47,000 Staff would like to complete this project and feels it will improve the campus

Mid-Year Public Works Projects Status



STORMWATER

At the January 8th work session staff provided Council a report outlining the Town's responsibilities under the MS-4 permit, and the need for an on-going, town-wide, comprehensive drainage improvement plan; mapping, technical and administrative staff are needed. The projects listed below will start the process to address some of the needed improvements. Staff will be requesting additional funds each year so that we can build a successful Stormwater Division.

PROJECT	CURRENT STATUS	NOTES & INFORMATION
Cliffs Parkway & Detention Basin	Troy Odell working on the Plans, Specs. This project will provide undergrounding of stormwater from Cliffs Pkwy. to behind Walgreens into the Finnie Flat/Cliffs Drainage channel. Increase the Cliffs Pkwy. detention basin and armor the spillway at the basin. The project will increase the volume, detention capacity and improve the outflow structure of the Cliffs Detention area.	Remaining Budget: \$175,000 Funded with a grant from Yavapai County Flood Control., Staff will request any residual amounts be rolled over to complete the project in f/y 14/15. Staff is working on a 3-year plan to present to Yavapai Co. for additional on-going funding for needed projects.
Drop Inlet Channel	Plans are being made to improve the drainage that runs behind Bashas'. Stormwater overflows the channel causing flooding behind the shopping center and into the area by Dr. Noone's. The improvements drop the inlet allowing stormwater to flow into the County (Bashas') Channel, to avoid flow into parking lot; additional scupper added to the Finnie Flat/Cliffs channel will drain excess flows from parking lot in front of Dr. Noone's	Remaining budget: \$15,000 CIP. This project is needed, staff wants to use all funding to improve the inlet as much as possible with the funds prior to end of fiscal year.
Verde Lakes Drive	Modify the low water crossing with a culvert at Bull Pen Wash, re-grade asphalt where water pools to flow. On the South side of W. Clear Creek install channels from Clinton to Clear Creek; on the North side of W. Clear Creek (Lazar Rd.) build channels and culverts from SR-260 to Bull Pen Wash	Remaining Budget: \$62,000 – Staff wants to do as much as possible with funds available. Some work can be done by Streets Div.
Stormwater Drainage Easements	Easements on private property in numerous locations throughout the Town that are needed as a first step prior to beginning a comprehensive drainage improvement plan. Without the easements	The total remaining 13/14 Stormwater Operational Budget is \$6,000 . Staff would like to use this entire amount to obtain as many easement surveys as possible. Once complete,

Mid-Year Public Works Projects Status



	any drainage improvements would be ineffective as drainage from adjoining properties would not be addressed.	there will be title and recording fees to document the easement. Staff will be requesting additional funds in coming years to complete this necessary step – prior to any drainage work being done.
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PROJECTS WITHOUT BUDGETED FUNDS		
Rio Verde Plaza	Staff has not been given specific direction as to what improvements are required by the Town, it is assumed that staff will need to obtain quotes for any required improvements. At a minimum, staff time will be spent to monitor, assist and provide on-going maintenance for this structure. Heating/cooling is inadequate, roof is poor condition, restrooms do not meet ADA compliance, plumbing fixtures and piping are aging, numerous safety items may need addressing	Estimated cost at this time: \$40,000
7th Street Guardrail & Pedestrian Path	Council requested a guardrail at 7 th St. & Maryville/Park. Prior to installation a pedestrian path is needed as once the guardrail is installed there will be no safe walkway and retaining wall to support needed back-fill	Estimated at \$12,500
Butler Park Well	The Well Pump is failing, a replacement is needed prior to summer use. Even now, with much lower water use the restrooms have had to be shut down and portable ones used. Staff has researched options; first option at \$7,500, is to replace the pump as it is now. Staff recommends the second option between \$9,000 - \$12,000; this will provide a new pump and equipment that will monitor the frequency and voltage to the pump motor: a Variable Speed Drive or Variable Start Drive. Essentially, the equipment will start the pump motor at a lower speed, gradually ramping up to optimal speed. This contrasts to what we have now which is the abrupt “hard start” that calls for a strong surge of power causing shock damage and long-term excessive wear on the motor. The motor controller will reduce the strain on the pump = longer useful life, fewer repairs. Estimated to cost \$7,500 to \$12,000	

Mid-Year Public Works Projects Status



COMPLETED PROJECTS

Gymnasium Bleachers – wood from the old bleachers was sold at auction, new bleachers installed,

Gymnasium Floor – sanded and resurfaced with the Town logo in center, purchased new protective mats

Rezzonico Park – fencing on west side of park has been installed

Community Park – Forest Survey complete, grading/drainage plans for road complete, preliminary drainage plan for park complete

Field Electric Expansion – Additional funding was donated for this project, staff engineered & constructed footings and base APS donated lights and assisted w/install

Finnie Flat Sidewalk – 60% plans were submitted to ADOT, working with Bashas' to purchase Right of Way



Agenda Item Submission Form – Section I

Meeting Date: February 12, 2014 – Work Session

Consent Agenda Decision Agenda Executive Session Requested

Presentation Only Action/Presentation

Requesting Department: Councilor Brad Gordon

Staff Resource/Contact Person: Councilor Brad Gordon

Agenda Title (be exact): Discussion, consideration, and possible direction to staff to research the material provided and proceed with the zoning process to enact laws that ensure that marijuana dispensaries, infusion facilities, and growing facilities are located in appropriate areas away from schools, parks, or other areas that might be easily accessed by children.

List Attached Documents: Misc. documents

Estimated Presentation Time: 5 minutes

Estimated Discussion Time: 10 minutes

Reviews Completed by:

Department Head:

Town Attorney Comments: N/A.

Finance Department

Fiscal Impact:

Budget Code: _____ **Amount Remaining:** _____

Comments:

Background Information: I do not feel that our ordinance relative to the regulation of Medical Marijuana Facilities is sufficient to ensure the safety of our children. I have attached several sources of information relative to this matter and I would like Council to discuss the matter further and possibly direct staff to include this matter in the Zoning Code rewrite.

Recommended Action (Motion): Direct staff to proceed with the zoning process to enact laws that ensure that marijuana dispensaries, infusion facilities, and growing facilities are located in appropriate areas away from schools, parks, or other areas that might be easily accessed by children.

Instructions to the Clerk: N/A

Section 304

A. Requirements

1. In addition to the rules of the Arizona Department of Health Services, all Medical Marijuana Dispensaries and Medical Marijuana Dispensary Off-site Cultivation Location/Facilities shall be no less than 500 feet from ~~any Day Care facility for children.~~ the following:

- a. public and private educational facilities including but not limited to child Day Care facilities, nursery schools, elementary schools, junior high schools, high schools, colleges and universities , vocational schools and churches.
- b. public park or recreational areas , playgrounds, nature trails, swimming pools, athletic fields or other similar public land within the Towns control or operation.
- c. an entertainment business which is oriented primarily toward children or family entertainment.

(distances to be measured from nearest property lines and verified by an Arizona Registered Land Surveyor).

2. Medical Marijuana infusion facilities shall only be permitted within a Medical Marijuana Dispensary or at a Medical Marijuana Dispensary Off-Site Cultivation Location.

- 3. Medical Marijuana Dispensaries, infusion facilities and off-site cultivation facilities shall have operating hours no earlier than 8:00 AM and no later than 6:00 PM.
- 4. Medical Marijuana Dispensaries, Infusion Facilities and Off-site Cultivation Facilities shall be located in a permanent building and shall not be located in a temporary structure such as a trailer, cargo container or other similar non-permanent enclosure.
- 5. Medical Marijuana Dispensaries, Infusion Facilities and Off-site Cultivation Facilities shall not:
 - a. provide off-site deliveries of Medical Marijuana to a card holder.
 - b. sell merchandise other than Medical Marijuana and related supplies.
 - c. have or operate drive through facilities or take-out windows.
 - d. emit dust, fumes, odor or vapors into the environment.
 - e. allow consumption of Medical Marijuana on premises.
 - f. provide out door seating areas on premises.

Also in Section 2 Page 77
Under Commercial add categories

Medical Marijuana Dispensary
" " infusion facility
" " off-site cultivation location

and fill in appropriate zoning areas.

SECTION 103 - DEFINITION OF TERMS

-INTERIOR: A lot other than a corner lot.

-THROUGH: A lot with the front and rear lines abutting parallel streets; also see "*DOUBLE FRONTAGE LOT*".

MAINTENANCE: The repair, replacing or renovating of a part (or parts) of a structure, which do not require a building permit as specified by the Building Code as set forth in the Town Code.

MANUFACTURED HOME: A dwelling unit fabricated on a permanent chassis at an offsite manufacturing facility for installation at the building site, and bearing a label certifying it as built, or upgraded, to compliance with the Federal Manufactured Housing Construction and Safety Standards Act. It bears a mobile ID number and is larger than 400 square feet.

MANUFACTURING USE: See "*USE*".

MEDICAL MARIJUANA:

All parts of genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

MEDICAL MARIJUANA DESIGNATED CAREGIVER CULTIVATION LOCATION:

- A Medical Marijuana designated Caregiver cultivation location or cultivation by a designated Caregiver refers to cultivation of Medical Marijuana by a Caregiver who's registration card indicates that the Caregiver has been authorized to cultivate marijuana plants for a qualifying patient(s) medical use, pursuant to the Arizona Medical Marijuana Act A.R.S. § 36-2804.A.7.
- A Medical Marijuana designated Caregiver may cultivate Medical Marijuana for qualifying patient(s) within their own residence as a "Home Occupation" (see Part 3 Section 303) as long as all the conditions for a "Home Occupation" are met per the Planning & Zoning Ordinance and the Arizona Medical Marijuana Act A.R.S. § 36-2804.

MEDICAL MARIJUANA DISPENSARY:

A non-profit Medical Marijuana Dispensary registered and certified pursuant to the Arizona Medical Marijuana Act A.R.S. § 36-2804 that may also include a Medical Marijuana Infusion Facility.

MEDICAL MARIJUANA DISPENSARY OFF-SITE CULTIVATION LOCATION:

The one additional location, if any, where marijuana may be cultivated for the use of a specific Medical Marijuana Dispensary as disclosed pursuant to A.R.S. § 36-2804. A Medical Marijuana Dispensary Off-Site Cultivation Location may cultivate Medical Marijuana for more than one Dispensary as allowed by Arizona Medical Marijuana Act A.R.S. § 36-2804.

MEDICAL MARIJUANA INFUSION FACILITY:

A Facility that incorporates Medical Marijuana by means of cooking, blending, or incorporation into consumable/edible goods pursuant to Arizona Medical Marijuana Act A.R.S. § 36-2804.

MEDICAL MARIJUANA QUALIFYING PATIENT:

A qualifying patient means a person who has been diagnosed by a physician as having a debilitating medical condition and also has a registry identification card issued by the Arizona Department of Health Services that identifies the person a registered qualifying patient pursuant to Arizona Medical Marijuana Act A.R.S. § 36-2804.

MEDICAL MARIJUANA QUALIFYING PATIENT CULTIVATION LOCATION:

A Medical Marijuana Patient Location shall mean cultivation of medical marijuana by a qualifying patient pursuant to Arizona Medical Marijuana Act A.R.S. § 36-2801 but shall only include a qualifying patient who is also a card holder, authorized to cultivate marijuana plants pursuant to the revisions of Act A.R.S. § 36-2804.2.

MEMORIAL PARK CEMETERY: See "CEMETERY".

MINE: 1) A cavity in the earth from which minerals and ores are extracted. 2) The act of removing minerals, ores, or other natural resources.

MINING: The extraction of minerals, ores, rock materials, or other natural resources. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and floatation; and other preparation customarily done at the mine site or as part of the mining activity.

MOBILE/MANUFACTURED HOME PARK: A parcel of land used (or designed) for the location of more than one Mobile/Manufactured Home.

MOBILE HOME: A portable dwelling unit larger than 400 square feet and manufactured prior to June 15, 1976, designed and constructed to permit permanent occupancy as a residence and also to facilitate transfer from one site to another by means of a chassis with wheels and hitch or flatbed truck.

MODULAR HOUSING: Factory-built housing that is certified as meeting the state or local building code. It does not have a mobile ID. Modular housing is considered site-built housing.

MORTUARY: A building where the dead are prepared for burial or cremation. (All funeral automobile processions are to be confined to the mortuary premises).

MOTEL: See "HOTEL".

NET ACREAGE: The remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way.

NEWSPAPER OF GENERAL CIRCULATION: A daily newspaper widely available and distributed in the local area (if one is published), or if no daily newspaper is published, a local weekly newspaper may be used.

NONCONFORMING USE: See "USE".

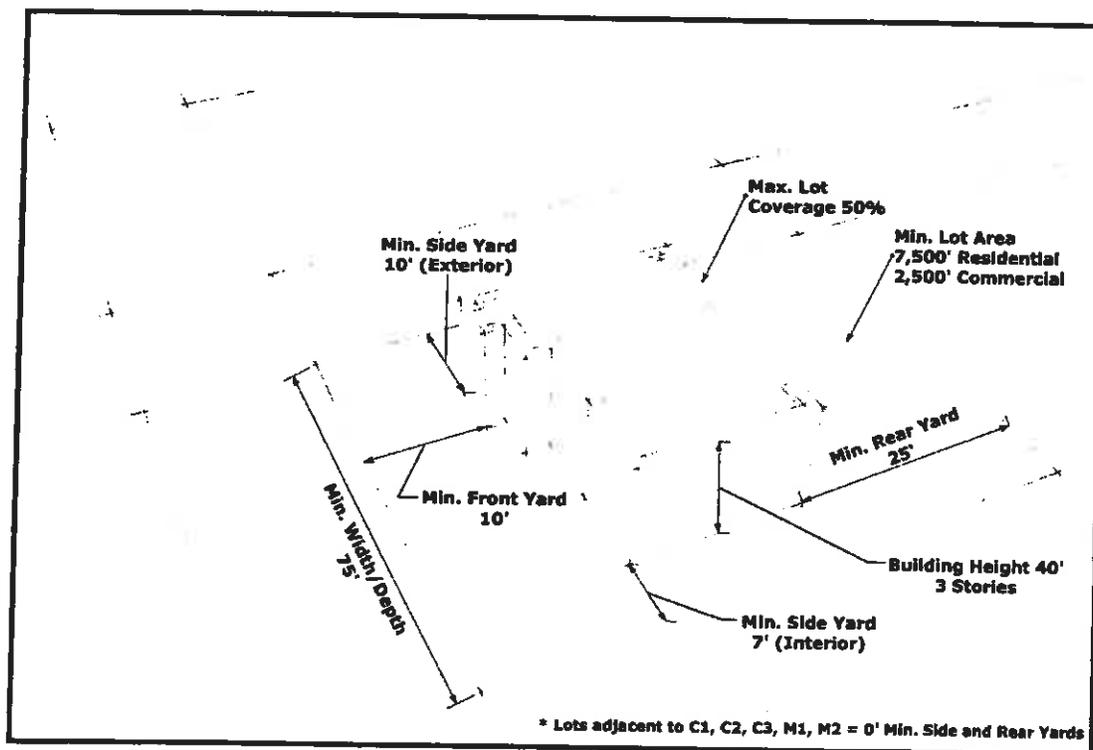
NONCONFORMING STRUCTURE: A building or structure that was in place prior to, and use provisions other applicable ordinances with which it now conflicts.

NONCONFORMING LOT OF RECORD: A parcel created and recorded prior to and use provisions and other applicable ordinances with which it now conflicts.

Table 2-6: C1 Dimensional Standards

Zoning District	"C1"
Minimum Lot Area (sq.ft.)	7,500' Res., 2,500' Com.
Minimum Area/Dwelling (sq.ft.)	2,000'; Hotels/Motels 300'/d.u.
Minimum Width OR Depth (feet)	75'
Maximum Bldg Ht (stories)	3
Maximum Bldg Ht (feet)	40'
Maximum Lot Coverage (%)	50%
Minimum Between Buildings (feet)	10'
Minimum Front Yard (feet)	10'
Minimum Rear Yard (feet)	0' (25' adjacent to residential zone)
Minimum Side Yard Interior (feet)	0' (7' adjacent to residential zone)
Minimum Side Yard Exterior (feet)	10'

Figure 2-6: C1 Dimensional Standards



G. C2 DISTRICT (Commercial: General sales and services)

1. Purpose:

The C2 District is intended to permit a broader range of business uses compatible with permitted residential uses in the District and surrounding vicinity.

Permitted Uses and Structures:

Revised 06/27/2013

- a. Agriculture and cultivation.
- b. Antique Sales.
- c. Automobile & machinery sales. (See Section 309 for outside display requirements.)Automobile repair (light).Automotive service stations.
- d. Baking and confection cooking for on-site sale only.
- e. Bars, tap rooms and nightclubs.
- f. Bed and Breakfast, with on-site parking as required in Section 403E.
- g. Bowling alleys and poolrooms.
- h. Business offices, banks and similar; including drive-through.
- i. Commercial art galleries.
- j. Commercial bath and massage.
- k. Commercial parking facilities.
- l. Community parks, playgrounds or centers.
- m. Custom service and craft shops.
- n. Dancing, art, music, business and trade schools (including permission for public recitals, concerts and dances).
- o. Dwelling unit for one family on any one lot. (Manufactured, Modular or Site Built.) Mobile Homes Prohibited See Part 3 Section 306 B.2.c
- p. Educational institutions (including private schools, provided they offer curriculum of general instruction comparable to similar public schools).
- q. Flood control facilities.
- r. Frozen food lockers.
- s. Golf courses with accessory uses such as pro shops, shelters, and rest rooms.
- t. Group or cluster of dwelling units (attached or detached) each having separate individual ownership and providing common services and recreation facilities under unified management.
 - 1) The number of units allowed on a lot shall not exceed the District's minimum lot area density.
 - 2) Such allowance shall in no case exempt the requirement of maintaining yards adjacent to the exterior site boundaries.
- u. Historical Landmarks.
- v. Home occupations (See Section 303).
- w. Hospitals, clinics, sanitariums, nursing homes and assisted living care facilities (intermediate, extended and long-term) for the care of humans.
- x. Hotels and motels with five or more guest rooms.
- y. Keeping of farm animals, limited (See Section 305).

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- z. Launderettes (limited to machines not exceeding 25 pounds capacity according to manufacturer's rating).
- aa. Medical Marijuana Dispensaries (see Part 3 Section 304)
- bb. Miniature golf establishment.
- cc. Mortuary
- dd. Multiple dwelling units and apartment hotels in conformity with the minimum lot area requirements per dwelling unit for the District.
 - 1) No on-site incineration shall be permitted.
- ee. Nursery schools; day care centers (child or adult).
- ff. Offices wherein only professional, clerical or sales services (such as real estate or insurance) are conducted.
- gg. Open land carnival and recreation facilities (religious & educational institutions).
- q. Other accessory uses commonly associated with primary permitted use. (See Section 301 C.)
- hh. Personal services.
- ii. Pet shops within enclosed buildings for the display and sale of household pets and other small animals provided that:
- jj. Private clubs and lodges operated solely for the benefit of bona fide members.
- kk. Religious institutions (in permanent buildings).
- ll. Restaurants and cafes, including drive-through.
- mm. Retail sales.
- nn. Sales (retail and wholesale) and rentals.
- oo. Single site built quarters (1) for servants and/or non-paying guests may be located on the same lot with the principal structure; separate facilities for preparation of food are prohibited.
 - 1) Such allowance shall in no case exempt the requirement of maintaining yards adjacent to the exterior site boundaries.
 - 2) The number of units allowed on a lot shall not exceed the District's minimum lot area density.
- pp. Theaters, auditoriums, banquet and dance halls.
- qq. Veterinary services.
- rr. Water distillation and bottling for retail sales only.
- ss. Microbreweries or Wineries for the manufacture and processing of beer or wine respectively for onsite consumption or wholesale distribution with the following limitations:
 - 1. All such manufacturing and processing activity shall be conducted within a completely enclosed building along with all materials used for manufacture – processing. Products ready for shipping must be stored within a closed building.
 - 2. A microbrewery in the C2 District may process and produce up to 150,000 U.S. Gallons of beer per year.

