

ORDINANCE NO. 1610 Medical Cannabis Dispensaries

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**AN ORDINANCE AMENDING CHAPTER 25
TO TITLE 5 OF THE**

**PLACERVILLE CITY CODE RELATING TO
BUSINESS REGULATIONS**

(Medical Cannabis Dispensaries);

**AMENDING SECTIONS 15(B) AND 18(B) OF
CHAPTER 5 TO TITLE 10 OF THE**

**PLACERVILLE CITY CODE RELATING TO
ZONING**

(Zone Regulations);

**AMENDING CHAPTER 10 TO TITLE 10 OF
THE PLACERVILLE**

CITY CODE RELATING TO ZONING

**(Medical Cannabis Dispensary Businesses
Regulated)**

The City Council of the City of Placerville does ordain as follows:

Section 1 :

Title 5, Chapter 25, of the City Code shall be amended in its entirety to read as follows:

CHAPTER 25

MEDICAL CANNABIS DISPENSARIES

5-25-1: **FINDINGS:** The City Council adopts this chapter based upon the following findings:

- (A) The voters of the state of California approved Proposition 215; and
- (B) The intent of Proposition 215 was to enable persons who are in need of cannabis for specified medical purposes to obtain and use it under limited, specified circumstances; and
- (C) The state enacted Senate Bill 420 in October 2003, relating to controlled substances, to clarify the scope of the compassionate use act of 1996, and to allow cities and other governing bodies to adopt and enforce rules and regulations laws consistent with SB 420; and

- (D) Recognizing that there is a potential conflict between federal and state law, it is the City Council's intention that this chapter shall be deemed to comply with California law as established by Proposition 215 and Senate Bill 420 and to permit any activity that is authorized under those acts or other applicable laws; and
- (E) To protect the public health, safety, and welfare, it is the desire of the City Council to modify the Placerville City Code to be consistent with SB 420, regarding the location and operation of medical cannabis dispensaries; and
- (F) It is the City Council's intention that nothing in this chapter shall be construed to: 1) allow persons to engage in conduct that endangers others or causes a public nuisance, 2) allow the use of cannabis for nonmedical purposes, or 3) allow any activity relating to the cultivation, distribution, or consumption of cannabis that is otherwise illegal; and
- (G) Pursuant to Health and Safety Code Section 11362.7 et seq., the State Department of Health shall be responsible for establishing and maintaining a voluntary identification card program; and
- (H) California Health and Safety Code Section 11362.71(b) requires every county health department, or its designee, to implement a procedure to accept and process applications from those seeking to join the identification program in the manner set forth in Section 11362.71 et seq. (Ord. 1598, 6-22-2004)

5-25-2: **PURPOSE AND INTENT:** It is the purpose and intent of this chapter to regulate medical cannabis dispensaries in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City of Placerville. It is neither the intent nor effect of this chapter to condone or legitimize the use of cannabis. (Ord. 1598, 6-22-2004)

5-25-3: **DEFINITIONS:** The following words and phrases, when used in this chapter, shall be construed as defined in this section, unless it is apparent from the context that they have a different meaning:

APPLICANT: A person who is required to file an application for a permit under this chapter, including an individual owner, managing partner, officer of the corporation, any other operator, manager, employee, or agent of a medical cannabis dispensary.

CHURCH: Any structure, property, or any part thereof, used primarily for religious worship or related religious activities.

CITY: The City of Placerville.

CITY MANAGER: The City of Placerville City Manager or the authorized representative thereof.

DRUG PARAPHERNALIA: Shall have the same definition as California Health and Safety Code Section 11364.5, as may be amended from time to time.

IDENTIFICATION CARD: Shall have the same definition as in California Health and Safety Code Section 11362.7, as may be amended from time to time.

MEDICAL CANNABIS DISPENSING COLLECTIVE, hereinafter DISPENSARY,

Shall be construed to include any association, cooperative, affiliation, or collective of persons where multiple "qualified patients" and/or "primary care givers," are organized to provide education, referral, or network services, and facilitation or assistance in the lawful, "retail" distribution of

medical cannabis. "Dispensary" means any facility or location where the primary purpose is to dispense medical cannabis (i.e., marijuana) as a medication that has been recommended by a physician and where medical cannabis is made available to and/or distributed by or to two or more of the following: a primary caregiver and/or a qualified patient, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A "dispensary" shall not include dispensing by primary caregivers to qualified patients in the following locations and uses, as long as the location of such uses are otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq., or a qualified patient's or caregiver's place of residence.

PERMITTEE: The person to whom a medical cannabis dispensary permit is issued.

PERSON: Any individual, partnership, co-partnership, firm, association joint stock company, corporation, limited liability company, or combination of the above in whatever form or character.

PERSON WITH AN IDENTIFICATION CARD: Shall have the same definition as California Health and Safety Code Section 11362.5 and may be amended.

