

ORDINANCE NO. 1381

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MARYSVILLE, CALIFORNIA,
REPEALING SECTION 18.67.050 ENTITLED “OPERATOR RESPONSIBLE”,
AMENDING SECTIONS 18.67.030 ENTITLED “CONDITIONALLY PERMITTED USE”
AND 18.67.040 ENTITLED “RESTRICTIONS ON USE” OF CHAPTER 18.67
ENTITLED “MEDICAL MARIJUANA CLINIC REGULATIONS”
AND ADDING CHAPTER 5.10 ENTITLED “MEDICAL MARIJUANA DISPENSARY”
TO TITLE 5 ENTITLED “BUSINESS LICENSES AND REGULATIONS” OF THE
MARYSVILLE MUNICIPAL CODE**

The City Council of the City of Marysville, State of California, does hereby ordain as follows:

SECTION 1.

Section 18.67.050 entitled “Operator Responsible” of Chapter 18.67 Medical Marijuana Clinic Regulations is hereby repealed.

SECTION 2.

Section 18.67.030 entitled “Conditionally permitted use” is hereby amended to read as follows:

“18.67.030 Conditionally permitted use.

(a) Medical marijuana dispensaries shall be conditionally permitted on zoned lots/locations within the city so long as:

- (1) Such lot/location is not within one thousand feet of any public or private school for grades kindergarten through twelfth, any preschool or licensed child care facility.
- (2) Such lot/location is not within five hundred feet of any residential use, residential area or residential zone.
- (3) Such lot is not within five hundred feet of any neighborhood park, library, or recreational area commonly used by minor children.
- (4) Such lot is not within two hundred fifty feet of any adult business which sells or provides in any manner drug paraphernalia.
- (5) Such lot/location is not within 400 feet of another medical marijuana dispensary.

(b) For locations within the Medical Arts District, medical marijuana dispensaries shall be conditionally permitted on zoned lots/locations so long as:

(1) Such lot/location is not within four hundred feet of any public or private school for grades kindergarten through twelfth, any preschool or licensed child care facility, also located within the Medical Arts District.

(2) Such lot/location is not within two-hundred fifty feet of any residential use, residential area or residential zone, also located within the Medical Arts District.

(3) Such lot is not within four hundred feet of any neighborhood park, library, or recreational area, also within the Medical Arts District, that is commonly used by children, but excluding Riverfront Park.

(4) Such lot is not within two hundred fifty feet of any adult business which sells or provides in any manner drug paraphernalia.

(5) Such lot/location is not within 400 feet of another medical marijuana dispensary.

(c) All persons, entities or organizations wishing to establish a medical marijuana dispensary within the city must apply for and be granted a conditional use permit for said use, a medical marijuana dispensary license as required under Chapter 5.10 and a business license, pursuant to the provisions of this code.

(d) A medical marijuana dispensary shall not be established, operated, enlarged or transferred except as allowed by and in compliance with the provisions of this chapter. The conduct of such establishment and the use of premises shall otherwise comply with the zoning regulations of the city and all other applicable regulations.

(e) In addition to the information required by the city of Marysville for any potential use permit application or any potential business license application, persons/entities making such application(s) for the establishment of a medical marijuana dispensary shall also provide the following information with the application(s):

(1) Application must be signed by the owner, lessee or agent who is applying for the use permit or business license and the owner, lessee or agent shall specifically identify the individuals who will be conducting the business of the medical marijuana dispensary for the premises for which the permit or license is sought. In the case of a lessee of a property applying for a permit pursuant to this chapter, the property owner shall acknowledge on the application consent to the application for a conditional use permit for a medical marijuana dispensary.

(2) The application shall list the legal form of the applicant; e.g., individual, partnership, corporation.

(A) If the applicant is an individual, the application shall list his or her legal name, any aliases and date of birth;

(B) If the applicant is a partnership, the application shall list the full and complete name of the partnership, the legal names and addresses of all partners, dates of birth, and all aliases used by all of the general partners, and whether the partnership is general or limited; and

(C) If the applicant is a corporation, the application shall list the full and complete corporate name, the date and status of its incorporation, evidence that the corporation is in good standing, the legal names and dates of birth, and all aliases used, and the capacity of all officers, directors and principal stockholders (i.e., all stockholders with ten percent or more of all outstanding shares), and the name and address of the registered officer for service of process.