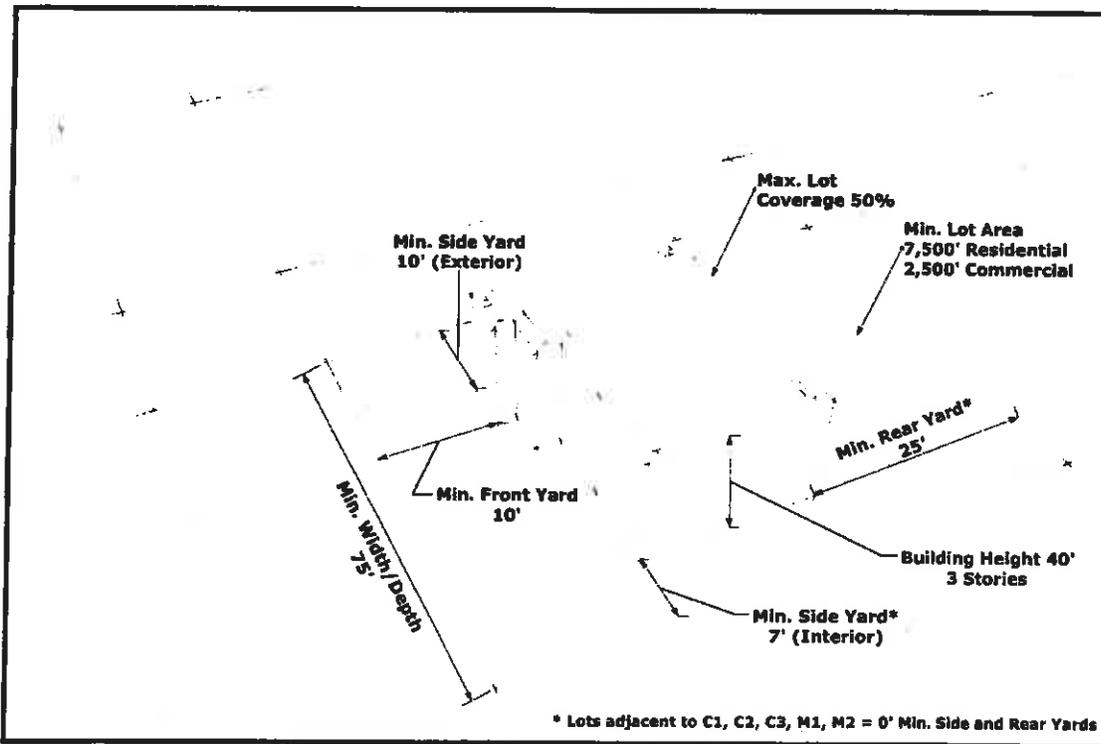
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3. A winery in the C2 District may process and produce up to 18,000 U.S. Gallons of wine per year.
-
2. Uses and Structures Subject to Use Permit:
 - a. Government facilities and facilities required for the provision of utilities and public services.
 - b. Outdoor recreation or assembly facilities.
 - c. Mobile/manufactured home and recreational vehicle parks subject to the requirements of Section 305.
 - d. Transmitter stations and towers for automatic transmitting.
 - e. Revival tents and similar temporary operations. (See Section 601.D)
 - f. Temporary Use Permits, subject to administrative approval (See Section 601.C):
 - 1) Occupancy of temporary housing, including travel trailers, during the construction of a permanent dwelling is allowed during the 12-month period after issuance of a building permit.
 - 2) Model homes, temporary offices (construction and pre-construction sales offices/showrooms), construction sheds and yards incidental to a recorded residential development or other construction project (subject to District setbacks) for a period not to exceed 12 months.

Table 2-7: C2 Dimensional Standards

Zoning District	"C2"
Minimum Lot Area (sq.ft.)	7,500' Res., 2,500' Com.
Minimum Area/Dwelling (sq.ft.)	1,000'; Hotels/Motels 300'/d.u.
Minimum Width OR Depth (feet)	75'
Maximum Bldg Ht (stories)	3
Maximum Bldg Ht (feet)	40'
Maximum Lot Coverage (%)	50%
Minimum Between Buildings (feet)	10'
Minimum Front Yard (feet)	10'
Minimum Rear Yard (feet)	0' (25' adjacent to residential zones)
Minimum Side Yard Interior (feet)	0' (7' adjacent to residential zones)
Minimum Side Yard Exterior (feet)	10'

Figure 2-7: C2 Dimensional Standards



H. C3 DISTRICT (Commercial: heavy commercial)

1. Purpose:

The C3 District is intended to accommodate a broad range of commercial sales and service uses, excluding certain activities and operations for which Industrial District zoning (PM, M1, M2) is required.

2. Permitted Uses and Structures:

Revised 06/27/2013

- a. Agriculture and cultivation.
- b. Antique Sales.
- c. Assembly, construction and processing plants.
- d. Automobile & machinery sales. (See Section 309 for outside display requirements.)
- e. Automobile repair (light).
- f. Automotive service stations.
- g. Baking and confection cooking for on-site sale only.
- h. Bars, tap rooms and nightclubs.
- i. Body and fender shops including a paint booth within closed building.
- j. Bottling plants confined to closed building.
- k. Bowling alleys and poolrooms.
- l. Business offices, banks and similar; including drive-through.
- m. Caretaker Living Quarters (Manufactured, Modular or Site Built.) Mobile Homes Prohibited See Part 3 Section 306 B.2.c
- n. Cleaning and dyeing plants within closed building.
- o. Commercial art galleries.
- p. Commercial ballrooms, arenas, gymnasiums, rinks, pools and indoor shooting galleries.
- q. Commercial bath and massage.
- r. Commercial parking facilities.
- s. Community parks, playgrounds or centers.
- t. Custom service and craft shops.
- u. Custom tire recapping.
- v. Custom warehouses within closed building and not including animals.
- w. Dancing, art, music, business and trade schools (including permission for public recitals, concerts and dances).
- x. Educational institutions (including private schools, provided they offer curriculum of general instruction comparable to similar public schools).
- y. Flood control facilities.
- z. Frozen food lockers.
- aa. Golf courses with accessory uses such as pro shops, shelters, rest rooms.
- bb. Historical Landmarks.
- cc. Hospitals, clinics, sanitariums, nursing homes and assisted living care facilities (intermediate, extended and long-term) for the care of humans.
- dd. Hotels and motels with five or more guest rooms.
- ee. Keeping of farm animals, limited (See Section 305).

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- ff. Launderettes (limited to machines not exceeding 25 pounds capacity according to manufacturer's rating).
 - gg. Lumber yards (prohibiting sawmill operations).
 - hh. Med Medical Marijuana Dispensary Off-Site Cultivation Location/Facility.(see Part 3 Section 304) (Definition: See Part 1 Section 103)
 - ii. Miniature golf establishment.
 - jj. Mortuary
 - kk. Nursery schools; day care centers (child or adult).
 - ll. Offices wherein only professional, clerical or sales services (such as real estate or insurance) are conducted.
 - mm. Open land carnival and recreation facilities (religious & educational institutions).
 - nn. Other accessory uses commonly associated with primary permitted use. (See Section 301 C.)
 - oo. Personal services.
 - pp. Pet shops within closed building.
 - qq. Private clubs and lodges operated solely for the benefit of bona fide members.
 - rr. Public auction within closed building.
 - ss. Religious institutions (in permanent buildings).
 - tt. Restaurants and cafes, including drive-through.
 - uu. Retail sales.
 - vv. Sales (retail and wholesale) and rentals.
 - ww. Theaters, auditoriums, banquet and dance halls.
 - xx. Transportation terminal and transfer facilities within closed building.
 - yy. Veterinary services. Water distillation and bottling for retail sales only.
 - zz. Microbreweries or Wineries for the manufacture and processing of beer or wine respectively for onsite consumption or wholesale distribution with the following limitations:
 - 1. All such manufacturing and processing actively shall be conducted within a completely enclosed building along with all materials used for the manufacture – processing. Products ready for shipping must be stored within a closed building.
 - 2. A microbrewery in the C3 District may process and produce up to 300,000 U.S. Gallons of beer per year.
 - 3. A winery in the C3 District may process and produce up to 36,000 U.S. gallons of wine per year.
3. Uses and Structures Subject to Use Permit
- a. Government facilities and facilities required for the provision of utilities and public services.
 - b. Outdoor recreation or assembly facilities.

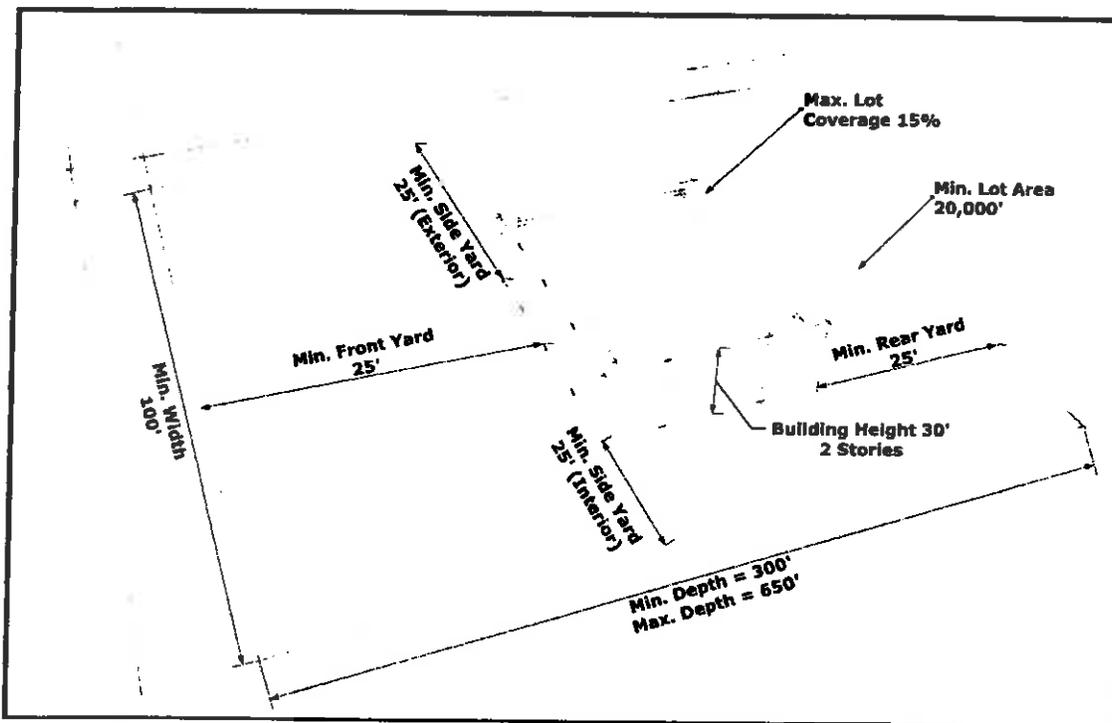
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- c. Mobile/manufactured home and recreational vehicle parks subject to the requirements of Section 305.
- d. Transmitter stations and towers for automatic transmitting.
- e. Revival tents and similar temporary operations. (See Section 601.D)
- f. Temporary Use Permits, subject to administrative approval (See Section 601.C):
 - 1) Occupancy of temporary housing, including travel trailers, during the construction of a permanent dwelling is allowed during the 12-month period after issuance of a building permit.
 - 2) Model homes, temporary offices (construction and pre-construction sales offices/showrooms), construction sheds and yards incidental to a recorded residential development or other construction project (subject to District setbacks) for a period not to exceed 12 months.
- g. Cemeteries for human or animal interment (See Section 308).
- h. Public stables, livestock breeding, boarding and sales.

Table 2-9: PM Dimensional Standards

Zoning District	"PM"
Minimum Lot Area (sq.ft.)	20,000
Minimum Area/Dwelling (sq.ft.)	1 Caretaker d.u. only
Minimum Width OR Depth (feet)	100' Wide, 300' Deep, Max 650' Deep
Maximum Bldg Ht (stories)	2
Maximum Bldg Ht (feet)	30'
Maximum Lot Coverage (%)	15%
Minimum Between Buildings (feet)	10'
Minimum Front Yard (feet)	25'
Minimum Rear Yard (feet)	25'
Minimum Side Yard Interior (feet)	25'
Minimum Side Yard Exterior (feet)	25'

Figure 2-9: PM Dimensional Standards



J. M1 DISTRICT (Industrial: General)

1. Purpose:

The M1 District is intended to provide the type of industrial facilities that, while not necessarily attractive in operational appearances, are installed and operated in a manner so as not to cause inconvenience or substantial detriment to other uses in the District (or to adjacent Districts).

Revised 06/27/2013

Permitted Uses and Structures:

- a. Adult oriented businesses as defined in A.R.S. § 11-821H as may be amended, provided that no such adult oriented business shall operate in violation of A.R.S. § 13-1422 as may be amended or other applicable law nor be within 500 feet of schools, a church or an existing adult oriented business.
- b. Agriculture and cultivation.
- c. Assembly, construction and processing plants.
- d. Automobile repair (light).
- e. Body and fender shops including a paint booth within closed building.
- f. Bottling plants confined to closed building.
- g. Caretaker Living Quarters. (Manufactured, Modular or Site Built.) Mobile Homes Prohibited See Part 3 Section 306 B.2.c
- h. Cemeteries for human or animal interment (See Section 308).
- i. Cleaning and dyeing plants within closed building.
- j. Commercial parking facilities.
- k. Community parks, playgrounds or centers.
- l. Custom service and craft shops.
- m. Custom tire recapping.
- n. Dispensing of gasoline and similar petroleum products from exposed storage tanks (subject to requirements of Underwriters Laboratories Inc. or similar), provided no such tank shall be located closer than 25 feet to the lot boundaries.
- o. Flood control facilities.
- p. Frozen food lockers.
- q. Historical Landmarks.
- r. In-plant restaurants as an accessory use, and including roof or landscaped patio dining facilities.
- s. Keeping of farm animals, limited (See Section 305).
- t. Lumber yards (prohibiting sawmill operations).
- u. Medical Marijuana Dispensary Off-Site Cultivation Location/Facility.(see Part 3 Section 304) (Definition: See Part 1 Section 103)
- v. Mortuary
- w. Motion picture productions, radio and television studios.
- x. Other accessory uses commonly associated with primary permitted use. (See Section 301 C.)
- y. Religious institutions (in permanent buildings).
- z. Retail sales.
- aa. Warehouses

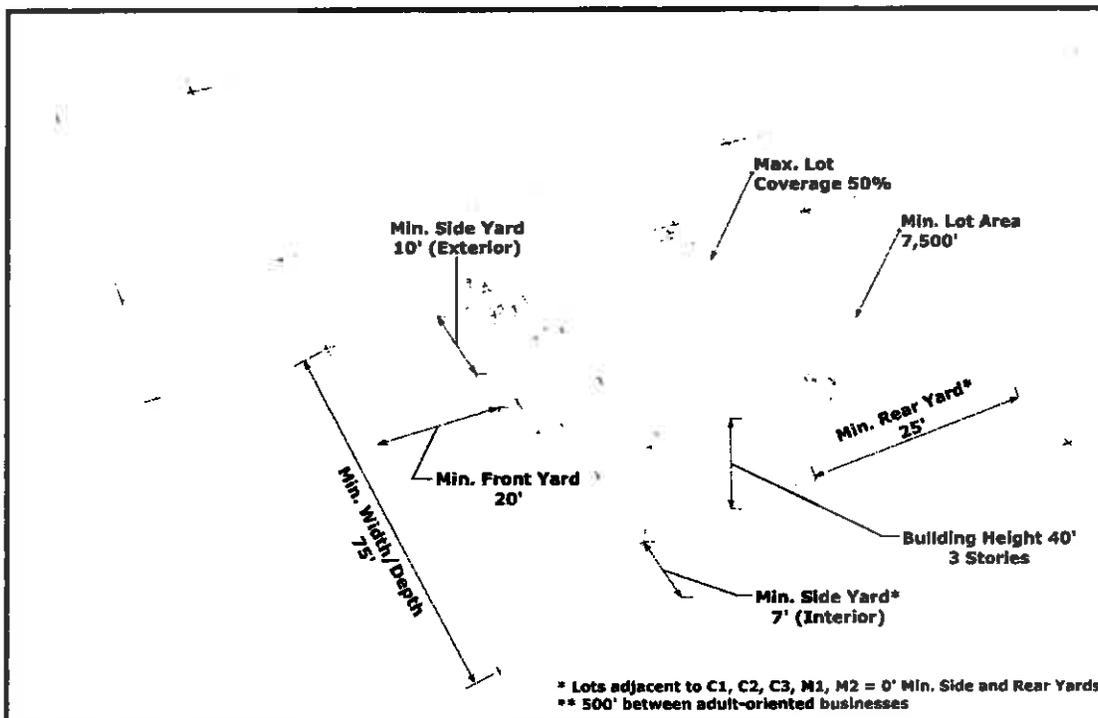
Revised 06/27/2013

- bb. Water distillation and bottling for retail sales only.
 - cc. Microbreweries or Wineries for the manufacture and processing of beer or wine respectfully for wholesale distribution.
2. Uses and Structures Subject to Use Permit
- a. Government facilities and facilities required for the provision of utilities and public services.
 - b. Transmitter stations and towers for automatic transmitting.
 - c. Temporary Use Permits, subject to administrative approval (See Section 601.C):
 - 1) Occupancy of temporary housing, including travel trailers, during the construction of a permanent dwelling is allowed during the 12-month period after issuance of a building permit.
 - 2) Model homes, temporary offices (construction and pre-construction sales offices/showrooms), construction sheds and yards incidental to a recorded residential development or other construction project (subject to District setbacks) for a period not to exceed 12 months.

Table 2-10: M1 Dimensional Standards

Zoning District	"M1"
Minimum Lot Area (sq.ft.)	7,500'
Minimum Area/Dwelling (sq.ft.)	1 Caretaker d.u. only
Minimum Width OR Depth (feet)	75'
Maximum Bldg Ht (stories)	3
Maximum Bldg Ht (feet)	40'
Maximum Lot Coverage (%)	50%
Minimum Between Buildings (feet)	10'
Minimum Front Yard (feet)	20'
Minimum Rear Yard (feet)	0' (25' adjacent to residential zones)
Minimum Side Yard Interior (feet)	0' (7 adjacent to residential zones)
Minimum Side Yard Exterior (feet)	10'

Figure 2-10: M1 Dimensional Standards



K. M2 DISTRICT (Industrial: Heavy)

1. Purpose:

The M2 Districts accommodate areas of concentrated fabrication, manufacturing, and industrial uses that are suitable based upon adjacent land uses, access to transportation, and the availability of public services and facilities. It is the intent of these districts to provide an environment for industries that is unencumbered by nearby residential or commercial development.

Revised 06/27/2013

2. Permitted Uses and Structures:

- a. Adult oriented businesses as defined in A.R.S. § 11-821H as may be amended, provided that no such adult oriented business shall operate in violation of A.R.S. § 13-1422 as may be amended or other applicable law nor be within 500 feet of schools, a church or an existing adult oriented business.
- b. Agriculture and cultivation.
- c. Assembly, construction and processing plants.
- d. Automobile repair (light).
- e. Body and fender shops including a paint booth within closed building.
- f. Bottling plants confined to closed building.
- g. Caretaker Living Quarters. (Manufactured, Modular or Site Built.) Mobile Homes Prohibited See Part 3 Section 306 B.2.c
- h. Cemeteries for human or animal interment (See Section 308).
- i. Cleaning and dyeing plants within closed building.
- j. Commercial parking facilities.
- k. Community parks, playgrounds or centers.
- l. Custom service and craft shops.
- m. Custom tire recapping.
- n. Dispensing of gasoline and similar petroleum products from exposed storage tanks (subject to requirements of Underwriters Laboratories Inc. or similar), provided no such tank shall be located closer than 25 feet to the lot boundaries.
- o. Flood control facilities.
- p. Frozen food lockers.
- q. Historical Landmarks.
- r. In-plant restaurants as an accessory use, and including roof or landscaped patio dining facilities.
- s. Keeping of farm animals, limited (See Section 305).
- t. Lumber yards (prohibiting sawmill operations).
- u. Medical Marijuana Dispensary Off-Site Cultivation Location/Facility.(see Part 3 Section 304) (Definition: See Part 1 Section 103)
- v. Mortuary
- w. Motion picture productions, radio and television studios.
- x. Other accessory uses commonly associated with primary permitted use. (See Section 301 C.)
- y. Religious institutions (in permanent buildings).
- z. Warehouses.
- aa. Water distillation and bottling for retail sales only.

