Staff Report

Agenda Item: **AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING CHAPTER 10 OF THE TOWN CODE BY AMENDING SECTION 10-2-2 DEFINITIONS, SECTION 10-2-4 REGULATIONS OF SMOKING IN ENCLOSED PUBLIC PLACES; AND AMENDING CHAPTER THREE OF THE ZONING CODE BY AMENDING SECTIONS 3-1 THROUGH 3-8 RESIDENTIAL DISTRICTS BY ADDING MEDICAL MARIJUANA CAREGIVER FACILITY AS A CONDITIONAL USE; SECTION 3-9 CENTRAL BUSINESS DISTRICT AND SECTION 3-11 COMMERCIAL DISTRICT BY ADDING MEDICAL MARIJUANA DISPENSARY; SECTION 3-15 INDUSTRIAL DISTRICT BY ADDING MEDICAL MARIJUANA CULTIVATION FACILITY; PROVIDING SEVERABILITY; AND REPEALING CONFLICTING ORDINANCES -** Discussion and consideration of Ordinance# 331, an Ordinance which establishes Medical Marijuana regulations in the Town of Clarkdale.

Staff Contact: Sherry Bailey, Community Development Director

Meeting Date: February 22, 2011

Background:
The Town Attorney has redone the proposed ordinance to reflect most of the council discussion items from the last council meeting. However, in an attached memo Mr. Millet has indicated those items he feels are still worth discussing with the Town Council. He has revised the ordinance to reflect both the suggested ordinance items from the Planning Commission and the remaining items he believes clarifies the ordinance. He will be present at the council meeting to discuss those items with the council.

The ordinance as it is now before you has the caregiver in the residential districts as a Conditional Use Permit. However, it does have the dispensary in the Commercial Districts as an allowed use and the cultivation/processing facility allowed only in the Industrial District. This is what the Planning Commission has recommend be approved.

Recommendation: Approval of Ordinance #313, An Ordinance Of The Mayor And Common Council Of The Town Of Clarkdale, Arizona, Amending Chapter 10 Of The Town Code By Amending Section 10-2-2 Definitions, Section 10-2-4 Regulations Of Smoking In Enclosed Public Places; And Amending Chapter Three Of The Zoning Code By Amending Sections 3-1 Through 3-8 Residential Districts By Adding Medical Marijuana Caregiver Facility As A Conditional Use; Section 3-9 Central Business District And Section 3-11 Commercial District By Adding Medical Marijuana Dispensary; Section 3-15 Industrial District By Adding Medical Marijuana Cultivation Facility; Providing Severability; And Repealing Conflicting Ordinances

Memorandum BOYLE, PECHARICH, CLINE, WHITTINGTON & STALLINGS, P.L.L.C.

To: Doug Von Gausig, Mayor
Richard Dehnert, Vice Mayor
Curtiss Bohall, Councilmember
Pat Williams, Councilmember
Bill Regner, Councilmember

From: Jonathan A. Millet

Re: Medical Marijuana Ordinance, revised draft

Date: February 15, 2011

Attached please find a revision of the draft Medical Marijuana Ordinance with two versions: one with changes redlined and a clean version with the changes accepted. This revision reflects the following changes from the previous versions submitted:

1. Makes smoking medical marijuana in a public place a petty offense.
2. Simplifies the definitions of the caregiver facility, dispensary, and processing facility to reflect the Medical Marijuana Act and the promulgated regulations. Some of the language for the caregiver facilities was also moved into the definitions section. This approach relies on the Department of Health regulations regarding registration and security compliance.
3. Prohibits cultivation at caregiver facilities unless the facilities and the patients served are more than 25 miles from a dispensary. This follows the regulations promulgated by the Arizona Department of Health and clarifies an ambiguity.
4. Does not require use permits for dispensary or processing facilities.
5. Requires the processing facility to be located at least 1,000 feet from a residentially-zoned property.
6. Requires any storage facility associated with a dispensary or a processing facility to be located in a building, as defined in the zoning code, with appropriate security measures that would be reviewed during the design and review phase.
7. Requires proper disposal of remnants or by-products and ventilation sufficient to prevent interference with adjoining uses or properties.
8. Prohibits the consumption of alcohol on the premises of the dispensary or the processing facility. This was added primarily for safety concerns.

We strongly recommend the adoption of items one through three. Item four is the original recommendation from the Planning and Zoning Commission. The ordinance can be implemented with or without items five through eight if the Council so chooses. These items were included after reviewing the draft ordinances and ordinances implemented by other towns and cities in Arizona and reflect policy decisions on how to approach the issues that may arise with caregiver facilities, dispensaries, and processing facilities.

