

ORDINANCE NO. 23-1172

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AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, ADOPTING “MARIJUANA LAND USES AMENDMENTS TO THE DOUGLAS ZONING CODE ARTICLE 5 OF TITLE 17 AND CHAPTER 5.02 OF THE DOUGLAS MUNICIPAL CODE” BY REFERENCE TO AMEND CERTAIN PROVISIONS, RELATING TO THE UPDATE OF RULES AND REGULATIONS TO ZONING WITHIN THE CITY OF DOUGLAS AND TO THE LICENSING AND TAXATION OF MARIJUANA LAND USES; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

WHEREAS, that certain document known as “Marijuana Land Uses Amendments to the Douglas Zoning Code and Chapter 5.02” was adopted as a public record by Resolution No. 23-1578 on December 13, 2023; and

WHEREAS, the City Council previously adopted Ordinances which established laws and regulations related to zoning within the City of Douglas; and

WHEREAS, on October 24, 2023, the Planning and Zoning Commission recommended approval of ZCA-2023-04 Option B; and

WHEREAS, the City of Douglas Mayor and Council believe that amending the Zoning Code to update the rules and regulations related to zoning, to include marijuana land use regulations amendment would be in the best interest of the City of Douglas; and

WHEREAS, A.R.S. §9-802 and the City Charter allows the city to adopt a public record by Ordinance as a means to reduce publication costs while ensuring that the public gets fair notice and opportunity to review its operative provisions.

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

SECTION 1. Pursuant to Arizona Revised Statutes Section 9-802 and the City Charter, that certain document known as "Marijuana Land Uses Amendments to the Douglas Zoning Code and Chapter 5.02" of the Douglas Municipal Code, electronic copies of which are on file in the office of the City Clerk which was made a public record by Resolution No. 23-1578 is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

SECTION 2. Articles 5 of Title 17, the Douglas Zoning Code, and Chapter 5.02 of the Douglas Municipal Code are hereby amended as outlined in "Marijuana Land Uses Amendments to the Douglas Zoning Code and Chapter 5.02" and made public record by Resolution No. 23-1578.

SECTION 3. The following fees and penalties are contained in that certain document known as "Marijuana Land Use Amendments to the Douglas Zoning Code and Chapter 5.02”:

Sec. 5.02.040(A)(7) **Marijuana establishment.** (a) Retail location. \$1,000.00 (yearly). (b) Off-site cultivation location. \$1,000.00 (yearly).

1 Sec. 5.02.040(A)(8) **Marijuana testing facility**. \$1,000.00 (yearly).

2 Sec. 5.02.040(10) amended to read: Medical marijuana facility. (a) Medical Marijuana Dispensary.
3 \$1,000.00 (yearly).

4 **SECTION 4.** To the extent of any conflict between other city Ordinances and this Ordinance, this
5 Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to
6 amend or repeal any existing city Ordinance, Resolution or regulation except as expressly set forth herein.

7 **SECTION 5. Effective date:** This Ordinance shall be effective thirty (30) days after final approval and
8 adoption by the Mayor and Council.

9 **SECTION 6. Severability:** If any chapter, section, subsection, sentence, clause or phrase of this
10 Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent
11 jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance and this
12 Ordinance shall continue in full force and effect after the deletion of the illegal or unconstitutional
13 provision.

14 **PASSED AND ADOPTED** by the Mayor and Council of the City of Douglas, Arizona, this 10th day of
15 January 2024.

16 _____
17 Donald C. Huish, Mayor

18 Attest:

19 Approved as to form:

20 _____
21 Alma Andrade, City Clerk

22 _____
23 Denis Fitzgibbons, City Attorney

24 Prepared by:
25 William D. Osborne, AICP, City Planner