



# City of Maricopa

## Legislation Text

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**File #:** ORD 21-02, **Version:** 1

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An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, adopting “Chapter 8.40, Recreational Marijuana” by reference to amend the Maricopa City Code by adding Chapter 8.40 relating to the regulation of 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 declaring an emergency.

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.

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.

The City seeks to protect public health, safety, and welfare by prohibiting marijuana establishments and marijuana testing facilities in the City. The City believes that adding Chapter 8.40 to establish rules and regulations relating to recreational marijuana within the City would be in the best interest of the City.

Staff recommends approval.