ORDINANCE NO.

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING CHAPTER 10 OF THE TOWN CODE BY AMENDING SECTION 10-2-2 DEFINITIONS, SECTION 10-2-4 REGULATIONS OF SMOKING IN ENCLOSED PUBLIC PLACES ; AND AMENDING CHAPTER THREE OF THE ZONING CODE BY AMENDING SECTIONS 3-1 THROUGH 3-8~~7~~ RESIDENTIAL DISTRICTS BY ADDING MEDICAL MARIJUANA CAREGIVER FACILITY AS A CONDITIONAL USE; SECTION 3-9 CENTRAL BUSINESS DISTRICT AND SECTION 3-11 COMMERCIAL DISTRICT BY ADDING MEDICAL MARIJUANA DISPENSARY; SECTION 3-15 INDUSTRIAL DISTRICT BY ADDING MEDICAL MARIJUANA CULTIVATION FACILITY; PROVIDING SEVERABILITY; AND REPEALING CONFLICTING ORDINANCES.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA:

AMENDMENTS TO CHAPTER 10 OF THE TOWN CODE:
Section 10-2-2 Definitions is amended by adding:

J. "**SMOKE MEDICAL MARIJUANA**" as defined in this chapter means the use of medical marijuana as authorized under the provisions of the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including smoking or any method of consumption other than smoking.

Section 10-2-4 Regulation of Smoking in Enclosed Public Places is amended to read:

A. No person shall smoke in any enclosed public place except in designated smoking areas.
B. No person shall smoke medical marijuana in any enclosed public place or public place, as defined by the pursuant to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency.
C. Any violation of this section is a petty offense punishable by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) shall be imposed.

AMENDMENTS TO CHAPTER THREE OF THE ZONING CODE
Section 2-1 Definitions is amended by adding:

Medical Marijuana: All parts of marijuana as defined by A.R.S. § 36-2801(8), used pursuant to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency.

Medical Marijuana Caregiver Facility: A facility assisting with the use of medical marijuana and operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

Medical Marijuana Cultivation: The growing of medical marijuana plants, as authorized by the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

Medical Marijuana Processing Facility: A facility that: (i) engages in the growing of medical marijuana or incorporates medical marijuana into consumable or edible goods by the means of cooking, or blending; (ii) is operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures; and, (iii) is associated with a Medical Marijuana Dispensary.

Medical Marijuana Dispensary: A non-profit entity as defined in A.R.S. § 36-2801(11), and operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

Medical Marijuana Qualifying Patient: A person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. § 36-2801.13 and is registered with the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency.

Section 3-1 Single Family Residential (R1) is amended by adding:

C. Conditional Uses Permitted: (Requires a use permit).

5. Medical Marijuana Caregiver Facility.

~~((a) Must be licensed by the state of Arizona to cultivate medical marijuana and registered as a caregiver.~~

~~(b) Must have approved security measures.~~

a) Limited to original applicant only and must be renewed annually.

(b) Medical marijuana cultivation is only permitted if both the facility and the Medical Marijuana Qualifying Patients it serves are located more than a radius of 25 miles from an operating Medical Marijuana Dispensary.

Section 3-2 Single Family Residential (R1A) is amended by adding:

C. Conditional Uses Permitted: (Requires a use permit).

4. Medical Marijuana Caregiver Facility.

~~((a) Must be licensed by the state of Arizona to cultivate medical marijuana and registered as a caregiver.~~

~~(b) Must have approved security measures.~~

a) Limited to original applicant only and must be renewed annually.

(b) Medical marijuana cultivation is only permitted if both the facility and the Medical Marijuana Qualifying Patients it serves are located more than a radius of 25 miles from an operating Medical Marijuana Dispensary.

Section 3-3 **Single Family Residential Limited (R1L)** is amended by adding:

C. Conditional Uses Permitted: (Requires a use permit).

46. Medical Marijuana Caregiver Facility.

~~((a) Must be licensed by the state of Arizona to cultivate medical marijuana and registered as a caregiver.~~

~~(b) Must have approved security measures.~~

a) Limited to original applicant only and must be renewed annually.

(b) Medical marijuana cultivation is only permitted if both the facility and the Medical Marijuana Qualifying Patients it serves are located more than a radius of 25 miles from an operating Medical Marijuana Dispensary.

Section 3-4 Single Family and Limited Multiple Family Residential (R2) is amended by adding:

C. Conditional Uses Permitted: (Requires a use permit).

7. Medical Marijuana Caregiver Facility.

~~((a) Must be licensed by the state of Arizona to cultivate medical marijuana and registered as a caregiver.~~

~~(b) Must have approved security measures.~~

a) Limited to original applicant only and must be renewed annually.

