



OFFICE OF THE
MAYOR
CITY OF SOMERTON

Ordinance *No. 2015-004*

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL, AMENDING THE SOMERTON CITY CODE ARTICLE 2-7, CITY OF SOMERTON ZONING AND SUBDIVISION ORDINANCE BY ALLOWING MEDICAL MARIJUANA DISPENSARY, CULTIVATION AND MEDICAL RESEARCH AND PHARMACEUTICAL PRODUCT DEVELOPMENT SITE IN GENERAL COMMERCIAL (C-2) ZONING DISTRICT AND ADOPTING SUPPLEMENTARY USE STANDARDS OF THE 2015 SOMERTON ZONING ORDINANCE; AND SEVERABILITY.

WHEREAS, the City of Somerton City Council adopted Ordinance No. 2015-002, CITY OF SOMERTON ZONING AND SUBDIVISION ORDINANCE, and Article 2-7 on March, 3, 2015; and,

WHEREAS, the City Council may from time to time consider changes to the Somerton Zoning and Subdivision Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Somerton, Arizona as follows:

SECTION ONE: That the Somerton City Code, Article 2-7, SOMERTON ZONING AND SUBDIVISION ORDINANCE Table 2.5-1 Table of allowed Uses for Commercial Districts; Is hereby be amended by adding a new category named **MEDICAL MARIJUANA DISPENSARY, CULTIVATION AND MEDICAL RESEARCH AND PHARMACEUTICAL PRODUCT DEVELOPMENT SITE**, to be permitted in the General Commercial (C-2) Zoning District.

SECTION TWO: That the Somerton City Code, Article 2-7, SOMERTON ZONING AND SUBDIVISION ORDINANCE Section 3.1.5 Supplementary Use Standards; Is hereby amended by adding a new Sub-Section 3.1.5.N to allow Supplementary Use Standards - Medical Marijuana Dispensary, Cultivation and Medical Research and Pharmaceutical Product Development site in the General Commercial (C-2) District.

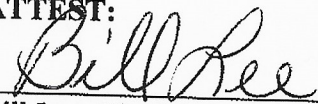
SECTION THREE: That certain document entitled "SUPPLEMENTARY USE STANDARDS - MEDICAL MARIJUANA DISPENSARY, CULTIVATION AND MEDICAL RESEARCH AND PHARMACEUTICAL PRODUCT DEVELOPMENT SITE IN THE SOMERTON ZONING AND SUBDIVISION ORDINANCE" three copies of which are on file in the office of the City Clerk of the City, which document was made a public record of the City pursuant to Resolution No. 2015-020 of the City of Somerton, Arizona is hereby referred to, adopted and made a part hereof as though fully set forth again in full.

SECTION FOUR: 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 portions thereof.

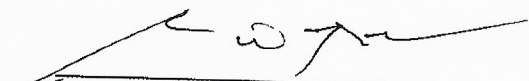
PASSED AND ORDAINED by Mayor and Council of the City of Somerton Arizona this 6 day of October, 2015.


Martin Porchas, Mayor

ATTEST:


Bill Lee, City Manager

APPROVED AS TO FORM:


Gerald W. Hunt, City Attorney

3.1.5.N. Medical Marijuana Dispensary, Cultivation Site and Medical Research and Pharmaceutical Product Development Site.

1. **Purpose:** Marijuana in any form, including Medical Marijuana, is illegal under federal law pursuant to the Controlled substances Act (21 U. S. C. § 811). However, the Arizona Medical Act (Proposition 203, passed by Arizona voters in 2010) states that under state law, a qualifying patient who has a debilitating medical condition to obtain and use marijuana to treat or alleviate the qualifying debilitating medical condition or its associated symptoms. Proposition 203 also contains provisions for dispensaries and cultivation sites to provide medical marijuana to qualifying patients. Because this change in state law means that it is possible that medical marijuana dispensaries and cultivation sites will be operating in the City of Somerton, the City has a duty to ensure that the dispensaries and cultivation sites are located and operated in a manner that least harms the health, safety and general welfare of its citizens. Furthermore, the City of Somerton does not condone the use of medical marijuana or violation of federal law. In regards to the activities relating to **Medical Research and Pharmaceutical Product Development site**, shall be expected to include most of the following:

- Strain/Phenotype Selection and Breeding (Inbreeding/Outbreeding)
- Cultivation for: High CBD- Low THC/ High THC-Low CBD, drought tolerance, pest resistance, disease resistance.
- Extraction- THC/CBD discrimination using CO2 extraction (Concentrates: dosing consistency)
- Testing: residual solvents, microbes, pesticides, aflatoxin, and heavy metals.
- Decarboxylation
- Strain specific analysis: yield, identification of cannabinoids, gender, nutrient uptake, cultivation cost.
- Multi-generational genetic stability (example- Hermaphroditism: *genetic vs. environmental*)

2. **Requirements to obtain a City permit:** A medical marijuana dispensary, cultivation site and Medical Research and Pharmaceutical Product Development site shall obtain a Permit from the City of Somerton prior to beginning operations. A fee of two thousand, five hundred (\$2,500) dollars shall be paid at the time of submitting application.

