

TOWN OF PINETOP-LAKESIDE

ORDINANCE 25-485

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, ADOPTING THE TOWN CODE AMENDMENTS TO CHAPTER 17.102 MEDICAL MARIJUANA.

WHEREAS, the Town Council of the Town of Pinetop-Lakeside believes that amending the Town Code Chapter 17.102 MEDICAL MARIJUANA is in the best interest of the citizens of the Town.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, NAVAJO COUNTY, ARIZONA, as follows:

Section 1. **Adoption by Reference.** Pursuant to A.R.S. §9-802, the Town hereby adopts amendments of Town Code Title 17, Chapter 17.102 MEDICAL MARIJUANA CODE as outlined in "Exhibit A", a copy of which is on file with the Town Clerk of the Town of Pinetop-Lakeside, Arizona, located at 325 W. White Mountain Blvd, Lakeside, AZ 85929.

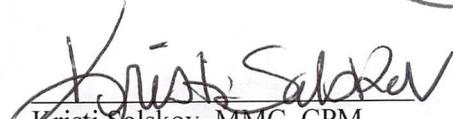
Section 2. **Effective Date.** This Ordinance is to be effective upon the expiration of a thirty (30) day period following the adoption hereof and completion of publication and any posting requirements pursuant to A.R.S. § 9-812.

Section 3. **Severability.** All ordinances, or parts of ordinances, adopted by the Town of Pinetop-Lakeside in conflict with the provisions of this ordinance or any part of the Town Code adopted herein by reference are hereby repealed, effective as of the day this ordinance is effective.

PASSED AND ADOPTED by the Mayor and Town Council in an open meeting by the Town Council, Town of Pinetop-Lakeside, Arizona, this 4th day of September 2025.



ATTEST:


Kristi Salskov, MMC, CPM,
Town Clerk

TOWN OF PINETOP-LAKESIDE


Stephanie Irwin
Mayor

APPROVED AS TO FORM:


William J. Sims, III
Town Attorney



EXHIBIT A

Town Code 17.102

Chapter 17.102 MEDICAL MARIJUANA

Chapter 17.102

MEDICAL MARIJUANA

Sections:

17.102.010 Purpose.

17.102.020 Definitions.

17.102.030 Medical marijuana cultivation only in (C-2) heavy commercial zoning districts and (C-1) light commercial zoning districts.

17.102.040 Medical marijuana infusion (manufacturing) facilities only in (C-2) heavy commercial zoning districts.

17.102.050 Medical marijuana dispensaries (no cultivation) only in (C-1) light commercial zoning districts.

17.102.060 Enforcement, injunctive relief and penalties.

17.102.010 Purpose.

A. The purpose of these regulations is to protect the health, safety, and welfare of the citizens and visitors of the Town of Pinetop-Lakeside by enacting reasonable zoning regulations that limit the use of land for medical marijuana dispensaries, medical marijuana infusion (manufacturing) facilities, and medical marijuana cultivation in accordance with the Arizona Medical Marijuana Act, A.R.S. Title 36, Chapter 28.1.

B. The provisions of this chapter are generally intended to apply to a licensed and regulated "medical marijuana" activity under current A.R.S. Title 36, Chapter 28.1, Medical Marijuana Act. The provisions of this chapter will also apply to any other person or entity that is selling, distributing, transmitting, giving, dispensing, cultivating, infusing, and manufacturing marijuana; or otherwise involved in similar activities with marijuana or marijuana products to the public or others. (Ord. 15-393 § 1 (part); Ord. 14-381; Ord. 11-346 §1 (part))

17.102.020 Definitions.

A. "Applicant" means any person or entity that is required to apply for approval, registration or certification or that has applied for and received approval, registration or certification in accordance with the Arizona Medical Marijuana Act, A.R.S. Title 36, Chapter 28.1, to own, operate or be employed by a medical marijuana dispensary, a medical marijuana infusion (manufacturing) facility or the cultivation of medical marijuana.

B. "Dual Licensee" means an entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.

C. "Medical marijuana" means 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.

D. "Medical marijuana cultivation" means 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.

E. "Medical marijuana dispensary" means a nonprofit entity, defined in A.R.S. § 36-2801(11), that sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients.

F. "Medical marijuana infusion (or manufacturing) facility" means a facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible goods.

G. "Medical marijuana qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. § 36-2801.13. (Ord. 15-393 § 1 (part); Ord. 11-346 §1 (part))

17.102.030 Medical marijuana cultivation only in (C-2) heavy commercial zoning districts and (C-1) light commercial zoning districts.

A. Medical marijuana cultivation shall be a permitted use in the (C-2) heavy commercial zoning district and (C-1) light commercial zoning district within the Town subject to the conditions and limitations of the Arizona Medical Marijuana Act, A.R.S. Title 36, Chapter 28.1, and the following additional conditions and limitations:

B. An applicant who is registered and licensed in accordance with the Arizona Medical Marijuana Act, A.R.S. Title 36, Chapter 28.1, shall provide the following things to the Director before beginning operation of a cultivation facility:

1. The name(s) and location(s) of the off-site medical marijuana dispensary associated with the cultivation operation;
2. A copy of the operating procedures adopted in compliance with A.R.S. § 36-2804(B)(1)(c); and
3. A survey sealed by a registered professional engineer/surveyor of the State of Arizona showing the location of the nearest medical marijuana dispensary, medical marijuana infusion (manufacturing) facility, or medical marijuana cultivation location if within one thousand (1,000) feet.

