

RECREATIONAL MARIJUANA UPDATES

The Town Code of the Town of Clifton, Title XV Land Usage, Chapter 156 Zoning Code, Chapter 1.08 Definitions, is hereby amended by adding a new Section 1.08.386 Recreational Marijuana Terms, to read as follows (additions in ALL CAPS and deletions in ~~strikethrough~~):

Chapter 1.08 Definitions

SECTION 1.08.386 **RECREATIONAL MARIJUANA TERMS**

- A. “CONSUME,” “CONSUMING,” AND “CONSUMPTION” MEAN THE ACT OF INGESTING, INHALING OR OTHERWISE INTRODUCING MARIJUANA INTO THE HUMAN BODY.
- B. “CONSUMER” MEANS AN INDIVIDUAL WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO PURCHASES MARIJUANA OR MARIJUANA PRODUCTS.
- C. “CULTIVATE” AND “CULTIVATION” MEAN TO PROPAGATE, BREED, GROW, PREPARE AND PACKAGE MARIJUANA.
- D. “DELIVER” AND “DELIVERY” MEAN THE TRANSPORTATION, TRANSFER OR PROVISION OF MARIJUANA OR MARIJUANA PRODUCTS TO A CONSUMER AT A LOCATION OTHER THAN THE DESIGNATED RETAIL LOCATION OF A MARIJUANA ESTABLISHMENT.
- E. “DEPARTMENT” MEANS THE STATE OF ARIZONA DEPARTMENT OF HEALTH SERVICES OR ITS SUCCESSOR AGENCY.
- F. “DUAL LICENSEE” MEANS AN ENTITY THAT HOLDS BOTH A NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION AND A MARIJUANA ESTABLISHMENT LICENSE.
- G. “ENCLOSED AREA” MEANS A BUILDING, GREENHOUSE, OR OTHER STRUCTURE THAT HAS:
 - 1. A COMPLETE ROOF ENCLOSURE SUPPORTED BY CONNECTING WALLS THAT ARE CONSTRUCTED OF SOLID MATERIAL EXTENDING FROM THE GROUND TO THE ROOF;

2. IS SECURE AGAINST UNAUTHORIZED ENTRY;
 3. HAS A FOUNDATION, SLAB OR EQUIVALENT BASE TO WHICH THE FLOOR IS SECURELY ATTACHED; AND
 4. MEETS PERFORMANCE STANDARDS ENSURING THAT CULTIVATION AND PROCESSING ACTIVITIES CANNOT BE AND ARE NOT PERCEPTIBLE FROM THE STRUCTURE IN TERMS OF NOT BEING VISIBLE FROM PUBLIC VIEW WITHOUT USING BINOCULARS, AIRCRAFT OR OTHER OPTICAL AIDS AND IS EQUIPPED WITH A LOCK OR OTHER SECURITY DEVICE THAT PREVENTS ACCESS BY MINORS.
- H. “EXTRACTION” MEANS THE PROCESS OF EXTRACTING OR SEPARATING RESIN FROM MARIJUANA TO PRODUCE OR PROCESS ANY FORM OF MARIJUANA CONCENTRATES USING WATER, LIPIDS, GASES, SOLVENTS, OR OTHER CHEMICALS OR CHEMICAL PROCESSES.
- I. “MANUFACTURE” AND “MANUFACTURING” MEAN TO COMPOUND, BLEND, EXTRACT, INFUSE OR OTHERWISE MAKE OR PREPARE A MARIJUANA PRODUCT.
- J. “MARIJUANA”
1. MEANS ALL PARTS OF THE PLANT OF THE GENUS CANNABIS, WHETHER GROWING OR NOT, AS WELL AS THE SEEDS FROM THE PLANT, THE RESIN EXTRACTED FROM ANY PART OF THE PLANT, AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE OR PREPARATION OF THE PLANT OR ITS SEEDS OR RESIN.
 2. INCLUDES CANNABIS AS DEFINED IN A.R.S. § 13-3401.
 3. DOES NOT INCLUDE INDUSTRIAL HEMP, THE FIBER PRODUCED FROM THE STALKS OF THE PLANT OF THE GENUS CANNABIS, OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT, STERILIZED SEEDS OF THE PLANT THAT ARE INCAPABLE OF GERMINATION, OR THE WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH MARIJUANA TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK OR OTHER PRODUCTS.

