

ORDINANCE 15-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS ZONING ORDINANCE, CHAPTER 24, MEDICAL MARIJUANA USES, RELATING TO MEDICAL MARIJUANA DISPENSARY HOURS OF OPERATION.

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the "Town Council") adopted Ordinance 93-22 on November 18, 1993, which adopted the Zoning Ordinance for the Town of Fountain Hills (the "Zoning Ordinance"); and

WHEREAS, the Town Council desires to amend the Zoning Ordinance to revise Chapter 24, Medical Marijuana Uses, Section 24.03.B, Requirements, relating to medical marijuana dispensary hours of operation; and

WHEREAS, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, public hearings regarding this ordinance were advertised in the April 8, 2015, and April 15, 2015, editions of the *Fountain Hills Times*; and

WHEREAS, public hearings were held by the Fountain Hills Planning & Zoning Commission (the "Commission") on April 23, 2015, and by the Town Council on May 21, 2015.

WHEREAS, the Commission recommended approval of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Zoning Ordinance, Chapter 24, (Medical Marijuana Uses), Section 24.03(B) (Requirements), is hereby amended as follows:

- B. A medical marijuana dispensary shall have operating hours not earlier than 8:00 9:00 a.m. and not later than 7:00 p.m., ~~Monday through Friday and 8:00 a.m. until 3:00 p.m. on Saturday.~~

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, May 21, 2015.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:

for Donna S Brown
Linda M. Kavanagh, Mayor

Bevelyn J. Bender
Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Kenneth W. Buchanan
Kenneth W. Buchanan, Town Manager

Andrew J. McGuire
Andrew J. McGuire, Town Attorney