C. Medical marijuana cultivation locations shall:

1. Allow no retail sales of medical marijuana.
2. Allow no use of medical marijuana at the location.
3. Be a maximum of five thousand (5,000) gross square feet in size for cultivation facilities.
4. Be located not closer than one thousand (1,000) feet of the same type of use or a medical marijuana dispensary or medical marijuana infusion (manufacturing) facility. This distance shall be measured from lot line to lot line for the properties in which the businesses are conducted or proposed to be conducted.
5. Be located not closer than one thousand (1,000) feet of other residentially zoned property. This distance shall be measured from the exterior wall of the building in which the cultivation business is conducted or proposed to be conducted to the nearest exterior wall of the closest residence not located on the property in which the cultivation business is conducted or proposed to be conducted.
6. Be located not closer than one thousand (1,000) feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park or community center. This distance shall be measured from lot line to lot line for the property where the cultivation business is conducted or proposed to be conducted to the property line of the protected use. (Ord. 15-393 § 1 (part); Ord. 11-346 §1 (part))

17.102.040 Medical marijuana infusion (manufacturing) facilities only in (C-2) heavy commercial zoning districts.

A. Medical marijuana infusion (manufacturing) facilities shall be a permitted use in the (C-2) heavy commercial zoning district within the Town, subject to the conditions and limitations of the Arizona Medical Marijuana Act, A.R.S. Title 36, Chapter 28.1, and the following conditions and limitations:

B. An applicant who is registered and licensed in accordance with the Arizona Medical Marijuana Act, A.R.S. Title 36, Chapter 28.1, to operate a medical marijuana infusion (manufacturing) facility shall provide the following things to the Director before beginning operation of the facility:

1. The name(s) and location(s) of the off-site medical marijuana cultivation registrant(s) and any off-site medical marijuana dispensary and the location(s) of same which are associated with the medical marijuana infusion (manufacturing) facility.

2. A copy of the operating procedures adopted in compliance with the Arizona Medical Marijuana Act, A.R.S. Title 36, Chapter 28.1.

3. A survey sealed by a registered professional engineer/surveyor of the State of Arizona showing the location of the nearest medical marijuana dispensary, medical marijuana infusion (manufacturing) facility or medical marijuana cultivation location if within one thousand (1,000) feet.

4. A site plan, floor plan, detailed security plan, and building permits, when required by the Town Building Code.

C. A medical marijuana infusion (manufacturing) facility shall:

1. Be located in a permanent building affixed to real property and shall not be located in a trailer, cargo container, A building that has axles with wheels, or in any motor vehicle.

2. Be a maximum of three thousand (3,000) gross square feet for a medical marijuana infusion (manufacturing) facility.

3. Be located not closer than one thousand (1,000) feet of the same type of use. This distance shall be measured from lot line to lot line for the properties in which the businesses are conducted or proposed to be conducted.

4. Be located not closer than one thousand (1,000) feet of a residentially zoned property. This distance shall be measured from the exterior wall of the building in which the medical

marijuana infusion (manufacturing) facility is conducted or proposed to be conducted to the nearest exterior wall of the closest residence not located on the property in which the medical marijuana infusion (manufacturing) facility is conducted or proposed to be conducted.

5. Be located not closer than one thousand (1,000) feet of a preschool, kindergarten, elementary, secondary, or high school, place of worship, public park, or public community center. This distance shall be measured from lot line to lot line for the property where the medical marijuana infusion (manufacturing) facility is conducted or proposed to be conducted to the lot line of the protected use.

6. Have operating hours not earlier than 7:00 a.m. to not later than 10:00 p.m.

7. Drive-through, drop-off and pick-up services are prohibited.

8. Allow no use of medical marijuana on the premises or on the property where the premises is located.

9. The cultivation of medical marijuana is prohibited.

10. Provide for proper disposal of marijuana remnants or byproducts, which remnants or byproducts shall not be placed in the facility's exterior refuse containers.

11. Emit no dust, fumes, vapors or odors which can be seen, smelled or otherwise perceived from beyond the lot line for the property where the medical marijuana infusion (manufacturing) facility business is conducted or proposed to be conducted. (Ord. 15-393 § 1 (part): Ord. 11-346 §1 (part))

17.102.050 Medical marijuana dispensaries (no cultivation) only in (C-1) light commercial zoning districts.

A. Medical marijuana dispensaries shall be a permitted use in the (C-1) light commercial zoning district within the Town subject to the conditions and limitations of the Arizona Medical Marijuana Act, A.R.S. Title 36, Chapter 28.1, and the following conditions and limitations:

B. An applicant who is registered and licensed in accordance with the Arizona Medical Marijuana Act, A.R.S. Title 36, Chapter 28.1, to operate a medical marijuana dispensary shall provide the following things to the Director before beginning operation of the dispensary:

1. The name(s) and location(s) of the off-site medical marijuana cultivation registrant(s) and any off-site medical marijuana infusion (manufacturing) facility and the location(s) of same which are associated with the medical marijuana dispensary.