- K. "MARIJUANA CONCENTRATE"
1. MEANS RESIN EXTRACTED FROM ANY PART OF A PLANT OF THE GENUS CANNABIS AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE OR PREPARATION OF THAT RESIN OR TETRAHYDROCANNABINOL.
 2. DOES NOT INCLUDE INDUSTRIAL HEMP OR THE WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH CANNABIS TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK OR OTHER PRODUCTS.
- L. "MARIJUANA ESTABLISHMENT" MEANS AN ENTITY LICENSED BY THE DEPARTMENT TO OPERATE ALL OF THE FOLLOWING:
1. A SINGLE RETAIL LOCATION AT WHICH THE LICENSEE MAY SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS, CULTIVATE MARIJUANA AND MANUFACTURE MARIJUANA PRODUCTS.
 2. A SINGLE OFF-SITE CULTIVATION LOCATION AT WHICH THE LICENSEE MAY CULTIVATE MARIJUANA, PROCESS MARIJUANA AND MANUFACTURE MARIJUANA PRODUCTS, BUT FROM WHICH MARIJUANA AND MARIJUANA PRODUCTS MAY NOT BE TRANSFERRED OR SOLD TO CONSUMERS.
 3. A SINGLE OFF-SITE LOCATION AT WHICH THE LICENSEE MAY MANUFACTURE MARIJUANA PRODUCTS AND PACKAGE AND STORE MARIJUANA AND MARIJUANA PRODUCTS, BUT FROM WHICH MARIJUANA AND MARIJUANA PRODUCTS MAY NOT BE TRANSFERRED OR SOLD TO CONSUMERS.
- M. "MARIJUANA PRODUCTS" MEANS MARIJUANA CONCENTRATE AND PRODUCTS THAT ARE COMPOSED OF MARIJUANA AND OTHER INGREDIENTS AND THAT ARE INTENDED FOR USE OR CONSUMPTION, INCLUDING EDIBLE PRODUCTS, OINTMENTS, AND TINCTURES.
- N. "MARIJUANA TESTING FACILITY" MEANS THE DEPARTMENT OR ANOTHER ENTITY THAT IS LICENSED BY THE

DEPARTMENT TO ANALYZE THE POTENCY OF MARIJUANA AND TEST MARIJUANA FOR HARMFUL CONTAMINANTS.

- O. “OPEN SPACE” MEANS A PUBLIC PARK, PUBLIC SIDEWALK, PUBLIC WALKWAY OR PUBLIC PEDESTRIAN THOROUGHFARE.
- P. “PERSON” MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION, OR ANY OTHER ENTITY OF WHATEVER KIND OR NATURE.
- Q. “PROCESS” AND “PROCESSING” MEANS TO HARVEST, DRY, CURE, TRIM, OR SEPARATE PARTS OF THE MARIJUANA PLANT.
- R. “PUBLIC PLACE” HAS THE SAME MEANING PRESCRIBED IN THE SMOKE-FREE ARIZONA ACT, A.R.S. § 36-601.01.
- S. “SMOKE” MEANS TO INHALE, EXHALE, BURN, CARRY OR POSSESS ANY LIGHTED MARIJUANA OR LIGHTED MARIJUANA PRODUCTS, WHETHER NATURAL OR SYNTHETIC.

The Town Code of the Town of Clifton, Title XV Land Usage, Chapter 156 Zoning Code, Chapter 1.12 Supplementary Requirements and Procedures Applicable within Zones, is hereby amended by adding a new Section 1.12.380 Recreational Marijuana Facilities Regulations, to read as follows (additions in ALL CAPS and deletions in ~~striketrough~~):

Chapter 1.12 Supplementary Requirements and Procedures Applicable within Zones

SECTION 1.12.380 RECREATIONAL MARIJUANA FACILITIES REGULATIONS

- A. PURPOSE. THIS SECTION IS ADOPTED TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY. NOTHING IN THIS SECTION IS INTENDED TO PROMOTE OR CONDONE THE SALE, CULTIVATION, MANUFACTURE, TRANSPORT, PRODUCTION, DISTRIBUTION, POSSESSION, OR USE OF MARIJUANA OR MARIJUANA PRODUCTS IN VIOLATION OF ANY APPLICABLE LAW.
- B. REGULATIONS.
 - 1. MARIJUANA TESTING FACILITIES. TO THE FULLEST EXTENT ALLOWABLE BY LAW, THE OPERATION OF A MARIJUANA TESTING FACILITY IS PROHIBITED IN THE TOWN OF CLIFTON.

