

TOWN OF PINETOP-LAKESIDE

ORDINANCE 25-486

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, ADOPTING THE TOWN CODE AMENDMENTS TO CHAPTER 17.114 RECREATIONAL MARIJUANA.

WHEREAS, the Town Council of the Town of Pinetop-Lakeside believes that amending the Town Code Chapter 17.114 RECREATIONAL 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 17.114 RECREATIONAL 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in conflict with the provisions of this ordinance or any part of the Town Code adopted herein by reference are hereby repealed, effective as of the day this ordinance is effective.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
Kristi Salskov, MMC, CPM,
Town Clerk

TOWN OF PINETOP-LAKESIDE

Stephanie Irwin
Stephanie Irwin
Mayor

APPROVED AS TO FORM:

William J. Sims III
William J. Sims III
Town Attorney



EXHIBIT A

Town Code 17.114

Chapter 17.114 RECREATIONAL MARIJUANA

Chapter 17.114
RECREATIONAL MARIJUANA

Sections:

17.114.010 Purpose.

17.114.020 Definitions.

17.114.030 Marijuana prohibited on public property.

17.114.040 MARIJUANA ESTABLISHMENT PROHIBITED; DUAL LICENSEE EXCEPTION

17.114.050 Marijuana testing facility.

17.114.060 MARIJUANA CULTIVATION FACILITY REGULATED PER 17.102.030.

17.114.070 MARIJUANA PRODUCT MANUFACTURING FACILITY REGULATED PER 17.102.040.

17.114.0780 Individual's primary residence for personal use.

17.114.090 RETAIL SALES FROM MARIJUANA AND MARIJUANA PRODUCTS:

17.114.1080 Violations.

17.114.11090 Enforcement – Penalties.

17.114.010 Purpose.

This chapter is adopted to protect the health, safety, and welfare of the community and to allow for the limited use of recreational marijuana as permitted by state law. Nothing in this chapter is intended to promote or condone the sale, cultivation, manufacture, transport, production, distribution, possession, or use of marijuana or marijuana products in violation of any applicable law. (Ord. 20-437 § 1 (part))

17.114.020 Definitions.

The words and phrases below, wherever used in this chapter, shall be construed as defined in this section unless, clearly from the context, a different meaning is intended. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

- A. "Chemical extraction" means the process of removing a particular component of a mixture from others present, including removing resinous tetrahydrocannabinol from marijuana.
- B. "Chemical synthesis" means production of a new particular molecule by adding to, subtracting from, or changing the structure of a precursor molecule.
- C. "Consume," "consuming," and "consumption" mean the act of ingesting, inhaling or otherwise introducing marijuana into the human body.

D. "Consumer" means an individual who is at least twenty-one (21) years of age and who purchases marijuana or marijuana products.

E. "Cultivate" and "cultivation" mean to propagate, breed, grow, prepare and package marijuana.

F. "Deliver" and "delivery" mean the transportation, transfer or provision of marijuana or marijuana products to a consumer at a location other than the designated retail location of a marijuana establishment.

G. "Department" means the State of Arizona Department of Health Services or its successor agency.

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

I. "Enclosed area" means a building, greenhouse, or other structure that has:

1. A complete roof enclosure supported by connecting walls that are constructed of solid material extending from the ground to the roof;
2. Is secure against unauthorized entry;
3. Has a foundation, slab or equivalent base to which the floor is securely attached; and
4. Meets performance standards ensuring that cultivation and processing activities cannot be and are not perceptible from the structure in terms of not being visible from public view without using binoculars, aircraft or other optical aids and is equipped with a lock or other security device that prevents access by minors.

J. "Extraction" means the process of extracting or separating resin from marijuana to produce or process any form of marijuana concentrates using water, lipids, gases, solvents, or other chemicals or chemical processes.

K. "Infusion" or "Infuse" and "Manufacturing" or "Manufacture" means to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

L. Marijuana.

1. Means all parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin.
2. Includes cannabis as defined in A.R.S. § [13-3401](#).

3. Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

M. Marijuana Concentrate.

1. Means resin extracted from any part of a plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.

2. Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products.

