

**ORDINANCE NUMBER 11-05**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, ADOPTING "CITY OF MARICOPA ZONING CODE AMENDMENTS FOR MEDICAL MARIJUANA" BY REFERENCE WHICH AMENDS THE DEFINITIONS IN ARTICLE 4, SECTION 1601 OF ARTICLE 16 AND SECTION 1801 OF ARTICLE 18 OF THE MARICOPA CITY ZONING CODE AND PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.**

**WHEREAS**, that certain document known as the "City of Maricopa Zoning Code Amendments for Medical Marijuana" was adopted as a public record by Resolution No. 11-05 on April 5, 2011; and

**WHEREAS**, on November 29, 2010, the Arizona Secretary of State certified the election results of the November General Election during which Proposition 203 entitled "The Arizona Medical Marijuana Act" was passed by the voters of Arizona; and

**WHEREAS**, the Arizona Medical Marijuana Act allows qualifying patients with a debilitating medical condition to obtain marijuana from a dispensary for use in treating or alleviating the debilitating medical condition; and

**WHEREAS**, the Arizona Medical Marijuana Act allows cities to enact zoning regulations that limit the use of land for medical marijuana dispensaries; and

**WHEREAS**, the possession, delivery, manufacture, cultivation, and sale of marijuana is currently illegal under the both the federal Controlled Substances Act and the Arizona Controlled Substances Act; and

**WHEREAS**, nothing in this Ordinance is intended, nor shall be construed, to assist, permit, or condone any violation of federal or state law; and

**WHEREAS**, the Mayor and City Council of the City of Maricopa find the zoning restrictions in this Ordinance strike the appropriate balance between the intent of the Arizona Medical Marijuana Act and the mitigation of the negative secondary impacts that are associated with medical marijuana dispensaries and cultivation locations; and

**WHEREAS**, the Mayor and City Council of the City of Maricopa further finds that the zoning regulations adopted by this Ordinance are in the best interests of the City of Maricopa and the health, safety, and welfare of its citizens.

**WHEREAS**, A.R.S. §9-802 allows a City to adopt a public record by Ordinance as a means to reduce publication costs while ensuring that the public gets fair notice and opportunity to review its operative provisions;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, AS FOLLOWS:**

**SECTION 1.** Pursuant to Arizona Revised Statutes Section 9-802, that certain document known as "City of Maricopa Zoning Code Amendments for Medical Marijuana," three copies of which are on file in the office of the City Clerk of the City of Maricopa, Arizona, which document was made a public record by Resolution No. 11-05 of the City of Maricopa, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

**SECTION 2.** Article 4 of the Maricopa City Zoning Code and all amendments thereto are hereby revised by adding the definitions of Medical Marijuana, Medical Marijuana Cultivation, Medical Marijuana Infusion (or Manufacturing) Facility, Medical Marijuana Dispensary, Allowable Amount of Marijuana, Enclosed, Locked Facility, Cardholder and Medical Marijuana Qualifying Patient as set forth in "City of Maricopa Zoning Code Amendments for Medical Marijuana" which was made public record by Resolution No. 11-05 of the City of Maricopa, Arizona.

**SECTION 3.** Section 433 of Article 4 regarding the definition of Home Occupation of the Maricopa City Zoning Code and all amendments thereto are hereby repealed in their entirety and replaced with the language set forth in "City of Maricopa Zoning Code Amendments for Medical Marijuana" which was made public record by Resolution No. 11-05 of the City of Maricopa, Arizona.

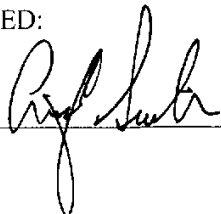
**SECTION 4.** Section 1601 regarding Uses Permitted in the General Business Zone and Section 1801 regarding Uses Permitted in the Industrial Zone of the Maricopa City Zoning Code and all amendments thereto are hereby revised by adding the provisions set forth in "City of Maricopa Zoning Code Amendments for Medical Marijuana" which was made public record by Resolution No. 11-05 of the City of Maricopa, Arizona.

**SECTION 5.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance 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.



**SECTION 6.** The immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health and safety. Therefore, an emergency is hereby declared to exist and this Ordinance shall become immediately effective upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona, this 5<sup>th</sup> day of April, 2011.

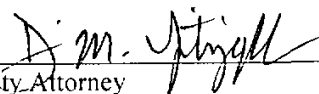
APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
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City Attorney