

GRAHAM COUNTY BOARD OF SUPERVISORS)

(SS.SAFFORD, AZ March 22, 2021

STATE OF ARIZONA, COUNTY OF GRAHAM)

The Graham County Board of Supervisors met in a regular session this date with the following present:

Danny Smith	Chairman
Paul R. David	Vice-Chairman
John Howard	Member
Dustin Welker	County Manager / Clerk
Hannah Duderstadt	Deputy Clerk

Chairman Smith called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance. Upon motion of Supervisor David, seconded by Supervisor Howard, the minutes of the regular board meeting, work session and executive session held on March 1, 2021, and work session held on March 10, 2021 were approved.

Sheriff PJ Allred requested approval to ratify applying for the Governor's Office of Highway Safety FY2022 DUI/Impaired Driving Funding for \$78,471. Upon motion of Supervisor David, seconded by Supervisor Howard, the request was unanimously approved.

Sheriff Allred requested approval to ratify applying for the Governor's Office of Highway Safety FY2022 Police Traffic Services (STEP) Funding. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

Sheriff Allred requested approval to renew an undercover plate. Upon motion of Supervisor David, seconded by Supervisor Howard, the request was unanimously approved.

Health Director Brian Douglas requested approval of an unbudgeted capital purchase of a Connex box for storing additional personal protection equipment (PPE). Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

Director Douglas requested approval to ratify a Consulting Agreement with Norma Roffers and McKenna Kerbs for COVID-19 services. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

IT Director McCoy Hawkins requested approval of the capital purchase of a back-up solution for all County IT data with undeletable technologies. Upon motion of Supervisor David, seconded by Supervisor Howard, the request was unanimously approved.

Parks Director Melissa Matlock requested approval of the capital purchase of a new Sterling Unit Heater for Animal Control. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

Under current events report, Supervisor Howard reported on the following: 3/2 Drug Coalition mtg.; Gila Valley Irrigation District mtg.; Pima Town Council mtg.; House of Hope mtg.; United Way mtg.; LPC mtg.; 3/17 Small County Caucus mtg.; CSA mtg.; 3/18-3/19 CSA learning series mtg.

Supervisor David reported on the following: Broadband rural virtual workshop; Substance Abuse Coalition and Lions Club mtg.; Historical Society mtg.; Safford City Council mtg.; Rural Action Caucus mtg.; Desert Cat Rescue mtg.; AZ/NM Coalition Board mtg.; American Rescue Plan webinar; Small County Caucus mtg.; CSA mtg.; Supervisor of Forest mtg.;

Supervisor Smith reported on the following: Gila Watershed Partnership spring plant sale;

Manager Welker reported on the following: Redistricting update; Census data release in Sept.; American Rescue Plan Act mtg.; Health Dept. vaccine update; Completed annual audit;

Demands and hand written warrants were unanimously approved upon motion of Supervisor David, seconded by Supervisor Howard. Pursuant to the provisions of A.R.S. §11-217, as amended in 1996, those demands/warrants for any supplier which total more than \$1,000.00 are as follows:

<u>SUPPLIER/PURPOSE</u>	<u>AMOUNT OF WARRANT</u>
ADVANCED AIR/ ALTECH REFRIGERATION	\$9,328.57
AMAZON	\$1,233.39
AMAZON – ACCOUNT #5723	\$1,043.17
AZ HOBBY HUT, LLC	\$1,282.50
BAILEY ALLRED	\$2,112.50
BARRY A. STANDIFIRD, P.C.	\$4,166.60
BI INCORPORATED	\$1,221.31
BRIAN DOUGLAS	\$1,082.37
BULL FAMILY DENTISTRY, PLLC	\$1,622.40
CDW GOVERNMENT INC.	\$5,592.98
CENTURY LINK – BUSINESS SERVICES	\$1,061.84
COOPER LOPEZ & ASSOCIATES, PLLC	\$3,022.50
CRAFCO, INC.	\$2,398.44
DAISY FLORES LAW & ASSOCIATES, P.C.	\$9,871.33
DENNIS MCCARTHY	\$9,488.82
DESERT BRUSH PAINTING, LLC	\$3,500.00
DYNAMIC TREATMENT & COUNSELING SERVICES	\$4,675.00
GILA VALLEY POLARIS, CORP.	\$12,818.32
GOVNET, INC.	\$2,882.50
GRAHAM COUNTY ELECTRIC COOP	\$5,915.67
JEREMY J. WAITE	\$1,500.00
JOSI Y. LOPEZ	\$10,575.00
KIMS WINDOW TINTING	\$2,930.14
KUSTOM SIGNALS, INC.	\$1,518.49
LAURENCE SCHIFF, M.D.	\$1,900.00
LAW OFFICE OF REBECCA JOHNSON	\$12,435.00
MATT N. CLIFFORD	\$1,275.00
MELISSA LUNT	\$1,672.89
N-PROCESS COUNSELING & ASSESSMENT	\$9,000.00
NATIONAL SIGNAL-XXX	\$1,262.00
OFFICE OF VITAL RECORDS	\$1,685.00
OPEN LOOP ENERGY, INC.	\$4,210.09
QUILL – ACCT NO. C2873378	\$1,115.95