N. "Marijuana establishment" means an entity licensed by the Department to operate all of the following:

1. A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.

2. A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

3. A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

O. "Marijuana products" means marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures.

P. "Marijuana testing facility" means the Department or another entity that is licensed by the Department to analyze the potency of marijuana and test marijuana for harmful contaminants.

Q. "Nonprofit medical marijuana dispensary" means a nonprofit entity as defined in A.R.S. § [36-2801](#)(12).

R. "Open space" means a public park, public sidewalk, public walkway or public pedestrian thoroughfare.

S. "Person" means an individual, partnership, corporation, association, or any other entity of whatever kind or nature.

T. "Process" and "processing" means to harvest, dry, cure, trim or separate parts of the marijuana plant.

U. "Public place" has the same meaning prescribed in the Smoke-Free-Arizona Act, A.R.S. § [36-601.01](#).

V. "Smoke" means to inhale, exhale, burn, carry or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic. (Ord. 20-437 § 1 (part))

17.114.030 Marijuana prohibited on public property.

A. The use, sale, cultivation, manufacture, production, or distribution of marijuana or marijuana products is prohibited on property that is occupied, owned, controlled, or operated by the Town.

B. It is unlawful for an individual to smoke marijuana in a public place or open space in Town. (Ord. 20-437 § 1 (part))

17.114.040 Marijuana establishment prohibited.; DUAL LICENSEE EXCEPTION:

~~To the fullest extent allowable by law, the operation of a marijuana establishment is prohibited in Town. (Ord. 20-437 § 1 (part))~~

(A) TO THE FULLEST EXTENT PERMISSIBLE BY LAW, THE OPERATION OF A MARIJUANA ESTABLISHMENT IS PROHIBITED, EXCEPT WHERE AUTHORIZED FOR A DUAL LICENSEE WHO:

1. OPERATES BOTH A NONPROFIT MEDICAL MARIJUANA DISPENSARY AND MARIJUANA ESTABLISHMENT COOPERATIVELY IN A SHARED LOCATION; AND

2. HAS NOT FORFEITED OR TERMINATED EITHER ITS NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION OR ITS MARIJUANA ESTABLISHMENT LICENSE FROM THE DEPARTMENT PER ARS SECTION 36-2858.D.3.

(B) OPERATION OF A MARIJUANA ESTABLISHMENT IS FURTHER SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS:

1. SHALL NOT BE MORE THAN ONE MARIJUANA ESTABLISHMENT OPERATING IN THE TOWN.

2. SHALL BE ALLOWED IN ONLY NONRESIDENTIAL ZONING DISTRICTS.

3. SHALL NOT BE LOCATED WITHIN TWO HUNDRED FIFTY FEET (250') OF A RESIDENTIALLY ZONED PROPERTY. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALL OF THE BUILDING IN WHICH THE MARIJUANA ESTABLISHMENT IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE NEAREST EXTERIOR WALL OF THE CLOSEST RESIDENCE NOT LOCATED ON THE PROPERTY IN WHICH THE MARIJUANA ESTABLISHMENT IS CONDUCTED OR PROPOSED TO BE CONDUCTED.

4. SHALL NOT BE LOCATED WITHIN FIVE HUNDRED FEET (500') OF A PLACE OF WORSHIP, PUBLIC PARK, OR COMMUNITY CENTER. SHALL NOT BE LOCATED WITHIN ONE THOUSAND FEET (1000') OF A PRESCHOOL, KINDERGARTEN, ELEMENTARY, SECONDARY OR HIGH SCHOOL, THIS DISTANCE SHALL BE MEASURED FROM THE LOT LINE OF THE PROPERTY IN WHICH THE BUSINESS IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE PROPERTY LINE OF THE PROTECTED USE.

5. SHALL BE LOCATED IN A PERMANENT BUILDING ON AN ESTABLISHED FOUNDATION ADHERING TO TOWN BUILDING CODES AND SHALL NOT INCLUDE ANY TEMPORARY, PORTABLE, OR SELF-POWERED MOBILE FACILITIES, OR TRAILER, CARGO CONTAINER, OR MOTOR VEHICLE.