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- bb. Microbreweries or Wineries for the manufacture and processing of beer or wine respectively for wholesale distribution.
3. Uses and Structures Subject to Use Permit
- a. Government facilities and facilities required for the provision of utilities and public services.
 - b. Transmitter stations and towers for automatic transmitting.
 - c. Temporary Use Permits, subject to administrative approval (See Section 601.C):
 - 1) Occupancy of temporary housing, including travel trailers, during the construction of a permanent dwelling is allowed during the 12-month period after issuance of a building permit.
 - 2) Model homes, temporary offices (construction and pre-construction sales offices/showrooms), construction sheds and yards incidental to a recorded residential development or other construction project (subject to District setbacks) for a period not to exceed 12 months.

SECTION 303 - HOME OCCUPATIONS

Limited business use in residential premises is permitted as accessory use to the principal living quarters, subject to the following:

A. Allowed Business Activity:

Activity incidental to the primary residential use which does not change the character of the neighborhood by detectable lighting, noise, or appearance associated with the activity.

1. Home office activities associated with employment conducted elsewhere.
2. Practicing an occupation, profession or business that can be conducted without negative impact on the residential neighborhood.
3. Personal services, such as beautician or barber; business consultation, such as financial advice, tax preparation, accounting, insurance or real estate; by appointment only.

B. Requirements for Home Occupations:

Limitations on home businesses include the following:

1. Not more than one outside employee (not residing on the premises). An additional employee may be permitted, subject to Use Permit approval.
2. Sales (retail or wholesale) or storage of inventory not required for on-site business practice is prohibited.
3. Floor area devoted to business use is limited to 25% of the total floor area of structure(s) on the premises in which the home occupation is conducted.
4. Appropriate access and parking spaces shall be provided for business invitees and any outside employees in addition to those required for the residence (See Section 403, Parking).
5. Signage for a home occupation is limited to identification as specified in Section 404F "Nameplate".

SECTION 304 – MEDICAL MARIJUANA FACILITIES

The requirements as listed below will apply to both Medical Marijuana Dispensaries and Medical Marijuana Dispensary Off-site Cultivation Location/Facility.

A. Requirements

1. In addition to the rules of the Arizona Department of Health Services, all Medical Marijuana Dispensaries and Medical Marijuana Dispensary Off-Site Cultivation Location/Facilities shall be no less than 500' from any Day Care facility for children.
2. Medical Marijuana Infusion facilities shall only be permitted within a Medical Marijuana Dispensary or at a Medical Marijuana Dispensary Off-Site Cultivation Location.

B. SEE PART 1 SECTION 103 FOR THE FOLLOWING DEFINITION OF TERMS:

1. Medical Marijuana (see Part 1 Section 103)
2. Medical Marijuana Designated Caregiver Cultivation Location. (see Part 1 Section 103)
3. Medical Marijuana Dispensary. (see Part 1 Section 103)
4. Medical Marijuana Dispensary Off-Site Cultivation Location. (see Part 1 Section 103)
5. Medical Marijuana Infusion Facility. (see Part 1 Section 103)
6. Medical Marijuana Qualifying Patient. (see Part 1 Section 103)
7. Medical Marijuana Qualifying Patient Cultivation Location. (see Part 1 Section 103)

SECTION 305 - ANIMALS

Keeping of farm animals in appropriate locations and circumstances is regarded as being consistent with the Town's rural character. However, the number, size, type or manner in which animals are maintained on any parcel shall not impair the enjoyment or use of nearby properties or violate other legal restrictions to which the properties are subject. Any lot where farm animals are kept must be not less than one-half acre (21,780 sq ft.) in area.

A. Allowed Livestock:

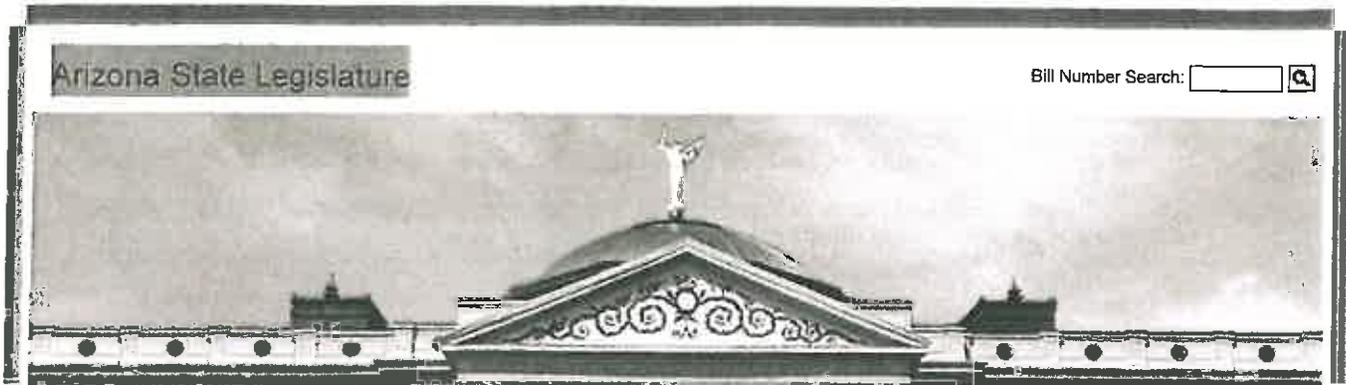
Any of the species listed below which are cared for by the property owner or occupant according to the following Animal Points. All livestock activity within the Town limits will be considered an accessory use to the principal use on any parcel except in the Agriculture District.

1. Lots of one-half acre to one acre in area may maintain animals totaling up to 24 points as set forth below.
2. Lots of one acre or more may increase the allowable number of points by an increment of six points for each additional, contiguous quarter acre.

B. Animal Points Allowed per Acreage

The allowable type and number of animals permitted on a particular property is computed by the following allotment table:

SPECIES (or associated types)	POINTS	SPECIES (or associated types)	POINTS
Alpacas:	3 POINTS	Miniature horses, Ponies and Sicilian donkeys:	6 POINTS
Emus:	3 POINTS	Ostriches:	6 POINTS
Pygmy goats:	3 POINTS	Cattle:	12 POINTS
Sheep, Goats:	4 POINTS	Domestic deer:	12 POINTS
Llamas:	6 POINTS	Horses, Mules, and Donkeys	12 POINTS



Fifty-first Legislature - First Regular Session

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36-2801. Definitions

(Caution: 1998 Prop. 105 applies)

In this chapter, unless the context otherwise requires:

1. "Allowable amount of marijuana"

(a) With respect to a qualifying patient, the "allowable amount of marijuana" means:

(i) Two-and-one-half ounces of usable marijuana; and

(ii) If the qualifying patient's registry identification card states that the qualifying patient is authorized to cultivate marijuana, twelve marijuana plants contained in an enclosed, locked facility except that the plants are not required to be in an enclosed, locked facility if the plants are being transported because the qualifying patient is moving.

(b) With respect to a designated caregiver, the "allowable amount of marijuana" for each patient assisted by the designated caregiver under this chapter means:

(i) Two-and-one-half ounces of usable marijuana; and

(ii) If the designated caregiver's registry identification card provides that the designated caregiver is authorized to cultivate marijuana, twelve marijuana plants contained in an enclosed, locked facility except that the plants are not required to be in an enclosed, locked facility if the plants are being transported because the designated caregiver is moving.

(c) Marijuana that is incidental to medical use, but is not usable marijuana as defined in this chapter, shall not be counted toward a qualifying patient's or designated caregiver's allowable amount of marijuana.

2. "Cardholder" means a qualifying patient, a designated caregiver or a nonprofit medical marijuana dispensary agent who has been issued and possesses a valid registry identification card.

3. "Debilitating medical condition" means one or more of the following:

(a) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, crohn's disease, agitation of alzheimer's disease or the treatment of these conditions.

(b) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including those characteristic of epilepsy; or severe and persistent muscle spasms, including those characteristic of multiple sclerosis.

(c) Any other medical condition or its treatment added by the department pursuant to section 36-2801.01.

4. "Department" means the Arizona department of health services or its successor agency.

5. "Designated caregiver" means a person who:

(a) Is at least twenty-one years of age.

(b) Has agreed to assist with a patient's medical use of marijuana.

(c) Has not been convicted of an excluded felony offense.

(d) Assists no more than five qualifying patients with the medical use of marijuana.

(e) May receive reimbursement for actual costs incurred in assisting a registered qualifying patient's medical use of marijuana if the registered designated caregiver is connected to the registered qualifying patient through the department's registration process. The designated caregiver may not be paid any fee or compensation for his service as a caregiver. Payment for costs under this subdivision shall not constitute an offense under title 13, chapter 34 or under title 36, chapter 27, article 4.

6. "Enclosed, locked facility" means a closet, room, greenhouse or other enclosed area equipped with locks or other security devices that permit access only by a cardholder.

7. "Excluded felony offense" means:

(a) A violent crime as defined in section 13-901.03, subsection B, that was classified as a felony in the jurisdiction where the person was convicted.

(b) A violation of a state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted but does not include:

(i) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten or more years earlier.

(ii) An offense involving conduct that would be immune from arrest, prosecution or penalty under section 36-2811 except that the conduct occurred before the effective date of this chapter or was prosecuted by an authority other than the state of Arizona.

8. "Marijuana" means all parts of any plant of the genus cannabis whether growing or not, and the seeds of such plant.

9. "Medical use" means the acquisition, possession, cultivation, manufacture, use, administration, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

10. "Nonprofit medical marijuana dispensary agent" means a principal officer, board member, employee or volunteer of a nonprofit medical marijuana dispensary who is at least twenty-one years of age and has not been convicted of an excluded felony offense.

11. "Nonprofit medical marijuana dispensary" means a not-for-profit entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to cardholders. A nonprofit medical marijuana dispensary may receive payment for all expenses incurred in its operation.

12. "Physician" means a doctor of medicine who holds a valid and existing license to practice medicine pursuant to title 32, chapter 13 or its successor, a doctor of osteopathic medicine who holds a valid and existing license to practice osteopathic medicine pursuant to title 32, chapter 17 or its successor, a naturopathic physician who holds a valid and existing license to practice naturopathic medicine pursuant to title 32, chapter 14 or its successor or a homeopathic physician who holds a valid and existing license to practice homeopathic medicine pursuant to title 32, chapter 29 or its successor.

13. "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.

14. "Registry identification card" means a document issued by the department that identifies a person as a registered qualifying patient, registered designated caregiver or a registered nonprofit medical marijuana dispensary agent.

15. "Usable marijuana" means the dried flowers of the marijuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks and roots of the plant and does not include the weight of any non-marijuana ingredients combined with marijuana and prepared for consumption as food or drink.

16. "Verification system" means a secure, password-protected, web-based system established and maintained by the department that is available to law enforcement personnel and nonprofit medical marijuana dispensary agents on a twenty-four hour basis for verification of registry identification cards.

17. "Visiting qualifying patient" means a person:

(a) Who is not a resident of Arizona or who has been a resident of Arizona less than thirty days.

(b) Who has been diagnosed with a debilitating medical condition by a person who is licensed with authority to prescribe drugs to humans in the state of the person's residence or, in the case of a person who has been a resident of Arizona less than thirty days, the state of the person's former residence.

18. "Written certification" means a document dated and signed by a physician, stating that in the physician's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition. The physician must:

(a) Specify the qualifying patient's debilitating medical condition in the written certification.

(b) Sign and date the written certification only in the course of a physician-patient relationship after the physician has completed a full assessment of the qualifying patient's medical history.



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36-2801.01. Addition of debilitating medical conditions

(Caution: 1998 Prop. 105 applies)

The public may petition the department to add debilitating medical conditions or treatments to the list of debilitating medical conditions set forth in section 36-2801, paragraph 3. The department shall consider petitions in the manner required by department rule, including public notice and hearing. The department shall approve or deny a petition within one-hundred-eighty days of its submission. The approval or denial of a petition is a final decision of the department subject to judicial review pursuant to title 12, chapter 7, article 6. Jurisdiction and venue are vested in the superior court.



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36-2802. Arizona Medical Marijuana Act: limitations

(Caution: 1998 Prop. 105 applies)

This chapter does not authorize any person to engage in, and does not prevent the imposition of any civil, criminal or other penalties for engaging in, the following conduct:

- A. Undertaking any task under the influence of marijuana that would constitute negligence or professional malpractice.
- B. Possessing or engaging in the medical use of marijuana:
 - 1. On a school bus.
 - 2. On the grounds of any preschool or primary or secondary school.
 - 3. In any correctional facility.
- C. Smoking marijuana:
 - 1. On any form of public transportation.
 - 2. In any public place.
- D. Operating, navigating or being in actual physical control of any motor vehicle, aircraft or motorboat while under the influence of marijuana, except that a registered qualifying patient shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.
- E. Using marijuana except as authorized under this chapter.

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36-2803. Rulemaking
(Caution: 1998 Prop. 105 applies)

A. Not later than one hundred twenty days after the effective date of this chapter, the department shall adopt rules:

1. Governing the manner in which the department shall consider petitions from the public to add debilitating medical conditions or treatments to the list of debilitating medical conditions set forth in section 36-2801, paragraph 3, including public notice of, and an opportunity to comment in a public hearing upon, petitions.
2. Establishing the form and content of registration and renewal applications submitted under this chapter.
3. Governing the manner in which it shall consider applications for and renewals of registry identification cards.
4. Governing nonprofit medical marijuana dispensaries, for the purpose of protecting against diversion and theft without imposing an undue burden on nonprofit medical marijuana dispensaries or compromising the confidentiality of cardholders, including:
 - (a) The manner in which the department shall consider applications for and renewals of registration certificates.
 - (b) Minimum oversight requirements for nonprofit medical marijuana dispensaries.
 - (c) Minimum recordkeeping requirements for nonprofit medical marijuana dispensaries.
 - (d) Minimum security requirements for nonprofit medical marijuana dispensaries, including requirements for protection of each registered nonprofit medical marijuana dispensary location by a fully operational security alarm system.
 - (e) Procedures for suspending or revoking the registration certificate of nonprofit medical marijuana dispensaries that violate the provisions of this chapter or the rules adopted pursuant to this section.
5. Establishing application and renewal fees for registry identification cards and nonprofit medical marijuana dispensary registration certificates, according to the following:
 - (a) The total amount of all fees shall generate revenues sufficient to implement and administer this chapter except that fee revenue may be offset or supplemented by private donations.
 - (b) Nonprofit medical marijuana dispensary application fees may not exceed \$5,000.
 - (c) Nonprofit medical marijuana dispensary renewal fees may not exceed \$1,000.
 - (d) The total amount of revenue from nonprofit medical marijuana dispensary application and renewal fees and registry identification card fees for nonprofit medical marijuana dispensary agents shall be sufficient to implement and administer the nonprofit medical marijuana dispensary provisions of this chapter, including the verification system, except that the fee revenue may be offset or supplemented by private donations.
 - (e) The department may establish a sliding scale of patient application and renewal fees based upon a qualifying patient's household income.
 - (f) The department may consider private donations under section 36-2817 to reduce application and renewal fees.

B. The department is authorized to adopt the rules set forth in subsection A and shall adopt those rules pursuant to title 41, chapter 6.

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36-2804. Registration and certification of nonprofit medical marijuana dispensaries
(Caution: 1998 Prop. 105 applies)

A. Nonprofit medical marijuana dispensaries shall register with the department.
B. Not later than ninety days after receiving an application for a nonprofit medical marijuana dispensary, the department shall register the nonprofit medical marijuana dispensary and issue a registration certificate and a random 20-digit alphanumeric identification number if:

1. The prospective nonprofit medical marijuana dispensary has submitted the following:
 - (a) The application fee.
 - (b) An application, including:
 - (i) The legal name of the nonprofit medical marijuana dispensary.
 - (ii) The physical address of the nonprofit medical marijuana dispensary and the physical address of one additional location, if any, where marijuana will be cultivated, neither of which may be within five hundred feet of a public or private school existing before the date of the nonprofit medical marijuana dispensary application.
 - (iii) The name, address and date of birth of each principal officer and board member of the nonprofit medical marijuana dispensary.
 - (iv) The name, address and date of birth of each nonprofit medical marijuana dispensary agent.
 - (c) Operating procedures consistent with department rules for oversight of the nonprofit medical marijuana dispensary, including procedures to ensure accurate record-keeping and adequate security measures.
 - (d) If the city, town or county in which the nonprofit medical marijuana dispensary would be located has enacted zoning restrictions, a sworn statement certifying that the registered nonprofit medical marijuana dispensary is in compliance with the restrictions.
2. None of the principal officers or board members has been convicted of an excluded felony offense.
3. None of the principal officers or board members has served as a principal officer or board member for a registered nonprofit medical marijuana dispensary that has had its registration certificate revoked.
4. None of the principal officers or board members is under twenty-one years of age.

C. The department may not issue more than one nonprofit medical marijuana dispensary registration certificate for every ten pharmacies that have registered under section 32-1929, have obtained a pharmacy permit from the Arizona board of pharmacy and operate within the state except that the department may issue nonprofit medical marijuana dispensary registration certificates in excess of this limit if necessary to ensure that the department issues at least one nonprofit medical marijuana dispensary registration certificate in each county in which an application has been approved.

D. The department may conduct a criminal records check in order to carry out this section.

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36-2804.01. Registration of nonprofit medical marijuana dispensary agents; notices; civil penalty; classification
(Caution: 1998 Prop. 105 applies)

A. A nonprofit medical marijuana dispensary agent shall be registered with the department before volunteering or working at a medical marijuana dispensary.

B. A nonprofit medical marijuana dispensary may apply to the department for a registry identification card for a nonprofit medical marijuana dispensary agent by submitting:

1. The name, address and date of birth of the nonprofit medical marijuana dispensary agent.
2. A nonprofit medical marijuana dispensary agent application.
3. A statement signed by the prospective nonprofit medical marijuana dispensary agent pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter.
4. The application fee.

C. A registered nonprofit medical marijuana dispensary shall notify the department within ten days after a nonprofit medical marijuana dispensary agent ceases to be employed by or volunteer at the registered nonprofit medical marijuana dispensary.

D. No person who has been convicted of an excluded felony offense may be a nonprofit medical marijuana dispensary agent.

E. The department may conduct a criminal records check in order to carry out this section.

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36-2804.02. Registration of qualifying patients and designated caregivers
(Caution: 1998 Prop. 105 applies)

A. A qualifying patient may apply to the department for a registry identification card by submitting:

1. Written certification issued by a physician within the ninety days immediately preceding the date of application.
2. The application fee.
3. An application, including:
 - (a) Name, mailing address, residence address and date of birth of the qualifying patient except that if the applicant is homeless no address is required.
 - (b) Name, address and telephone number of the qualifying patient's physician.
 - (c) Name, address and date of birth of the qualifying patient's designated caregiver, if any.
 - (d) A statement signed by the qualifying patient pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter.
 - (e) A signed statement from the designated caregiver, if any, agreeing to be the patient's designated caregiver and pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter.
 - (f) A designation as to who will be allowed to cultivate marijuana plants for the qualifying patient's medical use if a registered nonprofit medical marijuana dispensary is not operating within twenty-five miles of the qualifying patient's home.

B. The application for a qualifying patient's registry identification card shall ask whether the patient would like the department to notify him of any clinical studies needing human subjects for research on the medical use of marijuana. The department shall notify interested patients if it is notified of studies that will be conducted in the United States.

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36-2804.03. Issuance of registry identification cards

(Caution: 1998 Prop. 105 applies)

A. Except as provided in subsection B and in section 36-2804.05, the department shall:

1. Verify the information contained in an application or renewal submitted pursuant to this chapter and approve or deny an application or renewal within ten days of receiving a completed application or renewal.
2. Issue a registry identification card to a qualifying patient and his designated caregiver, if any, within five days of approving the application or renewal. A designated caregiver must have a registry identification card for each of his qualifying patients.
3. Issue each nonprofit medical marijuana dispensary agent a registry identification card and log-in information for the verification system within five days of approving the application or renewal.