REBECCA DOLAN	\$1,987.50
SAFFORD CITY GRAHAM COUNTY PUBLIC LIBRARY	\$8,100.00
SARA MARTIN	\$1,837.50
SUPERIOR SUPPLY	\$5,348.23
TOWN OF PIMA	\$1,500.00
TRES RIOS SILVER-XXX	\$3,675.00
VALLEY SECURITY SERVICE, INC.	\$1,548.25
VERIZON WIRELESS – TX	\$2,809.29
WALMART COMMUNITY BRC	\$1,949.15
WAXIE SANITARY SUPPLY	\$2,161.26
WEST PAYMENT CENTER	\$1,592.39
XEROX	\$1,473.35
BARBARA ALVILLAR-SOSA	\$1,275.10
MARK SMITH	\$1,622.03
MARCUS CAMPOS	\$1,007.11
CAMERON CURTIS	\$1,118.78
ALYSSA HOOPES	\$1,331.17
TYLER RUSSELL	\$1,628.34
JOHN N SMALLWOOD	\$1,157.17
JASON CARTER	\$1,153.95
EFT NWS PAYROLL	\$278,454.37
AOC RETIREMENT	\$11,873.76
ARIZONA DEPT. OF REVENUE	\$11,616.13
ARIZONA STATE RETIREMENT	\$63,933.07
AZ CLEARING HOUSE	\$1,075.66
CORRECTIONS OFFICER RETIREMENT	\$5,316.66
ELECTED OFFICIAL RETIREMENT	\$22,555.30
GRAHAM COUNTY FUND X-006	\$103,763.73
HEALTH SAVINGS ACCOUNT	\$5,119.15
INTERNAL REVENUE SERVICE	\$95,302.43
NACO WEST PEBSCO	\$4,150.00
NATIONWIDE RETIREMENT SOLUTIONS	\$1,288.63
NATIONWIDE RETIREMENT SOLUTIONS	\$3,968.21
NATIONWIDE TRUST CO. FBO NRS	\$1,772.27
OCHS, INC.	\$1,896.81
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM	\$20,823.22
WALMART COMMUNITY BRC	\$3,382.73
ADHS, AHCCCS TREASURER	\$44,683.00
ADVANCE FORENSIC ASSESSMENTS INC	\$2,700.00
ARIZONA DEPARTMENT OF PUBLIC SAFETY	\$1,986.98
ARIZONA SECRETARY OF STATE	\$1,615.06
ARIZONA SUPREME COURT 105	\$15,520.87
AZLGEBT	\$212,087.19
BAILEY ALLRED	\$2,225.00
BOKF, NA (VIA BANK OF OKLAHOMA)	\$160,457.81
BOULEVARD GLASS, LLC	\$2,607.92
BOWMAN CONSULTING GROUP, LTD	\$3,800.00
BRAD HALL & ASSOCIATES, INC.	\$15,241.76
CENTER FOR TECH AND CIVIC LIFE	\$28,478.76

