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ORDINANCE NO. 11-1231

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, ARIZONA, AMENDING ARTICLE 2 (DEFINITIONS), ARTICLE 3 (ZONING DISTRICTS), AND ARTICLE 4 (SPECIAL USES, USES REQUIRING ADDITIONAL EVALUATION, NONCONFORMING USES AND BUILDINGS) OF THE ZONING ORDINANCE OF THE CITY OF GOODYEAR, ARIZONA, ADOPTED MAY 24, 1999, AS AMENDED, TO ADD DEFINITIONS FOR "MEDICAL MARIJUANA," "MEDICAL MARIJUANA CULTIVATION LOCATION," "MEDICAL MARIJUANA DESIGNATED CAREGIVER CULTIVATION," "MEDICAL MARIJUANA DISPENSARY," "MEDICAL MARIJUANA INFUSION," AND "MEDICAL MARIJUANA QUALIFYING PATIENT CULTIVATION LOCATION;" TO ALLOW MEDICAL MARIJUANA USES AUTHORIZED BY THE PASSAGE OF PROPOSITION 203 AS PRINCIPAL PERMITTED USES IN THE I-1 LIGHT INDUSTRIAL PARK DISTRICT AND I-2 GENERAL INDUSTRIAL PARK DISTRICT SUBJECT TO CERTAIN SPECIFIC STANDARDS; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Proposition 203 to allow the use, sale, and cultivation of medical marijuana in the State of Arizona appeared on the ballot of the November 2, 2010 election and was approved by the voters; and,

WHEREAS, Proposition 203 expressly authorizes cities to enact reasonable zoning regulations that limit the use of land for registered nonprofit medical marijuana dispensaries; and,

WHEREAS, the City of Goodyear Zoning Ordinance, adopted May 24, 1999, as amended, currently does not address the use, sale, or cultivation of medical marijuana in the city of Goodyear; and,

WHEREAS, it is necessary to restrict, limit or prohibit, the use of property within the city of Goodyear by establishing reasonable and appropriate regulation of medical marijuana dispensaries, cultivation facilities and home cultivation in order to protect the public health, safety and welfare; and,

WHEREAS, a public hearing was held by the City of Goodyear Planning and Zoning Commission on Zoning Text Amendment Application 10-220-00005 on December 15, 2010, in the manner prescribed by law, for the purpose of considering this amendment to the City of Goodyear Zoning Ordinance, adopted May 24, 1999, as amended; and,

WHEREAS, due and proper notice of such public hearing before the City of Goodyear Planning and Zoning Commission was given in the time, form, substance and manner provided by law, including publication of such notice in the ARIZONA REPUBLIC SOUTHWEST EDITION on November 26, 2010; and,

WHEREAS, the City of Goodyear Planning and Zoning Commission has recommended to the Mayor and Council of the City of Goodyear, Arizona, that it approve the zoning text amendment as aforesaid, with consideration of expanding the hours of operation and

increasing the maximum size of a cultivation facility, such changes now having been incorporated into this ordinance, and that the Mayor and Council of the City of Goodyear, Arizona, desire to accept such recommendation and amend Articles 2, 3 and 4 of the City of Goodyear Zoning Ordinance, adopted May 24, 1999, as amended, as described herein; and,

WHEREAS, since the uses addressed in this ordinance were illegal until passage of Proposition 203 and are not currently addressed in the City of Goodyear Zoning Ordinance, it is imperative for the City to immediately provide for the location of medical marijuana facilities in appropriate areas of the City prior to the issuance of any licenses for such uses by the State of Arizona to ensure that these uses do not jeopardize the health, safety and welfare of certain sensitive land uses, such as, schools, day care centers, churches and other similar uses; and,

WHEREAS, the Mayor and Council of the City of Goodyear, Arizona, reviewed the proposed ordinance at its January 10, 2011 meeting and directed staff to propose additional modifications to the proposed ordinance to address such concerns as security at medical marijuana dispensaries, the overall number needed to adequately serve the community, and inclusion of separation requirements for additional sensitive land uses; and,