B. The department may not issue a registry identification card to a qualifying patient who is under the age of eighteen unless:

1. The qualifying patient's physician has explained the potential risks and benefits of the medical use of marijuana to the custodial parent or legal guardian responsible for health care decisions for the qualifying patient.
2. A custodial parent or legal guardian responsible for health care decisions for the qualifying patient submits a written certification from two physicians.
3. The custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient consents in writing to:
 - (a) Allow the qualifying patient's medical use of marijuana.
 - (b) Serve as the qualifying patient's designated caregiver.
 - (c) Control the acquisition of the marijuana, the dosage and the frequency of the medical use of marijuana by the qualifying patient.

C. A registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth or insular possession of the United States that allows a visiting qualifying patient to possess or use marijuana for medical purposes in the jurisdiction of issuance has the same force and effect when held by a visiting qualifying patient as a registry identification card issued by the department, except that a visiting qualifying patient is not authorized to obtain marijuana from a nonprofit medical marijuana dispensary.



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36-2804.04. Registry identification cards

(Caution: 1998 Prop. 105 applies)

A. Registry identification cards for qualifying patients and designated caregivers shall contain all of the following:

1. Name, address and date of birth of the cardholder.
2. A statement of whether the cardholder is a qualifying patient or a designated caregiver.
3. The date of issuance and expiration date of the registry identification card.
4. A random 20-digit alphanumeric identification number, containing at least four numbers and at least four letters, that is unique to the cardholder.
5. If the cardholder is a designated caregiver, the random identification number of the registered qualifying patient the designated caregiver is assisting.
6. A photograph of the cardholder.
7. A clear indication of whether the cardholder has been authorized by this chapter to cultivate marijuana plants for the qualifying patient's medical use.

B. Registry identification cards for nonprofit medical marijuana dispensary agents shall contain the following:

1. The name, address and date of birth of the nonprofit medical marijuana dispensary agent.
2. A statement that the cardholder is a nonprofit medical marijuana dispensary agent.
3. The legal name of the registered nonprofit medical marijuana dispensary with which the nonprofit medical marijuana dispensary agent is affiliated.
4. A random 20-digit alphanumeric identification number that is unique to the cardholder.
5. The date of issuance and expiration date of the registry identification card.
6. A photograph, if the department decides to require one.

C. If the registry identification card of either a qualifying patient or the patient's designated caregiver does not state that the cardholder is authorized to cultivate marijuana plants, then the department must give written notice to the registered qualifying patient, when the qualifying patient's registry identification card is issued, of the name and address of all registered nonprofit medical marijuana dispensaries.



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36-2804.05. Denial of registry identification card

(Caution: 1998 Prop. 105 applies)

A. The department may deny an application or renewal of a qualifying patient's registry identification card only if the applicant:

1. Does not meet the requirements of section 36-2801, paragraph 13.
2. Does not provide the information required.
3. Previously had a registry identification card revoked for violating this chapter.
4. Provides false information.

B. The department may deny an application or renewal of a designated caregiver's registry identification card if the applicant:

1. Does not meet the requirements of section 36-2801, paragraph 5.
2. Does not provide the information required.
3. Previously had a registry identification card revoked for violating this chapter.
4. Provides false information.

C. The department may deny a registry identification card to a nonprofit medical marijuana dispensary agent if:

1. The agent applicant does not meet the requirements of section 36-2801(10).
2. The applicant or dispensary did not provide the required information.
3. Previously had a registry identification card revoked for violating this chapter.
4. The applicant or dispensary provides false information.

D. The department may conduct a criminal records check of each designated caregiver or nonprofit medical marijuana dispensary agent applicant to carry out this section.

E. The department shall give written notice to the registered nonprofit medical marijuana dispensary of the reason for denying a registry identification card to a nonprofit medical marijuana dispensary agent.

F. The department shall give written notice to the qualifying patient of the reason for denying a registry identification card to the qualifying patient's designated caregiver.

G. Denial of an application or renewal is considered a final decision of the department subject to judicial review pursuant to title 12, chapter 7, article 6. Jurisdiction and venue for judicial review are vested in the superior court.



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36-2804.06. Expiration and renewal of registry identification cards and registration certificates; replacement

(Caution: 1998 Prop. 105 applies)

A. All registry identification cards and registration certificates expire one year after date of issue.

B. A registry identification card of a nonprofit medical marijuana dispensary agent shall be cancelled and his access to the verification system shall be deactivated upon notification to the department by a registered nonprofit medical marijuana dispensary that the nonprofit medical marijuana dispensary agent is no longer employed by or no longer volunteers at the registered nonprofit medical marijuana dispensary.

C. A renewal nonprofit medical marijuana dispensary registration certificate shall be issued within ten days of receipt of the prescribed renewal application and renewal fee from a registered nonprofit medical marijuana dispensary if its registration certificate is not under suspension and has not been revoked.

D. If a cardholder loses his registry identification card, he shall promptly notify the department. Within five days of the notification, and upon payment of a ten dollar fee, the department shall issue a new registry identification card with a new random identification number to the cardholder and, if the cardholder is a registered qualifying patient, to the registered qualifying patient's registered designated caregiver, if any.



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36-2805. Facility restrictions

(Caution: 1998 Prop. 105 applies)

A. Any nursing care institution, hospice, assisted living center, assisted living facility, assisted living home, residential care institution, adult day health care facility or adult foster care home licensed under title 36, chapter 4, may adopt reasonable restrictions on the use of marijuana by their residents or persons receiving inpatient services, including:

1. That the facility will not store or maintain the patient's supply of marijuana.
2. That the facility, caregivers or hospice agencies serving the facility's residents are not responsible for providing the marijuana for qualifying patients.
3. That marijuana be consumed by a method other than smoking.
4. That marijuana be consumed only in a place specified by the facility.

B. Nothing in this section requires a facility listed in subsection A to adopt restrictions on the medical use of marijuana.

C. A facility listed in subsection A may not unreasonably limit a registered qualifying patient's access to or use of marijuana authorized under this chapter unless failing to do so would cause facility to lose a monetary or licensing-related benefit under federal law or regulations.



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36-2806. Registered nonprofit medical marijuana dispensaries; requirements (Caution: 1998 Prop. 105 applies)

- A. A registered nonprofit medical marijuana dispensary shall be operated on a not-for-profit basis. The bylaws of a registered nonprofit medical marijuana dispensary shall contain such provisions relative to the disposition of revenues and receipts to establish and maintain its nonprofit character. A registered nonprofit medical marijuana dispensary need not be recognized as tax-exempt by the internal revenue service and is not required to incorporate pursuant to title 10, chapter 19, article 1.
- B. The operating documents of a registered nonprofit medical marijuana dispensary shall include procedures for the oversight of the registered nonprofit medical marijuana dispensary and procedures to ensure accurate recordkeeping.
- C. A registered nonprofit medical marijuana dispensary shall have a single secure entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.
- D. A registered nonprofit medical marijuana dispensary is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to assist registered qualifying patients with the medical use of marijuana directly or through the registered qualifying patients' designated caregivers.
- E. All cultivation of marijuana must take place in an enclosed, locked facility at a physical address provided to the department during the registration process, which can only be accessed by registered nonprofit medical marijuana dispensary agents associated in the registry with the nonprofit medical marijuana dispensary.
- F. A registered nonprofit medical marijuana dispensary may acquire usable marijuana or marijuana plants from a registered qualifying patient or a registered designated caregiver only if the registered qualifying patient or registered designated caregiver receives no compensation for the marijuana.
- G. A nonprofit medical marijuana dispensary shall not permit any person to consume marijuana on the property of a nonprofit medical marijuana dispensary.
- H. Registered nonprofit medical marijuana dispensaries are subject to reasonable inspection by the department. The department shall give reasonable notice of an inspection under this subsection.

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36-2806.01. Dispensary locations
(Caution: 1998 Prop. 105 applies)

Cities, towns and counties may enact reasonable zoning regulations that limit the use of land for registered nonprofit medical marijuana dispensaries to specified areas in the manner provided in title 9, chapter 4, article 6.1, and title 11, chapter 6, article 2.



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36-2806.02. Dispensing marijuana for medical use

(Caution: 1998 Prop. 105 applies)

A. Before marijuana may be dispensed to a registered designated caregiver or a registered qualifying patient, a nonprofit medical marijuana dispensary agent must access the verification system and determine for the registered qualifying patient for whom the marijuana is intended and any registered designated caregiver transporting the marijuana to the patient, that:

1. The registry identification card presented to the registered nonprofit medical marijuana dispensary is valid.
2. Each person presenting a registry identification card is the person identified on the registry identification card presented to the nonprofit medical marijuana dispensary agent.
3. The amount to be dispensed would not cause the registered qualifying patient to exceed the limit on obtaining no more than two-and-one-half ounces of marijuana during any fourteen-day period.

B. After making the determinations required in subsection A, but before dispensing marijuana to a registered qualifying patient or a registered designated caregiver on a registered qualifying patient's behalf, a nonprofit medical marijuana dispensary agent must enter the following information in the verification system:

1. How much marijuana is being dispensed to the registered qualifying patient.
2. Whether it was dispensed directly to the registered qualifying patient or to the registered qualifying patient's registered designated caregiver.
3. The date and time the marijuana was dispensed.
4. The registry identification card number of the nonprofit medical marijuana dispensary and of the nonprofit medical marijuana dispensary agent who dispensed the marijuana.



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(Caution: 1998 Prop. 105 applies)

A. Within one hundred twenty days of the effective date of this chapter, the department shall establish a secure, password-protected, web-based verification system for use on a twenty-four hour basis by law enforcement personnel, nonprofit medical marijuana dispensary agents and employers to verify registry identification cards. An employer may use the verification system only to verify a registry identification card that is provided to the employer by a current employee or by an applicant who has received a conditional offer of employment.

B. The verification system must allow law enforcement personnel and nonprofit medical marijuana dispensary agents to enter a registry identification number and verify whether the number corresponds with a current, valid identification card.

C. The system shall disclose:

1. The name of the cardholder, but must not disclose the cardholder's address.
2. The amount of marijuana that each registered qualifying patient received from nonprofit medical marijuana dispensaries during the past sixty days.

D. The verification system must include the following data security features:

1. Any time an authorized user enters five invalid registry identification numbers within five minutes, that user cannot log in to the system again for ten minutes.
2. A user's log-in information shall be deactivated after five incorrect login attempts until the authorized user contacts the department and verifies the user's identity.
3. The server must reject any log-in request that is not over an encrypted connection.



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36-2808. Notifications to department; civil penalty
(Caution: 1998 Prop. 105 applies)

A. A registered qualifying patient shall notify the department within ten days of any change in the registered qualifying patient's name, address, designated caregiver or preference regarding who may cultivate marijuana for the registered qualifying patient or if the registered qualifying patient ceases to have his debilitating medical condition.

B. A registered designated caregiver or nonprofit medical marijuana dispensary agent shall notify the department within ten days of any change in his name or address.

C. When a cardholder notifies the department of any changes listed in subsection A but remains eligible under this chapter, the department shall issue the cardholder a new registry identification card with new random 20-digit alphanumeric identification numbers within ten days of receiving the updated information and a ten-dollar fee. If the person notifying the department is a registered qualifying patient, the department shall also issue his registered designated caregiver, if any, a new registry identification card within ten days of receiving the updated information.

D. If the registered qualifying patient's certifying physician notifies the department in writing that either the registered qualifying patient has ceased to suffer from a debilitating medical condition or that the physician no longer believes the patient would receive therapeutic or palliative benefit from the medical use of marijuana, the card is void upon notification by the department to the qualifying patient.

E. When a registered qualifying patient ceases to be a registered qualifying patient or changes registered designated caregiver, the department shall promptly notify the former designated caregiver that his duties and rights under this chapter as to that qualifying patient expire fifteen days after notification by the department is sent.

F. A registered qualifying patient, designated caregiver or nonprofit medical marijuana dispensary agent who fails to comply with subsection A or B is subject to a civil penalty of not more than one hundred fifty dollars.



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36-2809. Annual report

(Caution: 1998 Prop. 105 applies)

The department shall submit to the legislature an annual report that does not disclose any identifying information about cardholders, nonprofit medical marijuana dispensaries or physicians but contains at least all of the following information:

1. The number of registry identification card applications and renewals.
2. The number of qualifying patients and designated caregivers approved in each county.
3. The nature of the debilitating medical conditions of the qualifying patients.
4. The number of registry identification cards revoked.
5. The number of physicians providing written certifications for qualifying patients.
6. The number of registered nonprofit medical marijuana dispensaries.
7. The number of nonprofit medical marijuana dispensary agents in each county.



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36-2810. Confidentiality

(Caution: 1998 Prop 105 applies)

A. The following information received and records kept by the department for purposes of administering this chapter are confidential, exempt from title 39, chapter 1, article 2, exempt from section 36-105 and not subject to disclosure to any individual or public or private entity, except as necessary for authorized employees of the department to perform official duties of the department pursuant to this chapter:

1. Applications or renewals, their contents and supporting information submitted by qualifying patients and designated caregivers, including information regarding their designated caregivers and physicians.
2. Applications or renewals, their contents and supporting information submitted by or on behalf of nonprofit medical marijuana dispensaries in compliance with this chapter, including the physical addresses of nonprofit medical marijuana dispensaries.
3. The individual names and other information identifying persons to whom the department has issued registry identification cards.

B. Any dispensing information required to be kept under section 36-2806.02, subsection B or department regulation shall identify cardholders by their registry identification numbers and not contain names or other personally identifying information.

C. Any department hard drives or other data recording media that are no longer in use and that contain cardholder information must be destroyed. The department shall retain a signed statement from a department employee confirming the destruction.

D. Data subject to this section shall not be combined or linked in any manner with any other list or database and shall not be used for any purpose not provided for in this chapter.

E. This section does not preclude the following notifications:

1. Department employees may notify law enforcement about falsified or fraudulent information submitted to the department if the employee who suspects that falsified or fraudulent information has been submitted has conferred with the employee's supervisor and both agree that the circumstances warrant reporting.
2. The department may notify state or local law enforcement about apparent criminal violations of this chapter if the employee who suspects the offense has conferred with the employee's supervisor and both agree that the circumstances warrant reporting.
3. Nonprofit medical marijuana dispensary agents may notify the department of a suspected violation or attempted violation of this chapter or department rules.
4. The department may notify the Arizona medical board, the Arizona board of osteopathic examiners in medicine and surgery, the naturopathic physicians medical board and the board of homeopathic and integrated medicine examiners if the department believes a physician has committed an act of unprofessional conduct as prescribed by the appropriate board's statutes because of the licensee's failure to comply with the requirements of this chapter or rules adopted pursuant to this chapter.

F. This section does not preclude submission of the section 36-2809 report to the legislature. The annual report submitted to the legislature is subject to title 39, chapter 1, article 2.



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36-2811. Presumption of medical use of marijuana; protections; civil penalty

(Caution: 1998 Prop. 105 applies)

A. There is a presumption that a qualifying patient or designated caregiver is engaged in the medical use of marijuana pursuant to this chapter.

1. The presumption exists if the qualifying patient or designated caregiver:

(a) Is in possession of a registry identification card.

(b) Is in possession of an amount of marijuana that does not exceed the allowable amount of marijuana.

2. The presumption may be rebutted by evidence that conduct related to marijuana was not for the purpose of treating or alleviating the qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition pursuant to this chapter.

B. A registered qualifying patient or registered designated caregiver is not subject to arrest, prosecution or penalty in any manner, or denial of any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau:

1. For the registered qualifying patient's medical use of marijuana pursuant to this chapter, if the registered qualifying patient does not possess more than the allowable amount of marijuana.

2. For the registered designated caregiver assisting a registered qualifying patient to whom he is connected through the department's registration process with the registered qualifying patient's medical use of marijuana pursuant to this chapter if the registered designated caregiver does not possess more than the allowable amount of marijuana.

3. For offering or providing marijuana to a registered qualifying patient or a registered designated caregiver for the registered qualifying patient's medical use or to a registered nonprofit medical marijuana dispensary if nothing of value is transferred in return and the person giving the marijuana does not knowingly cause the recipient to possess more than the allowable amount of marijuana.

C. A physician shall not be subject to arrest, prosecution or penalty in any manner or denied any right or privilege, including but not limited to civil penalty or disciplinary action by the Arizona board of medical examiners or by any other business, occupational or professional licensing board or bureau, based solely on providing written certifications or for otherwise stating that, in the physician's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition, but nothing in this chapter prevents a professional licensing board from sanctioning a physician for failing to properly evaluate a patient's medical condition or otherwise violating the standard of care for evaluating medical conditions.

D. No person may be subject to arrest, prosecution or penalty in any manner, or denied any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for:

1. Providing a registered qualifying patient, a registered designated caregiver or a registered nonprofit medical marijuana dispensary with marijuana paraphernalia for purposes of a qualifying patient's medical use of marijuana.

2. Being in the presence or vicinity of the medical use of marijuana authorized under this chapter.

3. Assisting a registered qualifying patient with administering marijuana as authorized by this chapter.

E. A registered nonprofit medical marijuana dispensary is not subject to prosecution; search or inspection, except by the department pursuant to section 36-2806, subsection H; seizure or penalty in any manner and may not be denied any right or privilege, including civil penalty or disciplinary action by a court or business licensing board or entity, for acting pursuant to this chapter and department regulations to



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36-2813. Discrimination prohibited
(Caution: 1998 Prop. 105 applies)

A. No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for his status as a cardholder, unless failing to do so would cause the school or landlord to lose a monetary or licensing related benefit under federal law or regulations.

B. Unless a failure to do so would cause an employer to lose a monetary or licensing related benefit under federal law or regulations, an employer may not discriminate against a person in hiring, termination or imposing any term or condition of employment or otherwise penalize a person based upon either:

1. The person's status as a cardholder.
2. A registered qualifying patient's positive drug test for marijuana components or metabolites, unless the patient used, possessed or was impaired by marijuana on the premises of the place of employment or during the hours of employment.

C. For the purposes of medical care, including organ transplants, a registered qualifying patient's authorized use of marijuana must be considered the equivalent of the use of any other medication under the direction of a physician and does not constitute the use of an illicit substance or otherwise disqualify a registered qualifying patient from medical care.

D. No person may be denied custody of or visitation or parenting time with a minor, and there is no presumption of neglect or child endangerment for conduct allowed under this chapter, unless the person's behavior creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.



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36-2814. Acts not required; acts not prohibited

(Caution: 1998 Prop. 105 applies)

A. Nothing in this chapter requires:

1. A government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of marijuana.
2. Any person or establishment in lawful possession of property to allow a guest, client, customer or other visitor to use marijuana on or in that property.
3. An employer to allow the ingestion of marijuana in any workplace or any employee to work while under the influence of marijuana, except that a registered qualifying patient shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.

B. Nothing in this chapter prohibits an employer from disciplining an employee for ingesting marijuana in the workplace or working while under the influence of marijuana.



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36-2815. Revocation

(Caution: 1998 Prop. 105 applies)

A. The department shall immediately revoke the registry identification card of a nonprofit medical marijuana dispensary agent who violates section 36-2804.01, subsection D, or section 36-2816, subsection B. The department shall suspend or revoke the registry identification card of a nonprofit medical marijuana dispensary agent for other violations of this chapter.

B. The department shall immediately revoke the registration certificate of a registered nonprofit medical marijuana dispensary that violates section 2816, subsections B or C, and its board members and principal officers may not serve as the board members or principal officers for any other registered nonprofit medical marijuana dispensary.

C. Any cardholder who sells marijuana to a person who is not allowed to possess marijuana for medical purposes under this chapter shall have his registry identification card revoked, and shall be subject to other penalties for the unauthorized sale of marijuana and other applicable offenses.

D. The department may revoke the registry identification card of any cardholder who knowingly violates this chapter, and the cardholder shall be subject to other penalties for the applicable offense.

E. Revocation is a final decision of the department subject to judicial review pursuant to title 12, chapter 7, article 6. Jurisdiction and venue are vested in the superior court.



