

PROPOSED REGULATIONS FOR PERSONAL USE OF MARIJUANA

Purpose:

To protect the health, safety, and welfare of the community. Except as allowed by law for personal, private use, the Town enacts reasonable regulations and requires compliance with zoning laws for the retail sale, cultivation and manufacturing of marijuana or marijuana products in a marijuana establishment and the cultivation, processing, and manufacturing of marijuana in a primary residence.

Marijuana Prohibited on Public Property:

- The use, sale, cultivation, manufacture, production or distribution of marijuana or marijuana products is prohibited on property that is occupied, owned, controlled, or operated by the Town.
- It shall be unlawful for an individual to smoke marijuana in a public place or open space in the Town.

Individual's Primary Residence for Personal Use:

To the fullest extent allowable by law, marijuana possession, consumption, processing, manufacturing, transportation, and cultivation is permitted in a residential zoning district in the Town and is subject to the following conditions and limitations:

- An individual who is at least twenty-one years of age shall not possess, transport, cultivate, or process more than six marijuana plants at the individual's primary residence.
- Two or more individuals who are at least twenty-one years of age shall not possess, transport, cultivate or process more than twelve marijuana plants at the individuals' primary residence.
- Except as provided by A.R.S. § 36-2801 and this Section of Town Code, an individual shall not cultivate marijuana in a residential zoning district within the Town limits.
- Individuals shall not process or manufacture marijuana by means of any liquid or gas other than alcohol that has a flashpoint below one hundred degrees Fahrenheit.
- Kitchen, bathroom, and primary bedroom(s) shall be used for their intended use and shall not be used primarily for residential marijuana processing, manufacturing, or cultivation.
- A residence shall not emit dust, fumes, vapors or odors into the environment and individuals shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and requirements of the adopted building codes of the Town.
- Cultivation shall be limited to a closet, room, greenhouse, or other enclosed area on the grounds of the residence equipped with a lock or other security device that prevents access by minors.
- Cultivation shall take place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft or other optical aids.

Enforcement and Penalties:

- 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 Dept or Town Attorney.