CENTURY LINK – BUSINESS SERVICES	\$3,290.94
CENTURY LINK – 91155	\$1,332.87
CITY OF SAFFORD – COMMUNITY PRIDE	\$10,140.54
CITY OF SAFFORD UTILITIES	\$23,323.88
COLORADO ELECTRIC SUPPLY	\$1,495.49
DENISE R. VAISHVILLE	\$1,933.20
DENNIS MCCARTHY	\$1,500.00
DLM CONSULTING	\$9,600.00
DOUBLE R COMMUNICATIONS	\$4,188.00
EASTER SEALS – BLAKE FOUNDATION	\$13,400.00
EASTERN ARIZONA COURIER	\$5,099.57
ELIZABETH M. HALE	\$2,431.00
EMPIRE SOUTHWEST	\$1,769.96
GCR TIRES & SERVICE	\$1,480.45
GRAHAM COUNTY ELECTRIC COOP	\$3,880.76
HARALSON FLEET SERVICE	\$1,236.70
HOME DEPOT CREDIT SERVICE	\$4,708.62
JOSI Y. LOPEZ	\$2,700.00
KARPEL SOLUTIONS-XXX	\$61,925.70
KRAMME CONSTRUCTION	\$34,475.00
LAURENCE SCHIFF, M.D.	\$1,900.00
LEXISNEXIS	\$1,116.09
MACKS AUTO PARTS, INC.	\$1,938.41
MATT N. CLIFFORD	\$2,100.00
MAVERICK PETROLEUM SERVICES, INC.	\$1,831.91
MOTOROLA SOLUTIONS, INC.	\$20,675.00
O'REILLY AUTOMOTIVE STORES, INC-1112123	\$1,577.88
PACIFIC CORRUGATED PIPE CO.	\$3,477.56
PINAL COUNTY JUVENILE COURT SERVICES	\$8,400.00
PTS OF AMERICA, LLC	\$3,867.00
QUILL – ACCT NO. C2873378	\$1,138.80
REBECCA DOLAN	\$2,087.50
SAFFORD ACE 1881-A	\$2,615.52
SARA MARTIN	\$1,975.00
SCARBOROUGH PUMPING & PORTA-JOHNS	\$1,675.00
SPARKLIGHT	\$1,508.99
SUMMIT FOOD SERVICE, LLC	\$15,359.00
SUSIE CHARBEL	\$10,452.16
THE BODY DOC'S	\$2,913.47
UNITED ROTARY BRUSH CORPORATION	\$1,574.36
VERIZON WIRELESS – TX	\$2,760.05
VISTA RECYCLING INC.	\$3,121.35
WBNK MEDIA, LLC	\$1,800.00
WESTWOOD PHARMACY CLINICAL SERVICES	\$1,708.78
WILLIAM K. BRANDAU	\$10,380.00
XEROX	\$1,179.09
BARBARA ALVILLAR-SOSA	\$1,275.10
MARK SMITH	\$1,720.48
DHANYEL BOWLER	\$1,026.06

MARCUS CAMPOS	\$1,007.10
CAMERON CURTIS	\$1,099.74
ALYSSA HOOPEs	\$1,283.75
CHRISTOPHER CRAWFORD	\$1,073.31
JOHN N SMALLWOOD	\$1,157.18
JASON CARTER	\$1,125.05
AFLAC GROUP INSURANCE	\$1,109.37
AOC RETIREMENT	\$11,873.74
ARIZONA DEPT OF REVENUE	\$11,896.55
ARIZONA STATE RETIREMENT	\$62,358.79
AZ CLEARING HOUSE	\$1,075.66
CORRECTIONS OFFICER RETIREMENT	\$5,446.34
ELECTED OFFICIAL RETIREMENT	\$22,555.30
GRAHAM COUNTY FUND X-006	\$104,641.23
HEALTH SAVINGS ACCOUNT	\$5,119.15
INTERNAL REVENUE SERVICE	\$97,120.25
NACO WEST PEBSCO	\$4,150.00
NATIONWIDE RETIREMENT SOLUTIONS	\$1,288.63
NATIONWIDE RETIREMENT SOLUTIONS	\$4,276.29
NATIONWIDE TRUST CO. FBO NRS	\$1,772.27
OCHS, INC.	\$1,896.81
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM	\$20,836.70
AFLAC GROUP INSURANCE	\$3,008.57
EFT NWS PAYROLL	\$283,032.65

Chairman Smith announced it was the time and date to hold a public hearing on the following:

Approval of Ordinance 2021-1, Relating to the Regulation of Medical and Recreational Marijuana.

