

ORDINANCE NO. 14-02

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, RELATED TO MEDICAL MARIJUANA DISPENSARY DAYS AND HOURS OF OPERATION.

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the “Town Council”) approved Ordinance No. 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), Subsection 24.03(B) (Requirements), to change the days and hours of medical marijuana dispensary 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 February 12, 2014 and February 19, 2014 editions of the *Fountain Hills Times*; and

WHEREAS, public hearings were held by the Fountain Hills Planning and Zoning Commission on February 27, 2014, and by the Town Council on March 20, 2014.

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 MAY ONLY BE OPEN MONDAY THROUGH SATURDAY AND shall have operating hours not earlier than ~~9:00~~ 8:00 a.m. and not later than ~~5:00~~ 7:00 p.m., Monday through Friday, AND NOT EARLIER THAN 8:00 A.M. AND NOT LATER THAN 3 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 invalid or 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, March 20, 2014.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



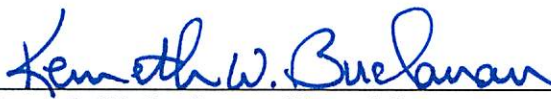
Linda M. Kavanagh, Mayor




Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Kenneth W. Buchanan, Town Manager



Andrew J. McGuire, Town Attorney