

RESOLUTION NO. 21-05

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED “CHAPTER 8.40, RECREATIONAL MARIJUANA,” ESTABLISHING A PURPOSE; SETTING FORTH DEFINITIONS; PROHIBITING MARIJUANA ON PUBLIC PROPERTY; PROHIBITING MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES; ESTABLISHING REGULATIONS FOR PERSONAL USE AT AN INDIVIDUAL’S PRIMARY RESIDENCE; SETTING FORTH VIOLATIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND AMENDING THE MARICOPA CITY CODE BY ADDING CHAPTER 8.40 AND DECLARING AN EMERGENCY.

WHEREAS, marijuana contains tetrahydrocannabinol (“THC”), which remains on Schedule I of the Controlled Substances Act pursuant to 21 U.S.C. § 811 et al. and any possession and use is a violation of federal law pursuant to 21 U.S.C. § 841 et. al.; and

WHEREAS, the Arizona Medical Marijuana Act, Arizona Revised Statutes Sections § 36-2801 et al., and Title 9, Chapter 17 of the Arizona Administrative Code allow the establishment and operation of nonprofit medical marijuana dispensaries in the City according to a prescribed statutory and regulatory process; and

WHEREAS, Prop 207, the statewide ballot measure known as “Smart and Safe Arizona Act,” was approved at the November 3, 2020 general election and contains provisions authorizing the possession, consumption, purchase, processing, manufacturing or transporting of marijuana by an individual who is at least twenty-one (21) years of age; authorizing possession, transport, cultivation or processing of marijuana plants in a primary residence by adults over 21 years or older; allowing a nonprofit medical marijuana dispensary or other non-dispensary applicant to apply to the Department of Health Services to become a licensed marijuana establishment authorized to engage in the retail sale, cultivation and manufacturing of marijuana; and allowing the Department, or another entity designated by the Department, to become a marijuana testing facility to test the potency of marijuana and detect any harmful contaminants; and

WHEREAS, the City finds that Proposition 207 authorizes marijuana establishments to use chemical extraction or chemical synthesis, including butane and other flammable gases, to extract marijuana concentrate, which poses a threat to the health, safety and security of the community and increases the responsibilities of law enforcement and other City departments to respond to violations of state and local laws, including building, electrical and fire codes; and

WHEREAS, the City seeks to protect public health, safety, and welfare by prohibiting marijuana establishments and marijuana testing facilities in the City; and

WHEREAS, the City Council believes that declaring Chapter 8.40, Recreational Marijuana as a public record and adopting its provisions by reference will be in the City’s best interest.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Maricopa, Arizona as follows:

Section 1. That certain document filed with the city clerk and entitled “Chapter 8.40, Recreational Marijuana,” establishing a purpose; setting forth definitions; prohibiting marijuana on public property; prohibiting marijuana establishments and marijuana testing facilities; establishing regulations for personal use at an individual’s primary residence; authorizing retail sales from marijuana and marijuana products; imposing fees; setting forth violations; providing for enforcement and penalties; and amending the City Code by adding Chapter 8.40, is hereby declared to be a public record, and an electronic copy shall remain on file in the office of the City Clerk of the City of Maricopa for examination by the public.

Section 2. The immediate operation of the provisions of this resolution is necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this resolution shall become immediately effective upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Maricopa, Arizona this 16th day of February, 2021.

APPROVED:

Christian Price
Mayor

ATTEST:

Vanessa Bueras
City Clerk

APPROVED AS TO FORM:

Denis Fitzgibbons
City Attorney