Planning and Zoning Director Steve McGaughey gave background information. Questions and comments followed. Supervisor David motioned to postpone approving the ordinance one month to allow time for further amendments and specification in the ordinance. Motion died for a lack of a second. The discussion was then opened to the public for comment.

Heather Dukes, of Snell & Wilmer, spoke on the marijuana establishment text amendment.

Upon motion of Supervisor Smith, seconded by Supervisor Howard, the request was approved with a vote of two affirmatives, and one opposed.

#### **ORDINANCE NO. 2021-1**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS, GRAHAM COUNTY ARIZONA, RELATING TO THE REGULATION OF MEDICAL AND RECREATIONAL MARIJUANA; ESTABLISHING A PURPOSE; SETTING FORTH DEFINITIONS; PROHIBITING MARIJUANA USE ON PUBLIC PROPERTY; REGULATING MARIJUANA TESTING FACILITIES AND MARIJUANA ESTABLISHMENTS; ESTABLISHING REGULATIONS FOR MARIJUANA AT AN INDIVIDUAL'S PRIMARY RESIDENCE; AUTHORIZING RETAIL SALES OF MARIJUANA AND MARIJUANA PRODUCTS; SETTING FORTH VIOLATIONS; AND PROVIDING FOR ENFORCEMENT AND PENALTIES.**

**WHEREAS**, marijuana contains tetrahydrocannabinol (“THC”), which remains on Schedule I of the Controlled Substances Act pursuant to 21 U.S.C. § 811 et al. and any possession and use is a violation of federal law pursuant to 21 U.S.C. § 841 et. al., and

**WHEREAS**, The Arizona Medical Marijuana Act, Arizona Revised Statutes Sections 36-2801 et al., and Title 9, Chapter 17 of the Arizona Administrative Code allow the establishment and operation of nonprofit medical marijuana dispensaries in Graham County according to a prescribed statutory and regulatory process, and

**WHEREAS**, the statewide ballot measure 1-23-2020, known as “Smart and Safe Arizona Act” was certified as Proposition 207 and placed on the November 3, 2020 general election ballot and was approved by the voters of this state and contains provisions authorizing the possession, consumption, purchase, processing, manufacturing or transporting of marijuana by an individual who is at least twenty-one (21) years of age; authorizing possession, transport, cultivation or processing of marijuana plants in a primary residence by adults age 21 years and older; allowing a nonprofit medical marijuana dispensary or other non-dispensary applicant to apply to the Department of Health Services to become a licensed marijuana establishment authorized to engage in the retail sale, cultivation and manufacturing of marijuana; and allowing the Department, or another entity designated by the Department, to become a marijuana testing facility to test the potency of marijuana and detect any harmful contaminants, and

**WHEREAS**, Graham County finds that Proposition 207 authorizes marijuana establishments to use chemical extraction or chemical synthesis, including butane and other flammable gases, to extract marijuana concentrate, which poses a threat to the health, safety and security of the community and increases the responsibilities of law enforcement and other County departments to respond to violations of state and local laws, including building, electrical and fire codes;

**WHEREAS**, Graham County seeks to protect public health, safety, and welfare by enacting reasonable regulations on marijuana establishments in unincorporated areas of Graham County.

**NOW THEREFORE**, pursuant to A.R.S. §§ 11-251, 11-802, 11-815, 36-2806.01, and 36-2857, the Graham County Board of Supervisors adopts the following ordinance for the regulation of marijuana possession, consumption, sale, purchase, cultivation, processing, manufacturing and transporting marijuana within the unincorporated areas of Graham County, Arizona:

**Section I.**      **In General.**

**A.**      **Purpose**

This article is adopted to protect the health, safety, and welfare of the community. Except as allowed by law for personal, private use, Graham County enacts reasonable regulations and requires compliance with laws for the retail sale, processing, extraction, cultivation and manufacturing of marijuana or marijuana products in a marijuana establishment or marijuana testing facility and the cultivation, processing and manufacturing of marijuana in a primary residence. Nothing in this Ordinance 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.

**B.**      **Definitions**

The below words and phrases, wherever used in this article, 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.

