

ORDINANCE NO. 1404

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MARYSVILLE, CALIFORNIA,
AMENDING CHAPTERS 5.10, 9.04, 13.20, 16.03, 18.34, 18.64, 18.67 AND 18.69
OF THE MARYSVILLE MUNICIPAL CODE
REGULATING USE, POSSESSION, CULTIVATION AND SALE OF
CANNABIS AND CANNABIS-RELATED PRODUCTS AND DERIVATIVES
WITHIN THE CITY LIMITS**

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

SECTION 1.

Chapter 5.10 of the Marysville Municipal Code is amended in its entirety to read as follows:

**“CHAPTER 5.10 LICENSING AND
BUSINESS REGULATIONS FOR COMMERCIAL CANNABIS ACTIVITY**

5.10.005 Purpose.

The purpose of this chapter, in combination with Chapter 18.67, is to establish a comprehensive, uniform set of regulations applicable to the operation of businesses engaged in Commercial Cannabis Activity, as defined in Section 18.67.015(c), within the city to ensure such operation is in a manner consistent with the overall health, welfare and safety of the city and its populace and in compliance with all relevant state law.

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 cannabis dispensary license from the Marysville Police Department.
- (2) "Operator" means the licensee who has obtained a valid medical cannabis dispensary license from the Marysville Police Department.
- (3) "Permittee" is a person who has obtained a valid medical cannabis dispensary work permit from the Marysville Police Department.
- (4) "Cannabis Review Committee" comprising of executive staff and individuals designated by the City Manager.

5.10.020 Registration required to own, operate or conduct business as a medical cannabis dispensary.

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

5.10.30 Medical cannabis dispensary license required.

- (a.) It is unlawful for any person, for himself or herself, or for any other person, firm or entity, to engage in or carry on, or to maintain or conduct, or cause to be engaged in, carried on, maintained or conducted, any medical cannabis 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.
- (b.) No license hereunder shall be issued or renewed to any applicant or licensee that cannot demonstrate continuous California residency from or before January 1, 2015. In the case of an applicant or licensee that is an entity, the entity shall not be considered a resident if any person controlling the entity cannot demonstrate such continuous California residency from or before January 1, 2015.

5.10.040 Application for medical cannabis dispensary license—In general.

Any application for a medical cannabis dispensary license shall be made with the Cannabis Review Committee and be on a form prescribed by the Cannabis Review Committee. 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 cannabis 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 cannabis 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 cannabis dispensary license.

Any person, firm or entity who proposes to operate a medical cannabis dispensary in the city, file an application for a medical cannabis 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 Cannabis Review Committee shall be conducted, must certify that the proposed lot/location meets all separation requirements of Section 18.67.030, prior to the determination of the Cannabis Review Committee 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 Cannabis Review Committee shall notify the applicant in writing of its qualified registration status.

The Director of Community Development and Services 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.

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 thirty (30) days after the published cutoff date to submit initial applications, submit to the Cannabis Review Committee a Cannabis Performance Agreement, 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.

5.10.060 Investigation and reports.

Upon receipt of an application for an initial medical cannabis dispensary license, the Cannabis Review Committee 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 and fire chief for approval and such structure shall be built in strict conformity with the approved plans and specifications.

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

(c) The Cannabis Review Committee 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 Cannabis Review Committee 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 Cannabis Review Committee.

5.10.070 Building and fire permits.

No person shall operate a business engaged in Commercial Cannabis Activity, as defined, until the building official and fire chief have made the investigations required by this chapter and approved the building, location and other matters to be investigated and have issued the appropriate building and fire/life safety permits including, if required, an operational permit pursuant to Section 13.20.071 of this code.

5.10.080 Initial application for medical cannabis dispensary license—Determination of Cannabis Review Committee—Appeal.

After the investigation is completed, the Cannabis Review Committee shall determine, in their discretion, whether or not the license shall be granted. The Cannabis Review Committee may base the decision on any of the factors enumerated in Section 5.10.060 and on whether granting of

the medical cannabis 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 cannabis dispensary license renewal.

(a) License renewal is not automatic. Not less than thirty days or more than sixty days prior to the expiration date of a valid medical cannabis dispensary license, the licensee wishing to seek renewal shall apply for the renewal of said license. The renewal application shall be accompanied by a nonrefundable fee in an amount established by resolution of the city council. The Cannabis Review Committee may grant such renewal provided they find 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 the Cannabis Review Committee 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, including payment of all related fees associated with the processing of such application.

5.10.100 Business name.

No person, firm or entity licensed to operate a medical cannabis dispensary shall operate under any name or conduct business under any designation not specified in the license.

5.10.110 Transfer of medical cannabis dispensary licenses.

No medical cannabis dispensary license is 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 Cannabis Review Committee and payment of all required fees and outstanding fines, penalties and taxes, if any, due the city from the licensee as of the effective date of transfer.

5.10.120 Applications for changes in ownership of licensed medical cannabis dispensary.

Whenever there is a proposed change in the identity of the principals holding the license by

the addition of a person or business entity, application for a medical cannabis 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 licensed medical cannabis 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 Cannabis Review Committee. The application shall be accompanied by a nonrefundable fee in an amount established by resolution of the city council. The Cannabis Review Committee shall cause the investigations and reports described in Section 5.10.060 to be made with respect to the proposed location, and the Cannabis Review Committee 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 licensee 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 cannabis dispensary license in the medical cannabis 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 cannabis dispensary shall submit an application to the Cannabis Review Committee for a work permit prior to entering into such employment. The application shall be submitted on forms supplied by the Cannabis Review Committee 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 Cannabis Review Committee 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 Cannabis Review Committee may deny such permit if, based upon investigation into the background of the applicant, the Cannabis Review Committee 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 cannabis dispensary in the city and no medical cannabis dispensary shall employ any person after the Cannabis Review Committee 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 cannabis dispensary work permit renewal application.

Not less than thirty days prior to the expiration date of a currently valid medical cannabis dispensary work permit, the permittee shall apply for the renewal of said permit. Renewal is not automatic. The application shall be accompanied by a nonrefundable fee in an amount established by resolution of the city council. The Cannabis Review Committee 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 Cannabis Review Committee may deny such renewal pursuant to Section 5.10.170. The decision of the Cannabis Review Committee shall be appealable to the city council pursuant to Section 5.10.180.

5.10.170 Suspension, revocation and nonrenewal.

The Cannabis Review Committee 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 licensee or permit holder to comply with the provisions of this chapter or any other law pertaining to Medical Cannabis Dispensaries;

(b) The giving of false or misleading information by the licensee 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 licensee 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;

(e) The revocation, suspension or nonrenewal of associated state licenses/permits to operate a dispensary, which revocation, suspension or nonrenewal the licensee shall disclose immediately to the Cannabis Review Committee;

(f) The failure of the licensee or permit holder to diligently initiate business operations or to continue to carry on business operations in a manner substantially as set forth in the Business Plan, Safety and Security Plan and Cannabis Performance Checklist submitted in support of the Licensee's original or renewal application to operate a medical cannabis dispensary, as appropriate.

5.10.180 Appeal of suspension, revocation and nonrenewal.

The determination of the Cannabis Review Committee 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 Cannabis Review Committee 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 Cannabis Review Committee 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 Cannabis Review Committee 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 Cannabis Review Committee 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 Cannabis Review Committee 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 Cannabis Dispensaries.

Notwithstanding any other provisions herein to the contrary, no more than two Medical Cannabis 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 businesses engaged in Commercial Cannabis Activity, as specified:

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

(b) Security System. All businesses engaged in Commercial Cannabis Activity, as defined, shall be equipped with, and the operators of such businesses 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 pursuant to Subsection (p) hereof 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 Cannabis Review Committee 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 Cannabis Review Committee and fire chief.

(d) Use or Consumption on Premises Prohibited. Use or consumption in any manner, including smoking or vaporizing, of cannabis or cannabis-related products or derivatives is not permitted on the premises of any medical cannabis 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 cannabis 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 cannabis 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 cannabis dispensary at any time.

(h) Under the Influence. No person shall be present on the premises of a medical cannabis 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 designed, configured and 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 cannabis.

(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 cannabis, the dispensary shall obtain a verification from the recommending physician's office personnel that the individual requesting medical cannabis 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 cannabis.

(9) The operations of any business engaged in Commercial Cannabis Activity, as defined, shall not result in illegal re-distribution of medical cannabis obtained from any source, or use of distribution in any manner which violates this Code or state law.

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

(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 cannabis 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) Dispensary 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, vaporizing, ingesting or consuming cannabis or cannabis-related products or derivatives 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 any business engaged in Commercial Cannabis Activity, as defined, 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 premises, the main building entrance(s) and exit(s), public counters, the vault room; cultivation, manufacturing, processing and packaging areas, hallways and entry points to any secured area, and any and all transaction areas for the dispensing of medical cannabis, if any. 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 Cannabis Review Committee.

(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 company management and on-site security staff.

(5) Video surveillance systems shall be maintained in good working order at all times. The business owner 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 business 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 business 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 business 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 a medical cannabis dispensary is operated shall be equipped with and shall, at all times during which the dispensary or any portion thereof is open to the public, 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 businesses engaged in Commercial Cannabis Activity, as defined, 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 business or any portion thereof is open to the public. The individual designated as the onsite 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 cannabis 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 his or her legal 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 Cannabis Review Committee, 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 Cannabis Review Committee 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 and Business Plan required. In connection with a permit application to engage in Commercial Cannabis Activity, as defined, under this chapter, the applicant shall provide, as part of the permit application, a detailed Safety and Security Plan and Business

Plan and, upon issuance of the permit, shall operate the business in accordance with said Safety and Security Plan and Business Plan, as such plans are approved by the Cannabis Review Committee. The plans shall, minimally, adhere to all provisions of this chapter.

(q) Transportation and Delivery.

(1) All sales of cannabis or cannabis-related products or derivatives between a licensed dispensary and a qualified patient or caregiver must be conducted on the premises of the dispensary; provided, however, drive-through or walk-up window service is prohibited. 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 or delivery system. All sales between a licensed dispensary and a qualified patient or primary caregiver must occur at and be completed, to include delivery of cannabis products in every form, on the premises of the licensed dispensary.

(2) The transportation of cannabis or cannabis-related products or derivatives between licensed dispensaries or other permitted businesses engaged in Commercial Cannabis Activity, as defined, to the extent allowed by state law, shall be governed by state law.

(r) Fees and charges.

(1) No person may commence or continue any business engaged in Commercial Cannabis Activity, as defined, in the city of Marysville without timely payment in full of all fees and charges associated with the operation of such business. Fees and charges associated with the operation of any such business shall be established by resolution of the city council.

(2) All businesses engaged in permitted Commercial Cannabis Activity, as defined, 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.

(s) Inventory and tracking; secure storage and waste. Any business engaged in Commercial Cannabis Activity, as defined, shall at all times:

- (1) Comply with any track and trace program established by the state.
- (2) Operate such that cannabis, cannabis-related products and derivatives and associated product wastes shall be stored and secured in a manner that prevents diversion, theft, loss, hazards and nuisance conditions, including dust, glare, heat,

noise, noxious gasses, odor, smoke, traffic or vibration, or by the use, storage or discharge of hazardous materials, processes, products or wastes, without appropriate mitigation measures specified and approved in advance by the city.

(t) 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 2.

Section 9.04.140 of the Marysville Municipal Code is amended by adding subsection (f) thereto to read as follows:

“CHAPTER 9.04 SPECIAL EVENTS

9.04.140 Regulations

No sponsor-authorized vendor shall participate in any of the following activities:

- (a) [No change]
- (b) [No change]
- (c) [No change]
- (d) [No change]
- (e) [No change]

(f) No sponsor-authorized vendor or any person shall sell or distribute cannabis or cannabis-related products or derivatives or cannabis-related services or accessories. Any such sales specifically violate the terms of the City-issued special event permit and cause such permit to be immediately nullified and to subject the vendor and event sponsor to fines and penalties set forth in this Chapter.”

SECTION 3.

Section 13.20.071 is added to Chapter 13.20 of the Marysville Municipal Code to read as follows:

“CHAPTER 13.20 FIRE CODE

13.20.071 Regulation of commercial cannabis activity. Operational permit required.

An operational permit issued by the fire department is required before any business may engage in Commercial Cannabis Activity, as defined in section 18.67.015(c).”

SECTION 4.

Section 16.03.015 is added to Chapter 16.03 of the Marysville Municipal Code to read as follows:

“CHAPTER 16.03 ALL CITY PARKS—DRUG FREE ZONES

16.03.015 Cannabis use, including smoking, prohibited.

No person shall use, possess or consume cannabis in any form, including cannabis-related products or derivatives, while in any city park which is designated in this Chapter or as may be so designated in the future.”

SECTION 5.

Table 18.34.020 of the Marysville Municipal Code is amended in part to read as follows:

“TABLE 18.34.020: ALLOWED USES AND PERMIT REQUIREMENTS FOR THE INDUSTRIAL ZONE DISTRICTS

Land Use	Zone District			Specific Use Regulation
	M-L	M-1	M-2	
Industrial				
Indoor assembly, processing, fabricating, treatment, manufacturing, repairing or packaging of goods that do not create noise, dust odor, smoke, bright light, involve the handling of explosives or inflammable materials as a primary use, or otherwise creates offensive conditions at the property line	P	P	P	
The uses described above or provided elsewhere in this table that may create the potentially offensive condition(s) described above		U	U	
Adult oriented business	U	U	U	Chapt. 18.66
Auto body, radiator, upholstery repair, brake, muffler shop, tire shop ²		P	P	
Auto service station		P	P	Sec. 18.96.050
Auto wrecking yard ¹		U	U	
Auto, boat, and motorcycle sales, repair and rental ²	P	P	P	
Bank, financial institution, insurance	P	P	P	
Bar, night club, lounge, tavern	P	P		
Bottled gas sales ¹	U	U	U	
Building material sales, lumber yard		P	P	
Bulk petroleum and pressurized gas product storage and wholesale		U	U	
Bus depot	U ⁴	U ⁴	U ⁴	
Cabinet, plumbing, sheet metal, welding, machine shop		P	P	
Commercial Cannabis Activity Business, including Medical Cannabis Dispensary:				Chapt 5.10 Chapt. 18-67 Chapt. 18-69
• Cultivation; Specialty; Small; 500 – 5,000 square feet	U	U	U	
• Cultivation; Specialty Mixed Light; Small; 2,501 – 5,000 square feet	U	U	U	
• Cultivation; Specialty cottage (indoor); Small; 2,500 square feet	U	U	U	
• Cultivation; Indoor; Small; 5,001 – 10,000 square feet	U	U	U	
• Cultivation; Mixed light; Small; 5,001 – 10,000 square feet	U	U	U	
• Cultivation; Indoor; Medium; 10,001 – 22,000 square feet	U	U	U	

Land Use	Zone District			Specific Use Regulation
	M-L	M-1	M-2	
• Cultivation; Mixed light; Medium; 10,001 – 22,000 square feet	U	U	U	
• Cultivation; Nursery (indoor)	U	U	U	
• Cultivation; Indoor; Large; >22,000 square feet	U	U	U	
• Cultivation; Mixed light; Large; >22,000 square feet	U	U	U	
• Manufacture 1 (use of non-volatile solvents)	U	U	U	
• Manufacture 2 (use of volatile solvents)	ZC	ZC	ZC	
• Testing laboratory	U	U	U	
• Retailer (medical cannabis only)	P	P	P	
• Distributor	U	U	U	
• Microbusiness (medical cannabis only); <10,000 square feet cultivation	ZC	P	P	
	U	U	U	
Car wash	P	P	P	
Card room	U ⁴	U ⁴	U ⁴	
Caretaker, night watchman residence	P	P	P	
Cement and asphalt plant			U	
Clubs and lodges	U ⁴	U ⁴		
Cold storage facility		P	P	
Commercial laundry		P	P	
Community center	P	P		
Contractor's yard, outdoor material storage		P	P	
Cultural institution	P	P		
Day care center	U	U		
Distribution center		P	P	
Drive through facilities	MU ⁴	MU ⁴	MU ⁴	Sec. 18.96.030
Dry cleaning, dyeing plant		P	P	
Employment centers (includes office uses that generally do not cater to the public such as call centers)	P	P	P	
Equipment rental		P	P	
Farm equipment and supply sales		P	P	
Flea market			U	
Funeral establishment	P	P		
General retail sales and services conducted indoors (unless otherwise specified in this table)	P	P	P	
Health/fitness facility	P	P	P	
Heliport, airport		U ⁴	U ⁴	
Hospital ¹	U ⁴	U ⁴	U ⁴	
Hotel, motel	U	U ⁴	U	
Indoor entertainment (theater, video arcade/fun center, skating rink, bowling,	P	P	P	

Land Use	Zone District			Specific Use Regulation
	M-L	M-1	M-2	
billards)				
Kennel			U	
Laundry, laundromat	P	P		
Library/museum	P	P		
Lumber processing (sawing, planing, plywood, veneer, laminating)		U	U	
Massage service	U	U		Excludes services exempted under Sec. 5.48.270
Medical, dental, optical lab.	P	P	P	
Moving and storage facility		P	P	
Offices (administrative, governmental, business, medical and professional)	P	P	P	
Outdoor commercial recreation (theme, amusement park, miniature golf, go-kart)		P	P	
Park	P	P	P	
Processing and manufacturing of food products		P	P	
Public buildings and facilities	P	P	P	
Public parking	P	P	P	
Recreational vehicle park	U ⁴	U ⁴	U ⁴	
Recycling collection and materials processing facility ¹		U	U	Chapt. 18.92
Religious facility	U	U	U	
Repair shop (i.e. shoes, radios, appliances, electronic equipment)	P	P	P	
Research and development laboratory	P	P	P	
Restaurant	U ⁴	U ⁴	U ⁴	
Retail plant nursery (includes outdoor sales)	P	P	P	
RV, camper sales and repair		P	P	
Sales and indoor repair of commercial trucks and trailers and other heavy equipment		P	P	
Schools & studios primarily conducted indoors	U	U ⁴		
Secondhand store ³	P	P		
Self-storage facility ¹	P	P	P	Sec. 18.96.040
Tire recapping plant		P	P	
Trade school	P	P	P	
Truck, freight terminal ¹		P	P	
Veterinary clinic, animal boarding, animal grooming ³		P	P	

Land Use	Zone District			Specific Use Regulation
	M-L	M-1	M-2	
Wholesale businesses, warehousing		P	P	
Wholesale printing, engraving, lithography and publishing	P	P	P	
Wholesale vehicle sales, auction; vehicle storage			P	
Wireless communication facility	U ⁴	U ⁴	U ⁴	Chapt. <u>18.95</u>
Wood yard			U	
Wrecking, dismantling yard			U	
Residential Uses				
Condominiums	MU ⁴	MU ⁴	MU ⁴	
Emergency shelter	U	P	U	Sec. <u>18.96.060</u>
Employee housing	MU ⁴	MU ⁴	MU ⁴	
Home occupation	ZC	ZC		Sec. 18.93
Live/work lofts	MU ⁴	MU ⁴		
Multi-family residence	MU ⁴	MU ⁴		
Residences w/office or retail	MU ⁴	MU ⁴		
Senior congregate care facility, skilled nursing/intermediate care facility	MU ⁴	MU ⁴		
Single family residence	MU ⁴	MU ⁴		
Single Room occupancy (SRO)	U ⁴	U ⁴		Sec. 18.96.070

¹ Not allowed in central business district.

² Minor Use Permit required in the central business district.

³ Animal boarding must be conducted indoors w/air conditioning unless a use permit is approved for outdoor boarding.

⁴ Use permits and minor use permits not required in medical arts district.

⁵ Employee housing (up to six persons), supportive housing, transitional housing, mobilehomes on permanent foundations, and mobilehome parks (including condominium and cooperative parks) are allowed and subject only to those restrictions and development standards that apply to other residential dwellings of the same type and number in the same zone.”

SECTION 6.

Chapter 18.64.060 of the Marysville Municipal Code is amended in part to read as follows:

“CHAPTER 18.64 SIGNS

18.64.060 Prohibited signs.

The following signs are prohibited in all zone districts:

(a) Abandoned or Dilapidated Signs and Sign Structures. Such signs shall be removed within ninety days of abandonment. This includes signs not relating to current business.

(b) Animated, moving, revolving, or other similar signs (except time, temperature and date devices and barber poles) whether freestanding or attached to a building or structure.

(c) Flashing Signs. No sign (including window and other exterior lighting) shall be permitted which blinks, flashes, scintillates, or other means of not providing constant illumination except Christmas lights for a duration not to exceed sixty days during the holiday season, and "Open" window signs (Section 18.64.050(s)).

(d) Changeable Copy Signs. Includes electronic message boards with fixed or moving letters and video displays, except as provided in Table 18.64.080.

(e) Electronic message board signs with moving letters or symbols.

(f) Fence Signs. Unless approved as part of an overall sign plan for a permitted use and the area of the fence sign is included in the overall size allowed for the building sign.

(g) Inflated Signs, Balloons and Figures. Except as provided in Sections 18.64.070(b) and 18.64.095.

(h) Obscene signs.

(i) Off-Site Signs. Signs including billboards and outdoor advertising signs, except as otherwise provided in Section 18.64.093(e), which do not specifically relate to the business or businesses located on the premises.

(j) Noise Smoke, or Odor. Signs or devices which emit audible sound, odor, or visible matter.

(k) Roof signs.

(l) Vehicle Signs. Whether attached or painted on motor vehicles that are parked on or adjacent to property for more than seventy-two consecutive hours, the principal purpose of which is to attract attention to a product sold or business located on the property.

(m) Signs on City Property. No sign shall be located on city property or right-of-way without the express permission of the city.

(n) Posters. The tacking, pasting or otherwise affixing of signs or posters of a miscellaneous character, visible from a public right-of-way, located on walls of a building, shed, fence, pole, post or other structure or anywhere on public property.

(o) Pole signs.

(p) Any sign which is obstructive or confusing to motorists on the public right-of-way, including any sign which resembles or conflicts with any official traffic control device.

(q) Temporary or special event signs, flags, banners, festoons, flag canopies, or other displays, may not be used as permanent signs but may only be used as temporary signs, except as provided in Section 18.64.095.

(r) Cannabis advertising. No sign, billboard (fixed or mobile), bus shelter, placard, aircraft or other similar physical forms of advertising for any business engaged in Commercial Cannabis Activity, as defined in section 18.67.015(c), including availability of cannabis or cannabis- related products or derivatives, cannabis-related services or accessories or dispensary locations.”

SECTION 7.

Chapter 18.67 of the Marysville Municipal Code is amended in its entirety to read as follows:

“CHAPTER 18.67 COMMERCIAL CANNABIS ACTIVITY

18.67.005 Intent and Purpose.

The purpose of this chapter, in combination with Chapter 5.10, is to establish a comprehensive, uniform set of regulations applicable to Commercial Cannabis Activity, as defined, within the city to ensure such operation is in a manner consistent with the overall health, welfare and safety of the city and its populace and in compliance with all relevant state law. The goals of this regulation include all of the following:

- (a.) To minimize the size of the illegal market for cannabis in the city of Marysville and surrounding areas.
- (b.) To create jobs, economic growth and tax revenue for the city and its residents.
- (c.) To enable law enforcement and regulators to have sufficient rights to inspect and audit Commercial Cannabis Activity, as defined, and take expeditious action against persons or entities who violate the requirements of these regulations.
- (d.) To regulate the operation and location of Commercial Cannabis Activity, as defined, such that public nuisance is minimized.
- (e.) To minimize social harms which may arise from unregulated cannabis activity.

18.67.10 Commercial cannabis activity prohibited.

All Commercial Cannabis Activity, as defined, within the city of Marysville is prohibited except as expressly permitted by this chapter.

18.67.11 Commercial cannabis activity conditionally permitted.

Commercial Cannabis Activity, as defined, is conditionally permitted in the city only as expressly provided by this chapter.

18.67.015 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:

(a.) “Adult -Use” means the non -medical use of cannabis by adults of age 21 and over as permitted by the Medicinal and Adult-Use Cannabis Regulation and Safety Act and other applicable state laws.

(b.) “Cannabis” means the Cannabis *sativa* plant from which marijuana, hashish, bhang, and similarly mildly euphorogenic and hallucinogenic drugs are prepared.

(c.) “Commercial Cannabis Activity” means all lawful business activities conducted by a medical cannabis dispensary licensed pursuant to Chapter 5.10 of the Marysville Municipal Code, and the commercial cultivation, manufacture, distribution, processing, packaging, labeling, transportation, delivery or laboratory testing, but not the retail sale to an Adult-Use consumer, of cannabis or cannabis-related products or derivatives in compliance with all relevant provisions of Division 10, commencing with Section 26000 of the California Business and Professional Code, this chapter and chapter 5.10 of the Marysville Municipal Code for which appropriate state licenses have been issued by the bureau of cannabis control or other appropriate agencies of the state.

(d.) “Medical cannabis dispensary” means any business or enterprise, whether or not operated for profit, intended to serve or which does serve as a means of distributing or providing marijuana for medical purposes as defined by the state’s Compassionate Use Act, California Health and Safety Code Section 11362.5 et seq., the Medical Marijuana Program Act (Health and Safety Code Section 11362.7 et Seq.) and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Business and Professions Code Section 26000 et Seq.)

18.67.020 State license requirement.

(a.) Any person, firm or entity granted a license or permit pursuant to chapter 5.10 or chapter 18.67 of this code to operate a business engaged in Commercial Cannabis Activity, as defined, must obtain a valid applicable state license before such person, firm or entity may conduct business operations in the city.

(b.) Prior to commencing business operations, any business engaged in Commercial Cannabis Activity, as defined, must provide proof of receipt of a valid applicable state license to the city Department of Community Development and Services.

18.67.025 Sale or commercial transfer of cannabis restricted.

(a.) The retail sale or commercial transfer of cannabis or cannabis-related products or derivatives to an end-user consumer within the city shall be conducted only by a medical cannabis dispensary licensed by the city and holding a valid M-Type 10 license issued by the state, and only dispensed to a qualified patient or primary caregiver.

(b.) No dispensary licensed to operate within the city of Marysville shall engage in the sale of Adult-Use cannabis, as defined in Subsection 18.67.015(a).

(c.) Notwithstanding the provisions of Subsection (a) above, any business engaged in Commercial Cannabis Activity, as allowed by Subsection 18.67.030(e) hereof, may conduct normal commercial transactions involving cannabis or cannabis-related products or derivatives in a manner consistent with its regular business operations as approved in its Business Plan required by Subsection 5.10.200(p), except that such operations may not include any retail sale of cannabis or cannabis-related products or derivatives to an end-user consumer, other than as provided in Subsection (a) above.

18.67.030 Conditionally permitted use.

(a) Medical cannabis dispensaries shall be conditionally permitted on appropriately 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 cannabis dispensary.

(b) For locations within the Medical Arts District, medical cannabis dispensaries shall be conditionally permitted on appropriately 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 cannabis dispensary.

(c) Businesses engaged in Commercial Cannabis Activity, as defined, except medical cannabis dispensaries, shall be conditionally permitted on appropriately zoned lots/locations within the city without regard to the distance separation requirements in Subsections (a) or (b) hereof, except that any business permitted to process cannabis by means of volatile compounds (for which a Type 7 state permit has been issued) must be on a lot/location that is at least six hundred feet from any public or private school for grades kindergarten through twelfth, any preschool or licensed child care facility.

(d) All persons, entities or organizations wishing to establish a business engaged in Commercial Cannabis Activity within the city must apply for and be granted a conditional use permit for said use, together with a business license pursuant to the provisions of this code and, if the business is a medical cannabis dispensary, a medical cannabis dispensary license as required under Chapter 5.10 of this code.

(e) Subject to the further requirements of this chapter and chapter 5.10 of this code, and in compliance with Division 10, commencing at Section 26000 of the Business and Professions Code, the following state license classification types will be allowed to operate within the city of Marysville, provided all required city permits/licenses/approvals have first been obtained:

- (1) Type 1A—Cultivation; Specialty Indoor; Small.
- (2) Type 1B—Cultivation; Specialty mixed-light; Small.

- (3) Type 1C—Cultivation; Specialty cottage (Indoor only); Small.
- (4) Type 2A—Cultivation; Indoor; Small.
- (5) Type 2B—Cultivation; Mixed-light; Small.
- (6) Type 3A—Cultivation; Indoor; Medium.
- (7) Type 3B—Cultivation; Mixed-light; Medium.
- (8) Type 4—Nursery.
- (9) Type 5A—Cultivation; Indoor; Large.
- (10) Type 5B—Cultivation; Mixed-light;
Large.
- (11) Type 6—Manufacture 1.
- (12) Type 7—Manufacture 2.
- (13) Type 8—Testing
laboratory.
- (14) Type 10—Retailer (only with M-License).
- (15) Type 11—Distributor.
- (16) Type 12—Microbusiness (only with M-License).

(11) A business engaged in Commercial Cannabis Activity, as defined, 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.

(12) 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 business engaged in Commercial Cannabis Activity shall also provide the following information with the application(s):

- a. 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 engaged in Commercial Cannabis Activity 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 conducting Commercial Cannabis Activity.

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

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

ii. 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

iii. 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.

c. The application must list whether, preceding the date of the application, the applicant or any of the individuals listed pursuant to Subsection (g)(2) of this section has:

i. 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;

ii. 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;

- iii. 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.”

18.67.040 Conditions on use.

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

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

(b) Use or Consumption on Premises Prohibited. Use or consumption in any manner, including smoking or vaporizing, of cannabis or cannabis-related products or derivatives is not permitted on the premises of any medical cannabis 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.

(c) Minors. Persons under the age of eighteen years of age are not permitted to be on the premises of any medical cannabis 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 surrounding 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.

18.67.060 Other regulations.

The provisions of this chapter do not waive or modify any other provision of this code with which medical cannabis dispensaries are required to comply. Nothing in this section is intended to authorize, legalize or permit the establishment, operation or maintenance of any facility, building or use which violates any city of Marysville ordinance regarding public nuisances, including any other agency of jurisdiction requirements, or Commercial Cannabis Activity, as defined.

18.67.070 Measure of distance.

All required minimum distances set forth in Section 18.67.030 shall be measured from the nearest property line of one designated location to the nearest property line of the other designated location along a straight line extended between the two points without regard to intervening structures.

18.67.080 Violations—Public nuisance.

The conduct of any dispensary within the city in violation of any of the terms of this chapter is hereby found and declared to be a public nuisance per se, and the city attorney of the district attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the civil abatement, removal and enjoinder thereof, in the manner provided by law; and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as well as abate or remove such medical cannabis dispensary and restrain and enjoin any person from conducting, operating or maintaining a medical cannabis

dispensary contrary to the provisions of this chapter. The conduct of any dispensary within the city in violation of any of the terms of this chapter will also serve as grounds for revocation of a conditional use permit.

18.67.090 Violations—Penalty.

(a) Any person who violates any section of this chapter shall be guilty of a misdemeanor and subject to a fine of one thousand dollars and/or imprisonment in the county jail for a period of up to six months.

(b) In addition to or in the alternative to any other penalties for violation of this chapter, the city may revoke any permit issued pursuant to Section 18.67.030 upon a determination by the city attorney that the permittee has violated provisions of the Marysville Municipal Code or any use permit.

(c) In addition to or in the alternative to any other penalties for violation of this chapter, a person who violates the provisions of this chapter may be assessed an administrative penalty for each day that a violation exists. For the first five days that a violation exists, a person shall be subject to a fine of one hundred dollars per day. Should a violation continue beyond five days, the violator shall be subject to a fine of five hundred dollars per day from the sixth through the tenth days of a violation. Should a violation persist beyond ten days, the violator shall be subject to a fine of one thousand dollars for each day that the violation continues. The administrative penalties specified above may be enforced either by way of judicial action or by way of administrative action; the provisions of Section 9.50.170 shall apply.

(d) The administrative violations and other penalties set forth in this chapter are not the exclusive remedy. Nothing in this chapter is intended to limit or prohibit the enforcement of the Marysville Municipal Code or other applicable laws through civil or criminal process, or in any other manner allowed by law.

18.67.100 Invalidity.

This chapter shall be null and void if any determination is made, after the adoption of the ordinance enacting this chapter, by any court of competent jurisdiction, that California Health and Safety Code Section 11362.5 et seq. is invalid, or shall be null and void to the extent any portion of such section is held invalid.

18.67.110 Severability.

Should any section, subsection, clause or provision of this chapter for any reason be held to be invalid or factually unconstitutional, such invalidity or unconstitutionality shall not affect the

validity or constitutionality of the remaining portions of this chapter, it being hereby expressly declared that this chapter, and each and every section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases of this chapter be declared invalid or unconstitutional.

18.67.120 Compliance law.

An application for a use permit pursuant to Section 18.67.030 shall affirmatively demonstrate compliance with Section 18.08.070 and demonstrate that the intended operation of the business engaged in Commercial Cannabis Activity does not conflict with the Constitution and the laws of the state of California. The failure of the applicant to demonstrate compliance with local laws shall result in denial of the application.”

SECTION 8.

Chapter 18.69 of the Marysville Municipal Code is amended in its entirety to read as follows:

“CHAPTER 18.69 CANNABIS CULTIVATION

18.69.010 Purpose.

The purpose of this chapter is to establish regulations for the cultivation of cannabis within the city to ensure any cultivation is conducted in a manner consistent with the overall health, welfare and safety of the city and its populace and in compliance with the California Compassionate Use Act (CUA; Health and Safety Code section 11362.5), the Medical Marijuana Program Act (MMPA; Health and Safety Code Section 11362.7 et Seq.) and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Business and Professions Code Section 26000 et Seq.)

Nothing in this Chapter is intended, nor shall it be construed, to burden any defense to criminal prosecution under the CUA. Nothing in this Chapter is intended, nor shall it be construed, to make legal any cultivation, sale or other use of cannabis that is otherwise prohibited under California law. Nothing in this Chapter is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting cannabis cultivation by tenants. Nothing in this Chapter is intended, nor shall it be construed, to exempt any activity related to the cultivation of cannabis from any applicable electrical, plumbing, land use or other building, fire and life safety or land use standards or permitting requirements.

All cultivation of cannabis within the City shall be subject to the provisions of this Chapter, and any cultivation not in conformity herewith is unlawful.

18.69.020 Definitions.

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

(a) “Cannabis” means the *Cannabis sativa* plant from which marijuana, hashish, bhang, and similarly mildly euphorogenic and hallucinogenic drugs are prepared.

(b) “Fully Enclosed and Secure Structure” means a space within a building, except a building intended primarily for human habitation as a residential dwelling place and permitted for occupancy as such, including an attached garage, that complies with the California Building Code, as adopted in the city of Marysville, or, if exempt from permit requirements, that has a complete roof enclosure supported by connecting walls extended from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors and only to a licensee or operator of a licensed medical cannabis dispensary. Walls and roofs must be constructed of solid materials that cannot be easily broken through such as two inch by four inch or thicker studs overlaid with 3/8 inch or thicker plywood or the equivalent. Plastic sheeting regardless of gauge, or similar products do not satisfy this requirement. Indoor grow lights and air filtration systems must comply with the California Building, Electrical and Fire Codes as adopted in the city of Marysville.

(c) “Medical Marijuana” or “Medicinal Marijuana” means marijuana used for medical purposes in accordance with the Compassionate Use Act (California Health and Safety Code section 11362.5) or the Medical Marijuana Program Act (California Health and Safety Code sections 11362.7 *et seq.*) or the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Business and Professions Code Section 26000 *et seq.*).

(d) “Cannabis Cultivation” means the planting, growing, harvesting, or processing of cannabis plants or any part thereof consistent with the Compassionate Use Act (Health and Safety Code section 11362.5) or the Medical Marijuana Program Act (Health and Safety Code section 11362.7 *et seq.*) or the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Business and Professions Code Section 26000 *et seq.*).

(e) “Primary Caregiver” means a primary caregiver as defined in California Health and Safety Code section 11362.7.

(f) “Qualified Patient” means a qualified patient as defined in California Health and Safety Code section 11362.7.

18.69.030 Regulation of cannabis cultivation.

(a) Cultivation of cannabis, whether indoors or outdoors, by any person or entity, including Primary Caregivers and Qualified Patients, except as permitted in Subsections 18.69.030(a)(1) through 18.69.030(a)(3), is prohibited in all zoning districts within the city of Marysville.

(1) Commercial cannabis cultivation is permitted when conducted by the owner and licensee of a medical cannabis dispensary licensed therefor pursuant to Chapter 5.10 within the same Fully Enclosed and Secure Structure housing the licensed medical cannabis dispensary and otherwise complies with all relevant provisions of this Chapter, Chapter 5.10 and applicable state law.

(2) Commercial cannabis cultivation is permitted when conducted within a Fully Enclosed and Secure Structure, as defined, as part of a permitted business engaged in Commercial Cannabis Activity, as defined.

(3) Cultivation of not more than six living cannabis plants per residence, regardless of the number of residents, is permitted for the personal, non-commercial use of adults twenty-one years of age or older, when such cultivation takes place in compliance with Subsections 18.69.030(b) through 18.69.030(g), and not in a building intended primarily for human habitation as a residential dwelling place and permitted for occupancy as such, including an attached garage, and otherwise complies with all relevant provisions of this Chapter.

(b) Cannabis cultivation for personal use as permitted by Subsection (a)(3) above may only occur within an accessory building, as defined in Chapter 18.04.020 of the Maryville Municipal Code, if allowed by the landlord, which accessory building is located on a parcel improved with an occupied, legally established, residential dwelling in which the grower resides. Accessory buildings used for cannabis cultivation, whether new construction or conversion of an existing structure, must meet all of the following:

(1) The accessory building, regardless of size, shall be legally constructed and meet all applicable development permits including, but not limited to, grading, structural, electrical, mechanical and plumbing approved by the City building official prior to any cultivation activity.

(2) The accessory building shall not be built or placed within any mandatory setback required by the Marysville Municipal Code.

(3) The accessory building shall be equipped with permanently installed and permitted electric service, and shall not be served by temporary extension cords or generators.

(4) The accessory building shall be equipped with a permanently installed and permitted odor control filtration and ventilation system equivalent to activated carbon filters (scrubbers) to prevent humidity or mold growth within the structure and odor anywhere on the parcel or on adjacent parcels of land.

(5) If the accessory building is a greenhouse, the panels shall be of opaque glass or polycarbonate for security and visual screening purposes.

(c) Every person who wishes to cultivate cannabis for personal use must first apply for and receive a Personal Cultivation Permit at no cost from the city Department of Community Development and Services. Information on Personal Cultivation Permits collected and maintained by the city is exempt from disclosure pursuant to public records requests.

(d) Cannabis grown for personal use may not be sold, bartered or exchanged for anything else of value.

(e) Cannabis grown for personal use may not be subjected to any process which employs volatile solvents.

(f) All persons, firms or entities engaged in the cultivation of cannabis shall have a legal source of water on the premises and shall not engage in unlawful or unpermitted diversion of surface water for such cultivation, nor permit any illegal discharges of water or wastewater from the premises.

(g) Cultivation of cannabis shall not be done in such manner as to adversely affect the environment or the public health, safety and general welfare by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic or vibration, or by the use, storage or discharge of hazardous materials, processes, products or wastes, without appropriate mitigation measures specified and approved in advance by the city.

18.69.040 Violations declared a public nuisance.

The conduct of any person or entity within the City in violation of any of the terms of this Chapter is hereby found and declared to be a per se public nuisance, and the City Attorney or the District Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the civil abatement, removal and enjoinder thereof, in the manner provided by law; and shall take other steps and shall apply to such courts as may have

jurisdiction to grant such relief as well as abate or remove such cannabis and restrain and enjoin any person or entity from cannabis cultivation contrary to the provisions of this Chapter.

18.69.050 Violation and penalty.

(a) Any person who violates any section of this Chapter shall be guilty of a misdemeanor and subject to a fine of One Thousand Dollars (\$1,000.00) and/or imprisonment in the county jail for a period of up to six months.

(b) In addition to or in the alternative to any other penalties for violation of this Chapter, a person who violates the provisions of this Chapter may be assessed an administrative penalty for each day that a violation exists. For the first five days that a violation exists, a person shall be subject to a fine of One Hundred Dollars (\$100.00) per day. Should a violation continue beyond five days, the violator shall be subject to a fine of Five Hundred Dollars (\$500.00) per day from the sixth through the tenth days of a violation. Should a violation persist beyond ten days, the violator shall be subject to a fine of One Thousand Dollars (\$1,000.00) for each day that the violation continues. The administrative penalties specified above may be enforced either by way of judicial action or by way of administrative action; the provisions of Section 9.50.170 shall apply.

(c) The administrative violations and other penalties set forth in this chapter are not the exclusive remedy. Nothing in this Chapter is intended to limit or prohibit the enforcement of the Marysville Municipal Code or other applicable laws through civil or criminal process, or in any other manner allowed by law.”

SECTION 9. 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 10. 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 11. 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 20th day of

March, 2018, and adopted at the regular meeting of said City Council on the 3rd day of April, 2018, by the following roll call vote:

AYES: Bill Simmons, Dale Whitmore, Stephanie McKenzie, Christopher Pedigo,
and Ricky Samayoa

NOES: None

ABSENT: None

ABSTAIN: None

CITY OF MARYSVILLE, CALIFORNIA
BY ITS CITY COUNCIL

By: 
Ricky A. Samayoa, Mayor

ATTEST:

By: 
Billie J. Fangman, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
Nicole Rosser, Assistant City Attorney