6. SHALL HAVE OPERATING HOURS NOT EARLIER THAN 7:00 A.M. AND NOT LATER THAN 10:00 P.M.

7. SHALL NOT PROVIDE DRIVE-THROUGH SERVICES OR OFF-SITE DELIVERIES OF MARIJUANA OR MARIJUANA PRODUCTS.

8. SHALL NOT ALLOW A PERSON TO CONSUME MARIJUANA OR MARIJUANA PRODUCTS ON THE PREMISES OR PROVIDE OUTDOOR SEATING AREAS.

9. SHALL PROVIDE FOR PROPER DISPOSAL OF MARIJUANA REMNANTS OR BY-PRODUCTS. THE REMNANTS OR BY-PRODUCTS SHALL NOT BE PLACED WITHIN THE FACILITY'S EXTERIOR REFUSE CONTAINERS, TOWN TRASH CAN, BIN, OR OTHER TOWN FACILITY, OR IN ANY PARK REFUSE CONTAINER UNLESS AUTHORIZED BY THE TOWN.

10. SHALL NOT EMIT DUST, FUMES, VAPORS, OR ODORS INTO THE ENVIRONMENT FROM THE FACILITY AND SHALL ENSURE THAT VENTILATION, AIR FILTRATION, BUILDING, AND DESIGN STANDARDS ARE COMPATIBLE WITH ADJACENT USES AND THE REQUIREMENTS OF ADOPTED BUILDING CODES OF THE TOWN.

11. SHALL SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS PURSUANT TO A.R.S. SECTION 36-2858.F AND DISPENSE MARIJUANA TO REGISTERED QUALIFYING PATIENTS AND REGISTERED DESIGNATED CAREGIVERS PURSUANT TO A.R.S. SECTION 36-2801 *ET SEQ.*

12. SHALL NOT DISPLAY OR KEEP MARIJUANA OR MARIJUANA PRODUCTS THAT ARE VISIBLE FROM OUTSIDE THE PREMISES.

13. SHALL COMPLY WITH APPLICABLE COUNTY HEALTH REGULATIONS FOR FOOD PREPARATION AND HANDLING.

14. SHALL COMPLY WITH APPLICABLE LAWS TO ENGAGE IN EXTRACTION PROCESSES SAFELY AND SECURELY.

15. SHALL SUBMIT A WRITTEN SECURITY PLAN TO THE PINETOP-LAKESIDE POLICE DEPARTMENT THAT DESCRIBES THE ACTIONS TAKEN TO DETER AND PREVENT UNAUTHORIZED ENTRANCE INTO LIMITED ACCESS AREAS, INCLUDING USE OF SECURITY EQUIPMENT, EXTERIOR LIGHTING TO FACILITATE SURVEILLANCE, AND ELECTRONIC MONITORING SUCH AS VIDEO CAMERAS.

17.114.050 Marijuana testing facility prohibited.

To the fullest extent allowable by law, the operation of a marijuana testing facility is prohibited in Town. (Ord. 20-437 § 1 (part))

17.114.060 Marijuana ~~delivery prohibited~~ CULTIVATION FACILITY

~~It is unlawful to deliver or to facilitate the delivery of marijuana in the Town of Pinetop-Lakeside to a person who is not a medical marijuana cardholder as defined in the Arizona Medical Marijuana Act, Chapter 28.1 of Title 36, Arizona Revised Statutes. As defined under A.R.S. §§ 38-2850(6) and 36-2850(D)(1). (Ord. 20-437 § 1 (part))~~

CULTIVATION IS PERMITTED WHEN CONDUCTED BY A DUAL LICENSEE AT A MARIJUANA ESTABLISHMENT PURSUANT TO SECTION 17.114.040 AND WHEN CONDUCTED AT AN INDIVIDUAL'S PRIMARY RESIDENCE FOR PERSONAL USE PURSUANT TO SECTION 17.114.08; PROVIDED, HOWEVER, IF A DUAL LICENSEE CONDUCTS CULTIVATION AT A MARIJUANA ESTABLISHMENT, ALL OF THE CONDITIONS OF TOWN CODE CHAPTER 17.102.030 MUST BE SATISFIED.

