

ORDINANCE NO. 795

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ENACTING REASONABLE ZONING REGULATIONS LIMITING THE USE OF LAND FOR REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES BY AMENDING PORTIONS OF SECTIONS 15-11 AND 15-12 AND ADDING SECTION 15-15 OF THE UNIFIED DEVELOPMENT CODE.

(MEDICAL MARIJUANA DISPENSARIES REGULATIONS)

WHEREAS, on November 2, 2010, the voters of Arizona approved Proposition 203 entitled the Arizona Medical Marijuana Act ("the Act"), codified as A.R.S. §36-2801 et. seq.; and

WHEREAS, A.R.S. §36-2806.01 allows cities, towns, and counties to "enact reasonable zoning regulations that limit the use of land for registered nonprofit medical marijuana dispensaries to specified areas" within their jurisdictions; and

WHEREAS, the possession, delivery, manufacture, cultivation, or sale of marijuana is illegal under the federal Controlled Substances Act; and

WHEREAS, the Act may be preempted or limited by the federal Controlled Substances Act; and

WHEREAS, nothing in this Ordinance is intended to permit or assist in the violation of the federal Controlled Substances Act; and

WHEREAS, states permitting the use of medical marijuana have experienced various problems associated with medical marijuana dispensaries, including mobile marijuana dispensaries and marijuana dispensary proliferation; and

WHEREAS, states permitting the use of medical marijuana have reported increased occurrences of crime associated with medical marijuana dispensaries; and

WHEREAS, the Town finds that reasonable zoning regulations regulating medical marijuana dispensaries are necessary to maintain the health and safety of the citizens of the Town; and

WHEREAS, amendments to Sections 15-11, 15-12-001, 15-12-002 and 15-12-003 of Chapter 154 (The Unified Development Code) of the Code of the Town of Payson were declared to be a public record by Resolution 2586; and

WHEREAS, Section 15-15 of Chapter 154 (The Unified Development Code) of the Code of the Town of Payson was declared to be a public record by Resolution 2586; and

**WHEREAS**, it is the desire of the Mayor and Common Council to amend the Unified Development Code of the Town of Payson by amending Sections 15-11, 15-12-001, 15-12-002 and 15-12-003 by reference pursuant to A.R.S. § 9-802; and

**WHEREAS**, it is the desire of the Mayor and Common Council to amend the Unified Development Code of the Town of Payson by adding Section 15-15 by reference pursuant to A.R.S. § 9-802,

**NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:**

- Section 1. That the amendments to Sections 15-11 (Definitions) and 15-12-001, 15-12-002 and 15-12-003 (Residential, Commercial, Industrial District Use Tables) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson set forth in Resolution 2586 were heretofore declared to be a public record, are hereby referred to, and are adopted by reference as though all the provisions thereof were set forth in this Ordinance.
- Section 2. That Section 15-15 (Medical Marijuana) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson set forth in Resolution 2586 was heretofore declared to be a public record, is hereby referred to, and is adopted by reference as though all the provisions thereof were set forth in this Ordinance.
- Section 3. That at least three copies of Section 15-15 and the amendments to Sections 15-11, 15-12-001, 15-12-002, and 15-12-003, as adopted by this Ordinance shall be filed in the Office of the Clerk of the Town of Payson and the same shall be maintained and kept available for public use and inspection.
- Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.
- 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, such decision shall not affect the validity of the remaining portions of this Ordinance. The Mayor and Common Council of the Town of Payson declares that they would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE  
TOWN OF PAYSON this \_\_\_\_ day of January, 2011, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Silvia Smith, Town Clerk

  
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Timothy M. Wright, Town Attorney