*"Chemical Extraction"* means the process of removing a particular component of a mixture from others present, including removing resinous tetrahydrocannabinol from marijuana.

*"Chemical Synthesis"* means production of a new particular molecule by adding to, subtracting from, or changing the structure of a precursor molecule.

*"County"* means Graham County, Arizona.

*"Consume," "Consuming,"* and *"Consumption"* mean the act of ingesting, inhaling or otherwise introducing marijuana into the human body.

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

*"Cultivate"* and *"Cultivation"* mean to propagate, breed, and grow marijuana.

*"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.

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

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

*"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, and
2. Is secure against unauthorized entry, and
3. Has a foundation, slab, or equivalent base to which the floor is securely attached, and
4. Meets performance standards ensuring that all 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.

*"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.

*"Manufacture"* and *"Manufacturing"* mean to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

*"Mariju'ana"* 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; and includes cannabis as defined in A.R.S. § 13-3401; but 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.

*"Marijuana Concentrate"* means:

1. 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.

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.

*"Marijuana Establishment"* means an entity licensed by the Department to operate any 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 and marijuana products which may not be transferred or sold to consumers.
3. A single off-site location at which the licensee may manufacture marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

*"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.

*"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.

*"Nonprofit Medical Marijuana Dispensary"* means a nonprofit entity as defined in A.R.S. § 36-2801(12).

*"Open Space"* means a public park, public sidewalk, public walkway, or public pedestrian thoroughfare.

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



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

*"Public Place"* has the same meaning prescribed in the Smoke-Free-Arizona Act, A.R.S. § 36-601.01.

*"Public Property"* means property that is occupied, owned, controlled, or operated by the County.

*"Smoke"* means to inhale, exhale, bum, carry, or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic.

**C. Marijuana Prohibited on Public Property.**

1. The use, sale, cultivation, manufacture, production or distribution of marijuana or marijuana products is prohibited on public property.
2. It is unlawful for an individual to smoke or consume marijuana or marijuana products on public property, in a public place, or open space in the unincorporated areas of the County.

**D. Marijuana Establishments Permitted; Nonresidential.**

1. It shall be unlawful for a person to operate a marijuana establishment at any location within Graham County without obtaining approval from the Graham County Planning and Zoning Department in accordance with this regulation including any application and review procedures pursuant to this section and other applicable guidelines.
2. If authorized by state law and a valid permit has been obtained from the State of Arizona and Graham County, a marijuana establishment is permitted in Graham County subject to the following conditions and limitations:
  - a. Marijuana establishments that sell marijuana to the public must be dual licensee and are restricted to Graham County zoning districts of M-X.
  - b. Marijuana establishments that cultivate, manufacture, or extract marijuana are restricted to Graham County zoning districts of M-X.
  - c. Marijuana establishments shall not be located within 1000 feet of a residentially zoned property or a property used for residential purposes. 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 lot line of the residentially zoned/use property.
  - d. Marijuana establishments shall not be located within 1000 feet of a preschool, kindergarten, elementary, secondary school, high school, place of worship, public park, or community center. 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 lot line of the protected use.

e. With the exception of cultivation, marijuana establishments and all activity associated therein shall be in a permanent enclosed building, be permanently secured to an established foundation, shall adhere to County building and safety codes, and shall not include any temporary, portable, or self-powered mobile facilities, or any trailer, cargo container or motor vehicle.

f. Marijuana establishments shall have operating hours not earlier than 8 a.m. and not later than 8 p.m.

g. Marijuana establishments shall not allow a person to consume marijuana or marijuana products on the premises or provide outdoor seating areas for the public.

h. Marijuana establishments shall provide for proper and secure disposal of marijuana, marijuana remnants or by-products discarded by the establishment. All marijuana, marijuana remnants, and marijuana by-products shall be disposed of in a manner that renders them unusable.

i. Marijuana establishments shall not emit dust, fumes, vapors, or odors into the environment. Prior to conducting business, marijuana establishments shall submit an odor control plan to the Graham County Planning & Zoning Department.

j. Marijuana establishments shall ensure that ventilation, air filtration, building, safety, and design standards are compatible with adjacent uses and shall comply with the requirements of building and safety codes of the County. On written notice of at least 24 hours, the Graham County Planning & Zoning Department may conduct reasonable inspections of marijuana establishments to ensure compliance with county building, safety, and odor control plans.