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36-2816. Violations; civil penalty; classification

(Caution: 1998 Prop. 105 applies)

- A. A registered qualifying patient may not directly, or through his designated caregiver, obtain more than two-and-one-half ounces of marijuana from registered nonprofit medical marijuana dispensaries in any fourteen-day period.
- B. A registered nonprofit medical marijuana dispensary or agent may not dispense, deliver or otherwise transfer marijuana to a person other than another registered nonprofit medical marijuana dispensary, a registered qualifying patient or a registered qualifying patient's registered designated caregiver.
- C. A registered nonprofit medical marijuana dispensary may not acquire usable marijuana or mature marijuana plants from any person other than another registered nonprofit medical marijuana dispensary, a registered qualifying patient or a registered designated caregiver. A knowing violation of this subsection is a class 2 felony.
- D. It is a class 1 misdemeanor for any person, including an employee or official of the department or another state agency or local government, to breach the confidentiality of information obtained pursuant to this chapter.
- E. Making false statements to a law enforcement official about any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution is subject to a civil penalty of not more than five hundred dollars, which shall be in addition to any other penalties that may apply for making a false statement or for the use of marijuana other than use undertaken pursuant to this chapter.



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36-2817. Medical marijuana fund; private donations
(Caution: 1998 Prop. 105 applies)

- A. The medical marijuana fund is established consisting of fees collected, civil penalties imposed and private donations received under this chapter. The department shall administer the fund. Monies in the fund are continuously appropriated.
- B. The director of the department may accept and spend private grants, gifts, donations, contributions and devises to assist in carrying out the provisions of this chapter.
- C. Monies in the medical marijuana fund do not revert to the state general fund at the end of a fiscal year.

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36-2818. Enforcement of this act; mandamus
(Caution: 1998 Prop. 105 applies)

A. If the department fails to adopt regulations to implement this chapter within one hundred twenty days of the effective date of this chapter, any citizen may commence a mandamus action in superior court to compel the department to perform the actions mandated under this chapter.

B. If the department fails to issue a registry identification card within forty-five days of the submission of a valid application or renewal, the registry identification card shall be deemed issued, and a copy of the registry identification card application or renewal is deemed a valid registry identification card.

C. If at any time after the one hundred forty days following the effective date of this chapter the department is not accepting applications or has not promulgated rules allowing qualifying patients to submit applications, a notarized statement by a qualifying patient containing the information required in an application pursuant to section 36-2804.02, subsection A, paragraph 3, together with a written certification issued by a physician within the ninety days immediately preceding the notarized statement, shall be deemed a valid registry identification card.

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36-2819. Fingerprinting requirements

(Caution: 1998 Prop. 105 applies)

Each person applying as a designated caregiver, a principal officer, agent or employee of a nonprofit medical marijuana dispensary or a medical marijuana dispensary agent shall submit a full set of fingerprints to the department for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and public law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation without disclosing that the records check is related to the medical marijuana act and acts permitted by it. The department shall destroy each set of fingerprints after the criminal records check is completed.

CITY OF SHOW LOW ORDINANCE NO. 2011-02

Posted: Tuesday, January 25, 2011 5:00 am

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SHOW LOW, ARIZONA, AMENDING ARTICLE 15-1, ZONING ORDINANCE, OF THE SHOW LOW CITY CODE BY ADDING SECTION 15-1-67, MEDICAL MARIJUANA-RELATED FACILITIES, AND ADOPTING THAT DOCUMENT TITLED "SECTION 15-1-67, MEDICAL MARIJUANA-RELATED FACILITIES, OF THE SHOW LOW CITY CODE" BY REFERENCE

RECITALS:

WHEREAS, Arizona Revised Statutes Section 9-802 provides for the adoption of a code or public record by reference; and

WHEREAS, certain sections of Chapter 15, Planning and Zoning, of the Show Low City Code require revisions; and

WHEREAS, Resolution No. R2011-04 has heretofore declared and adopted "Section 15-1-67, Medical Marijuana-Related Facilities, of the Show Low City Code" to be a public record; and

WHEREAS, it is the intent of this ordinance to adopt that public record titled "Section 15-1-67, Medical Marijuana-Related Facilities, of the Show Low City Code" by reference as part of the Show Low City Code.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Show Low, Navajo County, Arizona:

Section 1

Article 15-1, Zoning Ordinance, of Chapter 15, Planning and Zoning, of the Show Low City Code is hereby amended as outlined in Resolution No. R2011-04 and all ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section 2

That certain document known as "Section 15-1-67, Medical Marijuana-Related Facilities, of the Show Low City Code," three copies of which are on file in the office of the city clerk of the City of Show Low, which document was made a public record by Resolution No. R2011-04 of the City of Show Low, Arizona, is hereby referred to, adopted into the City Code, and made a part hereof as if fully set forth in this ordinance.

Section 3

Any person found guilty of violating any provision of “Section 15-1-67, Medical Marijuana-Related Facilities, of the Show Low City Code,” shall be guilty of a civil violation, except where otherwise specifically provided. Civil violations are punishable by a maximum fine of up to \$2,500.00 as provided in Section 1-8-1(a) of the City Code and A.R.S. Section 9-240. Each day that a violation continues shall be a separate offense.

Section 4

If any section, subsection, sentence, clause, phrase, or portion of this ordinance or any part of “Section 15-1-67, Medical Marijuana-Related Facilities, of the Show Low City Code” adopted herein by reference is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED this 18th day of January, 2011, by the Mayor and Council of the City of Show Low, Arizona.

Rick Fernau, Mayor

ATTEST:

Ann Kurasaki, City Clerk

APPROVED AS TO FORM:

F. Morgan Brown, City Attorney

Published in the White Mountain Independent January 25, February 2, 2011 (WMI 5000 T, 2x, 1/25, 2/01/11)e

(G) *Parking and loading.* The provisions of Section 15-1-46 shall apply.

(H) *Plan review.* The provisions of Section 15-1-33 shall apply to all uses.

(Ord. 438, §1, 10-19-98; Ord. No. 498, 1, 10-01-01; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord No. 2006-07, § 9, 3-07-06; Ord. No. 2009-08, §§ 1 – 2, 6-2-09)

Editor's note—Ord. No. 438, adopted Oct. 19, 1998, repealed previous §§ 15-1-58 – 15-1-62 and adopted new §§ 15-1-58 – 15-1-62 in their entirety.

Editor's note—Sections 1 – 4 of Ord. No. 522, adopted Jan. 7, 2003, amended §§ 15-1-47, 15-1-50, 15-1-51.1, 15-1-52 – 15-1-54, and 15-1-56 – 15-1-62 in their entirety.

Secs. 15-1-63 – 15-1-66. Reserved.

Sec. 15-1-67. Medical marijuana-related facilities.

(A) *Purpose and intent.* It is the purpose and intent of this section to regulate medical marijuana-related facilities to promote the health, safety, morals, and general welfare of the citizens of the City of Show Low and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of medical marijuana-related facilities within the city, thereby reducing or eliminating the adverse secondary effects from such medical marijuana-related facilities.

(B) *Definitions.* In this article, unless the context otherwise requires:

(1) *Employee* means a person who performs any service on the premises of a medical marijuana-related facility on a full-time, part-time, volunteer, or contract basis, whether or not the person is denominated as employee, independent contractor, agent, or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of non medical marijuana-related goods to the premises.

(2) *Licensee* means a person in whose name a license to operate a medical marijuana-related facility has been issued, as well as the individual listed as an applicant on the application for a license; and, in the case of an employee, a person in whose name a license has been issued authorizing employment in a medical marijuana-related facility.

(3) *Medical marijuana* means any or all parts of the genus *cannabis* whether growing or not, and the seed of such plants that may be administered to

treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

- (4) *Medical marijuana cultivation* means the process by which a person grows a marijuana plant. A medical marijuana cultivation facility shall mean a building, structure, or premises used for the cultivation or storage of medical marijuana that is physically separate and off-site from a medical marijuana dispensary or a medical marijuana manufacturing facility.
- (5) *Medical marijuana dispensary* means a non-profit entity as defined in Arizona Revised Statutes, that sells, distributes, transmits, gives, dispenses, or otherwise provide medical marijuana to qualifying patients. A dispensary may cultivate its own marijuana either on or off-site.
- (6) *Medical marijuana facility* includes any building, structure, or premises used for the cultivation, storage, or dispersal of medical marijuana. A medical marijuana facility shall include a medical marijuana cultivation facility, a medical marijuana dispensary, and a medical marijuana manufacturing facility.
- (7) *Medical marijuana manufacturing facility* means a facility that produces medical marijuana (*cannabis*) by the means of cooking, blending, or incorporation into consumable goods.
- (8) *Medical marijuana qualifying patient* means a person who has been diagnosed by a qualifying medical practitioner as having a debilitating medical condition as defined in Arizona Revised Statutes Chapter 28.
- (9) *Person* means an individual, proprietorship, corporation, association, or other legal entity.
- (10) *Specified criminal activity* means any of the offenses listed in Arizona Revised Statutes Chapter 28.1 as an "Excluded Felony Offense."
- (11) *Transfer of ownership or control* of a medical marijuana-related facility means and includes any of the following:
 - (a) the sale, lease, or sublease of the business;
 - (b) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 - (c) the establishment of a trust, gift, or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

- (12) *Definitions included.* All definitions listed in Chapter 15 of the Show Low City Code and Arizona Revised Statutes relating to medical marijuana-related facilities are applicable to this article
- (C) *Classification.* Medical marijuana-related facilities are classified as follows:
- (1) Medical marijuana cultivation facilities;
 - (2) Medical marijuana dispensaries;
 - (3) Medical marijuana manufacturing facilities.
- (D) *Location of medical marijuana-related facilities.*
- (1) No person shall operate or cause to be operated a medical marijuana dispensary or infusion facility in any zoning district other than C-2 (General Commercial) as defined and described in this chapter, nor shall any person operate or cause to be operated a medical marijuana cultivation facility in any zoning district other than I-1 (Light Industrial) or I-2 (Heavy Industrial), as defined and described in this chapter, without a conditional use permit which meets all of the requirements set forth in Section 15-1-32 and this section.
 - (2) No person shall operate or cause to be operated a medical marijuana-related facility within five hundred (500) feet of:
 - (a) A church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities;
 - (b) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
 - (c) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the city which is under the control, operation, or management of the city's parks and recreation authorities;

- (d) The property line of a lot devoted to a residential substance abuse diagnostic and treatment facilities or other residential drug or alcohol rehabilitation facility;
 - (e) An entertainment business which is oriented primarily toward children or family entertainment; or
 - (f) A licensed premise, licensed pursuant to the alcoholic beverage control regulations of the state.
- (3) For purposes of the five hundred (500) foot restriction referenced in Section 15-1-67(D)(2) above, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a medical marijuana-related facility is located to the nearest property line of the premises of a use listed in Section 15-1-67(D)(2) above. Presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(E) *Regulations pertaining to medical marijuana cultivation facilities.*

- (1) All cultivation of marijuana shall take place within a completely enclosed and secured building containing an off-site security alarm system registered with the Show Low Police Department.
- (2) Sale of medical marijuana to anyone other than a properly registered and licensed medical marijuana dispensary or medical marijuana manufacturing facility is prohibited.
- (3) A medical marijuana cultivation facility shall be associated with a medical marijuana dispensary or medical marijuana manufacturing facility.

(F) *Regulations pertaining to medical marijuana dispensaries and medical marijuana manufacturing facilities.*

- (1) The applicant shall provide the name(s) and location(s) of the off-site medical marijuana cultivation facility(ies) associated with the dispensary.
- (2) All medical marijuana dispensaries and medical marijuana manufacturing facilities shall be located within a permanent building containing an off-site security alarm system registered with the Show Low Police Department and may not locate in a trailer, cargo container, or motor vehicle.

- (3) Sale of medical marijuana or medical marijuana-related materials to anyone other than a properly registered medical marijuana qualifying patient or caregiver is prohibited.
 - (4) Drive-through services are prohibited.
 - (5) On-site consumption is prohibited.
 - (6) All marijuana remnants or by-products shall be properly disposed of and shall not be stored or placed outside of the facility.
 - (7) There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.
 - (8) A maximum of seventy-five (75) percent up to one thousand (1,000) square feet of the building utilized as a dispensary may be used for cultivation of marijuana for use by the dispensary provided that the cultivation takes place completely within the building within which the dispensary is located.
 - (9) All sales shall take place on-site; no off-site delivery of product(s) shall be permitted.
 - (10) No products or materials, other than medical marijuana-related goods or products, shall be sold or produced on-site. All windows shall remain visually unobstructed.
 - (11) Security lighting and landscaping shall comply with nationally recognized crime-free standards.
 - (12) The maximum number of medical marijuana dispensaries within the City of Show Low shall be limited to a maximum of two (2). Additional medical marijuana dispensaries shall be permitted for each population increase of twenty thousand (20,000) over the population as determined by the 2010 census.
- (G) *Additional regulations for medical marijuana-related facilities.*
- (1) No person shall knowingly allow a person under the age of eighteen (18) years on the premises of a medical marijuana-related facility unless he/she is in possession of a registry identification card issued by the Arizona Department of Health Services and accompanied by a parent or guardian.
 - (2) No medical marijuana-related products shall be served or consumed on the premises of any medical marijuana-related facility.

- (3) Medical marijuana-related facilities are permitted to operate between the hours of 9:00 a.m. and 9:00 p.m. only.
- (4) All medical marijuana-related facilities shall clearly, conspicuously, and legibly post registration documents provided by the Arizona Department of Health Services and the City of Show Low so that they may be readily seen by all persons entering the facility.
- (5) A notice shall be clearly, conspicuously, and legibly posted in all medical marijuana-related facilities indicating that ingesting or consuming marijuana within any public area within the city is prohibited and that ingesting or consuming marijuana on the premises is prohibited.
- (6) A "No Loitering" sign shall be posted on the front exterior of the premises.
- (7) No medical marijuana-related facility shall hold or maintain a license from the appropriate state agency that regulates the sale and/or consumption of alcoholic beverages for the sale of alcoholic beverages or operate a business on the premises which sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.

All Medical Marijuana related facility

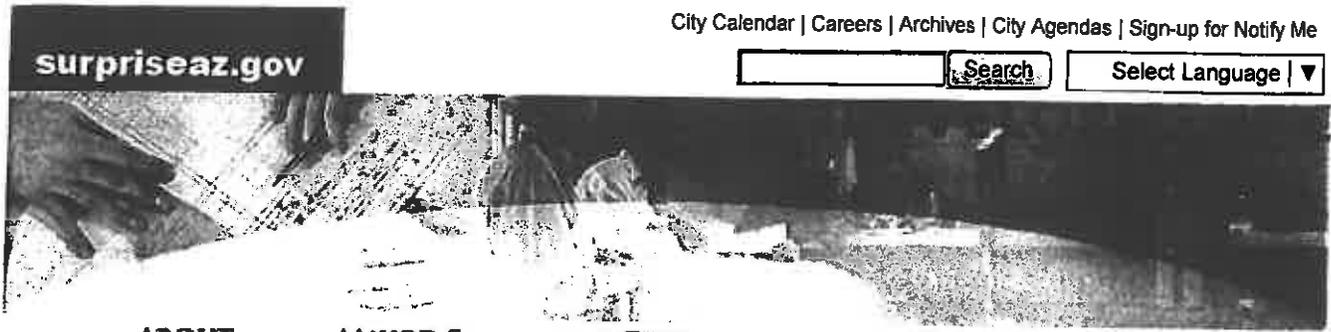
(H) ~~Conditional use permit~~ application requirements: All applications for a medical marijuana-related facility conditional use permit shall meet the requirements listed in Section 15-1-32, Conditional use permits, as well as the requirements listed below:

- (1) Provide a notarized authorization executed by the property owner, acknowledging and consenting to the proposed use of the property as a medical marijuana-related facility;
- (2) Provide the legal name of the medical marijuana-related facility;
- (3) If the application is for a medical marijuana cultivation facility, state the name and the location of the medical marijuana dispensary(ies) with which it is associated;
- (4) Provide the name, address, and birth date of each officer and board member of the nonprofit medical marijuana dispensary;
- (5) Provide a copy of the operating procedures adopted in compliance with Arizona Revised Statutes;
- (6) If an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is twenty-one (21) years of age;

- (7) If a partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
- (8) If a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors, and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process;
- (9) If a limited liability company, the company shall state its complete name, and the names of all members who own a twenty (20) percent or greater interest in the capital or profits of the limited liability company. If the management of the limited liability company is vested in a manager or managers, the company shall also state the name of each person who is a manager of the limited liability company.
- (10) If the applicant intends to operate the medical marijuana-related facility under a name other than that of the applicant, he/she must state the medical marijuana-related facility's fictitious name and submit the required registration documents.
- (11) State whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this article, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each.
- (12) State whether the applicant, or a person residing with the applicant, has had a previous license under this article or other similar medical marijuana-related facility's ordinances from another city or county denied, suspended, or revoked, including the name and location of the medical marijuana-related facility for which the permit was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is licensed under this article whose license has previously been denied, suspended or revoked, including the name and location of the medical marijuana-related facility for which the permit was denied, suspended, or revoked as well as the date of denial, suspension, or revocation.
- (13) State whether the applicant or a person residing with the applicant holds any other licenses under this article or other similar medical marijuana-related facility ordinance from another city or county and, if so, the names and locations of such other licensed businesses.

- (14) Provide the classification of license for which the applicant is filing.
 - (15) Provide the location of the proposed medical marijuana-related facility, including a legal description of the property, street address, and telephone number(s), if any.
 - (16) Provide the applicant's mailing address and residential address.
 - (17) Provide a recent photograph of the applicant(s).
 - (18) Provide the applicant's driver's license number, Social Security number, and/or his/her state or federally issued tax identification number.
 - (19) Provide a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram shall be professionally prepared and must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
 - (20) Provide a current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing medical marijuana-related facility within two hundred (200) feet of the property to be certified and also depicting the property lines of any established use listed in Section 15-1-70 of the zoning ordinance within five hundred (500) feet of the property to be certified. For purposes of this paragraph, a use shall be considered existing or established if it is in existence at the time an application is submitted.
 - (21) Provide a copy of all documentation provided to the state as a requirement for state licensing.
 - (22) Provide evidence that all requirements of this section, as well as all applicable building, fire, and health codes have been or will be met and are in compliance with said adopted codes and regulations.
- I. *Injunction.* A person who operates or causes to be operated a medical marijuana-related facility without a valid license or in violation of any part of this section is subject to suit for injunction and shall be guilty of a civil violation punishable as provided in Section 1-8-1(a) of this code.

(Ord. No. 2011-02, §§ 1 – 2, 1-18-11)



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Medical Marijuana Dispensary Location Zoning

In November 2010, Arizona voters approved Proposition 203, which allows the cultivation, distribution, and use of marijuana for medicinal purposes. Cities and towns are permitted under state law to determine zoning for medical marijuana dispensaries and off-site cultivation facilities.

In February 2011, the Surprise City Council approved a text amendment to Ordinance 2011-05, which set the following parameters for where medical marijuana dispensaries and off-site cultivation facilities can operate within city limits.

Location requirements:

Medical marijuana dispensaries and off-site cultivation facilities are restricted to the following areas within Surprise City Limits:

- Industrial
- Intermediate/C-2 commercial
- Heavy/C-3 commercial

Where, by law, medical marijuana patients are permitted to cultivate marijuana for personal medicinal use, city ordinance maintains such cultivation locations be:

- Enclosed, locked facility (closet, room or greenhouse)
- Under 50 square feet of cultivation space

****State law prohibits such personal cultivation if a qualifying patient lives within 25 miles of a medical marijuana dispensary.**

Space requirements:

Medical marijuana dispensaries and off-site cultivation facilities must:

- Be separated by at least 3,000 feet of each other.
- Be at least 1,500 feet away from schools, day cares and parks
- Be at least 500 feet away from residential zoned property and church/worship facilities

For more information please contact Development Services & Zoning at 623.222.3000 ☎.