(3) The application must list whether, preceding the date of the application, the applicant or any of the individuals listed pursuant to subsection (e)(2) of this section has:

(A) Other licenses and/or permits issued to and/or revoked from the applicant, in the three years prior to the year of the permit application, such other license and/or permit relating to similar business activities as in the permit application. If the application lists such other licenses and/or permits, the list shall include the type, current status, and issuing agency for each license/permit;

(B) Been a partner in a partnership or an officer, director or principal stockholder of a corporation which has had any other licenses and/or permits, relating to similar business activities as in the permit application, issued to and/or revoked in the three years prior to the year of the permit application. The type, current status, and issuing agency for each previously issued or revoked license and/or permit shall be listed on the application;

(C) Been found guilty of or pleaded nolo contendere to a felony or any offense involving gambling, narcotics, use of force or violence, theft, embezzlement or any other offense involving moral turpitude.

SECTION 3.

Section 18.67.040 entitled "Restrictions on use" is hereby amended to read as follows:

"18.67.040 Conditions on use.

The following restrictions/regulations/conditions shall apply to the operation of all medical marijuana dispensaries, and will be conditions of the use permit, whether specifically stated or not:

(a) Hours of Operation. Medical marijuana dispensaries shall be restricted to hours of operation between six a.m. and ten p.m.

(b) Use on Premises. Use or consumption in any manner of marijuana is not permitted on the premises of any medical marijuana dispensary at any time.

(c) Minors. Persons under the age of eighteen years of age are not permitted to be on the premises of any medical marijuana dispensary at any time unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

(d) Development Review. If an application for a conditional use permit pursuant to this chapter includes external structural changes to the building requiring a building permit, including the construction of a new building, an addition to an existing building, or a facade remodel of an existing building, the construction, addition, or remodeling shall be subject to architectural review in accordance with Chapter 18.87 to ensure that the proposed design is consistent with the general architectural character of the neighborhood.

(e) Signs. Changeable copy signs and temporary signs are not permitted. Proposed signs shall be approved under the use permit, both for content and appearance.

(f) Exterior Painting. Buildings and structures shall not be painted or surfaced with any design that would simulate a sign or advertising message and cannot be established or maintained such that the exterior appearance of the structure is substantially inconsistent with the external appearance of structures on abutting properties.

(g) Displays. Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.

(h) Loudspeakers. Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.

(i) The applicant is required to obtain a city license as required under Title 5 prior to commencing operation, and said license shall be maintained in good standing or the use permit shall be revoked.

(j) Other Conditions. The planning commission or city council may add any conditions to the granting of a permit pursuant to this chapter, should the particular facts and/or circumstances of a proposed use so justify.”

SECTION 4

Chapter 5.10 entitled “Medical Marijuana Dispensaries” is hereby added to Title 5 entitled “Business Licenses and Regulations” to read as follows:

“CHAPTER 5.10 MEDICAL MARIJUANA DISPENSARY

5.10.010 Definitions.

The following terms when used in this Chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(1) "Licensee" is a person who has obtained a valid Medical Marijuana Dispensary license from the Marysville Police Department.

(2) "Operator" means the licensee who has obtained a valid Medical Marijuana Dispensary license from the Marysville Police Department.

(3) "Permittee" is a person who has obtained a valid Medical Marijuana Dispensary work permit from the Marysville Police Department.

5.10.020 Registration required.

(a) It is unlawful for any person, for himself or herself, or for any other person, firm or corporation, to engage in or carry on, or to maintain or conduct, or cause to be engaged in, carried on, maintained or conducted, any Medical Marijuana Dispensary in the city without complying with each and every provision of this chapter pertaining to such Medical Marijuana Dispensary and complying with all other applicable state statutes and regulations and city ordinances and resolutions.

(b) The purchase, sale or transfer of medical marijuana within the city shall be conducted only by a medical marijuana dispensary licensed by the city, and only dispensed to a qualified patient or primary caregiver.

5.10.030 Medical Marijuana Dispensary license required.

It is unlawful for any person, for himself or herself, or for any other person, firm or corporation, to engage in or carry on, or to maintain or conduct, or cause to be engaged in, carried on, maintained or conducted, any Medical Marijuana Dispensary without a license as required by this chapter. The license required shall be in addition to any general business license and conditional use permit required by the city.