(b) Medical marijuana cultivation is only permitted if both the facility and the Medical Marijuana Qualifying Patients it serves are located more than a radius of 25 miles from an operating Medical Marijuana Dispensary.

Section 3-5 Multiple Family Residential (R3) is amended by adding:

C. Conditional Uses Permitted: (Requires a use permit).

5. Medical Marijuana Caregiver Facility.

~~((a) Must be licensed by the state of Arizona to cultivate medical marijuana and registered as a caregiver.~~

~~(b) Must have approved security measures.~~

a) Limited to original applicant only and must be renewed annually.

(b) Medical marijuana cultivation is only permitted if both the facility and the Medical Marijuana Qualifying Patients it serves are located more than a radius of 25 miles from an operating Medical Marijuana Dispensary.

Section 3-6 :Manufactured Home Residential (R4) is amended by adding:

C. Conditional Uses Permitted: (Requiring a use permit).

3. Medical Marijuana Caregiver Facility.

~~((a) Must be licensed by the state of Arizona to cultivate medical marijuana and registered as a caregiver.~~

~~(b) Must have approved security measures.~~

a) Limited to original applicant only and must be renewed annually.

(b) Medical marijuana cultivation is only permitted if both the facility and the Medical Marijuana Qualifying Patients it serves are located more than a radius of 25 miles from an operating Medical Marijuana Dispensary.

Section 3-7 Manufactured Home Residential Alternate (R4A) is amended by adding:

C. Conditional Uses Permitted: (Requiring a use permit).

3. Medical Marijuana Caregiver Facility.

~~((a) Must be licensed by the state of Arizona to cultivate medical marijuana and registered as a caregiver.~~

~~(b) Must have approved security measures.~~

a) Limited to original applicant only and must be renewed annually.

(b) Medical marijuana cultivation is only permitted if both the facility and the Medical Marijuana Qualifying Patients it serves are located more than a radius of 25 miles from an operating Medical Marijuana Dispensary.

Section 3-8 Suburban Residential (RS3) is amended by adding:

C. Conditional Uses Permitted: (Requires a use permit).

5. Medical Marijuana Caregiver Facility.

~~((a) Must be licensed by the state of Arizona to cultivate medical marijuana and registered as a caregiver.~~

~~(b) Must have approved security measures.~~

a) Limited to original applicant only and must be renewed annually.

(b) Medical marijuana cultivation is only permitted if both the facility and the Medical Marijuana Qualifying Patients it serves are located more than a radius of 25 miles from an operating Medical Marijuana Dispensary.

Section 2: **Section 3-9 Central Business District (CB)** is amended by adding:

A. Principal Uses Permitted: (Not requiring a use permit).

~~15~~16. Medical Marijuana Dispensary in a storefront location.

(a) Total floor areas not to exceed 1,500 square feet.

(b) The facility must have windows ~~open to~~facing the street with window coverings open during business hours.

(c) One secure entrance/exit where the purchasing area is located.

~~(d) Must be a state licensed, registered non-profit dispensary~~

(d) Located no closer than 500 feet from a public school (grades K through 12), day care, pre-school, private school, or charter school.

(e) No use of medical marijuana shall be allowed on the premises.

(f) No alcoholic beverages shall be consumed on the premises.

(g) Shall not dispose of marijuana remnants or by-products in exterior refuse containers and shall be properly ventilated to filter the odor from marijuana so that the odor cannot be detected by a person with a normal sense of smell at any adjoining use or property.

~~(g) Approved security measures.~~**Section 3-11 Commercial (C)** is amended by adding:

A. Principal Uses Permitted: (Not requiring a use permit).

19. Medical Marijuana Dispensary in a storefront location.

(a) Total floor areas not to exceed 1,500 square feet.

(b) The facility must have windows ~~open to~~facing the street with window coverings open during business hours.

(c) One secure entrance/exit where the purchasing area is located.

~~(d) Must be a state licensed, registered non-profit dispensary~~

(d) Located no closer than 500 feet from a public school (grades K through 12), day care, pre-school, private school, or charter school.

(e) No use of medical marijuana shall be allowed on the premises.

(f) No alcoholic beverages shall be consumed on the premises.

(g) Shall not dispose of marijuana remnants or by-products in exterior refuse containers and shall be properly ventilated to filter the odor from marijuana so that the odor cannot be detected by a person with a normal sense of smell at any adjoining use or property.

(e) Any associated storage facility shall be located in a building with appropriate security measures.