16000 N. Civic Center Plaza Surprise, AZ 85374 City Hall Hours: Monday - Thursday; 7am - 6pm
Phone: 623.222.1000 ☎ | TTY: 623.222.1002 ☎ | [Phone Directory](#)

Questions or Comments contact the Webmaster@surpriseaz.gov

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**NOTICE OF PUBLIC HEARINGS
PLANNING AND ZONING COMMISSION
CHANDLER CITY COUNCIL**

NOTICE OF PUBLIC HEARINGS to be held by the City of Chandler Planning and Zoning Commission on **JANUARY 19, 2011** at 5:30 P.M. and the Chandler City Council on **FEBRUARY 10, 2011** at 7:00 P.M. in the **City Council Chambers, 88 East Chicago Street, Chandler, Arizona.**

ZONING CASE ZCA10-0007, CITY OF CHANDLER / MEDICAL MARIJUANA

City initiative to amend Chapter 35 (Zoning Code) of the Chandler City Code, by amending Sections 35-200, 35-305 and 35-2100 by establishing definitions and Use Permit requirements relating to Medical Marijuana Facilities and Cultivation Sites, to read as follows:

SECTION I. Section 35-200, Article II. "Definitions", Chapter 35, Chandler City Code, is hereby amended by adding the following definitions:

EDIBLE FOOD PRODUCT: A SUBSTANCE, BEVERAGE, OR INGREDIENT USED OR INTENDED FOR USE OR FOR SALE IN WHOLE OR IN PART FOR HUMAN CONSUMPTION.

INFUSION OR INFUSE: THE ACT OR PROCESS OF MIXING, BLENDING, COMBINING, OR OTHERWISE ADMIXING MEDICAL MARIJUANA OR THE ACTIVE INGREDIENTS OF MEDICAL MARIJUANA INTO AN EDIBLE FOOD PRODUCT.

INFUSION FOOD ESTABLISHMENT: A FOOD PROCESSING OR OTHER FOOD ESTABLISHMENT OF ANY TYPE OR SIZE, NOT OPERATED BY A MEDICAL MARIJUANA DISPENSARY AND NOT LOCATED AT A MEDICAL MARIJUANA FACILITY OR A MEDICAL MARIJUANA CULTIVATION SITE, BUT WHICH IS PERMITTED UNDER ARIZONA STATE LAW TO CONTRACT WITH AND DOES PROVIDE TO A MEDICAL MARIJUANA DISPENSARY EDIBLE FOOD PRODUCTS INFUSED WITH MEDICAL MARIJUANA.

MEDICAL MARIJUANA: ALL PARTS OF ANY PLANT OF THE GENUS CANNABIS WHETHER GROWING OR NOT, AND THE SEEDS OF SUCH PLANT, USED TO TREAT OR ALLEVIATE A DEBILITATING MEDICAL CONDITION OR THE SYMPTOMS ASSOCIATED WITH THE DEBILITATING MEDICAL CONDITION OF A PERSON WHO IS REGISTERED WITH AND IDENTIFIED BY THE ARIZONA STATE DEPARTMENT OF HEALTH SERVICES AS A REGISTERED QUALIFYING PATIENT.

MEDICAL MARIJUANA DISPENSARY: A NOT-FOR-PROFIT ENTITY REGISTERED WITH AND APPROVED TO OPERATE BY THE ARIZONA STATE DEPARTMENT OF HEALTH SERVICES THAT ACQUIRES, POSSESSES, CULTIVATES, MANUFACTURES, DELIVERS, TRANSFERS, TRANSPORTS, SUPPLIES, SELLS, OR DISPENSES MEDICAL MARIJUANA OR RELATED SUPPLIES AND EDUCATIONAL MATERIALS TO CARDHOLDERS, AS THAT TERM IS DEFINED IN A.R.S. SECTION 36-2801.

MEDICAL MARIJUANA FACILITY: THE PHYSICAL LOCATION FROM WHICH A MEDICAL MARIJUANA DISPENSARY OPERATES TO ACQUIRE, POSSESS, SUPPLY, SELL, OR DISPENSE IN ANY MANNER OR FORM MEDICAL MARIJUANA OR RELATED SUPPLIES AND EDUCATIONAL MATERIALS TO CARDHOLDERS, AS THAT TERM IS DEFINED IN A.R.S. SECTION 36-2801. A MEDICAL MARIJUANA FACILITY CANNOT SERVE AS A MEDICAL MARIJUANA CULTIVATION SITE.

MEDICAL MARIJUANA CULTIVATION SITE: THE PHYSICAL LOCATION FROM WHICH A MEDICAL MARIJUANA DISPENSARY OPERATES TO GROW, CULTIVATE, MANUFACTURE, INFUSE, OR STORE MEDICAL MARIJUANA, OR FROM WHICH IT DELIVERS, TRANSFERS, TRANSPORTS, OR SUPPLIES MEDICAL MARIJUANA TO ANOTHER MEDICAL MARIJUANA FACILITY OR CULTIVATION SITE. A MEDICAL MARIJUANA CULTIVATION SITE CANNOT SERVE AS A MEDICAL MARIJUANA FACILITY.

RELATED SUPPLIES: ANY EQUIPMENT, PRODUCT, OR MATERIAL OF ANY KIND THAT IS PRIMARILY INTENDED OR DESIGNED FOR THE PURPOSE OF ASSISTING A PERSON WHO IS REGISTERED WITH AND IDENTIFIED BY THE ARIZONA STATE DEPARTMENT OF HEALTH SERVICES AS A REGISTERED QUALIFYING PATIENT IN SMOKING OR OTHERWISE CONSUMING MEDICAL MARIJUANA.

SECTION II. Section 35-305, Article III, Chapter 35, Chandler City Code, is hereby amended by adding Subsection (6) to read as follows:

(6) *MEDICAL MARIJUANA FACILITY, MEDICAL MARIJUANA CULTIVATION SITE, AND INFUSION FOOD ESTABLISHMENT.* THE OPERATION OF A MEDICAL MARIJUANA FACILITY, A MEDICAL MARIJUANA CULTIVATION SITE, OR AN INFUSION FOOD ESTABLISHMENT SHALL ONLY BE ALLOWED IN ACCORDANCE WITH THE PROVISIONS, PROCEDURES AND STANDARDS SET FORTH IN THIS SUBSECTION.

(a) *BASIC USE PROVISIONS.*

1. THE OPERATION OF A MEDICAL MARIJUANA FACILITY, A MEDICAL MARIJUANA CULTIVATION SITE, OR AN INFUSION FOOD ESTABLISHMENT IS NOT ALLOWED BY RIGHT IN ANY ZONING DISTRICT.

2. THE OPERATION OF A MEDICAL MARIJUANA FACILITY IS ALLOWED ONLY IN A C-2 OR C-3 DISTRICT OR IN THAT PORTION OF A PAD DISTRICT WHERE C-2 OR C-3 USES ARE ALLOWED AND ONLY UPON OBTAINING A USE PERMIT FOR SUCH USE.

3. THE OPERATION OF A MEDICAL MARIJUANA CULTIVATION SITE OR AN INFUSION FOOD ESTABLISHMENT IS ALLOWED ONLY IN AN I-1 OR I-2 DISTRICT OR IN THAT PORTION OF A PAD DISTRICT WHERE I-1 OR I-2 USES ARE ALLOWED AND ONLY UPON OBTAINING A USE PERMIT FOR SUCH USE.

(b) *APPLICATION.* THE APPLICATION PROCEDURES FOR A USE PERMIT TO OPERATE A MEDICAL MARIJUANA FACILITY, A MEDICAL MARIJUANA CULTIVATION SITE, OR AN INFUSION FOOD ESTABLISHMENT AT A SPECIFIED PREMISES SHALL BE THE SAME AS THE APPLICATION PROCEDURES STATED IN SECTION 35-305(1)(a) FOR GENERAL USE PERMITS, EXCEPT THAT IN ADDITION TO ANY OTHER REQUIRED SUBMITTALS, AN APPLICANT SHALL PROVIDE:

1. THE LOCATION OF THE PREMISES AT WHICH THE MEDICAL MARIJUANA FACILITY, THE MEDICAL MARIJUANA CULTIVATION SITE, OR INFUSION FOOD ESTABLISHMENT WILL BE OPERATED.

2. THE IDENTITY OF THE MEDICAL MARIJUANA DISPENSARY THAT WILL OPERATE THE MEDICAL MARIJUANA FACILITY OR THE MEDICAL MARIJUANA CULTIVATION SITE, AND, FOR AN INFUSION FOOD ESTABLISHMENT, THE IDENTITY OF THE OPERATOR OF THE ESTABLISHMENT.

3. IF THE PREMISES IDENTIFIED IN THE APPLICATION IS NOT OWNED BY THE MEDICAL MARIJUANA DISPENSARY MAKING APPLICATION FOR THE USE PERMIT, A WRITTEN STATEMENT SIGNED BY THE PROPERTY OWNER AUTHORIZING THE APPLICANT TO APPLY FOR THE USE PERMIT FOR THE PREMISES AND CONSENTING TO THE USE BEING REQUESTED IN THE APPLICATION.

4. A SITE PLAN FOR THE PROPERTY ON WHICH THE PREMISES IS LOCATED SHOWING LOT DIMENSIONS WITH FRONT, SIDES AND REAR SETBACKS, AND, WHERE APPLICABLE, IT'S LOCATION WITHIN THE LARGER DEVELOPMENT IN WHICH THE PROPERTY MAY BE SITUATED.

5. AN ACCURATE, TO-SCALE, FLOOR PLAN CLEARLY SHOWING THE CONFIGURATION OF THE PREMISES AND STATING THE TOTAL FLOOR SPACE OF THE PREMISES OR PORTION THEREOF TO BE USED FOR THE PURPOSE FOR WHICH THE USE PERMIT IS REQUESTED. IN ADDITION TO ANY OTHER INFORMATION, THE FLOOR PLAN SHALL SPECIFICALLY IDENTIFY AND PROVIDE AS APPLICABLE: (i) THE LOCATION OF THE ENCLOSED, LOCKED FACILITY IN WHICH CULTIVATION OR STORAGE OF MEDICAL MARIJUANA WILL TAKE PLACE; (ii) THE TOTAL FLOOR SPACE FOR THE ENCLOSED, LOCKED FACILITY; (iii) THE LOCATION WITHIN THE PREMISES WHERE INFUSION WILL TAKE PLACE; (iv) ALL ENTRANCES AND EXITS TO AND FROM THE PREMISES, INDICATING WHICH SUCH ENTRANCES ARE SECURED AND WHICH, IF ANY, ARE NOT SECURED; (v) THE LOCATION OF ANY WINDOWS FROM WHICH A MEMBER OF THE PUBLIC CAN VIEW ACTIVITIES OCCURRING INSIDE THE PREMISES; (vi) ANY ADDITIONAL SECURITY MEASURES OR DEVICES TO BE INSTALLED IN OR UPON THE PREMISES, INCLUDING WITHOUT LIMITATION ANY ON-SITE ALARM SYSTEM OR SECURITY LIGHTING; AND (vii) ADDITIONAL PROTECTIONS, IF ANY, AGAINST MEDICAL MARIJUANA DIVERSION AND THEFT.

(c) *REVIEW.* THE REVIEW AND APPROVAL OF AN APPLICATION FOR A USE PERMIT TO OPERATE A MEDICAL MARIJUANA FACILITY, A MEDICAL MARIJUANA CULTIVATION SITE, OR AN INFUSION FOOD ESTABLISHMENT SHALL CONSIDER ALL RELEVANT LAND USE FACTORS, INCLUDING THOSE STATED IN SECTION 35-305(1)(b) FOR GENERAL USE PERMITS, AS WELL AS THE USE PERMIT CRITERIA AND LOCATION REQUIREMENTS STATED IN SECTIONS 35-305(6)(e) AND 35-305(6)(f) BELOW.

(d) *APPROVAL.* AN APPLICATION FOR A USE PERMIT UNDER THIS SUBSECTION (6) MAY BE APPROVED OR DENIED BY THE CITY COUNCIL, BASED UPON THE FINDINGS SET FORTH IN SUBSECTION 35-305(1)(c). APPROVAL OF SUCH A USE PERMIT APPLICATION SHALL NOT BE CONSTRUED AS ANY ENDORSEMENT BY THE CITY OF THE USE OR OPERATION FOR WHICH THE USE PERMIT HAS BEEN REQUESTED BY THE APPLICANT.

(e) *USE PERMIT CRITERIA.* THE PREMISES IN OR UPON WHICH SHALL BE OPERATED A MEDICAL MARIJUANA FACILITY, A MEDICAL MARIJUANA CULTIVATION SITE OR AN INFUSION FOOD ESTABLISHMENT SHALL:

1. BE LOCATED IN A PERMANENT BUILDING AND SHALL NOT BE LOCATED IN A TEMPORARY STRUCTURE,

TRAILER, CARGO CONTAINER, MOTOR VEHICLE, OR OTHER SIMILAR NON-PERMANENT ENCLOSURE.

2. NOT BE LARGER THAN 2,500 GROSS SQUARE FEET FOR A MEDICAL MARIJUANA FACILITY AND 3,000 GROSS SQUARE FEET FOR A MEDICAL MARIJUANA CULTIVATION SITE. THE SECURE STORAGE AREA SHALL NOT EXCEED 500 SQUARE FEET IN A MEDICAL MARIJUANA FACILITY AND 1,000 SQUARE FEET IN A MEDICAL MARIJUANA CULTIVATION SITE.

3. BE OPERATED ONLY BY A MEDICAL MARIJUANA DISPENSARY OR, IN THE CASE OF AN INFUSION FOOD ESTABLISHMENT, A PERSON OR ENTITY AUTHORIZED BY STATE LAW TO INFUSE EDIBLE FOOD PRODUCTS, WHO DOES:

a. COMPLY WITH ALL REGISTRATION AND RECORDKEEPING REQUIRED BY THE CITY OF CHANDLER, MARICOPA COUNTY AND ARIZONA LAW.

b. OBTAIN, MAINTAIN AND DISPLAY A VALID CITY OF CHANDLER BUSINESS REGISTRATION OR LICENSE AS MAY BE REQUIRED BY CITY CODE.

~~a~~ NOT PROVIDE OFF-SITE DELIVERIES OF MEDICAL MARIJUANA TO A CARDHOLDER.

~~b~~ NOT SELL MERCHANDISE OTHER THAN MEDICAL MARIJUANA AND RELATED SUPPLIES.

~~c~~ NOT HAVE OR OPERATE DRIVE-THROUGH FACILITIES OR TAKE-OUT WINDOWS.

~~d~~ NOT EMIT DUST, FUMES, VAPORS OR ODORS INTO THE ENVIRONMENT.

~~e~~ PROHIBIT CONSUMPTION OF MEDICAL MARIJUANA ON THE PREMISES.

~~f~~ NOT PERMIT OUTDOOR SEATING ANYWHERE ON THE PREMISES. ~~WHERE THE PREMISES IS LOCATED WITHIN A LARGER COMMERCIAL OR INDUSTRIAL DEVELOPMENT HAVING WALKWAYS OR OTHER COMMON AREA CONTAINING ALREADY EXISTING OUTDOOR SEATING REQUIRED AS A CONDITION OF THE ZONING FOR THE DEVELOPMENT, THEN NO NEW~~

OUTDOOR SEATING SHALL BE LOCATED IMMEDIATELY ADJACENT TO THE PREMISES.

i. ALLOW ANNUAL FIRE INSPECTIONS PURSUANT TO THE CITY OF CHANDLER CODE.

j. HAVE OPERATING HOURS NOT EARLIER THAN 9:00 A.M. AND NOT LATER THAN 7:00 P.M.

(f) *SEPARATION REQUIREMENTS.* A MEDICAL MARIJUANA FACILITY OR A MEDICAL MARIJUANA CULTIVATION SITE SHALL BE LOCATED A MINIMUM DISTANCE FROM THE USES SET FORTH IN *TABLE 305.6.E. MEDICAL MARIJUANA FACILITIES LOCATION REQUIREMENTS.* MEASUREMENTS SHALL BE MADE IN A STRAIGHT LINE IN ANY DIRECTION FROM THE CLOSEST EXTERIOR WALL OF THE MEDICAL MARIJUANA FACILITY OR MEDICAL MARIJUANA CULTIVATION SITE TO THE NEAREST PROPERTY LINE OF ANY PARCEL CONTAINING USES IDENTIFIED IN THE TABLE. NO SEPARATION IS REQUIRED WHEN A MEDICAL MARIJUANA FACILITY OR A MEDICAL MARIJUANA CULTIVATION SITE IS SEPARATED FROM ANOTHER SUCH FACILITY OR SITE BY A FREEWAY.

TABLE 305.6.E MEDICAL MARIJUANA FACILITIES LOCATION REQUIREMENTS

USE OR USE CLASSIFICATION	SEPARATION REQUIREMENT (FEET)
ANOTHER MEDICAL MARIJUANA FACILITY OR CULTIVATION SITE	5,280
DAY CARE CENTER, PUBLIC OR PRIVATE	1,320
PUBLIC OR PRIVATE PARK	1,320
PLACE OF WORSHIP	1,320
CHARTER SCHOOLS, PUBLIC SCHOOLS OR PRIVATE SCHOOLS	1,320
RESIDENTIAL ZONING DISTRICT BOUNDARY	1,320
PUBLIC LIBRARY	1,320
HOSPITALS, PUBLIC OR PRIVATE	1,320

NOTE: AS PART OF THE USE PERMIT REVIEW PROCESS, THE CITY COUNCIL MAY ALLOW MINOR DEVIATIONS TO THE SEPARATION REQUIREMENTS IF COUNCIL FINDS THAT, UNDER THE PARTICULAR CIRCUMSTANCES, THE SUBJECT PREMISES IS SO LOCATED AS TO SATISFY THE INTENT OF THE SEPARATION REQUIREMENTS.

(g) *ISSUANCE OF USE PERMIT:*

1. A USE PERMIT ISSUED UNDER THIS SUBSECTION SHALL BE VALID FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF CITY COUNCIL APPROVAL OF THE USE PERMIT APPLICATION, EXCEPT AS PROVIDED IN PARAGRAPH (g)2 BELOW.

2. A USE PERMIT ISSUED UNDER THIS SUBSECTION (6) SHALL BE DEEMED VOID AND TO HAVE AUTOMATICALLY EXPIRED IF THE PERMITTED USE IS NOT COMMENCED BY THE PERMIT HOLDER OR SUBSTANTIAL CONSTRUCTION HAS NOT TAKEN PLACE WITHIN NINE (9) MONTHS AFTER THE DATE OF CITY COUNCIL APPROVAL.

3. THE VALIDITY OF A USE PERMIT UNDER THIS SUBSECTION (6) IS FURTHER CONDITIONED UPON THE PERMIT HOLDER AND THE PERMITTED PREMISES BEING AT ALL TIMES IN COMPLIANCE WITH APPLICABLE CITY BUILDING CODES, DEVELOPMENT STANDARDS AND OTHER LAND USE REGULATIONS STATED IN THE ZONING CODE OR ANY OTHER ORDINANCE OR CODE ADOPTED BY THE CITY OF CHANDLER.

(h) *NONTRANSFERABILITY OF USE PERMIT:* A USE PERMIT ISSUED UNDER THIS SUBSECTION IS NOT TRANSFERABLE TO ANY OTHER LOCATION OR PREMISES, NOR IS IT VALID FOR ANY OTHER USE OR BUSINESS ASSOCIATED WITH A MEDICAL MARIJUANA DISPENSARY THAT IS NOT SPECIFICALLY IDENTIFIED IN THE USE PERMIT.

(i) *PERMIT RENEWAL:*

1. A USE PERMIT UNDER THIS SUBSECTION (6) MAY BE RENEWED BY FILING AN APPLICATION FOR RENEWAL ON A FORM PROVIDED BY THE ZONING ADMINISTRATOR. THE APPLICATION FOR RENEWAL SHALL BE RECEIVED BY THE ZONING ADMINISTRATOR NOT LESS THAN SEVENTY (70) DAYS BEFORE THE EXPIRATION OF THE PERMIT. WHEN THE APPLICATION FOR RENEWAL IS RECEIVED LESS THAN SEVENTY (70) DAYS BEFORE THE EXPIRATION DATE, THE EXPIRATION OF THE USE PERMIT SHALL NOT BE DELAYED, POSTPONED OR OTHERWISE AFFECTED.