WHEREAS, a revised ordinance has been prepared and presented to the Mayor and Council of the City of Goodyear, Arizona, which adequately addresses the concerns of security at medical marijuana dispensaries, provides for a limited, but adequate number of facilities to serve the community, and includes additional restrictions and separation requirements to protect sensitive land uses; and,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Goodyear, Arizona, as follows:

SECTION I. AMENDMENT OF ARTICLE 2– DEFINITIONS – OF THE CITY OF GOODYEAR ZONING ORDINANCE.

Article 2, Definitions, is hereby amended by inserting the definition of "Medical Marijuana;" "Medical Marijuana Cultivation Location;" "Medical Marijuana Designated Caregiver Cultivation;" "Medical Marijuana Dispensary;" "Medical Marijuana Infusion;" and "Medical Marijuana Qualifying Patient Cultivation" between the definitions of "Mature Trees" and "Mobile Home;" as follows:

> **Medical Marijuana:** All parts of any plant of the genus cannabis, whether growing or not, and the seeds of such plant used to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition, as defined in A.R.S. §36-2801.
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> **Medical Marijuana Designated Caregiver Cultivation:** The cultivation of marijuana by a registered designated caregiver for a registered qualifying patient, as defined in A.R.S. §36-2801 which is conducted as an accessory use to the primary residence of the registered designated caregiver and in conformance with the standards in Article 4-2-13.

Medical Marijuana Dispensary Cultivation Location: An enclosed, locked facility used for the cultivation of **medical marijuana** for a registered medical marijuana dispensary and **medical marijuana infusion** using the product of such cultivation.

Medical Marijuana Dispensary: A building used by a not-for-profit entity that acquires, possesses, cultivates, manufactures (including **medical marijuana infusion**), delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to a registered qualifying patient, registered designated caregiver, or a registered nonprofit **medical marijuana** dispensary agent.

Medical Marijuana Infusion: The process by which **medical marijuana** is incorporated into consumable or edible goods by means of blending, cooking, processing or other means of incorporation.

Medical Marijuana Qualifying Patient Cultivation: The cultivation of marijuana by a registered qualifying patient, as defined in A.R.S. §36-2801 which is conducted as an accessory use to the primary residence of the registered qualifying patient and in conformance with the standards in Article 4-2-13.

SECTION II. AMENDMENT OF SECTION 3-4-1 OF ARTICLE 3-4 OF THE CITY OF GOODYEAR ZONING ORDINANCE.

New Subparagraphs 10. and 11. of Paragraph A. of Section 3-4-1 of Article 3-4 of Article 3, Zoning Districts, of the City of Goodyear Zoning Ordinance, are hereby added to the list of Principal Permitted Uses in the I-1 Light Industrial Park District as follows:

10. **Medical Marijuana Dispensary** subject to the provisions of Article 4-2-11.
11. **Medical Marijuana Cultivation Location** subject to the provisions of Article 4-2-12.

SECTION III. AMENDMENT OF SECTION 3-4-2 OF ARTICLE 3-4 OF THE CITY OF GOODYEAR ZONING ORDINANCE.

New Subparagraphs 14. and 15. of Paragraph A. of Section 3-4-2 of Article 3-4 of Article 3, Zoning Districts, of the City of Goodyear Zoning Ordinance, are hereby added to the list of Principal Permitted Uses in the I-2 General Industrial Park District as follows:

14. **Medical Marijuana Dispensary** subject to the provisions of Article 4-2-11.
15. **Medical Marijuana Cultivation Location** subject to the provisions of Article 4-2-12.

SECTION IV. AMENDMENT OF SECTION 4-1-2 OF ARTICLE 4-1 OF THE CITY OF GOODYEAR ZONING ORDINANCE.

