

PROPOSED REGULATIONS FOR INDUSTRIAL HEMP CULTIVATION

Definition of Industrial Hemp:

Any viable cannabis sativa L seed and any part of such a plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3000% percent on a dry-weight basis and is subject to Title 3, Chapter 2, Article 4.1 of the Arizona Revised Statutes and Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.

Allowable Locations:

- May be located in a C-2 or C-3 zoning district, with a conditional use permit.
- Shall not be located within 1000 feet from a residential zoned property.
- Shall not be located within 1000 feet from any preschool, kindergarten or other school or educational facility that caters to children, childcare facility, places of worship, public community center, public park, or a building with the same type of use.
- Sale of Industrial hemp products is authorized within the Town limits in accordance with all applicable zoning regulations and are taxable to the end user under the retail classification of the transaction privilege tax.

State Licensing Requirements:

- Unlawful for any person to grow, harvest, transport or process industrial hemp, or propagate eligible seed and propagative materials for planting in the Town without first obtaining a valid license from the Department pursuant to A.R.S. § 3-314 and Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.
- Unlawful for a person to grow, harvest, process or store industrial hemp in any residential dwelling pursuant to Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.

Town Requirements:

- Required to obtain a Conditional Use Permit. Permit is valid for one year and is renewable each year.
- Applicant shall provide a valid license issued by the State and authorized under the Industrial Hemp Program.
- Applicant shall provide a valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- Applicant shall notify the Town within 72 hours if the Department of Agriculture imposes a corrective action plan or suspends or revokes the Applicant's license.
- Required to be located within an enclosed locked building.
- During hours of darkness, all areas of the premises shall be illuminated.
- Disposal of agricultural composting shall not be allowed in any trash can or bin located within Town limits, any Town facility, or in any park refuse container unless authorized by the Town.
- Must eliminate the smell or odor of hemp, so that such odors cannot be detected by a person with a normal sense of smell from a minimum distance of ten feet of a building's exterior or property boundary.
- No vehicle used to transport Industrial Hemp shall park in any residential zone or be left unattended on any public street, sidewalk, alley or other public right-of-way in the Town.
- Town Code Official may conduct exterior inspections at any time during regular business hours.

Enforcement and Penalties:

- The conditional use permit may be revoked by the Town for violation of any provision of these regulations or requirements of the permit. If the permit is revoked, the permittee shall have the right to appeal to the Town Board of Adjustments.
- Violations are in addition to any other violation enumerated within the Town ordinances or Municipal Code or federal or state law.
- Violations may be criminal or civil. First offense is civil with \$100 fine; Second offense is civil with \$300 fine; Third and subsequent offenses are criminal class 1 misdemeanor.
- Citations for civil and criminal violations may be filed in Magistrate Court by the Police Deptent or Town Attorney.