Section 3-15 Industrial District (I) is amended by adding:

A. Principal Uses Permitted: (Not requiring a use permit).

13. Medical Marijuana ~~Cultivation~~ Processing Facility.

~~(a) Must be a state licensed facility associated with a licensed medical marijuana dispensary.~~

~~(b) Must occur in an enclosed, locked facility which can only be accessed by registered Medical Marijuana Dispensary Agents associated in the registry with the non-profit medical marijuana dispensary~~

~~(c) Must have approved electronic security measures~~(a) Shall not be located within 1,000 feet of a residentially-zoned property. This distance shall be measured from lot line to lot line from the lot in which the processing facility is conducted or proposed to be conducted to

(b) No use of medical marijuana shall be allowed on the premises.
(c) No alcoholic beverages shall be consumed on the premises.
(d) Shall not dispose of marijuana remnants or by-products in exterior refuse containers and shall be properly ventilated to filter the odor from marijuana so that the odor cannot be detected by a person with a normal sense of smell at any adjoining use or property.
(e) Any associated storage facility shall be located in a building with appropriate security measures.

Section 3: That all ordinances and part of Ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4: 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 of competent ~~jurdiction~~jurisdiction, such decision shall not affect the validity of the remaining portion thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Clarkdale, Arizona, this _____ day of March, 2011.

ATTEST:

_____ _____

Doug Von Gausig, Mayor Kathy Bainbridge, Town Clerk

APPROVED AS TO FORM:

BOYLE, PECHARICH, CLINE,
WHITTINGTON & STALLINGS, P.L.L.C.,
Town Attorney

By: _____
Robert S. Pecharich

ORDINANCE NO.

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BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA:

AMENDMENTS TO CHAPTER 10 OF THE TOWN CODE:
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Section 10-2-4 Regulation of Smoking in Enclosed Public Places is amended to read:

A. No person shall smoke in any enclosed public place except in designated smoking areas.
B. No person shall smoke medical marijuana in any enclosed public place or public place, as defined by the pursuant to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency.
C. Any violation of this section is a petty offense punishable by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) shall be imposed.

AMENDMENTS TO CHAPTER THREE OF THE ZONING CODE
Section 2-1 Definitions is amended by adding:

Medical Marijuana: All parts of marijuana as defined by A.R.S. § 36-2801(8), used pursuant to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency.

Medical Marijuana Caregiver Facility: A facility assisting with the use of medical marijuana and operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

Medical Marijuana Cultivation: The growing of medical marijuana plants, as authorized by the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

Medical Marijuana Processing Facility: A facility that: (i) engages in the growing of medical marijuana or incorporates medical marijuana into consumable or edible goods by the means of cooking, or blending; (ii) is operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures; and, (iii) is associated with a Medical Marijuana Dispensary.

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Medical Marijuana Qualifying Patient: A person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. § 36-2801.13 and is registered with the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency.

Section 3-1 Single Family Residential (R1) is amended by adding:

C. Conditional Uses Permitted: (Requires a use permit).

5. Medical Marijuana Caregiver Facility.

(a) Limited to original applicant only and must be renewed annually.

(b) Medical marijuana cultivation is only permitted if both the facility and the Medical Marijuana Qualifying Patients it serves are located more than a radius of 25 miles from an operating Medical Marijuana Dispensary.

Section 3-2 Single Family Residential (R1A) is amended by adding:

C. Conditional Uses Permitted: (Requires a use permit).

4. Medical Marijuana Caregiver Facility.

(a) Limited to original applicant only and must be renewed annually.

(b) Medical marijuana cultivation is only permitted if both the facility and the Medical Marijuana Qualifying Patients it serves are located more than a radius of 25 miles from an operating Medical Marijuana Dispensary.

Section 3-3 **Single Family Residential Limited (R1L)** is amended by adding:

C. Conditional Uses Permitted: (Requires a use permit).

6. Medical Marijuana Caregiver Facility.

(a) Limited to original applicant only and must be renewed annually.

(b) Medical marijuana cultivation is only permitted if both the facility and the Medical Marijuana Qualifying Patients it serves are located more than a radius of 25 miles from an operating Medical Marijuana Dispensary.

Section 3-4 Single Family and Limited Multiple Family Residential (R2) is amended by adding:

C. Conditional Uses Permitted: (Requires a use permit).

7. Medical Marijuana Caregiver Facility.

(a) Limited to original applicant only and must be renewed annually.

(b) Medical marijuana cultivation is only permitted if both the facility and the Medical Marijuana Qualifying Patients it serves are located more than a radius of 25 miles from an operating Medical Marijuana Dispensary.