New Sections 4-2-11, 4-2-12, and 4-2-13 of Article 4-2 of Article 4, Special Uses, Uses Requiring Additional Evaluation, Nonconforming Uses and Buildings, of the City of Goodyear Zoning Ordinance, are hereby added to Article 4-2, Uses Requiring Additional Evaluation, as follows:

Section 4-2-11 Medical Marijuana Dispensary

A **Medical Marijuana Dispensary** as defined in Article 2-2 of this Ordinance is subject to the following regulations:

A. GENERAL REQUIREMENTS:

1. An application for the establishment of a **medical marijuana dispensary** must be submitted, reviewed and approved by the Community Development Director or his designee prior to the issuance of a Zoning Permit by the City for the proposed establishment.
2. The application shall include:
   a. If the application is by someone other than the owner of the property, an authorization signed by the property owner must be submitted with the application and include an explicit acknowledgement that the property owner knows that the proposed use of the property is for a **medical marijuana dispensary.**
   b. The address and legal name of the **medical marijuana dispensary.**
   c. The name and address of each of principal officer and board member of the **medical marijuana dispensary**, including their contact information and the emergency contact information for one or more registered dispensary agents responsible for the operation of said dispensary.
   d. The name(s) and location(s) of any **medical marijuana cultivation location** associated with the **medical marijuana dispensary.**
   e. A copy of the operating procedures for the **medical marijuana dispensary** adopted in compliance with A.R.S. §36-2804(B)(1)(c).
   f. A floor plan showing the layout and dimensions of the **medical marijuana dispensary** to demonstrate compliance with the development standards contained herein and show the security measures proposed to comply with A.R.S. §36-2806 and the standards contained herein.
3. All **medical marijuana dispensaries** shall adhere to all applicable state, county and municipal laws, codes, ordinances, rules, and regulations and shall be operated in conformance with the provisions of A.R.S. §36-2801, et. seq. and any rules adopted by the Arizona Department of Health Services pursuant said statutes.

B. SEPARATION STANDARDS

1. A **medical marijuana dispensary** shall not be located within five thousand two hundred and eighty feet (5,280') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana dispensary** to the closest exterior building wall of any other **medical marijuana dispensary** or any **medical marijuana cultivation location,** unless the cultivation facility is associated with said dispensary, in which case no separation is required.
2. A **medical marijuana dispensary** shall not be located within five hundred feet (500') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana dispensary** to the closest property line of any property in a residential district (not including

residentially-zoned public street right-of-way), as described in Article 3-1 of this ordinance.

3. A **medical marijuana dispensary** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana dispensary** to the closest property line of a public, private, parochial, or charter kindergarten, elementary, secondary or high school.
4. A **medical marijuana dispensary** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana dispensary** to the closest property line of a licensed preschool, day care or childcare center.
5. A **medical marijuana dispensary** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana dispensary** to the closest property line of a public park, library or public community center.
6. A **medical marijuana dispensary** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana dispensary** to the closest property line of any **church** or place of worship.
7. A **medical marijuana dispensary** shall not be located within two thousand feet (2,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana dispensary** to the closest property line of any licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility.
8. A **medical marijuana dispensary** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana dispensary** to the closest property line of any **adult businesses** as defined in Article 2 of this ordinance.

C. DEVELOPMENT STANDARDS

1. The **medical marijuana dispensary** must be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular building, mobile home, recreational vehicle or other motor vehicle.
2. The maximum **gross floor area** of a **medical marijuana dispensary** shall not exceed two thousand five hundred (2,500) square feet.
3. The secure storage area for the medical marijuana stored at the **medical marijuana dispensary** shall not exceed five hundred (500) square feet of the total of the two thousand five hundred (2,500) square feet maximum **gross floor area** of the **medical marijuana dispensary**.
4. The **medical marijuana dispensary** shall have an interior customer waiting area equal to twenty-five percent (25%) of the **gross floor area**.
5. The permitted hours of operation of a **medical marijuana dispensary** shall be limited to between 8:00 a.m. and 7:00 p.m.
6. The **medical marijuana dispensary** shall not have a drive-through service.
7. The **medical marijuana dispensary** shall not offer a service that provides off-site delivery of the medical marijuana.
8. The **medical marijuana dispensary** shall not provide outdoor seating areas.

