ORDINANCE NO. 2764 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE BY ADDING A NEW CHAPTER 21.4 ENTITLED, "MEDICAL MARIJUANA ESTABLISHMENTS".

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the Glendale City Code is hereby amended by adding a new Chapter 21.4 to read as follows:

Chapter 21.4
MEDICAL MARIJUANA ESTABLISHMENTS

Art. I. In General, §§ 21.4-1 – 21.4-10
Art. II Licenses, §§ 21.4-11 – 21.4-20

ARTICLE I. IN GENERAL

Sec. 21.4-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Medical Marijuana: All parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

Medical Marijuana Cultivation: The process by which a person grows a marijuana plant. A facility shall mean a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off-site from a medical marijuana dispensary.

Medical Marijuana Dispensary: A non-profit entity defined in A.R.S. § 36-2801(11) that sells, distributes, transmits gives, dispenses, or otherwise provides medical marijuana to qualifying patients.

Medical Marijuana Dispensary Offsite Cultivation Location: The additional location where marijuana is cultivated by a Medical Marijuana Dispensary as referenced in A.R.S. § 36-2804(B) (1) (b) (ii).

Medical Marijuana Establishment: Any facility required to obtain a license pursuant to this chapter.

Medical Marijuana Infusion (or Manufacturing) Facility: A facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible goods.

Sec. 21.4-2. Hours of operation.

Medical Marijuana Dispensary hours of operation shall be in compliance with Zoning Ordinance of the City of Glendale, Arizona Sec. 7.800 *et seq*.

Sec. 21.4-3. Compliance with administrative regulations.

The chief of police and the tax and license manager may adopt such rules and regulations as they deem necessary to implement and enforce the provisions of this chapter; provided, that such rules and regulations are consistent with this chapter. All such administrative rules and regulations are subject to the approval of the city manager. All persons who are required to be licensed under this chapter shall comply with all rules and regulations so adopted.

Sec. 21.4-4. Compliance with other laws.

The Medical Marijuana Establishment shall remain in compliance with all applicable federal, state and local laws, including administrative regulations. The issuance of a city medical marijuana license shall not be construed as authority to engage in any business activity which is in violation of any other law or regulations to which such activity is subject, or to conduct activities on any property in violation of the zoning ordinance.

Sec. 21.4-5 – 21.4-10. Reserved.

ARTICLE II. LICENSES

Sec. 21.4-11. License required.

It shall be unlawful for any person to operate or conduct business as a medical marijuana dispensary, a medical marijuana dispensary offsite cultivation location or medical marijuana infusion (or manufacturing) facility within the city without having first obtained a city medical marijuana establishment license.

Sec. 21.4-12. Application.

Application for a city medical marijuana establishment license shall be made on forms furnished by the city. Every application shall be accompanied by the required application fee and valid registration certificate issued by the State of Arizona.

Sec. 21.4-13. Fees.

(a) The application and annual license fees for city medical marijuana establishment licenses shall be established by resolution.

(b) No application fee paid pursuant to this article shall be returned to the applicant if his or her application is withdrawn or denied. No license fee paid pursuant to this article shall be returned to a licensee if his or her city medical marijuana establishment license is canceled, suspended or revoked.

Sec. 21.4-14. Issuance; expiration; renewal.

(a) Any city medical marijuana establishment license shall be valid only for the calendar year in which it is issued. Each city medical marijuana establishment license expires on December 31 of each year and must be renewed on or before January 31 of the following year by filing an application for renewal and paying the applicable annual license fee. The application and payment for the annual license must be received by the tax and license manager by January 31 to be deemed timely filed.

(b) Persons whose initial city medical marijuana establishment license is issued after March 31 of any year shall be subject to an initial license fee on a prorated basis as follows:

Business Start Date	Proration of License Fee
April 1—June 30	75%
July 1—September 30	50%
October 1—December 31	25%

The applicable proration percentage shall be applied to the annual establishment license fee set by resolution to determine the initial license fee.

(c) Any person who fails to renew an active city medical marijuana establishment license by January 31 of any year and who conducts any activities covered by such license after such date shall be deemed to be operating without a license, shall be subject to all penalties imposed under this chapter against persons unlawfully operating without a license, and shall be subject to a penalty of fifty percent (50%) of the annual license fee that would have been imposed on the date on which the license expired in addition to payment of the applicable annual license fee. All license fees and penalties owed by a person pursuant to this subsection must be paid before a new city medical marijuana establishment license is issued to such person.

(d) Any person who is required to obtain a city medical marijuana establishment license and fails to do so prior to conducting any activity covered by such license shall be subject to a penalty of fifty percent (50%) of the annual license fee that would have been imposed on the date on which such activities commenced in addition to payment of the applicable annual license fee. All license fees and penalties owed by a person pursuant to this subsection must be paid before a city medical marijuana establishment license is issued to such person.

(e) No city medical marijuana establishment license shall be renewed unless the licensee is in compliance with all provisions of this chapter at the time of renewal.

Sec. 21.4-15. Display.

A city medical marijuana establishment license shall be displayed in a conspicuous place on the licensed premises.

Secs. 21.4-16 – 21.4-20. Reserved.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 22nd day of February, 2011.

MAYOR

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager