

ORDINANCE NO. 1384

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MARYSVILLE, CALIFORNIA,
AMENDING CHAPTER 5.10 ENTITLED “MEDICAL MARIJUANA DISPENSARY” AND
CHAPTER 18.67 ENTITLED “MEDICAL MARIJUANA CLINIC 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 18.67.030 entitled “Conditionally permitted use” of Chapter 18.67 Medical Marijuana Clinic Regulations is hereby amended in part 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 six 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 2.

Section 5.10.050 entitled "Initial application for Medical Marijuana Dispensary license" is hereby amended to read as follows:

"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 initial 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 cause to be published a notice in a newspaper of general circulation in the city of the fact that the City is accepting initial applications pursuant to this section and shall include in the notice a deadline for submittal of such initial application.

SECTION 3.

Section 5.10.055 entitled “Secondary review for license issuance” is hereby added to read as follows:

“5.10.055 Secondary review for license issuance.

Each applicant included on the qualified registration list following initial review as provided in Section 5.10.050 shall, within sixty (60) days after the published cutoff date to submit initial applications, submit to the Chief of Police a detailed business plan for the conduct of operations at the proposed dispensary site in Marysville, together with a nonrefundable fee established by resolution of the city council. Said business plan shall include all pertinent business considerations including, but not limited to, hours of operation, staffing for all operating shifts, lifeline pricing schedules (if any) for low- and fixed-income patients, source(s) of product inventory, type(s) of cannabis products offered at retail to eligible end users or caregivers, detailed security plan, public benefits (if any) to be offered to the community, the amount of on-site cultivation of cannabis (if any) including the amount of cultivation for wholesale to other licensed dispensaries within or outside of Marysville. Scoring criteria for use in evaluating detailed business plans may be established by resolution of the City Council.

SECTION 4.

Section 5.10.200(q) entitled “Transportation and Delivery” is hereby amended to read as follows:

(q) Transportation and Delivery.

(1) All sales of marijuana between a licensed dispensary and a qualified patient or caregiver must be conducted on the premises of the dispensary. No sales are permitted between a licensed dispensary and a qualified patient or primary caregiver which involves the use of mail, courier or other transportation system. All sales between a licensed dispensary and a qualified patient or primary caregiver must occur at and be completed, to include delivery of marijuana products in every form, on the premises of the licensed dispensary.

(2) The transportation of marijuana between licensed dispensaries, to the extent allowed by state law, shall be governed by state law.

SECTION 5.

Section 5.10.200(r) entitled “Funding for Police Officer” is hereby deleted in its entirety and replaced to read as follows:

(r) Fees and Charges.

(3) No person may commence or continue any medical marijuana business in the city of Marysville without timely payment in full of all fees and charges associated with the operation of a medical marijuana business. Fees and charges associated with the operation of a medical marijuana business shall be established by resolution of the City Council.

(4) All medical marijuana businesses operating pursuant to this Chapter shall pay any and all applicable sales, use, business or other taxes, and all license, registration or other fees pursuant to federal, state and local law.

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 7th day of June 2016, and adopted at the regular meeting of said City Council on the 21st day of June, 2016 by the following roll call vote:

AYES: Bill Simmons, Jim Kitchen, Christopher Pedigo, and Ricky Samayoa

NOES: None

ABSENT: Dale Whitmore

ABSTAIN: None

ATTEST:

CITY OF MARYSVILLE, CALIFORNIA
BY ITS CITY COUNCIL

By: Billie J. Fangman
Billie J. Fangman, City Clerk

By: Ricky A. Samayoa
Ricky A. Samayoa, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: Brant J. Bordsen
Brant J. Bordsen, City Attorney