5.10.040 Application for Medical Marijuana Dispensary license—In general.

Any application for a Medical Marijuana Dispensary license shall be made with the chief of police and be on a form prescribed by the chief of police. Any application for a license, which is not otherwise exempt from license fees, shall be accompanied by a nonrefundable fee in an amount established by resolution of the city council. A Medical Marijuana Dispensary license is issued to a specific person or business entity for a specific location, the address of which shall be set forth in the

license. Any Medical Marijuana Dispensary license issued shall be valid for a period not to exceed one year from the date of issuance, unless it is suspended or revoked prior to that date pursuant to Section 5.10.170.

5.10.050 Initial application for Medical Marijuana Dispensary license.

Any person, firm or corporation who proposes to operate a Medical Marijuana Dispensary in the city, shall file an application for a Medical Marijuana Dispensary license, together with the nonrefundable fee established by resolution of the city council. Thereafter, the investigations detailed in Section 5.10.060 and any other investigations deemed necessary by the chief of police shall be conducted, and the City Services Director must certify that the proposed lot/location meets all separation requirements of Section 18.67.030, prior to the determination of the chief of police on the application for the license. Each application that is in compliance with this chapter based upon the criteria set forth in this chapter and specifically in Section 5.10.060 shall be placed on a qualified registration list and the City Services Director shall notify the applicant in writing of its qualified registration status.

The City Services Director shall set an auction date, time and location, and give sixty (60) days' notice of the auction to all applicants with qualified registration status. At said auction, the Medical Marijuana Dispensary Licenses shall be auctioned individually to the highest bidder of the applicants with qualified registration status. The same individual or business shall not be permitted to purchase more than one Medical Marijuana Dispensary License.

The auction shall not be held and the Medical Marijuana Dispensary Licenses shall not be issued until such time as the City has complied with all applicable local and state laws and regulations for taxation and establishing fees and revenue, or otherwise.

If a Medical Marijuana Dispensary License is not renewed or suspended or revoked, the City Services Director will compile the list of qualified registration status and conduct an auction as set forth herein.

5.10.060 Investigation and reports.

Upon receipt of an application for an initial Medical Marijuana Dispensary license, the chief of police shall cause the following actions to be taken:

(a) The building official and the fire chief shall make a full and complete investigation of the building and location where the applicant proposes to conduct such business or activity to ensure that such building and location comply with all pertinent state and local laws and regulations including, without limitation, building and fire codes and pertinent zoning regulations. In the event

the applicant intends to build a new structure to house such business or activity, the plans and specifications therefor shall be submitted to the building official for approval and such structure shall be built in strict conformity with the approved plans and specifications.

(b) The chief of police shall make a complete and full investigation of the individual(s), firm or corporation applying for a license, including the criminal backgrounds of the individual applicants or principal individuals in the firm or corporation in the same manner and to the same extent as described in Section 5.10.150.

(c) The chief of police shall make a complete and full investigation of the proposed place of business to identify any safety or security concerns, and to ensure compliance with all sections of this chapter.

(d) The chief of police shall determine whether the proposed location of the business or activity would, under these circumstances, tend to cause a police problem, or create a public nuisance or be contrary to the public interest.

(e) The investigation and reports required by this section shall be made within forty-five days after an application is received and deemed to be complete by the chief of police.

No person shall operate a Medical Marijuana Dispensary until the building official, fire chief and chief of police have made the investigations required by this section and approved the building, location and other matters to be investigated and the chief of police has issued a Medical Marijuana Dispensary license.

5.10.080 Initial application for Medical Marijuana Dispensary license—Determination of chief of police—Appeal.

After the investigation is completed, the chief of police shall determine, in his discretion, whether or not the license shall be granted. The chief of police may base his decision on any of the factors enumerated in Section 5.10.060 and on whether granting of the Medical Marijuana Dispensary license would further or be contrary to the public interest. Any person whose application for a license pursuant to this section has been denied may appeal that determination to the city council. Written notice of such appeal shall be filed with the city clerk no later than ten days from the date of the denial. The appeal shall include a statement of the grounds of the appeal. The city council shall thereafter hear the appeal and affirm, modify or overrule the determination appealed. If the applicant fails to file the notice of appeal within such ten-day period, the denial shall be final and conclusive.

