ORDINANCE NO. 873

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 154-15-003 OF THE UNIFIED DEVELOPMENT CODE RELATING TO THE HOURS OF OPERATION FOR MEDICAL MARIJUANA DISPENSARIES.**

**WHEREAS**, in January of 2011, in response to the approval of the Arizona Medical Marijuana Act ("the Act") in 2010, the Town of Payson approved zoning regulations for medical marijuana dispensaries ("the Dispensary Regulations"); and

**WHEREAS**, on July 22, 2015, Desert Medical Campus, Inc., filed Application P15-008 requesting a change in allowable hours of operation for a medical marijuana dispensary; and

**WHEREAS**, on September 21, 2015, Town of Payson Planning and Zoning Commission ("the Commission") held a public hearing on and recommended approval of a proposed amendment to Section 154-15-003 of the Unified Development Code of the Town of Payson ("UDC") to allow medical marijuana dispensaries to operate from 8:00 a.m. until 9:00 p.m.; and

**WHEREAS**, on October 15, 2015 and November 5, 2015, the Mayor and Town Council held Public Hearings on the Proposed Amendment, have considered the Proposed Amendment, and it is their desire to adopt the Proposed Amendment,

**NOW, THEREFORE, THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:**

Section 1. That Section 154-15-003 of the Town of Payson Unified Development Code is hereby amended and as amended shall read as follows:

**154-15-003 HOURS OF OPERATION**

**A medical marijuana dispensary shall have operating hours not earlier than 8:00 a.m. and not later than 9:00 p.m.**

Section 2. If any portion of this Ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions. The Mayor and Town Council of the Town of Payson declare that they would have adopted this Ordinance and each portion thereof despite the fact that any one or more portions would be declared invalid or unconstitutional.

*Prepared by Town of Payson Legal Department*
*HMF:drs 10/2/2015 9:48 AM*
*O:\Civil\Ordinances\873 Med Marijuana Dispensary Hours (8AM-9PM) 2015.rtf*

1st Reading + Public hearing OCT 1 5 2015 G.5, 2nd Reading - Public Hearing NOV 0 5 2015 D.3

**PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON** this _____ day of November, 2015, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Hector M. Figueroa, Town Attorney