9. The operator of the **medical marijuana dispensary** shall provide unrestricted access to City code enforcement officers or police officers who request admission for the purpose of determining compliance with these standards.
10. Within the **medical marijuana dispensary** there shall be a secure storage area which has a single point of access and whose walls and roof are constructed of materials (eight-inch concrete block or equal) sufficient to deter and prevent theft of marijuana being processed.
11. All marijuana shall be placed within the secure storage area at any time when the dispensary is not open for business.
12. The operator of the **medical marijuana dispensary** shall provide for the proper disposal of marijuana remnants or by-products, and such material shall not be placed within the dispensary's exterior refuse containers.
13. The operator of the **medical marijuana dispensary** shall ensure that there is no emission of dust, fumes, vapors, or odors into the environment from the dispensary.
14. The operator of the **medical marijuana dispensary** shall not allow on-site consumption of medical marijuana.
15. The **medical marijuana dispensary** shall have only one secure entrance to the dispensary and any other doors required for exiting shall be locked to the outside and have an alarm that sound when opened from the inside;
16. The **medical marijuana dispensary** shall have an alarm system with a redundant power supply and circuitry to prevent deactivation.
17. The **medical marijuana dispensary** shall have a video surveillance system that at all times records all interior areas and the exterior perimeter.
18. The operator of the **medical marijuana dispensary** shall post and maintain "No Loitering" sign(s) in sufficient quantity, size and location so that they are clearly visible by anyone in the immediate vicinity of the entrance or premises.
19. The **medical marijuana dispensary** shall have adequate exterior security lighting which also complies with Article 10 of this ordinance.
20. Entry to the **medical marijuana dispensary** shall be limited only to those persons who either possess a valid registration card or need access to perform their duties in enforcing local, state or federal laws or regulations. No one under eighteen (18) years of age shall be permitted inside the dispensary, unless such person is a registered qualifying patient and is accompanied by a parent or legal guardian.
21. The operator of the **medical marijuana dispensary** shall develop and maintain a security plan which demonstrates compliance with all of the minimum standards specified herein.

Section 4-2-12 Medical Marijuana Cultivation Location

A **Medical Marijuana Cultivation Location** as defined in Article 2-2 of this Ordinance is subject to the following regulations:

A. GENERAL REQUIREMENTS:

1. An application for the establishment of a **medical marijuana cultivation location** must be submitted, reviewed and approved by the Community

Development Director or his designee prior to the issuance of a Zoning Permit by the City for the proposed establishment.

2. The application shall include:
   a. If the application is by someone other than the owner of the property, an authorization signed by the property owner must be submitted with the application and include an explicit acknowledgement that the property owner knows that the proposed use of the property is for a **medical marijuana cultivation location.**
   b. The address and legal name of the **medical marijuana cultivation location.**
   c. The name(s) and location(s) of any **medical marijuana dispensary** associated with the **medical marijuana cultivation location.**
   d. The name and address of each of principal officer and board member of any **medical marijuana dispensary** associated with the **medical marijuana cultivation location**, including their contact information and the emergency contact information for one or more registered dispensary agents responsible for the operation of said cultivation location.
   e. A copy of the operating procedures for the **medical marijuana cultivation location** adopted in compliance with A.R.S. §36-2804(B)(1)(c).
   f. A floor plan showing the layout and dimensions of the **medical marijuana cultivation location** to demonstrate compliance with the development standards contained herein and show the security measures proposed to comply with A.R.S. §36-2806 and the standards contained herein.

3. All **medical marijuana cultivation locations** shall adhere to all applicable state, county and municipal laws, codes, ordinances, rules, and regulations and shall be operated in conformance with the provisions of A.R.S. §36-2801, et. seq. and any rules adopted by the Arizona Department of Health Services pursuant said statutes.

