

## CHAPTER 6-10 REGULATION OF RECREATIONAL MARIJUANA

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### **6-10-001-0001 PURPOSE**

This chapter is adopted to protect the health, safety, and welfare of the general public. Except as allowed by law for personal use, the City of Flagstaff hereby enacts reasonable regulations and requires compliance with zoning laws for the retail sale, cultivation, and manufacturing of marijuana. Nothing in this chapter is intended to promote or condone the sale, cultivation, manufacture, transport, production, distribution, possession, storage, or use of marijuana or marijuana products in violation of any law. It is the intent of the City that this chapter be read and interpreted in conjunction and compliance with State law pertaining to marijuana. (Ord. 2021-03, Enacted, 03/16/2021)

### **6-10-001-0002 DEFINITIONS**

The below words and phrases, 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. Definitions set forth in this section apply only to this chapter of the City Code.

- A. "City" means the City of Flagstaff, Arizona, a political subdivision of the State of Arizona.
- B. "Consume," "consuming," and "consumption" mean the act of ingesting, inhaling, or otherwise introducing marijuana into the human body.
- C. "Consumer" means an individual who is at least twenty-one (21) years of age and who purchases marijuana or marijuana products.
- D. "Cultivate" and "cultivation" mean to propagate, breed, grow, prepare, and package marijuana.
- E. "Deliver" and "delivery" mean the transportation, transfer, or provision of marijuana or marijuana products to a consumer at a location where the marijuana was cultivated, manufactured, processed, or sold.
- F. "Dual licensee" means an entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license issued by the Arizona Department of Health Services.

- G. "Manufacture" and "manufacturing" mean to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.
- H. "Marijuana" 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.
1. Includes "cannabis" as defined in A.R.S. Section [13-3401](#).
  2. 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.
- I. "Marijuana concentrate" 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. "Marijuana concentrate" 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.
- J. "Marijuana establishment" means an entity licensed by the Arizona Department of Health Services 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.
- K. "Marijuana products" means marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for consumption, including edible products, ointments, and tinctures.
- L. "Marijuana testing facility" means the Arizona Department of Health Services (ADHS) or other entity that is licensed by ADHS to analyze the potency of marijuana and test marijuana for harmful contaminants.
- M. "Open space" means a public park, public sidewalk, public walkway, or public pedestrian thoroughfare.
- N. "Process" and "processing" mean to harvest, dry, cure, trim, or separate parts of the marijuana plant.
- O. "Public place" has the same meaning prescribed in the Smoke-Free-Arizona Act, A.R.S. Section [36-601.01](#). (Ord. 2021-03, Enacted, 03/16/2021)

#### **6-10-001-0003 MARIJUANA PROHIBITED ON PUBLIC PROPERTY**

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It is unlawful for an individual to smoke, consume, use, sell, cultivate, manufacture, produce, transfer, or distribute marijuana or marijuana products on property that is occupied, owned, controlled, or operated by the City. (Ord. 2021-03, Enacted, 03/16/2021)

#### **6-10-001-0004 MARIJUANA ESTABLISHMENT PROHIBITED; EXCEPTION**

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The operation of a marijuana establishment is prohibited in Flagstaff, except where authorized for a dual licensee that:

- A. Is permitted by the State of Arizona to operate both a nonprofit medical marijuana dispensary and a marijuana establishment at a shared location, and
- B. Has not terminated its status as a dual licensee with the Arizona Department of Health Services by forfeiting either its marijuana establishment license or nonprofit medical marijuana dispensary registration. (Ord. 2021-03, Enacted, 03/16/2021)

#### **6-10-001-0005 CONSUMPTION OF MARIJUANA ON PRIVATE PROPERTY PROHIBITED WHEN NOTICE OF PROHIBITION PROVIDED**

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It is unlawful, where reasonable notice prohibiting marijuana or marijuana product consumption has been provided, to knowingly consume marijuana or marijuana products in or on property where an individual, partnership, limited liability company, private corporation, private entity, or private organization of any character that occupies, owns, or controls the property has prohibited consumption of marijuana or marijuana products on the premises. (Ord. 2021-03, Enacted, 03/16/2021)

#### **6-10-001-0006 CONSUMPTION OF MARIJUANA IN TRANSPORTATION**

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- A. It is unlawful to consume marijuana or marijuana products while driving, operating, or riding in the passenger seat or compartment of an operating motor vehicle, boat, vessel, aircraft, or another vehicle used for transportation.
- B. A person who violates this section is subject to the following penalties:
  - 1. Individuals over the age of twenty-one (21) are guilty of a petty offense.
  - 2. Individuals under the age of twenty-one (21) will be subject to progressive enforcement as follows:
    - a. First violation: civil penalty of not more than one hundred dollars (\$100.00).
    - b. Second violation: guilty of a petty offense, and in the court's discretion may be ordered to attend up to eight (8) hours of drug education or counseling.
    - c. Third or subsequent violation: guilty of a Class 1 misdemeanor. (Ord. 2021-03, Enacted, 03/16/2021)

#### **6-10-001-0007 HOME CULTIVATION**

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- A. It is unlawful for an individual to possess, transport, cultivate, or process more than six (6) marijuana plants for personal use at the individual's residence. For residences where two (2) or more individuals who are at least twenty-one (21) years of age reside at one (1) time, it is unlawful for the residents to possess, transport, cultivate, or process more than twelve (12) marijuana plants at the residence.
- B. A person who violates this section is subject to the following penalties:
  - 1. Individuals over the age of twenty-one (21) are guilty of a petty offense.
  - 2. Individuals under the age of twenty-one (21) will be subject to progressive enforcement as follows:
    - a. First violation: civil penalty of not more than one hundred dollars (\$100.00).

- b. Second violation: guilty of a petty offense, and in the court's discretion may be ordered to attend up to eight (8) hours of drug education or counseling.
- c. Third or subsequent violation: guilty of a Class 1 misdemeanor. (Ord. 2021-03, Enacted, 03/16/2021)

#### **6-10-001-0008 REFUSING TO PROVIDE TRUTHFUL NAME, DATE OF BIRTH, AND CURRENT ADDRESS WHEN LAWFULLY DETAINED**

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A. It is unlawful for a person, after being advised that the person's refusal to answer is unlawful, to fail or refuse to state the person's true full name, date of birth, and current address on request of a peace officer who has lawfully detained the person based on reasonable suspicion that the person has committed a criminal or civil violation of this chapter or of A.R.S. Section [36-2853](#). A person detained under this section shall state the person's true full name, date of birth, and current address, but shall not be compelled to answer any other inquiry of a peace officer.

B. A person who violates this section is guilty of a Class 2 misdemeanor. (Ord. 2021-03, Enacted, 03/16/2021)

#### **6-10-001-0009 PENALTIES**

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A violation of this chapter is a petty offense and shall be adjudicated in the Flagstaff Municipal Court, unless a different penalty is specified in this chapter. (Ord. 2021-03, Enacted, 03/16/2021)

#### **6-10-001-0010 ENFORCEMENT**

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The Flagstaff Police Department is authorized to enforce the provisions of this chapter. (Ord. 2021-03, Enacted, 03/16/2021)

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**The Flagstaff City Charter and City Code are current through Ordinance 2021-24, and legislation passed through December 28, 2021.**

Disclaimer: The City Clerk's Office has the official version of the Flagstaff City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.