POLICE CHIEF: The Police Chief of the City of Placerville or the authorized representative thereof.

PRIMARY CAREGIVER: Shall have the same definition as California Health and Safety Code Section 11362.7, as may be amended from time to time.

QUALIFIED PATIENT: Shall have the same definition as California Health and Safety Code Section 11362.5, as may be amended from time to time.

SCHOOL: An institute of learning for minors, whether private or public, offering a regular course of instruction required by the California Education Code. This definition includes a nursery school, kindergarten, elementary school, middle school, or junior high school, senior high school or any special institution of education, but it does not include a vocational or professional institute of higher education, including a community or junior college, college, or university. (Ord. 1598, 6-22-2004)

5-25-4: ENFORCEMENT: The Police Chief, or his designee, shall have the responsibility and duty of enforcement of this chapter. (Ord. 1598, 6-22-2004)

5-25-5: MEDICAL CANNABIS DISPENSARY PERMIT:

- (A) Prior to initiating operations, and as a continuing prerequisite to conducting legally valid operations, any person or entity wishing to operate a medical cannabis dispensary shall apply for and receive from the Police Chief a medical cannabis dispensary permit, on the terms and conditions set forth herein.
- (B) The applicant for a medical cannabis dispensary permit shall submit to the Police Chief an application for a medical cannabis dispensary permit. Based on the information set forth therein, the Police Chief may impose reasonable terms and conditions on the proposed

operations, consistent with Health and Safety Code Section 11362.5 et seq., and with public health, safety, and welfare. Such terms and conditions may include, but not be limited to, requirements as to parking, lighting, hours of operation, trash collection and disposal, and a security system acceptable to the Police Chief.

- (C) A medical cannabis dispensary permit shall be valid for only one year. An operator of a medical cannabis dispensary may apply for renewal of the permit for subsequent year(s). Each renewal application shall certify the accuracy of all previously supplied application information (as amended), and document any changes or additions to that information as of the date of application for renewal.
- (D) The chief of police or designee thereof shall conduct a background check of any applicant for a dispensary permit and report his/her determination on the acceptability of the applicant's background to the City Manager. A dispensary permit shall not be issued to any applicant for whom the Police Chief determines the background to be unacceptable. A dispensary shall have no employees unless such employees are primary caregivers meeting all terms and conditions of applicable law, including the Placerville City Code, and for whom the Police Chief determines the background to be acceptable.
- (E) A dispensary shall also apply for and maintain a general City business license as a prerequisite to obtaining a permit pursuant to the terms hereof. (Ord. 1598, 6-22-2004)

5-25-6: BACKGROUND CHECK OF PERMIT APPLICANT:

- (A) Any applicant for a dispensary permit shall provide the following information to enable the City Manager/Chief of Police, or designee thereof, to perform the background check specified herein:
 1. The full name, current residence address, phone number, and fingerprints of the applicant;
 2. The address to which notice of action on the application is to be mailed;
 3. Previous addresses for the past ten (10) years immediately prior to the present address of the applicant;
 4. Written proof that the applicant is over eighteen (18) years of age;
 5. Applicant's height, weight, color of eyes, and hair;
 6. Photographs for identification purposes taken by the police department;
 7. All current and prior business, occupation, or employment history of the applicant for the ten (10) years immediately preceding the date of the application;
 8. The medical cannabis dispensary business license history of the applicant, including whether such person, in previously operating in this or another city, county, or state under license has had such license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation;
 9. A list of each criminal conviction of the applicant, whether such conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each such conviction, set forth the date of arrest, the offense charged, and the offense of which the applicant was convicted;
 10. The names of all employees, independent contractors, and other persons who will work at the

medical cannabis dispensary;

11. The proposed security arrangements for ensuring the safety of persons and to protect the premises from theft;

12. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the medical cannabis dispensary. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches ($\pm 6''$);

13. An accurate straight line drawing prepared within thirty (30) days prior to application depicting the building and the portion thereof to be occupied by the medical cannabis dispensary, and: a) the property line of any other medical cannabis dispensary; and b) the property lines of any church, public or private school, public park and public library;

14. Such other information as may be required by the City Manager, the Police Chief, or designee thereof, consistent with the purposes of this chapter, the City Code, and applicable law;

15. Authorization for the City, its agents and employees to seek verification of the information contained within the application;

16. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information within the application is true;

17. All improperly completed and incomplete applications will be returned within fifteen (15) days of receipt, notify the applicant of such fact, and on request of the applicant, grant the applicant an extension of fifteen (15) days to submit a completed application. Additional time extensions may be granted with cause. The time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time; and

18. The fact that an applicant possesses other types of state or city permits or licenses does not exempt the applicant from the requirement of obtaining a medical cannabis dispensary permit.

