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**CAPTION HEADING:**

**RESOLUTION**

Resolution No. 2155

Setting the business license fee for marijuana businesses the same as generally applicable to other businesses due to AZ law changes under proposition 207.

**RECEIVED**

**2021 MAR 23 A 7:32**

**CITY OF SAN LUIS  
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# *Resolution*

OFFICE OF THE  
MAYOR  
CITY OF SAN LUIS

**No. 2155**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA SETTING THE BUSINESS LICENSE FEE FOR MARIJUANA BUSINESSES THE SAME AS IS GENERALLY APPLICABLE TO OTHER BUSINESSES DUE TO ARIZONA LAW CHANGES UNDER PROPOSITION 207; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, A.R.S. § 9-491 authorizes the City of San Luis to collect business license fees; and

**WHEREAS**, on November 3, 2020, the voters of Arizona passed Proposition 207, allowing for non-medical marijuana businesses.

**WHEREAS**, A.R.S. § 36-2864 allows cities to charge a fee on marijuana businesses if the fee is of general applicability to individuals or businesses that are not engaged in the sale of marijuana or marijuana products; and

**WHEREAS**, A.R.S. § 36-2857(C)(1) prohibits cities from enacting anything more restrictive to marijuana establishments (which sell and support non-medical marijuana sales) than a comparable ordinance, regulation or rule that apply to medical marijuana dispensaries and their cultivation sites.

**WHEREAS**, the purposes of this resolution are

- (1) to apply the business, occupational or professional licenses (“BOP licenses”) fee of general applicability to “marijuana establishments” (non-medical, adult use marijuana businesses) as defined under Proposition 207 (as codified in A.R.S. § 36-2850(18)); and
- (2) to apply the BOP licenses fee of general applicability to “medical marijuana dispensaries” and “medical marijuana dispensary offsite cultivation locations” as defined by San Luis City Code §110.11 and repeal the former fee set by Resolution No. 1103.

**WHEREAS**, Resolution No. 600 set the general BOP license fees at \$100.00 per year.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of San

Luis, Arizona:

**Section 1.** The business, occupational or professional license fee schedule ("BOP" license fee schedule) is amended for medical marijuana dispensaries and medical marijuana dispensary offsite cultivation locations as defined by City Code §110.11 and the fee is set by this resolution at \$100.00.

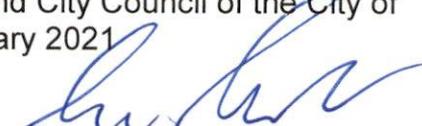
**Section 2.** The BOP license fee schedule is amended by adding marijuana establishments as defined by A.R.S. § 36-2850(18) and the fee for marijuana establishments is set by this resolution at \$100.00.

**Section 3.** This resolution is effective as of November 30, 2020 the date of the Governor's Proclamation making Proposition 207 law.

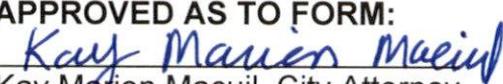
**Section 4.** Resolution No. 1103 is specifically repealed, superseded and replaced by this resolution. Any other conflict between the provisions of this resolution and any other ordinance, resolution, regulation, or policy of the City of San Luis the conflicting provisions are repealed, superseded, and replaced, and the provisions of this resolution shall govern.

**Section 5.** If any section, subsection sentence, clause, phrase, or portion of this resolution is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution.

**PASSED, ADOPTED and APPROVED** by the Mayor and City Council of the City of San Luis, Yuma County, Arizona this 24<sup>th</sup> day of February 2021

  
\_\_\_\_\_  
Gerardo Sanchez, Mayor

**ATTEST:**  
  
\_\_\_\_\_  
Sonia Cornelio, City Clerk

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
Kay Marion Macuil, City Attorney