Section 3-5 Multiple Family Residential (R3) is amended by adding:

C. Conditional Uses Permitted: (Requires a use permit).

5. Medical Marijuana Caregiver Facility.
    (a) Limited to original applicant only and must be renewed annually.
    (b) Medical marijuana cultivation is only permitted if both the facility and the Medical Marijuana Qualifying Patients it serves are located more than a radius of 25 miles from an operating Medical Marijuana Dispensary.

Section 3-6 :Manufactured Home Residential (R4) is amended by adding:

C. Conditional Uses Permitted: (Requiring a use permit).

3. Medical Marijuana Caregiver Facility.
    (a) Limited to original applicant only and must be renewed annually.
    (b) Medical marijuana cultivation is only permitted if both the facility and the Medical Marijuana Qualifying Patients it serves are located more than a radius of 25 miles from an operating Medical Marijuana Dispensary.

Section 3-7 Manufactured Home Residential Alternate (R4A) is amended by adding:

C. Conditional Uses Permitted: (Requiring a use permit).

3. Medical Marijuana Caregiver Facility.
    (a) Limited to original applicant only and must be renewed annually.
    (b) Medical marijuana cultivation is only permitted if both the facility and the Medical Marijuana Qualifying Patients it serves are located more than a radius of 25 miles from an operating Medical Marijuana Dispensary.

Section 3-8 Suburban Residential (RS3) is amended by adding:

C. Conditional Uses Permitted: (Requires a use permit).

5. Medical Marijuana Caregiver Facility.
    (a) Limited to original applicant only and must be renewed annually.
    (b) Medical marijuana cultivation is only permitted if both the facility and the Medical Marijuana Qualifying Patients it serves are located more than a radius of 25 miles from an operating Medical Marijuana Dispensary.

Section 2: **Section 3-9 Central Business District (CB)** is amended by adding:

A. Principal Uses Permitted: (Not requiring a use permit).

16. Medical Marijuana Dispensary in a storefront location.
    (a) Total floor areas not to exceed 1,500 square feet.
    (b) The facility must have windows facing the street with window coverings open during business hours.
    (c) One secure entrance/exit where the purchasing area is located.
    (d) Located no closer than 500 feet from a public school (grades K through 12), day care, pre-school, private school, or charter school.
    (e) No use of medical marijuana shall be allowed on the premises.
    (f) No alcoholic beverages shall be consumed on the premises.
    (g) Shall not dispose of marijuana remnants or by-products in exterior refuse containers and shall be properly ventilated to filter the odor from marijuana so that the odor cannot be detected by a person with a normal sense of smell at any adjoining use or property.

Section 3-11 Commercial (C) is amended by adding:

A. Principal Uses Permitted: (Not requiring a use permit).

19. Medical Marijuana Dispensary in a storefront location.
    (a) Total floor areas not to exceed 1,500 square feet.
    (b) The facility must have windows facing the street with window coverings open during business hours.

(c) One secure entrance/exit where the purchasing area is located.
(d) Located no closer than 500 feet from a public school (grades K through 12), day care, pre-school, private school, or charter school.
(e) No use of medical marijuana shall be allowed on the premises.
(f) No alcoholic beverages shall be consumed on the premises.
(g) Shall not dispose of marijuana remnants or by-products in exterior refuse containers and shall be properly ventilated to filter the odor from marijuana so that the odor cannot be detected by a person with a normal sense of smell at any adjoining use or property.
(e) Any associated storage facility shall be located in a building with appropriate security measures.

Section 3-15 Industrial District (I) is amended by adding:

A. Principal Uses Permitted: (Not requiring a use permit).

13. Medical Marijuana Processing Facility.

(a) Shall not be located within 1,000 feet of a residentially-zoned property. This distance shall be measured from lot line to lot line from the lot in which the processing facility is conducted or proposed to be conducted to
(b) No use of medical marijuana shall be allowed on the premises.
(c) No alcoholic beverages shall be consumed on the premises.
(d) Shall not dispose of marijuana remnants or by-products in exterior refuse containers and shall be properly ventilated to filter the odor from marijuana so that the odor cannot be detected by a person with a normal sense of smell at any adjoining use or property.
(e) Any associated storage facility shall be located in a building with appropriate security measures.

Section 3: That all ordinances and part of Ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4: 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 of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Clarkdale, Arizona, this _____ day of March, 2011.

ATTEST:

_____ _____

Doug Von Gausig, Mayor Kathy Bainbridge, Town Clerk

APPROVED AS TO FORM:

BOYLE, PECHARICH, CLINE,
WHITTINGTON & STALLINGS, P.L.L.C.,
Town Attorney

By: _____
Robert S. Pecharich