B. SEPARATION STANDARDS
   1. A **medical marijuana cultivation location** shall not be located within ~~two~~ five thousand two hundred and eighty feet (5,280') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana cultivation location** to the closest exterior building wall of any **medical marijuana dispensary** or other **medical marijuana cultivation location,** unless the cultivation facility is associated with said dispensary, in which case no separation is required.
   2. A **medical marijuana cultivation location** shall not be located within five hundred feet (500') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana cultivation location** to the closest property line of any property in a residential district (not including residentially-zoned public street right-of-way), as described in Article 3-1 of this ordinance.

3. A **medical marijuana cultivation location** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana cultivation location** to the closest property line of a public, private, parochial, or charter kindergarten, elementary, secondary or high school.
4. A **medical marijuana cultivation location** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana cultivation location** to the closest property line of a licensed preschool, day care or childcare center.
5. A **medical marijuana cultivation location** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana cultivation location** to the closest property line of a public park, library or public community center.
6. A **medical marijuana cultivation location** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana cultivation location** to the closest property line of any **church** or place of worship.
7. A **medical marijuana cultivation location** shall not be located within two thousand feet (2,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana cultivation location** to the closest property line of any licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility.
8. A **medical marijuana cultivation location** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana cultivation location** to the closest property line of any **adult businesses** as defined in Article 2 of this ordinance.

C. DEVELOPMENT STANDARDS

1. The **medical marijuana cultivation location** must be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular building, mobile home, recreational vehicle or other motor vehicle.
2. The maximum **gross floor area** of a **medical marijuana cultivation location** shall not exceed five thousand (5,000) square feet.
3. The secure storage area for the medical marijuana stored at the **medical marijuana cultivation location** shall not exceed one thousand (1,000) square feet of the five thousand (5,000) square feet maximum **gross floor area** of the **medical marijuana cultivation location**.
4. The operator of the **medical marijuana cultivation location** shall provide unrestricted access to City code enforcement officers or police officers who request admission for the purpose of determining compliance with these standards.
5. The **medical marijuana cultivation location** shall be an enclosed, locked facility which is secured by four solid walls and barrier covering the top of the

area that are constructed of materials (eight-inch concrete block or equal) sufficient to deter and prevent theft of marijuana being processed.

6. Within the **medical marijuana cultivation location** there shall be a secure storage area which has a single point of access and whose walls and roof are constructed of materials (eight-inch concrete block or equal) sufficient to deter and prevent theft of marijuana being processed.
7. All marijuana being processed shall be placed within the secure storage area at all times when the cultivation location is not open for business.
8. The operator of the **medical marijuana cultivation location** shall provide for the proper disposal of marijuana remnants or by-products, and such material shall not be placed within the dispensary's exterior refuse containers.
9. The operator of the **medical marijuana cultivation location** shall ensure that there is be no emission of dust, fumes, vapors, or odors into the environment from the cultivation location.
10. The operator of the **medical marijuana cultivation location** shall not allow on-site consumption of medical marijuana.
11. The **medical marijuana cultivation location** shall have only one secure entrance to the dispensary and any other doors required for exiting shall be locked to the outside and have an alarm that sound when opened from the inside.
12. The **medical marijuana cultivation location** shall have an alarm system with a redundant power supply and circuitry to prevent deactivation.
13. The **medical marijuana cultivation location** shall have a video surveillance system that at all times records all interior areas and the exterior perimeter.
14. The **medical marijuana cultivation location** shall have adequate exterior security lighting which also complies with Article 10 of this ordinance.
15. Entry to the **medical marijuana cultivation location** shall be limited only to the principal officers, board members and designated agents of the **medical marijuana dispensary** associated with the **medical marijuana cultivation location** or persons who need access to perform their duties in enforcing local, state or federal laws or regulations.
16. The **medical marijuana cultivation location** shall develop and maintain a security plan which demonstrates compliance with all of the minimum standards specified herein.