5.10.090 Medical Marijuana Dispensary license renewal.

(a) Thirty days prior to the expiration date of a currently valid Medical Marijuana Dispensary license, the licensee shall apply for the renewal of said license. The application shall be accompanied by a nonrefundable fee in an amount established by resolution of the city council. The chief of police may grant such renewal provided he finds that all facts set forth in the renewal application are substantially the same as on the original application or may deny such renewal pursuant to Section 5.10.170. The decision of chief of police shall be appealable to the city council pursuant to Section 5.10.180.

(b) If all facts set forth in the renewal application are not substantially the same as on the original application, the applicant shall comply with all the requirements set forth in this chapter for an initial application for a license.

5.10.100 Business name.

No person licensed to operate a Medical Marijuana Dispensary shall operate under any name or conduct business under any designation not specified in the license.

5.10.110 Transfer of Medical Marijuana Dispensary licenses.

No medical marijuana dispensary license may be transferable, except upon completion of the application and investigation process detailed in Sections 5.10.040 through 5.10.080 and upon approval of the chief of police.

5.10.120 Applications for certain changes in ownership of Medical Marijuana Dispensary.

Whenever there is a change in the identity of the principals holding the license by the addition of a person or business entity, application for a Medical Marijuana Dispensary license in accordance with Section 5.10.050 shall immediately be filed.

5.10.130 Transfer of locations—Application required—Appeal.

A licensee may apply to change the location of a Medical Marijuana Dispensary from one building to another inside a permitted zoning district within the city subject to the requirement contained herein and a conditional use permit for the new location. Application for such change shall be made to the chief of police. The application shall be accompanied by a nonrefundable fee in an amount established by resolution of the city council. The chief of police shall cause the investigations and reports described in Section 5.10.060 to be made with respect to the proposed location, and the chief of police may deny the application for a change of location for failure to meet any requirements of Section 5.10.060 or failure to meet any other requirements of state or local law,

or if such transfer would be contrary to the public interest. Any person whose application for a transfer pursuant to this section has been denied may appeal that determination to the city council. Written notice of such appeal shall be filed with the city clerk no later than ten days from the date of the denial. The appeal shall include a statement of the grounds of the appeal. The city council shall thereafter hear the appeal and affirm, modify or overrule the determination appealed. If the applicant fails to file the notice of appeal within such ten-day period, the denial shall be final and conclusive.

5.10.140 Display of license.

The licensee shall at all times display the Medical Marijuana Dispensary license in the Medical Marijuana Dispensary in a conspicuous place on the premises.

5.10.150 Employee work permit—Initial application.

(a) Any person who seeks employment in any Medical Marijuana Dispensary shall submit an application to the chief of police for a work permit prior to entering into such employment. The application shall be submitted on forms supplied by the chief of police and shall include, but not be limited to, the true name, address and description of the applicant, the name and address of the applicant's employer and the position the applicant holds. The application shall be accompanied by the fingerprints of the applicant in cases where the applicant's fingerprints are not already on file at the police department. Each application for a work permit shall be accompanied by a nonrefundable fee in an amount established by resolution of the city council plus any applicable processing or administrative fees established by other federal or state agencies.

(b) The chief of police may deny to such applicant a work permit if the applicant has been convicted of a felony or any crime enumerated in Section 5.10.170(c). Furthermore, the chief of police may deny such permit if, based upon investigation into the background of the applicant, the chief of police determines that the applicant is of poor moral character and is not likely to carry on in a lawful manner the activities for which the work permit is required or if the applicant has deliberately given false answers to questions contained in the application submitted. No person shall work in a Medical Marijuana Dispensary in the city and no Medical Marijuana Dispensary shall employ any person after the chief of police has denied his or her application for a work permit. Any work permit issued hereunder shall expire one year from the date of issuance.

(c) Any person whose application for a work permit pursuant to this section has been denied may appeal that determination to the city council. Written notice of such appeal shall be filed with the city clerk no later than ten days after the denial of the permit. The appeal shall include a statement of the grounds of the appeal. The city council shall thereafter hear the appeal and affirm,

modify or overrule the determination appealed. Upon failure to file the notice of appeal within such ten-day period, the denial shall be final and conclusive.