2. AN APPLICATION FOR RENEWAL SHALL BE CONSIDERED FOLLOWING THE SAME PROCEDURES AS AN ORIGINAL APPLICATION. THE APPLICATION FOR RENEWAL MAY BE DENIED FOR ANY REASON THAT AN ORIGINAL APPLICATION MAY BE DENIED OR REVOKED.

3. A MEDICAL MARIJUANA FACILITY OR MEDICAL MARIJUANA CULTIVATION SITE LAWFULLY OPERATING IS NOT

RENDERED IN VIOLATION OF THE DISTANCE REQUIREMENTS SET FORTH IN 305(6)(f) IF, SUBSEQUENT TO THE INITIAL GRANTING OF THE USE PERMIT UNDER THIS SUBSECTION (6), ANY OF THE USES IDENTIFIED IN TABLE 305(6)(f) ARE CONSTRUCTED OR LOCATED WITHIN THE REQUIRED SEPARATION AREA. THIS PROVISION APPLIES ONLY TO THE RENEWAL OF A VALID USE PERMIT AND DOES NOT APPLY WHEN AN APPLICATION FOR A USE PERMIT IS SUBMITTED AFTER A USE PERMIT HAS EXPIRED OR HAS BEEN REVOKED.

(j) *REVOCATION OR SUSPENSION:* A USE PERMIT ISSUED PURSUANT TO THIS SUBSECTION (6) IS SUBJECT TO REVOCATION OR SUSPENSION IN ACCORDANCE WITH PROVISIONS OF SUBSECTION 35-305(1) THAT ADDRESS THE ISSUE OF REVOCATION OR SUSPENSION.

SECTION III. Section 35-2100, Article XXI. "TABLE OF PERMITTED USES FOR NONRESIDENTIAL DISTRICTS", Chapter 35, Chandler City Code, is hereby amended by adding the following uses to read as follows:

USES	DISTRICTS				
	C-1	C-2	C-3	I-1	I-2
MEDICAL MARIJUANA DISPENSARY:					
MEDICAL MARIJUANA FACILITY		UP	UP		
MEDICAL MARIJUANA CULTIVATION SITE				UP	UP
INFUSION FOOD ESTABLISHMENT				UP	UP

For additional information, please contact Kevin Mayo with the City of Chandler at 480-782-3068.

Dated the 29th day of December 2010.
 Publish in the Arizona Republic on January 4, 2011.

6. The location for the temporary Place of Worship structure does not conflict with the location for the permanent facility; and
7. Construction documents have been submitted for the permanent structure, whether it is the main structure, an expansion of the main structure or a related accessory structure.

4.5014 Medical Marijuana Dispensaries, Offsite Cultivation Sites and Designated Caregiver Cultivation Locations

Medical Marijuana Facilities shall be located, developed, and operated in compliance with the following standards:

- A. **Applicability.** The minimum requirements of this section shall apply to all Medical Marijuana Dispensary and Medical Marijuana Offsite Cultivation Site uses located in any zoning district.
- B. **General.** A Medical Marijuana Dispensary, Medical Marijuana Offsite Cultivation Site or Medical Marijuana Designated Caregiver Cultivation Location shall:
 1. Be located in a permanent building and shall not be located in a temporary structure, trailer, cargo container, motor vehicle, or other similar non-permanent enclosure.
 2. Medical Marijuana Dispensaries and Offsite Cultivation Sites shall be limited to 3,000 square feet gross floor area for all permitted uses with a single secure entrance.
 3. Be limited to a single secure on-site storage area of no greater than one thousand (1,000) square feet for medical marijuana stored at an offsite cultivation site.
 4. Supply proof that the Dispensary is State-approved, certified and registered with the Arizona Department of Health Services pursuant to Arizona Revised Statutes, Title 36, Chapter 28.1.
 5. Comply with all registration and recordkeeping required by the Town, Maricopa County and Arizona law.
 6. Obtain, maintain and display a valid Town of Gilbert Business Registration or license as may be required by the Town code.
 7. Supply the name of all the dispensaries with which it is affiliated, if offsite cultivation is proposed.

Article 4.5: Supplemental Use Regulations

8. If medical marijuana is supplied to the dispensary by a qualified patient or caregiver, provide the name and contact information of the qualified patient or caregiver.
9. Not provide off-site deliveries of medical marijuana, except that a Designated Caregiver Cultivation Facility may deliver medical marijuana to the Qualifying Patient(s) for whom the caregiver is the Designated Caregiver, in compliance with the rules and regulations promulgated by the State of Arizona Department of Health Services.
10. Not sell merchandise other than medical marijuana.
11. Not have drive-through facilities or take-out windows.
12. Not emit dust, fumes, vapors or odors into the environment.
13. Prohibit consumption of medical marijuana on the premises.
14. Not permit or provide indoor or outdoor seating areas or facilities for the consumption of medical marijuana anywhere on the site.
15. Permit annual fire inspections pursuant to the Town of Gilbert Fire Code.
16. If designated caregiver cultivation is proposed, supply the residence locations and proof of registry identification cards of the qualifying patients for whom the medical marijuana will be cultivated and the location of the closest medical marijuana dispensary to the residence of each qualifying patient. Any changes in qualifying patients or residence locations shall be reported to the Planning Manager within 30 days of the change.
17. A single designated caregiver is permitted and the total cultivation area shall not exceed 120 square feet. The total cultivation area is the footprint required for growing the actual plant material.

C. Location. Medical Marijuana Facilities shall be a minimum distance from the uses set forth in Table 4.5014: Medical Marijuana Facilities Location Requirements. Measurements shall be made in a straight line in any direction from the closest perimeter business walls. No separation is required when medical marijuana facilities are separated by a freeway.

Table 4.5014: Medical Marijuana Facilities Location Requirements

<i>Use or Use Classification</i>	<i>Separation Requirement (Feet)</i>
Another Medical Marijuana Dispensary or Offsite Cultivation Site	1,320
Hospital	1,320
Day Care Center, Public or Private	1,000
Public or Private Park	1,000
Place of Worship	1,000
Schools, Public or Private	1,000
Residential District Boundary	500

D. **Hours of Operation.** A Medical Marijuana Facility shall have operating hours not earlier than 8:00 a.m. and not later than 6:00 p.m.

E. **Security Plan Requirements.** A Medical Marijuana Facility shall submit a Security Plan containing the following information:

1. Proof that the “Nonprofit Medical Marijuana Dispensary Agent” is at least twenty-one (21) years of age and has not been convicted of an excluded felony offense.
2. Proof that any cultivation and storage of Medical Marijuana will take place in an “enclosed, locked facility” equipped with locks or other security devices that permit access only by persons authorized to enter pursuant to State and local law.
3. A floor plan that details the security measures required by Arizona law including an on-site alarm system and a single secure entrance.
4. Additional protections, if any, against medical marijuana diversion and theft.
5. A sworn affidavit detailing the criminal history, if any, of the Board of Directors of the nonprofit operating the dispensary and/or detailing history of management employees.

6. Provide and update as needed a current list of all persons who are authorized to access the dispensary or offsite cultivation site.

4.5015 Miscellaneous Provisions

Caretaker. A recreational vehicle is permitted as a temporary dwelling for a caretaker or security guard on a lot or parcel only during construction undertaken pursuant to a valid building permit.

Recreational Vehicle Occupancy. Except as permitted under Section 4.5014A: Caretaker, no person shall occupy a recreational vehicle parked in a required front or street side setback for more than 24 consecutive hours. No recreational vehicle shall be occupied as a permanent dwelling unit in any district. Parking of a recreational vehicle in a front or street side setback shall not impede street access for public safety vehicles.

Inoperable Vehicles. Inoperable vehicles shall be stored in a fenced area, a fully enclosed building, or at a business engaged in Vehicle Services or Motor Vehicle Sales and Leasing.

Abandoned Vehicles. The parking of an abandoned vehicle is prohibited in all zoning districts.

**CITY OF MESA PROPOSED ZONING AMENDMENTS
 MEDICAL MARIJUANA RELATED FACILITIES
 Summary of City Council Adopted Requirements – Ord #5025**

	DISPENSARIES	DISPENSARY OFF-SITE CULTIVATION	PATIENT/CAREGIVER CULTIVATION	INFUSION FACILITIES
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Location Requirements

(Note: Use would be “by-right” after meeting minimum zoning district and separation requirements, subject to specific use standards, & registration of site with Planning Division Office)

Allowable Locations	M-1, Limited Industrial M-2, General Industrial	M-1, Limited Industrial M-2, General Industrial	If 25 miles from dispensary, only as accessory use to a permitted residence	M-1, Limited Industrial M-2, General Industrial
Prohibited Locations	All R1 and R districts, O-S, C-1, C-2, C-3 PEP,	All R1 and R districts, O-S, C-1, C-2, C-3 PEP	Any residence located within 25 miles of a registered dispensary	All R1 and R districts, O-S, C-1, C-2, C-3 PEP

Separation Requirements

5,280-feet	<ul style="list-style-type: none"> Other dispensaries 	None	None	None	
2,400 feet	<ul style="list-style-type: none"> Residential Substance Abuse Treatment Facilities Alcohol Rehabilitation Facilities Correctional Transitional Housing Facilities 	<ul style="list-style-type: none"> Other dispensaries 			
1,200 feet	<ul style="list-style-type: none"> Churches/Places of Worship Parks in M-1 and M-2 Libraries Schools (K thru 12) 	<ul style="list-style-type: none"> Churches/Places of Worship Parks in M-1 and M-2 Libraries Schools (K thru 12) 			<ul style="list-style-type: none"> Churches/Places of Worship Parks in M-1 and M-2 Libraries Schools (K thru 12)
500 feet	<ul style="list-style-type: none"> Day Care / Pre-schools Parks and HOA maintained open spaces not in M-1 and M-2 	<ul style="list-style-type: none"> Parks and HOA maintained open spaces not in M-1 or M-2 			<ul style="list-style-type: none"> Parks and HOA maintained open spaces not in M-1 and M-2

Facility Space Requirements

Max space (GFA)	2,500 sq.ft.	25,000 sq.ft.	250 sq. ft.	*10,000 sq.ft
Storage	500 sq.ft.	All of Cultivation Fac.	Including storage	*2,500 sq.ft.
Customer Floor Area	Min 25% of GFA	NA	NA	None

Facility Infrastructure/Service Limitations

1. No drive-through window
2. No outdoor seating area,
3. No outdoor vending machines
4. No delivery service
5. Hours of operation limited to the time between 8am and 9pm of the same calendar day.
6. Planning Div registration expires after 1-year unless DHS registration/certification also renewed.

Text written in **BOLD ALL CAPS** indicates new language. ~~Strikethrough~~ fonts indicate proposed language to be deleted.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA AMENDING SECTIONS 11-1-6, 11-4-2, 11-4-4, 11-5-2, 11-5-5, 11-6-5, 11-7-2, AND 11-13-2 OF THE MESA CITY CODE PERTAINING TO THE PERMITTED LOCATIONS OF MEDICAL MARIJUANA DISPENSARIES, ON AND OFF-SITE FACILITIES FOR THE CULTIVATION OF MEDICAL MARIJUANA, AND INFUSION FACILITIES FOR THE PRODUCTION OF MEDICAL MARIJUANA PRODUCTS DISTRIBUTED THROUGH MEDICAL MARIJUANA DISPENSARIES, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, on November 2, 2010, the voters of the state of Arizona approved Proposition 203 (I-04-2010), the "Arizona Medical Marijuana Act" (AMMA), codified in the in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq.; and

WHEREAS, AMMA provides for the medical use, possession and cultivation of marijuana; and

WHEREAS, pursuant to federal law, it is illegal to possess, use and manufacture or distribute marijuana in any form as well as other controlled substance; and

WHEREAS, the City of Mesa zoning ordinance currently does not permit the use of marijuana for any purpose; and

WHEREAS, AMMA allows municipalities to enact reasonable zoning restrictions that limit the use of land for registered dispensaries to specific areas and

WHEREAS, City held a hearing of the Planning and Zoning Board on November 17, 2010 to discuss issues and receive comments, issues and concerns related to the operation of medical marijuana dispensaries and medical marijuana cultivation facilities in the City, and made several recommendations contained herein for consideration by the City Council; and

WHEREAS, the Planning and Zoning Board found there could be secondary adverse impacts from medical marijuana dispensaries, cultivation and infusion facilities including but not limited to the increase in crimes such as loitering, burglary and robbery in the areas immediately surrounding the dispensaries, cultivation sites and infusion facilities; and

WHEREAS, the Planning and Zoning Board determined that further regulations are needed to protect the public, health, safety and welfare of the residents and children from the secondary adverse impacts; and

WHEREAS, the City Council has determined that, for the reasons set forth above and for the purpose of protecting the public health, safety and welfare of the residents and visitors of Mesa, it is in the best interests of the City to amend the City Zoning Ordinance as provided herein.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA as follows:

Section 1: That Section 11-1-6 of the Mesa City Code is hereby amended to include the following terms and definitions, as written below, inserted in alphabetical order of the term as appropriate; with the language for the existing terms and definitions of this Section remaining intact and as presently stated.

MEDICAL MARIJUANA: MEANS OF ALL PARTS OF THE GENUS CANNABIS WHETHER GROWING OR NOT, AND THE SEED OF SUCH PLANTS THAT MAY BE ADMINISTERED TO TREAT OR ALLEVIATE A QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION, AS APPROVED BY DHS, OR SYMPTOMS ASSOCIATED WITH THE PATIENT'S DEBILITATING MEDICAL CONDITION.

MEDICAL MARIJUANA CULTIVATION ("CULTIVATION"): MEANS THE PROCESS BY WHICH A MARIJUANA (*CANNABIS SPP.*) PLANT IS GROWN.

MEDICAL MARIJUANA CULTIVATION FACILITY ("CULTIVATION FACILITY") SHALL MEAN A BUILDING, STRUCTURE OR PREMISES USED FOR THE GROWING OR STORAGE OF MEDICAL MARIJUANA AND REGISTERED WITH DHS AS RELATED TO A DISPENSARY.

MEDICAL MARIJUANA DESIGNATED CAREGIVER ("DESIGNATED CAREGIVER"): SHALL MEAN A PERSON WHO MEETS THE DEFINITION OF A.R.S 36-2801(5) AND HOLDS AND POSSESSES A VALID DESIGNATED CAREGIVER REGISTRY IDENTIFICATION CARD, ISSUED BY DHS, IDENTIFYING THAT PERSON AS AN INDIVIDUAL PROVIDING CARE AND ASSISTANCE TO A MEDICAL MARIJUANA QUALIFYING PATIENT OR PATIENTS, AND HAS AGREED TO ASSIST A MEDICAL MARIJUANA QUALIFYING PATIENT OR PATIENTS WITH THAT PATIENT'S OR PATIENTS' MEDICAL USE OF MARIJUANA.

MEDICAL MARIJUANA DISPENSARY ("DISPENSARY"): AN ENTITY REGISTERED, CERTIFIED AND AUTHORIZED BY DHS AS A "NONPROFIT MEDICAL MARIJUANA DISPENSARY" THAT ACQUIRES, POSSESSES, SELLS, DISTRIBUTES, DISPENSES, OR OTHERWISE PROVIDES MEDICAL MARIJUANA TO QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS. SUCH DISPENSARIES MAY INCLUDE ON-SITE CULTIVATION AND INFUSION FACILITIES.

MEDICAL MARIJUANA INFUSION FACILITY ("INFUSION FACILITY"): A FACILITY THAT INCORPORATES MEDICAL MARIJUANA (*CANNABIS SPP.*) BY THE MEANS OF COOKING, BLENDING, OR INCORPORATION INTO CONSUMABLE/EDIBLE OR TRANSDERMAL GOODS.

MEDICAL MARIJUANA QUALIFYING PATIENT ("QUALIFYING PATIENT"): MEANS A PERSON WHO HAS BEEN ISSUED, HOLDS AND POSSESSES A VALID REGISTRY IDENTIFICATION CARD ISSUED BY DHS AUTHORIZING THEM TO USE MEDICAL MARIJUANA TO TREAT OR ALLEVIATE A DEBILITATING MEDICAL CONDITION OR SYMPTOM APPROVED BY DHS...

Section 2: That Sub-section 11-4-2(A) of the Mesa City Code is hereby amended as follows:

11-4-2: PERMITTED USES:

(A) Permitted Uses in all Single Residence Districts: R1-90, R1-43, R1-35, R1-15, R1-9, R1-7, R1-6:

1. One (1) single dwelling unit on any lot or parcel.
2. Foster homes and residential facilities for the developmentally disabled.
3. Schools and churches. Refer to Section 11-13-2(L) of this Ordinance.
4. Group homes for the handicapped and adult care homes. Refer to Section 11-13-2(Q) of this Ordinance.
5. Day care group homes with up to five (5) children. Refer to Section 11-13-2(O) of this Ordinance.
6. Public utility buildings and facilities when necessary for serving the surrounding territory, provided that no public business offices and no repair or storage facilities are maintained therein.
7. Publicly owned recreational uses and community buildings.
8. Accessory uses and accessory buildings when associated with a dwelling unit or other primary permitted use.
9. Temporary sales offices and/or model homes pertaining to the sale of homes being constructed in the immediate subdivision are permitted in all residential zoning districts, subject to a Use Permit.
 - (a) Approval of such sales offices and/or model homes may be granted for a three- (3) year period or until all homes in the subdivision are completed, whichever occurs first. Extensions to the three- (3) year time limit may be granted if the property owner can demonstrate that the need for the temporary sales offices and/or model homes continues to exist.
 - (b) The carport or garage of a model home may be used as a temporary sales office provided temporary off-street parking is available. Such carport or garage must be returned to a condition suitable for the parking of automobiles in accordance with Section 11-16-2 of this Ordinance prior to the sale or residential occupancy of such model home.
10. **MEDICAL MARIJUANA CULTIVATION AS AN ACCESSORY USE, AND ONLY IN THE EVENT ONE OF THE RESIDENTS OF THAT SITE IS A QUALIFYING PATIENT, AND/OR DESIGNATED CAREGIVER, AND HOLDS AND POSSESSES A VALID DHS IDENTIFICATION CARD AUTHORIZING THE RESIDENT(S) TO CULTIVATE MEDICAL MARIJUANA AND THE ACCESSORY USE CULTIVATION FACILITY IS A MINIMUM OF 25 MILES FROM THE NEAREST MEDICAL MARIJUANA DISPENSARY. REFER TO SECTION 11-13-2(W) FOR ADDITIONAL REQUIREMENTS.**

Section 3: That Section 11-4-4 of the Mesa City Code is hereby amended as follows:

11-4-4: PROHIBITED USES IN ALL SINGLE RESIDENCE DISTRICTS: R1-90, R1-43, R1-35, R1-15, R1-9, R1-7, R1-6:

- (A) All commercial and business uses, except those specifically permitted in Sections 11-4-2 and 11-4-3 of this Ordinance.
- (B) All manufacturing, warehousing, and wholesaling.

- (C) Multiple residence.
- (D) Manufactured homes, except as permitted in the R1-6 district and as specified in the Manufactured Home/Recreational Vehicle chapter of this Ordinance.
- (E) Recreational vehicle parks and manufactured home parks.
- (F) The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds or having dual rear wheels exceeding seventeen inches (17") in diameter.
- (G) **MEDICAL MARIJUANA DISPENSARY**
- (H) **MEDICAL MARIJUANA CULTIVATION FACILITY AS A PRIMARY USE.**
- ~~(G)~~ (I) Uses similar to those listed above in this Section as determined by the Zoning Administrator.