17.114.070 MARIJUANA PRODUCT INFUSION FACILITY

INFUSION (MANUFACTURING) IS PERMITTED WHEN CONDUCTED BY A DUAL LICENSEE AT A MARIJUANA ESTABLISHMENT PURSUANT TO SECTION 17.114.040 AND WHEN CONDUCTED AT AN INDIVIDUAL'S PRIMARY RESIDENCE FOR PERSONAL USE PURSUANT TO SECTION 17.114.08; PROVIDED, HOWEVER, IF A DUAL LICENSEE CONDUCTS INFUSION (MANUFACTURING) AT A MARIJUANA ESTABLISHMENT, ALL OF THE CONDITIONS OF TOWN CODE CHAPTER 17.102.040 MUST BE SATISFIED.

17.114.0870 Individual's primary residence for personal use.

To the fullest extent allowable by law, marijuana possession, consumption, processing, manufacturing, transportation, and cultivation ARE is permitted in a residential zoning district in Town and is ARE subject to the following conditions and limitations:

A. It shall be unlawful for any individual who is at least twenty-one (21) years of age to possess, transport, cultivate, or process more than six (6) marijuana plants.

B. It shall be unlawful for two (2) or more individuals who are at least twenty-one (21) year of age to possess, transport, cultivate or process more than twelve (12) marijuana plants at the individuals' primary residence.

~~C.~~

~~CD.~~ Individuals shall not process or manufacture marijuana by means of any liquid or gas other than alcohol, that has a flashpoint below one hundred (100) degrees Fahrenheit.

~~DE.~~ Kitchens, bathrooms, and primary bedroom(s) shall be used for their intended use and shall not be used primarily for residential marijuana processing, manufacturing, or cultivation.

~~EE.~~ A residence shall not emit dust, fumes, vapors, or odors into the environment, and individuals shall ensure that ventilation, air filtration, building, and design standards are compatible with adjacent uses and the requirements of the adopted building codes of the Town.

~~FG.~~ Cultivation shall be limited to a closet, room, greenhouse, or other enclosed area on the grounds of the residence equipped with a lock or other security device that prevents access by minors.

~~GH.~~ Cultivation shall take place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft, or other optical aids. (Ord. 20-437 § 1 (part))

17.114.090 TRANSACTION PRIVILEGE TAX ON RETAIL SALES OF MARIJUANA AND MARIJUANA PRODUCTS

THE AUTHORIZED SALE OF MARIJUANA AND MARIJUANA PRODUCTS WITHIN THE TOWN FROM A MARIJUANA ESTABLISHMENT CONSTITUTES THE SALE OF TANGIBLE PERSONAL PROPERTY AS DEFINED IN A.R.S. § 42-5001 AND SUBJECT TO THE TRANSACTION PRIVILEGE TAX IN THE RETAIL CLASSIFICATION AND USE TAX.

17.114.1090 Violations.

A. It is unlawful and a violation of this chapter for a person to sell, cultivate, process, manufacture or transport marijuana or marijuana products if the person fails to meet all the requirements in this chapter or state law, including the Department's rules.

B. It is a violation of this chapter for any person to provide false information on any permit application.

C. Each day any violation of any provision of this chapter shall continue shall constitute a separate offense. (Ord. 20-437 § 1 (part))

17.114.11090 Enforcement – Penalties.

A. Violations of this chapter are in addition to any other violation enumerated within the Town ordinances or the Town Code and in no way limits the penalties, actions or abatement procedures which may be taken by the Town for any violation of this chapter, which is also a violation of any other ordinance or code provision of the Town ~~or~~ federal or state law. Conviction and punishment of judgment and civil sanction against any person under this chapter shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.

B. Civil Penalty. Violations of any provision of this chapter shall be civil code offenses which may be adjudicated and enforced by the Town's civil hearing process set forth in Section [1.20.070](#). (Ord. 20-437 § 1 (part))

C. THE PERMIT MAY BE REVOKED BY THE TOWN OF PINETOP-LAKESIDE FOR VIOLATION OF ANY PROVISION OF THIS CHAPTER, FOR ANY VIOLATION OF THE REQUIREMENTS OF THE PERMIT, OR IF THE DEPARTMENT REVOKES THE LICENSE FOR A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY. IF A PERMIT IS REVOKED, THE PERMITTEE SHALL HAVE THE RIGHT TO APPEAL THE DIRECTOR'S DECISION PURSUANT TO SECTION 16.05.110.