5.10.160 Medical Marijuana Dispensary work permit renewal application.

Thirty days prior to the expiration date of a currently valid Medical Marijuana Dispensary work permit, the permittee shall apply for the renewal of said permit. The application shall be accompanied by a nonrefundable fee in an amount established by resolution of the city council. The chief of police may grant such renewal provided he finds that all facts set forth in the renewal application are substantially the same as on the original application and the permittee has not violated any provisions of this chapter or the chief of police may deny such renewal pursuant to Section 5.10.170. The decision of the chief of police shall be appealable to the city council pursuant to Section 5.10.180.

5.10.170 Suspension, revocation and nonrenewal.

The chief of police may revoke, suspend or decline to renew any license or permit issued under this chapter. Grounds for revocation, suspension or nonrenewal of a license or permit shall include the following:

- (a) The failure of the license or permit holder to comply with the provisions of this chapter or any other law pertaining to Medical Marijuana Dispensaries;
- (b) The giving of false or misleading information by the license or permit holder in making application for a license or permit or in connection with an investigation conducted by the city or any other state, local or federal agency;
- (c) The conviction of the license or permit holder of:
 - (1) Any felony;
 - (2) Any offense involving gambling, narcotics, use of force or violence, theft, embezzlement or any other offense involving moral turpitude;
- (d) Any cause for denying an original license or permit as set forth in this chapter.

5.10.180 Appeal of suspension, revocation and nonrenewal.

The determination of the chief of police to suspend, revoke or decline to renew a license or permit shall be made in writing and mailed or delivered to the licensee or permittee. The determination of the chief of police shall become effective ten days following the date of the notice of that determination. The licensee or permittee may, during such ten-day period, appeal the determination of the chief of police to the city council. If the licensee or permittee fails to file the notice of appeal within such ten-day period, the determination of the chief of police shall be final

and conclusive. If a written notice of appeal is filed with the city clerk during such ten-day period, the determination of the chief of police shall be stayed pending the city council's hearing and decision on the appeal. The written notice of appeal shall state the grounds for the appeal. At the time set for the hearing, the city council shall hear the evidence presented by the chief of police or his designee, and shall give the licensee or permittee or any other interested party the opportunity to present relevant evidence. The council may continue the hearing from time to time and may affirm, modify or overrule the determination appealed. The decision of the city council shall be final.

5.10.190 Number of Medical Marijuana Dispensaries.

Notwithstanding any other provisions herein to the contrary, no more than two Medical Marijuana Dispensaries may operate within the city at any one time.

5.10.200 Regulations

The following restrictions/regulations/conditions shall apply to the operation of all medical marijuana dispensaries:

(a) Hours of Operation. Medical marijuana dispensaries shall be restricted to hours of operation between six a.m. and ten p.m.

(b) Security System. Medical marijuana dispensaries shall be equipped with, and the operators of such dispensaries shall maintain in working order at all times, a centrally monitored burglary/robbery alarm system in a manner compliant with the provisions of this code. At minimum, the alarm system must include door contacts, glass break detectors, exterior bells, motion detectors, fire detectors, and carbon monoxide detectors.

(c) On-Site Security. There shall be licensed, uniformed security guards present and visible on the premises as described in a specifically detailed safety and security plan to be submitted by the applicant at the time of license application. The number of licensed, uniformed security guards present and visible on the premises shall be determined by the location, size, and operational requirements of an individual dispensary, so as to most effectively ensure the safety and security of the dispensary, its employees, patrons, products and inventory. The safety and security plan shall be submitted to, and be approved by, the chief of police prior to issuance of any license hereunder.

(1) Licensed, uniformed security guards shall be duly licensed by the State of California Department of Consumer Affairs in a manner consistent with all applicable state and local laws. In particular, all security officers shall comply with the provisions of California Business and Professions Code Section 7582 *et seq.*, and be individually approved by the Marysville Police Department.

(2) The presence and licensing of such guards shall be subject to proof thereof by the operators, employees or security guards of such dispensary at all required times, upon reasonable demand by any local, state or federal peace officer.