l. Marijuana establishments shall not sell marijuana or marijuana products except as permitted by state law.

m. Marijuana establishments shall not display or keep marijuana or marijuana products that are visible from outside the premises.

n. Marijuana establishments shall comply with applicable county health regulations for food preparation and handling.

o. Marijuana establishments shall fully comply with laws and regulations applicable to safe and secure extraction.

p. Marijuana establishments shall submit a written security plan to the Graham County Sheriff that describes the plans and actions implemented 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. On written notice of at least 24 hours, the Graham County Sheriff may conduct reasonable inspections of marijuana establishments to ensure compliance with the written security plan.

q. Commercial Cultivation shall take place in an area where the marijuana plants are not visible to the public without using binoculars, aircraft, or other optical aids.

**E. Marijuana Testing Facilities.**

The operation of a marijuana testing facility is restricted to Graham County zoning districts of M-X.

**F. Individual's Primary Residence for Personal Use**

To the fullest extent allowable by law, an individual is permitted to possess, consume, process, manufacture, transport, and cultivate marijuana in a residential zoning district within the unincorporated areas of the County, subject to the following conditions and limitations:

1. 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.
2. It shall be unlawful for two or more individuals who are at least twenty-one (21) years of age to possess, transport, cultivate or process more than twelve (12) marijuana plants at the individuals' primary residence.
3. Except as provided by A.R.S. § 36-2801 et al. (the Arizona Medical Marijuana Act [2010] and the Smart and Safe Arizona Act [2020]) and this Section, it shall be unlawful for an individual to otherwise cultivate marijuana in a residential zoning district within the unincorporated areas of the County.
4. Processing or manufacturing marijuana by means of any liquid or gas other than alcohol that has a flashpoint below one hundred (100) degrees Fahrenheit is prohibited within the unincorporated areas of the County.
5. Kitchen, 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.
6. A residence shall not emit dust, fumes, vapors, or odors into the environment and individuals shall ensure that any marijuana processing, manufacturing, or cultivation activities comply with applicable electrical, plumbing and other building codes, have adequate ventilation and air filtration, and that the building and design standards are compatible with adjacent uses.
7. Cultivation shall be for personal use and limited to a closet, room, greenhouse, or other enclosed area on the grounds of the residence that is: (1) properly modified to safely accommodate the size and manner of cultivation, and (2) equipped with a lock or other security device that prevents access by minors.

**G. Retail Sales of Marijuana and Marijuana Products**

To the fullest extent allowable by law, the sale of marijuana and marijuana products is authorized within the County from a marijuana establishment and is 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.

**H. Violations.**

1. It is unlawful and a violation of this article 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 article or state law, the Department's rules, or Graham County building, safety, signage, or design codes.
2. It is a violation of this article for any person to provide false information on any permit application.
3. Each day any violation of any provision of this article shall continue shall constitute a separate offense.
4. The remedies provided in this Ordinance shall be cumulative and in addition to any other federal, state, or local remedy which may be available. Nothing contained herein shall be construed to preclude prosecution under any other applicable statute, ordinance, rule, order, or regulation.

**I. Enforcement; Penalties.**

1. Pursuant to A.R.S. § 11-251.05 violations of this Ordinance constitute Class 1 misdemeanors. Each day during which the illegal activity, erection, construction, reconstruction, alteration, maintenance, or use continues is a separate offense. Violations of this Ordinance are in addition to any other violation enumerated within County ordinances and in no way limits the penalties, actions or abatement procedures which may be taken by the County for any violation of this article which is also a violation of any other ordinance of the County or federal or state law. Conviction and punishment of judgment or civil sanction against any person under this article 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.

**Section II. Providing for Repeal of Conflicting Ordinances.**

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Ordinance adopted herein by reference, are hereby repealed.

**Section III. Recitals.**

The recitals above are fully incorporated in this Ordinance by reference.

**Section IV. Zoning Considerations.**

In accordance with Article II, Sections 1 and 2, Constitution of Arizona, the Graham County Board of Supervisors has considered the individual property rights and personal liberties of the residents of the County before adopting this Ordinance.

