

ORDINANCE NO. 1502

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, CHAPTER 1: ZONING ORDINANCE, ARTICLE 1-6: SUPPLEMENTAL REGULATIONS, BY REPEALING, REPLACING AND RETITLING IN ITS ENTIRETY § 1-6-12, MEDICAL MARIJUANA; AND BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "2021 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, CHAPTER 1: ZONING ORDINANCE, ARTICLE 1-6: SUPPLEMENTAL REGULATIONS, § 1-6-12, MEDICAL AND RECREATIONAL MARIJUANA"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, on December 4, 2020, the city council gave direction to staff to process the necessary amendments to the zoning ordinance, through the planning and zoning commission, to accommodate recreational marijuana uses in the city, pursuant to the approval of Proposition 207, the Smart and Safe Act, by the voters of Arizona in the November 2020 general election; and

WHEREAS, on February 23, 2021, the planning and zoning commission held a work session to review and discuss the proposed amendments; and

WHEREAS, on March 23, 2021, the planning and zoning commission voted 7 to 0 to recommend such amendments to the city council; and

WHEREAS, A.R.S. § 9-802 permits municipalities to enact the provisions of a code of public record theretofore in existence without setting forth such provisions in full text as long as the adopting ordinance is published in full text and at least three paper copies, or one paper copy and one electronic copy of the code or public record, are filed and made available for public inspection in the office of the city clerk and the electronic copy is accessible on the city's website and made available for public inspection; and

WHEREAS, pursuant to A.R.S. §§ 9-801(1) and 9-802, codes which may be adopted by reference include those relating to medical and recreational marijuana zoning regulations; and

WHEREAS, city staff has determined that for administrative efficiency, it is more appropriate to update the city code by adopting by reference a revised version of the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, § 1-6-12, Medical and Recreational Marijuana.

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

SECTION I IN GENERAL

1. That the existing Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, § 1-6-12, Medical Marijuana is hereby repealed in its entirety and replaced with new provisions referenced below.
2. That certain document known as the "2021 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, § 1-6-12, Medical and Recreational Marijuana", at least three paper copies, or one paper copy and one electronic copy which are accessible on the city's website and filed in the office of the city clerk, which document was made a public record by Resolution No. 21-13 of the City of Apache Junction, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, pursuant to A.R.S. § 9-802.

SECTION II REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the codes adopted herein by reference are hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance or any part of the codes or regulations adopted herein by reference 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 IV PROVIDING FOR PENALTIES

Unless noted otherwise, any violation of any provisions adopted herein, shall be punishable as a class 1 misdemeanor consistent with Apache Junction City Code, Volume 1, Chapter 1: GENERAL, Article 1-8: PENALTY.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
APACHE JUNCTION THIS ____ DAY OF _____, 2021.

SIGNED AND ATTESTED TO THIS ____ DAY OF _____, 2021.

WALTER "CHIP" WILSON
Mayor

ATTEST:

JENNIFER PENA
City Clerk

APPROVED AS TO FORM:

RICHARD J. STERN
City Attorney