Section 4-2-13 Medical Marijuana Designated Caregiver Cultivation and Medical Marijuana Qualifying Patient Cultivation

Medical Marijuana Designated Caregiver Cultivation and **Medical Marijuana Qualifying Patient Cultivation** as defined in Article 2-2 of this Ordinance are subject to the following regulations:

A. GENERAL REQUIREMENTS:

1. **Medical Marijuana Designated Caregiver Cultivation and Medical Marijuana Qualifying Patient Cultivation** is permitted in all residential zoning districts as a permitted accessory use provided the primary residences of the registered designated caregiver and registered qualifying patient, for whom the medical marijuana is being cultivated, are more than twenty-five

(25) miles from an operating **medical marijuana dispensary** and is done in conformance with the development standards contained herein.

2. All **Medical Marijuana Designated Caregiver Cultivation and Medical Marijuana Qualifying Patient Cultivation** shall be conducted in conformance with the provisions of A.R.S. §36-2801, et. seq. and any rules adopted by the Arizona Department of Health Services pursuant said statutes.

B. DEVELOPMENT STANDARDS

1. **Medical Marijuana Designated Caregiver Cultivation.**
   a. **Medical Marijuana Designated Caregiver Cultivation** shall only be conducted at the primary residence of a registered designated caregiver provided the residence is more than twenty-five (25) miles from an operating **medical marijuana dispensary**.
   b. **Medical Marijuana Designated Caregiver Cultivation** shall be conducted in an enclosed, locked facility such as a closet, room greenhouse or other building that does not exceed two hundred and fifty (250) square feet.
   c. The **Medical Marijuana Designated Caregiver Cultivation** shall be conducted in a manner that it is not detectable from the exterior of the building in which the cultivation takes place.

2. **Medical Marijuana Qualifying Patient Cultivation.**
   a. **Medical Marijuana Qualifying Patient Cultivation** shall only be conducted at the primary residence of a registered qualifying patient provided the residence is more than twenty-five (25) miles from an operating **medical marijuana dispensary**.
   b. **Medical Marijuana Qualifying Patient Cultivation** shall be conducted in an enclosed, locked facility such as a closet, room greenhouse or other building that does not exceed fifty (50) square feet.
   c. **The Medical Marijuana Qualifying Patient Cultivation** shall be conducted in a manner that it is not detectable from the exterior of the building in which the cultivation takes place.

SECTION V. SEVERABILITY. If any provision of this Ordinance is for any reason held invalid by any court or competent jurisdiction such provision shall be deemed as separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION VI. EMERGENCY CLAUSE AND EFFECTIVE DATE. The immediate operation of the provision of this Ordinance is necessary for the preservation of the public peace, health and safety of the City. Therefore, an emergency is hereby declared to exist, and this Ordinance is enacted as an emergency measure and will be in full force and effect from and after its passage and adoption by the Council of the City, as required by law, and it is hereby exempt from the referendum provisions of the Arizona Constitution and the laws of the State of Arizona and City of Goodyear.

APPROVED AND ADOPTED by the Mayor and Council of the City of Goodyear, Arizona, this 24 day of January, 2011.

Joe Pizzillo, Vice Mayor

ATTEST:

Lynn Mulhall, City Clerk

APPROVED AS TO FORM:

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Lynn Mulhall, being the duly appointed, qualified City Clerk of the City of Goodyear, Arizona, certify that the foregoing Ordinance No. 11-1231, passed and adopted at a City Council Meeting of the Council of the City of Goodyear, Maricopa County, Arizona held on the 24 day of January, 2011, at which a quorum was present and, by a 5-1 vote, 5 voted in favor of said ordinance.

Given under my hand and seal, this 26 day of January, 2011.

City Clerk

CITY OF GOODYEAR INCORPORATED 1946 GOODYEAR, ARIZONA