**Section V. Preservation of Rights and Duties.**

This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

**Section VI. Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Ordinance adopted herein by reference, 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 thereof.

PASSED AND ADOPTED by the Board of Supervisors, Graham County, Arizona this 5th day of April, 2021.

/S/: Danny Smith, Chairman  
Graham County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

/S/: Dustin Welker, Clerk of the Board

/S/: Scott Bennett, County Attorney

Chairman Smith announced it was the time and date to hold a public hearing on the following:

Approval of Ordinance 2021-2, Amending Article 7 Sexually Oriented and Medical Marijuana Business Regulations.

Planning and Zoning Director Steve McGaughey gave background information. No one spoke in favor or against the request. Upon motion of Supervisor David, seconded by Supervisor Howard, the request was unanimously approved.

**ORDINANCE NO. 2021-2**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS, GRAHAM COUNTY ARIZONA, AMENDING ARTICLE 7 SEXUALLY ORIENTED AND MEDICAL MARIJUANA BUSINESS REGULATIONS, REMOVING ALL REFERENCES AND REGULATIONS CONCERNING MEDICAL MARIJUANA BUSINESSES; UPDATING REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES; UPDATING PURPOSE AND INTENT; UPDATING DEFINITIONS; AND MODIFYING AND UPDATING VARIOUS CONDITIONS, ENFORCEMENT AND AUTHORIZATIONS.**

**WHEREAS**, the Board of Supervisors of the County of Graham is authorized under A.R.S. § 11-251 to adopt, amend, and repeal all ordinances necessary to carry out the duties, responsibilities and functions of the county;

**WHEREAS**, Graham County seeks to separate the regulations of the marijuana related businesses from the sexually oriented businesses amending the title to Article 7.0, Sexually Oriented Business Regulations, and

**WHEREAS**, the amendment of Article 7.0, Sexually Oriented and Medical Marijuana Business Regulations is in correlation with Graham County Ordinance No. 2021-1, creating a new marijuana business regulation into a separate article, Article 9.0 Marijuana Regulations, and

**WHEREAS**, Article 7.0 is in need of updating verbiage and regulations including a new title, and

**WHEREAS**, the Graham County Board of Supervisors adopts the following amendments to Article 7.0 Sexually Oriented and Medical Marijuana Business Regulations:

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF GRAHAM**

**SECTION 1.** Exhibit "A" Amendments to the P & Z Article 7.0 as shown in Exhibit A, attached hereto and incorporated herein by this reference.

**PASSED AND ADOPTED** by the Graham County Board of Supervisors on this 5th day of April, 2021.

/S/: Danny Smith, Chairman

ATTEST:

APPROVED AS TO FORM:

/S/: Dustin Welker, Clerk of Board

/S/: Scott Bennet, County Attorney

Under Call to the Public, Cindy Roop discussed concern for homeless housing.

Chairman Smith adjourned the meeting at 9:03 a.m.

Chairman Smith called the first work session to order at 9:10 a.m. Those in attendance in addition to the Board were:

Brian Douglas  
Michael Bryce  
Melissa Matlock

Health Department Director  
County Engineer  
Parks Director

Steve Puzas	Highway Director
Steve McGaughey	Planning & Zoning Director
George Garcia	USFS
Everett Phillips	USFS
Dustin Welker	County Clerk / Manager

Forest Service gave an update presentation.

Chairman Smith adjourned the work session at 9:55 a.m.

Chairman Smith called the second work session to order at 10:00 a.m. Those in attendance in addition to the Board were:

Melissa Matlock	Parks Director
Michael Bryce	County Engineer
Brian Douglas	Health Director
Steve Puzas	Highway Director
Steve McGaughey	P & Z Director
Dustin Welker	County Clerk/ Manager

Various Health, Highway, P & Z, and Park issues were discussed.

Chairman Smith called the third work session to order at 11:50 a.m. Those in attendance in addition to the Board were:

Julie Rodriguez	Chief Financial Officer
Dustin Welker	County Clerk/ Manager

The PSPRS Unfunded Liability was discussed.

Chairman Smith adjourned the meeting at 12:30 p.m.

GRAHAM COUNTY BOARD OF SUPERVISORS

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Danny Smith, Chairman

ATTEST:

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Dustin Welker, Board Clerk