2. A copy of the operating procedures adopted in compliance with the Arizona Medical Marijuana Act, A.R.S. Title 36, Chapter 28.1.

3. A survey sealed by a registered professional engineer/surveyor of the State of Arizona showing the location of the nearest medical marijuana dispensary, medical marijuana infusion (manufacturing) facility or medical marijuana cultivation location, if any are located within one thousand (1,000) feet.

4. A site plan, floor plan, detailed security plan, and building permits, when required by the Town Building Code.

C. A medical marijuana dispensary shall:

1. Be located in a permanent building affixed to real property and may not be located in a trailer, cargo container, building that has axles with wheels, or in any motor vehicle.

2. Be a maximum ~~one~~ TWO thousand (~~42,000~~) gross square feet for a medical marijuana dispensary.

3. Be located not closer than one thousand (1,000) feet of the same type of use. This distance shall be measured from lot line to lot line for the properties in which the businesses are conducted or proposed to be conducted.

4. Be located not closer than ~~five hundred (500)~~ TWO HUNDRED FIFTY (250) feet of a residentially zoned property. This distance shall be measured from the exterior wall of the building in which the medical marijuana dispensary is conducted or proposed to be conducted to the nearest exterior wall of the closest residence not located on the property in which the medical marijuana dispensary is conducted or proposed to be conducted.

5. Be located not closer than ~~one thousand (1,000)~~ FIVE HUNDRED (500) feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or public community center. Be located not closer than one thousand (1,000) feet of preschool, kindergarten, elementary, secondary or high school. This distance shall be

measured from lot line to lot line for the property where the medical marijuana dispensary is conducted or proposed to be conducted to the lot line of the protected use.

6. Have operating hours not earlier than 7:00 a.m. to not later than 10:00 p.m.
7. Drive-through, drop-off and pick-up services are prohibited.
8. Allow no use of medical marijuana on the premises or on the property where the premises is located.
9. The cultivation of medical marijuana is prohibited.
10. Provide for proper disposal of marijuana remnants or byproducts, which remnants or byproducts shall not be placed in the facility's exterior refuse containers.
11. Emit no dust, fumes, vapors or odors which can be seen, smelled or otherwise perceived from beyond the lot line for the property where the medical marijuana dispensary is conducted or proposed to be conducted. (Ord. 15-393 § 1 (part): Ord. 11-346 §1 (part))

17.102.060 Dual Licensees.

A. A Dual Licensee that operates a Marijuana Establishment pursuant to Town Code Chapter 17.114 and operates a medical marijuana dispensary or medical marijuana infusion (manufacturing) facility at the location of the Marijuana Establishment shall comply with this Chapter and Chapter 17.114 of the Town Code applicable to the operation of the Marijuana Establishment.

B. To the extent required by A.R.S. Section 36-2858.G, the operator of a medical marijuana dispensary or a medical marijuana infusion (manufacturing) facility at the location of a Marijuana Establishment is authorized, as a Dual Licensee, to engage in any act, practice, conduct or transaction allowed for a Marijuana Establishment pursuant to Chapter 17.114 of the Town Code.

17.102.070 Enforcement, injunctive relief, and penalties.

A. Enforcement. The Code Enforcement Officer, sworn police officers, and the Town Attorney are authorized to enforce the provisions of this chapter.

B. A person who operates or causes to be operated a medical marijuana cultivation, medical marijuana dispensary, or medical marijuana infusion (manufacturing) facility business without a valid registration, certification or license issued by the State of Arizona or a medical marijuana cultivation, medical marijuana dispensary, or medical marijuana infusion (manufacturing) facility business which is in violation of this chapter shall be subject to injunctive relief closing the business temporarily or permanently in addition to prosecution for criminal violations.

C. Criminal Penalties.

1. A violation of this chapter by a person or enterprise is punishable as a Class I misdemeanor. See Section 1.20.050(C) and Arizona Revised Statutes Chapters 7 and 8.

2. In addition to any penalties or fines prescribed by the court, the court or Hearing Officer may order a person adjudged guilty to perform community service, and to abate any violation or nuisance temporarily or permanently.

D. Continuing Violation. Each day that an applicant or defendant himself, herself or itself remains in violation of this title after being served with a citation or other notice of the violation shall be a separate and distinct violation of this title. The Town shall not be required to issue a citation for each day of violation subsequent to the date of the violation listed on the citation or notice; and the court may receive evidence and exact a penalty for each day the defendant is in violation subsequent to the date of THE violation noted on the citation or notice. (Ord. 15-393 § 1 (part); Ord. 11-346 §1 (part))