(3) Such guard(s) must be present at the facility no less than one hour prior to, and one hour following such dispensary's business hours, during all hours of operation, and at any such time dispensary staff is on location.

(4) All dispensaries shall be equipped with metal detectors, a vault room, designated safety center and an electronic security lock system which records individual operator, employee, volunteer and contractor's entry and exiting.

(5) All dispensaries shall be equipped with separate emergency lock boxes, containing facility keys, for police and fire personnel to access said facility during emergency and after-hour incident responses. The on-site locations of said lock boxes shall be approved by the chief of police and fire chief.

(d) Use on Premises. Use or consumption in any manner of marijuana is not permitted on the premises of any medical marijuana dispensary at any time. The term "premises" includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the dispensary's entrance.

(e) Drug Paraphernalia. No medical marijuana dispensary may sell or display any drug paraphernalia on the premises at any time, including but not limited to water pipes (bongs), everyday items with special removable tops that have been converted to conceal narcotics and drugs, including but not limited to beer cans, oil cans and plastic photograph film vials, roach clips (for holding marijuana cigarettes), cigarette paper or filters.

(f) Minors. It is unlawful for any dispensary permittee, operator, or other person in charge of any dispensary to employ any person who is not at least 18 years of age. Persons under the age of 18 shall not be allowed on the premises of a dispensary unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian. The entrance to a dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

(g) Alcohol. No dispensary shall hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the

premises that sells alcoholic beverages. No alcoholic beverage shall be sold, conveyed or consumed on the premises of any medical marijuana dispensary at any time.

(h) Under the Influence. No person shall be present on the premises of a medical marijuana dispensary while intoxicated and/or under the influence of alcohol or any controlled substance at any time, as defined in California Health and Safety Code Section 11007.

(i) Site Management.

(1) The interior of the dispensary shall be configured such that there is an unobstructed view, by use of the naked eye, and unaided by video, closed circuit cameras or any other means, of every public area of the premises by a manager. No public area shall be obscured by any door, curtain, wall, two-way mirror, or other device. A manager shall be in the public portion of the dispensary at all times it is in operation or open to the public in order to enforce all rules and regulations.

(2) A dispensary must maintain and use only one front entrance to be used by all qualified patients and primary caregivers, and all dispensary operators, employees, volunteers, contractors, etc. The dispensary must maintain at least one additional entry/exit door. The second entry/exit door, and any additional are to be used for emergency purposes only.

(3) All restrooms within a dispensary shall remain locked and under the control of dispensary management at all times.

(4) No qualified patient or primary caregiver may visit any dispensary premise without first having obtained a valid written recommendation from their physician recommending use of medical marijuana.

(5) Only qualified patients or a primary caregiver shall be permitted in the designated dispensing area along with dispensary personnel.

(6) A dispensary shall only dispense to qualified patients or primary caregivers with a currently valid physician's approval or recommendation in compliance with the criteria in California Health and Safety Code Section 11362.5 *et seq.* Dispensaries shall require such persons to provide valid official identification, such as a Department of Motor Vehicles driver license or State Identification Card.

(7) Prior to dispensing medical marijuana, the dispensary shall obtain a verification from the recommending physician's office personnel that the individual requesting medical marijuana is or remains a qualified patient pursuant to California Health and Safety Code Section 11362.5 *et seq.*

(8) A dispensary shall not have a physician on-site to evaluate patients and provide recommendation or prescription for the use of medical marijuana.

(9) Dispensary operations shall not result in illegal re-distribution of medical marijuana obtained from the dispensary, or use of distribution in any manner which violates state law.

(10) No person shall maintain, use, or operate a vending machine which dispenses marijuana.

(11) The operator of a dispensary shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours, if directly related to the patrons of the subject dispensary.

(12) The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.

(13) The operator shall provide patients with a list of the rules and regulations governing medical marijuana use and consumption within the City.

(14) Dispensary staff shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing in compliance with state and local law.

(15) All dispensaries must report any and all criminal activity on or adjacent to the premises; including but not limited to theft, vandalism, false identification or recommendation, or assault witnessed, conducted upon or to, any persons or property.

(16) No qualified patient or primary caregiver is to possess a mobile phone while inside any dispensary.