Section 4: Sub-Section 11-5-2(A) of the Mesa City Code is hereby amended as follows:

11-5-2: PERMITTED USES:

- (A) *Permitted Uses in all Multiple Residence Districts: R-2, R-3, and R-4:*
 - 1. Single and multiple residences.
 - 2. Boarding houses and group homes for the handicapped with up to five (5) guest rooms or housing up to ten (10) people.
 - 3. Foster homes, group foster homes, and residential facilities for the developmentally disabled.
 - 4. Bed and breakfast establishments.
 - 5. Schools and churches. Refer to Section 11-13-2(L) of this Ordinance.
 - 6. Public utility buildings and facilities when necessary for serving the surrounding territory, provided that no public business offices and no repair or storage facilities are maintained therein.
 - 7. Publicly owned and operated parks, playgrounds, and community buildings and other recreational uses.
 - 8. Accessory uses and buildings when associated with a dwelling unit or other primary permitted use.
 - 9. Day care centers and day care group homes.
 - 10. Temporary sales offices and/or model homes pertaining to the sale of homes being constructed in the immediate subdivision are permitted in all residential zoning districts, subject to a Use Permit.
 - (a) Approval of such sales offices and/or model homes may be granted for a three- (3) year period or until all homes in the subdivision are completed, whichever occurs first. Extensions to the

three- (3) year time limit may be granted if the property owner can demonstrate that the need for the temporary sales offices and/or model homes continues to exist.

(b)The carport or garage of a model home may be used as a temporary sales office provided temporary off-street parking is available. Such carport or garage must be returned to a condition suitable for the parking of automobiles in accordance with Section 11-16-2 of this Ordinance prior to the sale or residential occupancy of such model home.

11. MEDICAL MARIJUANA CULTIVATION AS AN ACCESSORY USE, AND ONLY IN THE EVENT ONE OF THE RESIDENTS OF THAT SITE IS A QUALIFYING PATIENT, AND/OR DESIGNATED CAREGIVER, AND HOLDS AND POSSESSES A VALID DHS IDENTIFICATION CARD AUTHORIZING THE RESIDENT(S) TO CULTIVATE MEDICAL MARIJUANA AND THE ACCESSORY USE CULTIVATION FACILITY IS A MINIMUM OF 25 MILES FROM THE NEAREST MEDICAL MARIJUANA DISPENSARY. REFER TO SECTION 11-13-2(W) FOR ADDITIONAL REQUIREMENTS.

Section 5: Section 11-5-5 of the Mesa City Code is hereby amended as follows:

11-5-5: PROHIBITED USES IN ALL MULTIPLE RESIDENCE DISTRICTS:

- (A) All commercial and business uses, except those specifically permitted in Sections 11-5-2 and 11-5-3 of this Ordinance.
- (B) All manufacturing, warehousing, and wholesaling.
- (C) The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds or having dual rear wheels exceeding seventeen inches (17") in diameter.
- (D) **MEDICAL MARIJUANA DISPENSARIES**
- (E) **MEDICAL MARIJUANA CULTIVATION FACILITIES AS A PRIMARY USE.**
- (~~F~~) Uses similar to those listed above in this Section.

Section 6: That Sub-section 11-6-5 of the Mesa City Code is hereby amended as follows:

11-6-5: PROHIBITED USES IN ALL COMMERCIAL DISTRICTS:

- (A) All industrial and manufacturing uses.
- (B) All storage, warehousing, and wholesaling, except as specified in the C-2 and C-3 districts.
- (C) All residential uses, except as specified in Section 11-6-4 of this Ordinance.
- (D) **MEDICAL MARIJUANA DISPENSARY**
- (E) **MEDICAL MARIJUANA CULTIVATION FACILITY AS A PRIMARY USE.**

(DF) Uses similar to those listed above in this Section as determined by the Zoning Administrator.

Section 5: That Sub-section 11-7-2(B) of the Mesa City Code is hereby amended as follows:

11-7-2: PERMITTED USES:

(B) Additional Permitted Uses in Manufacturing and Industrial Districts M-1 and M-2:

1. Outdoor storage, display, and activities accessory to any permitted use.
2. All uses permitted in the O-S, C-1, C-2, and C-3 districts, under the least restrictive condition as they apply to such districts provided:
 - (a) No individual retail store shall exceed an area of ten thousand (10,000) square feet.
 - (b) No group commercial development shall exceed an aggregate area of fifty thousand (50,000) square feet.
3. A dwelling unit in conjunction with a primary use intended for occupancy by the proprietor, caretaker, or night-watchman of the primary use. Refer to Uniform Building Code for occupancy separation regulations.
4. Industrial trade schools, such as welding or metal fabrication, and similar industrial arts.
5. Animal hospitals, clinics, and boarding kennels.
6. Crematories.
7. Heavy equipment repair, sales, and rentals.
8. Any warehousing, manufacturing, packaging, distributing, bottling, or processing use, provided that such use shall conform to all of the following requirements:
 - (a) All outside storage of material or equipment as ancillary to the primary use shall be confined to the rear one-half (1/2) of the lot.
 - (b) All activities pertaining to the actual manufacture or processing of the product involved shall be conducted entirely within the enclosed building.
9. Construction yards.
10. Automobile, truck, recreational vehicle, motorcycle, boat, mobile home, and trailer sales and rental facilities and appurtenant buildings, without the area limitations specified in Section 11-7-2(B)2 of this Ordinance (above).
11. Commercial recreational entertainment uses such as pool and dance halls, nightclubs, bars, cocktail lounges, and similar uses.
12. **MEDICAL MARIJUANA DISPENSARY, SUBJECT TO COMPLIANCE WITH ALL REQUIREMENTS OF SECTION 11-13-2(W).**
13. **MEDICAL MARIJUANA CULTIVATION FACILITY, SUBJECT TO COMPLIANCE WITH ALL REQUIREMENTS OF SECTION 11-13-2(W).**
14. **MEDICAL MARIJUANA INFUSION FACILITY, SUBJECT TO COMPLIANCE WITH ALL REQUIREMENTS OF SECTION 11-13-2(W).**

Section 6: That Section 11-13-2 of the Mesa City Code is hereby amended by the addition of Sub-section (W):

11-13-2: ADDITIONAL PROVISIONS AND EXCEPTIONS:

(W) MEDICAL MARIJUANA DISPENSARY, CULTIVATION FACILITIES AND INFUSION FACILITIES:

1. MEDICAL MARIJUANA DISPENSARIES (DISPENSARIES) ARE PERMITTED ONLY IN THE M-1 AND M-2 DISTRICTS, PROVIDED EVIDENCE HAS BEEN DEMONSTRATED OF COMPLIANCE WITH ALL OF THE FOLLOWING:

A. REGISTRATION OF THE LOCATION OF THE DISPENSARY AND THE ASSOCIATED CULTIVATION FACILITY WITH THE PLANNING DIVISION, IN ACCORDANCE WITH THE REQUIREMENTS OF ITEM 5, BELOW.

B. THE DISPENSARY SHALL BE LOCATED A MINIMUM DISTANCE OF 5280- FEET (1-MILE) FROM THE NEXT NEAREST MEDICAL MARIJUANA DISPENSARY, INCLUDING DISPENSARIES LOCATED IN NEIGHBORING JURISDICTIONS AND COUNTY PROPERTIES.

C. THE DISPENSARY SHALL BE LOCATED A MINIMUM DISTANCE OF 2400- FEET FROM THE FOLLOWING LAND USES, INCLUDING THE LISTED LAND USES WHEN LOCATED IN NEIGHBORING JURISDICTIONS AND COUNTY PROPERTIES:

I. RESIDENTIAL SUBSTANCE ABUSE FACILITIES;

II. ALCOHOL REHABILITATION FACILITIES;

III. CORRECTIONAL TRANSITIONAL HOUSING FACILITIES; AND

IV. OFF-SITE MEDICAL MARIJUANA CULTIVATION FACILITIES (EXCEPT THE DISPENSARY SPECIFICALLY ASSOCIATED WITH THE OFF-SITE CULTIVATION FACILITY).

D. THE DISPENSARY SHALL BE LOCATED A MINIMUM DISTANCE OF 1200- FEET FROM THE FOLLOWING LAND USES, INCLUDING THE LISTED LAND USES WHEN LOCATED IN NEIGHBORING JURISDICTIONS AND COUNTY PROPERTIES:

I. CHURCHES;

II. LIBRARIES;

III. SCHOOLS (LIMITED TO KINDERGARTEN THROUGH 12TH GRADE); AND

III. PUBLIC PARKS LOCATED IN M-1 AND M-2 ZONING DISTRICTS;

E. THE DISPENSARY SHALL BE LOCATED A MINIMUM DISTANCE OF 500- FEET FROM THE FOLLOWING LAND USES, INCLUDING THE LISTED LAND USES WHEN LOCATED IN NEIGHBORING JURISDICTIONS AND COUNTY PROPERTIES:

I. PUBLIC PARKS LOCATED IN ALL RESIDENTIAL, ALL COMMERCIAL, PF AND PEP ZONING DISTRICTS;

II. PRIVATELY-OWNED DESIGNATED AND MAINTAINED OPEN SPACE RECREATIONAL AREAS; AND

II. DAY CARE CENTERS AND PRE-SCHOOLS

F. THE DISPENSARY SHALL BE NO LARGER THAN 2500 SQUARE FEET, OF WHICH NO MORE THAN 500 SQUARE FEET SHALL BE USED FOR STORAGE

OF PRODUCT.

- G. THE DISPENSARY SHALL BE HOUSED IN A PERMANENT BUILDING.**
 - H. A MINIMUM OF 25% OF THE GROSS FLOOR AREA (GFA) OF THE DISPENSARY SHALL BE SET ASIDE FOR USE AS AN INTERIOR CUSTOMER WAITING AREA.**
 - I. THE DISPENSARY SHALL NOT INCLUDE:**
 - I. A DRIVE THROUGH WINDOW;**
 - II. OUTDOOR SEATING;**
 - III. OUTDOOR VENDING MACHINES; AND**
 - IV. TEMPORARY, PORTABLE, OR SELF-POWERED MOBILE FACILITIES.**
 - J. THE DISPENSARY SHALL NOT OFFER DIRECT OR HOME DELIVERY SERVICE.**
 - K. THE TIME THE DISPENSARY MAY BE OPEN TO THE PUBLIC SHALL BE LIMITED TO THE HOURS BETWEEN 8:00 AM AND 9:00 PM OF THE SAME CALENDAR DAY.**
- 2. MEDICAL MARIJUANA CULTIVATION FACILITIES (“CULTIVATION FACILITY(IES)”) AND MEDICAL MARIJUANA INFUSION FACILITIES (“INFUSION FACILITIES”) AS DEFINED BY THIS ORDINANCE, ARE PERMITTED ONLY IN THE M-1 AND M-2 DISTRICTS, SUBJECT TO COMPLIANCE WITH ALL OF THE FOLLOWING:**
- A. REGISTRATION OF THE LOCATION OF THE CULTIVATION AND/OR INFUSION FACILITY WITH THE PLANNING DIVISION, IN CONFORMANCE WITH THE REQUIREMENTS OF ITEM 5, BELOW**
 - B. THE LOCATION OF THE CULTIVATION FACILITY SHALL BE A MINIMUM DISTANCE OF 2400 FEET FROM THE NEXT NEAREST MEDICAL MARIJUANA DISPENSARY OR CULTIVATION FACILITY, INCLUDING DISPENSARIES LOCATED IN NEIGHBORING JURISDICTIONS AND COUNTY PROPERTIES. THIS SEPARATION DISTANCE DOES NOT APPLY TO THE DISTANCE BETWEEN THE CULTIVATION FACILITY AND THE SPECIFIC DISPENSARY SERVED BY THE CULTIVATION FACILITY.**
 - C. THE LOCATION OF THE CULTIVATION FACILITY SHALL BE A MINIMUM DISTANCE OF 1200 FEET FROM THE FOLLOWING LAND USES, INCLUDING THE LISTED LAND USES LOCATED IN NEIGHBORING JURISDICTIONS AND COUNTY PROPERTIES:**
 - I. CHURCHES;**
 - II. LIBRARIES;**
 - III. PUBLIC PARKS OR PRIVATELY-OWNED AND MAINTAINED OPEN SPACE AREAS; AND**
 - IV. SCHOOLS (LIMITED TO KINDERGARTEN THROUGH 12TH GRADE).**
 - D. THE MAXIMUM FLOOR AREA OF A CULTIVATION FACILITY SHALL BE LIMITED TO 25,000 SQUARE FEET.**
 - E. THE MAXIMUM FLOOR AREA OF AN INFUSION FACILITY SHALL BE LIMITED TO 10,000 SQUARE FEET.**

E. CULTIVATION FACILITIES SHALL BE HOUSED IN PERMANENT BUILDINGS.

3. DESIGNATED CAREGIVER CULTIVATION IS PERMITTED AS AN ACCESSORY USE IN ALL RESIDENCE DISTRICTS, SUBJECT TO COMPLIANCE WITH ALL OF THE FOLLOWING:

- A. THE CULTIVATION FACILITY SHALL BE LOCATED A MINIMUM DISTANCE OF 25-MILES FROM THE NEXT CLOSEST MEDICAL MARIJUANA DISPENSARY. THIS 25-MILE SEPARATION DISTANCE INCLUDES THOSE DISPENSARIES THAT ARE LOCATED IN NEIGHBORING JURISDICTIONS INCLUDING COUNTY PROPERTIES.**
- B. THE CULTIVATION ACTIVITY SHALL BE HOUSED IN A PERMANENT BUILDING.**
- C. THE CULTIVATION ACTIVITY SHALL BE LIMITED TO A MAXIMUM FLOOR AREA OF 250 SQUARE FEET, INCLUDING STORAGE AREAS.**
- D. THE LOCATION (INCLUDING THE CORRECT ADDRESS) OF THE CULTIVATION SHALL BE REGISTERED WITH THE PLANNING DIVISION, IN ACCORDANCE WITH ITEM 5, BELOW.**
- E. THE DESIGNATED CAREGIVER CULTIVATING MEDICAL MARIJUANA SHALL BE IN POSSESSION OF A VALID DHS DESIGNATED CAREGIVER CARD WITH THE AUTHORIZATION TO CULTIVATE MEDICAL MARIJUANA.**

4. QUALIFIED PATIENT CULTIVATION IS PERMITTED AS AN ACCESSORY USE IN ALL RESIDENCE DISTRICTS, SUBJECT TO COMPLIANCE WITH ALL OF THE FOLLOWING:

- A. THE CULTIVATION FACILITY SHALL BE LOCATED A MINIMUM DISTANCE OF 25-MILES FROM THE NEXT CLOSEST MEDICAL MARIJUANA DISPENSARY. THIS 25-MILE SEPARATION DISTANCE INCLUDES THOSE DISPENSARIES THAT ARE LOCATED IN NEIGHBORING JURISDICTIONS INCLUDING COUNTY PROPERTIES.**
- B. THE CULTIVATION ACTIVITY SHALL BE HOUSED IN A PERMANENT BUILDING.**
- C. THE CULTIVATION ACTIVITY SHALL BE LIMITED TO A MAXIMUM FLOOR AREA OF 250 SQUARE FEET, INCLUDING STORAGE AREAS.**
- D. THE LOCATION (ADDRESS) OF THE CULTIVATION ACTIVITY SHALL BE REGISTERED WITH THE PLANNING DIVISION, IN ACCORDANCE WITH ITEM 5, BELOW.**
- E. AT LEAST ONE RESIDENT OF THE PROPERTY ASSOCIATED WITH THE CULTIVATION ACTIVITY SHALL HOLD AND POSSESS A VALID DHS ISSUED REGISTRY IDENTIFICATION CARD WHICH AUTHORIZES THE QUALIFYING PATIENT TO CULTIVATE MEDICAL MARIJUANA.**

5. ALL MEDICAL MARIJUANA DISPENSARIES, CULTIVATION FACILITIES AND INFUSION FACILITIES, INCLUDING ALL ACCESSORY CULTIVATION FACILITIES, SHALL REGISTER THE LOCATION OF THE FACILITY (AND ASSOCIATED OFF-SITE FACILITY, IF APPLICABLE) WITH THE PLANNING DIVISION. SUCH REGISTRATION SHALL BE VALID FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF REGISTRATION, AND MAY BE RENEWED ONLY IN THE EVENT DHS ALSO RENEWS THE DISPENSARY REGISTRATION AND CERTIFICATION. IF DHS DENIES, FAILS TO RENEW, OR REVOKES THE ISSUANCE OF A DISPENSARY REGISTRATION AND

CERTIFICATION, THE PLANNING DIVISION REGISTRATION OF THE LOCATION OF THE DISPENSARY AND ASSOCIATED CULTIVATION AND/OR INFUSION FACILITIES SHALL EXPIRE IMMEDIATELY. SUCH REGISTRATION WITH THE PLANNING DIVISION SHALL PROVIDE THE FOLLOWING INFORMATION:

- A. NAME, MAILING ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS OF THE INDIVIDUAL OR NON-PROFIT ORGANIZATION OPERATING THE FACILITY. IF A NON-PROFIT ORGANIZATION REGISTERS THE FACILITY LOCATION, INFORMATION PERTAINING TO CONTACTING THE INDIVIDUAL RESPONSIBLE FOR MANAGING THE FACILITY SHALL ALSO BE PROVIDED.**
 - B. A WRITTEN NARRATIVE DESCRIBING HOW THE LOCATION AND IMPROVEMENTS ASSOCIATED WITH THE REGISTERED FACILITY COMPLY WITH THE REQUIREMENTS OF THIS ORDINANCE.**
 - C. IF APPLICABLE, THE SUBMITTAL OF THE NAME(S) AND LOCATION(S) OF THE OFFSITE MEDICAL MARIJUANA CULTIVATION FACILITY ASSOCIATED WITH THE DISPENSARY OPERATION.**
 - D. APPLICABLE ONLY TO DISPENSARIES, A COPY OF THE OPERATING PROCEDURES ADOPTED IN COMPLIANCE WITH A.R.S. §36-2804(B)(1)(C), INCLUDING RECORD KEEPING AND SECURITY MEASURES.**
- 6. ANY COMBINATION OF MEDICAL MARIJUANA DISPENSARY, CULTIVATION FACILITY AND/OR INFUSION FACILITY MAY OCCUR AT A SINGLE LOCATION, PROVIDED:**
- A. THE COMBINED FACILITY COMPLIES WITH ALL REQUIREMENTS OF THIS SUBSECTION.**
 - B. THE MAXIMUM FLOOR AREA ASSOCIATED WITH THE COMBINED ACTIVITY SHALL NOT EXCEED IN AGGREGATE THE MAXIMUMS SPECIFIED BY ITEMS 1F, 2D AND 2E FOR THE SPECIFIC INDIVIDUAL USES BEING COMBINED,**
 - C. THE FLOOR AREA SPECIFICALLY ASSIGNED TO INDIVIDUAL DISPENSARY, CULTIVATION AND/OR INFUSION ACTIVITIES WITHIN THE COMBINED FACILITY DOES NOT EXCEED THE MAXIMUMS SPECIFIED BY ITEMS 1F, 2D AND 2E OF THIS SUBSECTION FOR EACH INDIVIDUAL LAND USE.**

Section 7: SEVERABILITY

If any section, subsection, sentence clause, phrase or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of a Court of competent jurisdiction such decision shall not affect the validity of the remaining portions thereof.

Section 8: PENALTY.

CIVIL PENALTIES:

Upon finding that a person is responsible for a civil violation of this Title, the Civil Hearing Officer shall impose a civil sanction of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each violation. In determining the appropriate sanction the Civil Hearing Officer may assess against

the responsible party the City's personnel, mailing, and other costs incurred in investigating and hearing the case, not to exceed a maximum of five hundred dollars (\$500.00).

EACH DAY SEPARATE VIOLATION:

Each day in which a violation of this Title continues, or the failure to perform any act or duty required by this Title or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

HABITUAL OFFENDER:

- A. A person who commits a violation of this Title after previously having been found responsible for committing three (3) or more civil violations of this Title within a twenty-four (24) month period – whether by admission, by payment of the fine, by default, or by judgment after hearing - shall be guilty of a criminal misdemeanor. The Mesa City Prosecutor is authorized to file a criminal misdemeanor complaint in the Mesa City Court against habitual offenders. For purposes of calculating the twenty-four (24) month period under this Subsection, the dates of the commission of the offenses are the determining factor.
- B. Upon conviction of a violation of this Subsection, the Court may impose a sentence of incarceration not to exceed six (6) months in jail; or a fine not to exceed two thousand five hundred dollars (\$2,500.00), exclusive of penalty assessments prescribed by law; or both such fine and imprisonment. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than five hundred dollars (\$500.00) for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of a sentence required by this Subsection except on the condition that the person pay the mandatory minimum fines as provided in this paragraph.
- C. Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this 7th day of February, 2011.