2. MARIJUANA ESTABLISHMENTS.

THE OPERATION OF A MARIJUANA ESTABLISHMENT IS PROHIBITED IN THE TOWN OF CLIFTON EXCEPT AS A CONDITIONAL USE PURSUANT TO SECTION 1.60.040.

3. OPERATIONS AND SALES.

- a. MARIJUANA ESTABLISHMENTS PERMITTED PURSUANT TO THIS SECTION SHALL BE REGULATED IN THE SAME MANNER AS NONPROFIT MEDICAL MARIJUANA FACILITIES AS PROVIDED IN SECTION 1.12.370.
- b. FEES FOR LICENSING OF A MARIJUANA ESTABLISHMENT SHALL BE ESTABLISHED BY RESOLUTION OF COUNCIL.
- c. THE SALE OF MARIJUANA AND MARIJUANA PRODUCTS IS TANGIBLE PERSONAL PROPERTY AS DEFINED IN A.R.S. § 42-5001 AND SUBJECT TO THE TRANSACTION PRIVILEGE TAX IN THE RETAIL CLASSIFICATION AND USE TAX.

4. PUBLIC PLACES.

- a. THE USE, SALE, CULTIVATION, MANUFACTURE, PRODUCTION OR DISTRIBUTION OF MARIJUANA OR MARIJUANA PRODUCTS IS PROHIBITED ON PROPERTY THAT IS OCCUPIED, OWNED, CONTROLLED, OR OPERATED BY THE TOWN.
- b. THE USE, SALE, CULTIVATION, MANUFACTURE, PRODUCTION, OR DISTRIBUTION OF MARIJUANA OR MARIJUANA PRODUCTS IS PROHIBITED ON PROPERTY THAT IS OCCUPIED, OWNED, CONTROLLED, OR OPERATED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE THAT HAS ADOPTED RULES, REGULATIONS, OR POLICIES PROHIBITING THE USE, SALE, CULTIVATION, MANUFACTURE, PRODUCTION, OR

DISTRIBUTION OF MARIJUANA OR
MARIJUANA PRODUCTS ON ITS PROPERTY.

- c. IT IS UNLAWFUL FOR AN INDIVIDUAL TO SMOKE MARIJUANA IN A PUBLIC PLACE, SPORTS FACILITY, OR OPEN SPACE IN THE TOWN.
- d. IT IS UNLAWFUL TO OPERATE A BUSINESS IN THE TOWN THAT PERMITS CONSUMPTION OF MARIJUANA OR MARIJUANA PRODUCTS ON PREMISES BY INVITEES, PATRONS, OR EMPLOYEES OF THE BUSINESS.

5. REGULATIONS FOR PRIMARY RESIDENCE FOR PERSONAL USE. TO THE EXTENT ALLOWABLE BY LAW, MARIJUANA POSSESSION, CONSUMPTION, PROCESSING, MANUFACTURING, TRANSPORTATION, AND CULTIVATION IS PERMITTED IN A RESIDENTIAL ZONING DISTRICT IN THE TOWN, AND COMMERCIAL OR INDUSTRIAL AREAS WITH RESIDENTIAL UNITS IN THE TOWN, SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS FOR PERSONAL USE:

- a. IT SHALL BE UNLAWFUL FOR ANY INDIVIDUAL WHO IS AT LEAST 21 YEARS OF AGE TO POSSESS, TRANSPORT, CULTIVATE OR PROCESS MORE THAN SIX (6) MARIJUANA PLANTS.
- b. IT SHALL BE UNLAWFUL FOR TWO OR MORE INDIVIDUALS WHO ARE AT LEAST 21 YEARS OF AGE TO POSSESS, TRANSPORT, CULTIVATE OR PROCESS MORE THAN 12 MARIJUANA PLANTS AT THE INDIVIDUAL'S PRIMARY RESIDENCE.
- c. EXCEPT AS PROVIDED BY A.R.S. § 36-2801 ET SEQ. AND THIS SECTION, IT SHALL BE UNLAWFUL FOR AN INDIVIDUAL TO OTHERWISE CULTIVATE MARIJUANA IN A RESIDENTIAL ZONING DISTRICT WITHIN THE TOWN LIMITS.
- d. INDIVIDUALS SHALL NOT PROCESS OR MANUFACTURE MARIJUANA BY MEANS OF ANY LIQUID OR GAS, OTHER THAN ALCOHOL, THAT

HAS A FLASHPOINT BELOW 100 DEGREES FAHRENHEIT.