(j) Signs.

(1) Changeable copy signs and temporary signs are not permitted.

(2) Signs on the premise shall not obstruct the entrance or windows.

(3) A notice shall be clearly and legibly posted in the dispensary indicating that smoking, ingesting or consuming marijuana on the premises or in the vicinity of the dispensary is prohibited.

(k) Trash, Litter, Graffiti. Graffiti appearing on any exterior surface of a building or premises of a dispensary, which graffiti is within public view, shall be removed and that surface

shall be restored upon the knowledge of said graffiti or as may be specified in other ordinances of the city regulating graffiti removal.

(l) Security Cameras. The operator of the medical marijuana dispensary shall be responsible for ensuring that a CCTV video surveillance system on the premises complies with the following minimum standards:

(1) Visually records and monitors all parking lot areas, rear alley areas immediately adjacent to the dispensary, the main building entrance(s) and exit(s), dispensary counters, the vault room, processing and packaging areas, hallways and entry points to any secured area, and any and all transaction areas for the dispensing of medical marijuana. Installation of security cameras shall be completed in a manner to maximize the quality of facial and body images and to avoid backlighting and physical obstructions.

(2) The CCTV video surveillance system, and the specific placement and positioning of any and all cameras shall be approved by the chief of police.

(3) The recording device shall be defined as "Super high-resolution" by manufacturer specifications and display a current date and time stamp. Cameras shall be calibrated and focused to maximize the quality of the recorded image.

(4) A display monitor shall be connected to the video surveillance system at all times and be under observation regularly by dispensary security staff and management.

(5) Video surveillance systems shall be maintained in good working order at all times. The owner of the dispensary shall instruct each employee, volunteer, agent, servant or other individual overseeing the functioning of the video system to immediately report any malfunctioning of or technical problems whatsoever with surveillance equipment. On a routine basis, the operator of the dispensary or his/her designated representative shall inspect all cameras and video recorders to ensure proper operation and shall perform the following functions: the camera lenses shall be cleaned and calibrated into focus; the date and time stamp shall be calibrated to reflect true information; all wires connected to the camera and recording device shall be protected or sheathed as to prevent wear and tear. The operator of the dispensary or his/her designated representative shall keep a video surveillance maintenance log documenting all inspections and repairs to the system. Any technical problems or inoperable equipment shall be repaired as soon as possible. The video surveillance system and maintenance log are subject to periodic inspection by the police department, in order to ensure compliance with this section.

(6) The video surveillance system and recording device shall be in continuous operation at all times. All recorded imagery must be maintained on a computer hard drive for no less than 30 calendar days, and access shall be provided to the police department as may be authorized by state and federal law.

(7) The dispensary must provide the police department with 24-hour direct mobile access to all CCTV video surveillance imagery.

(m) Lighting.

(1) Interior. The premises within which the dispensary is operated shall be equipped with and shall, at all times during which the dispensary is open to the public or any portion thereof, remain illuminated with overhead lighting fixtures of sufficient intensity to illuminate every place to which members of the public or portions thereof are permitted access with an illumination of not less than two foot-candles as measured at the floor level.

(2) Exterior. The exterior of the premises upon which the dispensary is operated shall be equipped with and shall, at all times between sunset and sunrise, remain illuminated with fixtures of sufficient intensity and number to illuminate every portion of the property with an illumination level of not less than one foot-candle as measured at the ground level, including, but not limited to, landscaped areas, parking lots, driveways, walkways, entry areas, and refuse storage areas.

(n) On-Site Manager. All dispensaries shall have a responsible person who shall be at least twenty-one years of age and shall be on the premises to act as the on-site manager at all times during which the dispensary is open to the public or any portion thereof. The individual designated as the on-site manager shall provide the police department with emergency contact information, including name, cell phone number, email address and facsimile number and remain registered with the police department by the owner to receive all complaints and be responsible for all violations taking place on the premises.

(o) Records and Inspection.

(1) All dispensaries shall maintain sufficiently detailed written records regarding their verification that medical marijuana is dispensed only to qualified patients and primary caregivers under the California Compassionate Use Act, Health and Safety Code Section 11362.5 *et seq.* These written records are subject to periodic inspection by the police department, in order to ensure compliance with this section, as authorized by state and federal law.

