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ORDINANCE NO. 2021-1491

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING GOODYEAR CITY CODE CHAPTER 11 (OFFENSES) TO ENACT A NEW SECTION, 11-1-38 (REGULATION OF MARIJUANA) AND AMENDING SECTION 10-1-1 (DEFINITIONS), TO ESTABLISH MARIJUANA REGULATIONS, RESTRICTIONS AND PENALTIES; PROVIDING FOR CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, marijuana contains tetrahydrocannabinol (THC), which remains a Schedule I Controlled Substance pursuant to federal law and any possession and use is a violation of federal law pursuant to 21 U.S.C. § 841 et. al.; and

WHEREAS, the statewide ballot measure I-23-2020, known as “Smart and Safe Arizona Act” was certified as Proposition 207, placed on the November 3, 2020 general election ballot, adopted by Arizona voters, and proclaimed as law on November 30, 2020; and

WHEREAS, Prop 207 authorizes the lawful possession, consumption, purchase, processing, manufacturing or transporting of non-medicinal marijuana by individuals at least twenty-one years of age; and

WHEREAS, Prop 207 allows nonprofit medical dispensaries or other non-dispensary applicants to apply to the Arizona Department of Health Services (Department) to become a licensed marijuana establishment authorized to engage in the retail sale, cultivation and manufacturing of non-medicinal marijuana; and allows the Department or its designee to become a marijuana testing facility to test the potency of marijuana and detect any harmful contaminants, and

WHEREAS, Prop 207 allows cities to enact reasonable regulations to protect public health, safety and welfare of its citizens;

WHEREAS, the Mayor and Council of the city of Goodyear, Arizona believe it is in the best interest of the City and its citizens to amend Chapter 11 (Offenses) and Chapter 10 (Health and Sanitation) of Goodyear City Code to establish Marijuana regulations, restrictions and penalties.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. AMENDMENT TO CHAPTER 11 (OFFENSES) AND CHAPTER 10 (HEALTH AND SANITATION).

Chapter 11 (Offenses) of Goodyear City Code is hereby amended to enact a new section 11-1-38 entitled (Regulation of Marijuana), and further amends Chapter 10 (Health and Sanitation), as set forth in that certain document titled, “Amendment to Goodyear City Code, Chapter 11 (Offenses) and Chapter 10 (Health and Sanitation) related to Marijuana Regulations, Restrictions and Penalties” which is attached as Exhibit A to Resolution No. 2021-2122 and is

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declared a public record, three copies of which are on file with the City Clerk of the city of Goodyear and which is referred to, adopted, and made part hereof as if fully set forth in the Ordinance

SECTION 2 PENALTY SECTIONS

SECTION 11-1-38(C)

The penalty for violating the requirements of Goodyear City Code Section 11-1-38 subsection C shall be as follows:

Any person who violates this subsection may be charged with and found guilty of a class 1 misdemeanor and punishable in accordance with Article 1-8 of this code.

SECTION 11-1-38 (D), (E), (F), (G), (H) or (I)

The penalty for violating the requirements of Goodyear City Code Section 11-1-38 subsection (D), (E), (F), (G), (H) or (I) shall be as follows:

Any person who violates this subsection may be charged with and found guilty of a petty offense and punishable in accordance with Article 1-8 of this code.

SECTION 3 CORRECTIONS

The City Clerk, and the codifiers of this Ordinance are authorized to make necessary clerical corrections to this Ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 4. SEVERABILITY

If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions of the ordinance or parts thereof.

SECTION 5. EFFECTIVE DATE

This ordinance shall become effective as prescribed by law. The provisions of the any ordinance, regulation or requirement of the City of Goodyear being amended by this Ordinance shall remain in full force and effect until the effective date of this Ordinance.

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PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA

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) ss.

County of Maricopa

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I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 2021-1491 is a true, correct and accurate copy of Ordinance No. 2021-1491, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the _____ day of _____, 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said ordinance.

Given under my hand and sealed this _____ day of _____, 20____.

seal

City Clerk