- e. KITCHEN, BATHROOMS, AND PRIMARY BEDROOM(S) SHALL BE USED FOR THEIR INTENDED USE AND SHALL NOT BE USED PRIMARILY FOR MARIJUANA PROCESSING, MANUFACTURING, OR CULTIVATION.
- f. A RESIDENCE SHALL NOT EMIT DUST, FUMES, VAPORS, OR ODORS INTO THE ENVIRONMENT AND INDIVIDUALS SHALL ENSURE THAT VENTILATION, AIR FILTRATION, BUILDING AND DESIGN STANDARDS ARE COMPATIBLE WITH ADJACENT USES AND THE REQUIREMENTS OF ADOPTED BUILDING CODES OF THE TOWN.
- g. CULTIVATION SHALL BE LIMITED TO A CLOSET, ROOM, GREENHOUSE, OR OTHER ENCLOSED AREA ON THE GROUNDS OF THE RESIDENCE EQUIPPED WITH A LOCK OR OTHER SECURITY DEVICE THAT PREVENTS ACCESS BY MINORS.
- h. CULTIVATION SHALL TAKE PLACE IN AN AREA WHERE THE MARIJUANA PLANTS ARE NOT VISIBLE FROM PUBLIC VIEW WITHOUT USING BINOCULARS, AIRCRAFT, OR OTHER OPTICAL AIDS.

C. ENFORCEMENT; PENALTIES.

- 1. MARIJUANA ESTABLISHMENT PERMITS MAY BE REVOKED BY THE TOWN FOR VIOLATION OF ANY PROVISION OF THIS SECTION, FOR ANY VIOLATION OF THE REQUIREMENTS OF THE PERMIT, OR IF THE DEPARTMENT REVOKES THE LICENSE FOR THE FACILITY.
- 2. VIOLATION OF THIS SECTION ARE IN ADDITION TO ANY OTHER VIOLATION ENUMERATED WITHIN THE TOWN ORDINANCES OR THE TOWN CODE AND IN NO WAY LIMITS THE PENALTIES, ACTIONS OR ABATEMENT PROCEDURES WHICH MAY BE TAKEN BY THE TOWN FOR ANY VIOLATION OF THIS SECTION, WHICH IS ALSO A VIOLATION OF ANY OTHER ORDINANCE OR CODE PROVISION OF THE TOWN OR FEDERAL OR STATE LAW.

CONVICTION AND PUNISHMENT OR JUDGMENT AGAINST ANY PERSON UNDER THIS SECTION SHALL NOT RELIEVE SUCH PERSON FROM THE RESPONSIBILITY OF CORRECTING PROHIBITED CONDITIONS, OR REMOVING PROHIBITED STRUCTURES OR IMPROVEMENTS, AND SHALL NOT PREVENT THE ENFORCED CORRECTION OR REMOVAL THEREOF.

3. EXCEPT AS OTHERWISE PROVIDED IN A.R.S. § 36-2853, VIOLATION OF ANY PROVISION OF THIS SECTION IS A CLASS ONE MISDEMEANOR PURSUANT TO CHAPTER 1.96.

The Town Code of the Town of Clifton, Title XV Land Usage, Chapter 156 Zoning Code, Chapter 1.60 CC-1 Central Commercial Zone, is hereby amended by amending Section 1.60.040 Conditional Uses, to read as follows (additions in ALL CAPS and deletions in ~~strikethrough~~):

Chapter 1.60 CC-1 Central Commercial Zone

Section 1.60.040 Conditional Uses

- A. The following uses may be permitted in the CC-1 Central Commercial Zone upon first obtaining approval of a conditional use permit by the Board of Adjustment:

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4. RECREATIONAL MARIJUANA ESTABLISHMENTS CONTINGENT ON ARIZONA STATE LICENSURE AND SUBJECT TO THE STANDARD CONDITIONS AND LIMITATIONS IN SECTION 1.12.380 RECREATIONAL MARIJUANA FACILITIES REGULATIONS.

- B. A use permit issued for a medical marijuana dispensary OR RECREATIONAL MARIJUANA ESTABLISHMENT is not transferable to any other location or premises, nor is it valid for any other use or business association with a medical marijuana dispensary OR RECREATIONAL MARIJUANA ESTABLISHMENT that is not specifically identified in the use permit.

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