(2) Employee Records. Each owner or operator of a dispensary shall maintain a current register of the names of all operators, volunteers, employees and contractors currently

working at or employed by the dispensary. For each individual, this registry shall list a name, address, phone number, date of birth, height, weight, hair color and eye color. The dispensary shall disclose such a registration for inspection by any City officer or official, but only for the purpose of determining compliance with the requirements of this chapter.

(3) Patient Records. All dispensaries shall maintain confidential health care records of all patients and primary caregivers using only the identification card number issued by the county, or its agent, pursuant to California Health and Safety Code Section 11362.71 et seq. as a protection of the confidentiality of the cardholders, or a copy of the written recommendation from a physician or doctor of osteopathy stating the need of medical marijuana under California Health and Safety Code Section 11362.5.

(4) Premise Inspection. All dispensaries must provide access for annual inspection by any authorized City administrative staff, and full access for inspection to the chief of police, or his designee, during normal business hours or appointment by reasonable notice.

(5) Access into a dispensary by non-qualified patients, primary caregivers, authorized dispensary operators, volunteers, employees and contractors is strictly prohibited without the express approval of the chief of police or his designee. This includes, but is not limited to, non-members, media, or visitors.

(6) Training. Prior to opening for business, and annually thereafter, all dispensaries must provide City police and fire personnel the opportunity to conduct on-site training for safety and emergency response.

(p) Safety and Security Plan. In connection with a permit application under this chapter, the applicant shall provide, as part of the permit application, a detailed Safety and Security Plan and, upon issuance of the dispensary permit, shall operate the dispensary in accordance with said Safety and Security Plan, as such plan is approved by the chief of police. The plan shall, minimally, adhere to all provisions of this chapter.

(q) Transportation and Delivery.

(1) Transportation or delivery of medical marijuana by a qualified patient or primary caregiver is permitted when said transportation or delivery originates from a medical marijuana dispensary licensed by the city, and otherwise complies with all provisions of this chapter and applicable state law.

(2) The transportation or delivery of marijuana by any person or entity, including qualified patients, primary caregivers and licensed dispensaries, except as provided by Section 5.10.200(q)(1), is strictly prohibited.

(r) Funding for Police Officer. A licensed medical marijuana dispensary within the city shall provide annual funding for the full cost of one police officer at a rate established by the city council, such funding to be paid to the city not later than June 15 of each year during which the license for the medical marijuana dispensary remains active.

(s) Other Conditions. The planning commission or city council may add any conditions to the granting of a permit pursuant to this chapter, should the particular facts and/or circumstances of a proposed use so justify.”

SECTION 5. REPEAL OF LAWS IN CONFLICT

All local laws and ordinances or parts of such ordinance in conflict with any provisions of this Ordinance are hereby repealed to the extent of the conflict and no further.

SECTION 6. SEVERABILITY

If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

SECTION 7. EFFECTIVE DATE

This Ordinance shall become effective thirty days from and after its passage.

This Ordinance was introduced before the City Council of the City of Marysville, County of Yuba, at a duly noticed meeting of the City Council held on the 15th day of December, 2015, and adopted at the regular meeting of said City Council on the 19th day of January, 2016, by the following roll call vote:

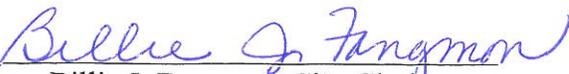
AYES: Bill Simmons, Christopher Pedigo, and Ricky Samayoa

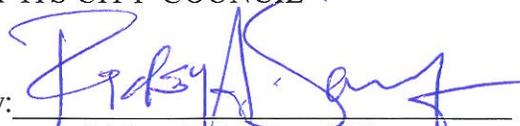
NOES: Dale Whitmore and Jim Kitchen

ABSENT: None

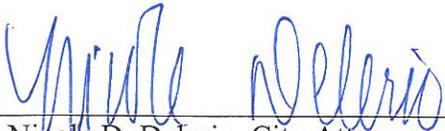
ATTEST:

CITY OF MARYSVILLE, CALIFORNIA
BY ITS CITY COUNCIL

By: 
Billie J. Fangman, City Clerk

By: 
Ricky A. Samayoa, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 

Nicole D. Delerio, City Attorney