3. **Application:** An applicant for a City Permit allowing for the operation of a Medical Marijuana Dispensary, Cultivation Site and Medical Research and Pharmaceutical Product Development site must complete a supplemental application that includes all of the following information:

a. If the applicant is by an agent for the owner, the authorization must include a signed affidavit from the owner stating that the owner knows the proposed use of the property is for the operation of a medical marijuana dispensary, cultivation site and Medical Research and Pharmaceutical Product Development site.

b. A copy of the operating procedures adopted in compliance with A. R. S. § 36-2804 (B)(1)(c).

c. If the proposed medical marijuana dispensary and medical research and pharmaceutical product development site includes the cultivation of medical marijuana as part of its operations,

a site plan shall be submitted demonstrating how the proposed cultivation site meets all security requirements of A. R. S. § 36-2806 (E).

d. Medical Research and Pharmaceutical Product Development site shall be part of the daily operations of this establishment. Documentation shall be submitted as part of the application showing these operation procedures.

4. Mandatory Conditions of Approval: The City of Somerton may also impose conditions of approval that are more restrictive than those required by this section. All Medical Marijuana Dispensary, Cultivation site and Medical Research and Pharmaceutical Product Development site must:

a. Provide to the Community Development Department a copy of the registration certificate issued by the State of Arizona under A. R. S. § 36-2804 prior to commencing operations.

b. Meet all requirements for a medical marijuana dispensary and/or cultivation site to qualify for and maintain its certificate of registration as set forth A. R. S. § 36-2804.

c. Comply with operating procedures pursuant to A. R. S. § 36-2804 (B)(L)(c).

d. Prohibit anyone from consuming medical marijuana on the premises.

e. Prohibit anyone under the age of eighteen years of age on the premises.

f. Prohibit signage or advertising using the word "marijuana" or "cannabis" or any other word, phrase or symbol commonly understood to refer to marijuana unless said word, phrase or symbol is immediately preceded by the word "medical" in type and font that is at least as readily visible as all other words, phrases or symbols. Such signage and advertising must clearly indicate that the products and services are offered only for medical marijuana patients and primary caregivers.

g. Post a legible sign stating that:

i. The use or distribution of marijuana is a violation of federal law.

ii. The possession, use or distribution of marijuana for non-medical purposes is a violation of state law.

iii. Consumption of marijuana on the premises is prohibited.

iv. No one under the age of eighteen years is permitted on the premises.

h. Prohibit medical marijuana dispensary activities including, without limitation, cultivating, growing, processing, displaying, selling and storing from being conducted outdoors.

i. Operate only between the hours of 8:00 AM and 5:00 PM.

j. Prevent medical marijuana or paraphernalia from being displayed or kept in a manner that is visible from outside the subject dispensary.

k. Shall provide for proper disposal of medical marijuana remnants or by-products and not to be placed within the facility's exterior refuse containers.

l. There shall be no emission of dust, fumes, vapors or odors into the environment from the facility.

m. Install security surveillance cameras that monitor all entrances, along with the interior and exterior of the premises. Recordings from these cameras must be maintained in a retrievable manner for at least 90 days from the date recorded.

n. Install and maintain in good working condition a robbery and burglary alarm system.

o. Drive-through and delivery services are prohibited.

p. A City of Somerton Business License shall be obtained prior to commencing operations.

q. Record a notarized affidavit in which the applicant acknowledges that the operation of medical marijuana dispensary is a violation of federal law.

r. Record a notarized waiver in which the applicant agrees to hold the City of Somerton harmless against any federal law enforcement actions that may result from the activities of the medical marijuana dispensary/cultivation site being that is the subject of the City Permit.

5. Additional Conditions of Approval: In addition to the mandatory conditions of approval as set forth in Subsection 4 above, the City may add 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.

6. Medical Marijuana Dispensary, Cultivation Site and Medical Research and Pharmaceutical Product Development site restrictions:

a. A Medical Marijuana Dispensary, Cultivation Site and Medical Research and Pharmaceutical Product Development site may only be located in C-2 (General Commercial) Zoning District.

b. A Medical Marijuana Dispensary, Cultivation Site and Medical Research and Pharmaceutical Product Development site shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle.

c. A Medical Marijuana Dispensary, Cultivation Site and Medical Research and Pharmaceutical Product Development site shall be located a distance of not closer than One Thousand (1,000') feet from a property line of a parcel that has an established residence, public park, educational facility, library, bar or restaurant dispensing alcoholic beverages, adult oriented business or another medical marijuana dispensary.