

**ORDINANCE NO. 790**

**AN ORDINANCE OF THE CITY OF GLOBE, ARIZONA, AMENDING THE GLOBE CITY CODE BY THE ADDITION OF A NEW SECTION 14-5-19 ENTITLED "MEDICAL MARIJUANA DISPENSARIES; CONDITIONAL USE PERMIT REQUIRED" THERETO; REPEALING ANY AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; AND PROVIDING FOR THE CONDITIONAL REPEAL HEREOF IN THE EVENT THAT PROPOSITION 203 IS NOT APPROVED IN THE GENERAL ELECTION OF NOVEMBER 2, 2010.**

**WHEREAS**, Proposition 203 proposes a set of new statutes authorizing the medical use of marijuana; and

**WHEREAS**, said statutes also authorize medical marijuana dispensaries; and

**WHEREAS**, said statutes authorize cities to adopt reasonable zoning regulations to govern the location of medical marijuana dispensaries; and

**WHEREAS**, it is the intent of this Ordinance to adopt certain interim zoning regulations for medical marijuana dispensaries.

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

**Section 1** That the Globe City Code is hereby amended by the addition of a new Section 14-5-19 thereto, entitled "Medical Marijuana Dispensaries; Conditional Use Permit Required" to read as follows:

**"Section 14-5-19 Medical Marijuana Dispensaries; Conditional Use Permit Required**

**A. Location**

1. A Medical Marijuana Dispensary may be not be located within any Residential District within the City.

2. A Medical Marijuana Dispensary may not be operated as a Home Occupation anywhere within the City.
3. A Medical Marijuana Dispensary may only be located in C-2, C-3, M-1 or M-2 Zoning Districts pursuant to a conditional use permit as may be approved pursuant to Section 14-10-6 of this Code, except that the recommendation of the Planning Commission shall also be reviewed and approved by the City Council prior to the issuance of a conditional use permit for a Medical Marijuana Dispensary.
4. A Medical Marijuana Dispensary shall not be located within Five Hundred (500') feet of any public park, school or another Medical Marijuana Dispensary.

**B. Standard Conditions of Approval**

1. No person under the age of eighteen (18) may be present at a Medical Marijuana Dispensary except with the prior approval of the Chief of Police, or designee, for good cause shown.
2. Marijuana may not be used in any manner on the premises or in the vicinity of any Medical Marijuana Dispensary within the City.
3. Only persons with a Registry Identification Card, as defined by A.R.S. 36-2801 (14), authorized licensees, and authorized employees may be present at a Medical Marijuana Dispensary.
4. A Business License shall be required as provided under the provisions of Chapter 8.
5. The Medical Marijuana Dispensary shall comply with all the restrictions and requirements of the Arizona Medical Marijuana Act, A.R.S. 36-2801 through 2818, together with compliance with any regulations adopted by the Arizona Department of Health Services pursuant to same, and said regulations are incorporated herein by this reference as if set forth in full.
6. No alcoholic beverages shall be sold, served, or consumed on the premises.
7. Each Dispensary shall display in a manner legible and visible to its clientele:
  - a. Notice that persons without a registry identification card or under the age of 18 (eighteen) are not allowed on the premises.

- b. A request that there be no consumption of medical marijuana on the premises or in the vicinity of the Dispensary.
8. Dispensaries are to be designed and constructed so that no area or portion where marijuana can be visible from the exterior while requiring the entrance to be visible from a public street.
9. Medical Marijuana Dispensaries must conform to regulations for other businesses with similar zoning and all applicable building, fire and safety codes.
10. Applications for a Conditional Use under the provisions of this Section for a Nonprofit Medical Marijuana Dispensary may only be made, received or held by a registered Nonprofit Medical Marijuana Dispensary Agent for a registered and certified Medical Marijuana Dispensary as provided in A.R.S. 36-2804.
11. Drive through and delivery services are prohibited.
12. Hours of operation shall be only from 8 a.m. to 8 p.m.
13. The Dispensary shall be operated in compliance with regulations for same the City may adopt regardless of the date of the grant of a business license or the approval of a conditional use permit. Such regulations may be amended from time to time as the City deems appropriate and shall be deemed to be incorporated in any conditional use permit authorized hereunder.

**C. Additional Conditions of Approval Authorized**

In addition to the standard conditions of approval as set forth in Subsection B above, the City may add any other conditions of approval appropriate to the application considering the location, building, surroundings, adjacent land uses, topography, security and safety considerations, as may be necessary to achieve a compatible land use with the surrounding community as authorized by the City Code or Arizona law."

**Section 2** That any and all other prior ordinances or parts of ordinances in conflict herewith are hereby repealed to that extent.

**Section 3** That any person found guilty of violating any provisions of this ordinance may be punished by a fine of up to \$2,500.00, or by imprisonment for up to six (6) months in jail, or by both such fine and imprisonment. Each day a violation continues shall constitute a separate offense punishable as hereinabove provided.

**Section 4** If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments adopted herein 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 5** That the City Clerk is hereby authorized and directed to publish and post this Ordinance in accordance with State law.

**Section 6** The effective date of this Ordinance shall be thirty (30) days following adoption, however, in the event that Proposition 203 is not approved in the general election of November 2, 2010, then in that event, this Ordinance shall not go into effect and shall be deemed null, void and of no further effect.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Globe, Arizona, this 18th day of October, 2010.

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Fernando Shipley, Mayor

**ATTEST:**

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Gina A. Paul, City Clerk

**APPROVED AS TO FORM:**

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K. Kane Graves, City Attorney