19. Information provided by an applicant shall be considered confidential by the City.

(B) Upon receipt of the information referenced above, the chief of police, or his designee, shall conduct an investigation, within a reasonable amount of time and shall determine the background of the applicant to be acceptable or unacceptable for the purposes of the dispensary license. The grounds for denial of a permit shall be one or more of the following:

1. The business or conduct of the business at a particular location is prohibited by any local or state law, statute, rule or regulation;

2. The applicant has violated any local or state law, statute, rule or regulation respecting the medical cannabis business;

3. The applicant failed to provide the information required herein;

4. The applicant provided false, inaccurate, or otherwise misleading information;

5. The applicant, his or her agent or employee, or any person who is exercising managerial authority on behalf of the applicant has been convicted of a felony or misdemeanor involving

dishonesty, fraud, deceit, or moral turpitude with intent to substantially benefit himself or herself, or another, or substantially injure another and the Police Chief concludes that, by reason of such crime or act, the applicant would not work in or otherwise operate a dispensary in a law abiding manner or in a manner which does not subject members of the public to risk of harm or criminal, deceitful or otherwise illegal practices. A "conviction" within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere;

6. The applicant is under eighteen (18) years of age;

7. The medical cannabis dispensary does not comply with zoning ordinances, or local standards; or

8. The required application or renewal fees have not been paid. (Ord. 1598, 6-22-2004)

5-25-7: **REFERRAL OF APPLICATION TO COUNCIL:** Notwithstanding the provisions of this chapter, the Police Chief, in his or her discretion, may refer the application for a permit to the City Council. (Ord. 1598, 6-22-2004)

5-25-8: **APPEAL:** The Police Chief shall, within a reasonable period of time, cause a written notice of his or her decision to issue or deny a permit to be mailed to the applicant by certified U.S. mail, postage prepaid, return receipt requested. An applicant aggrieved by the Police Chief's decision may appeal such decision to the City Council by filing a written notice with the City Clerk within ten (10) working days of the Police Chief's written notice of decision. If appeal is not taken within such time, the Police Chief's decision shall be final. (Ord. 1598, 6-22-2004)

5-25-9: **HEARING; SCHEDULING:** Upon referral or appeal to the City Council, the permit application shall be scheduled by the City Clerk for a public hearing within forty-five (45) days. (Ord. 1598, 6-22-2004)

5-25-10: **HEARING; NOTICE:**

- (A) Notice of hearing shall be given by the posting of notice on the premises where the activity is to be conducted for a period of not less than ten (10) days prior to the date of the hearing. In addition, a copy of the notice of hearing shall be mailed to the applicant at least ten (10) days in advance of the hearing.
- (B) The Council may give such additional notice of hearing, as it deems appropriate in a particular case. (Ord. 1598, 6-22-2004)

5-25-11: **HEARING; NOTICE:**

- (A) Notice of hearing shall be given by the posting of notice on the premises where the activity is to be conducted for a period of not less than ten (10) days prior to the date of the hearing. In addition, a copy of the notice of hearing shall be mailed to the applicant at least ten (10) days in advance of the hearing.
- (B) The Council may give such additional notice of hearing, as it deems appropriate in a particular case. (Ord. 1598, 6-22-2004)

5-25-12: **REGISTRATION OF NEW EMPLOYEES:**

- (A) As a further condition of approval every owner or operator shall register every employee with the police department within five (5) business days of the commencement of the

employee's period of employment at the medical cannabis dispensary. Failure to comply with this section shall be grounds for suspension or revocation of the permit.

(B) Each employee shall be required to provide two (2) recent color passport quality photographs and, at the discretion of the Police Chief, shall be fingerprinted by the police department for purposes of identification. In addition each new employee shall provide the following information on a form provided by the police department:

1. Name, current residence address, and telephone number;
2. Date of birth; and
3. Height, weight, color of eyes and hair.

(C) This information will be considered confidential and will not be released unless pursuant to subpoena issued by a court of competent jurisdiction.

(D) Every owner or operator shall maintain a current register of the name of all employees currently employed and shall disclose such information for inspection to any police officer for the purpose of determining compliance with this section. (Ord. 1598, 6-22-2004)

5-25-13: **OPERATING REQUIREMENTS/RESTRICTIONS:** A medical cannabis dispensary, once permitted by the Police Chief, shall meet the following operating standards for the duration of the use:

- (A) A medical cannabis dispensary may possess no more than eight (8) ounces of dried cannabis per qualified patient or caregiver, and maintain no more than six (6) mature or twelve (12) immature cannabis plants per qualified patient. However, if a qualified patient or primary caregiver has a doctor's recommendation that this quantity does not meet the qualified patient's medical needs, the dispensary may possess an amount of cannabis consistent with the patient's needs and applicable law.
- (B) No cannabis shall be smoked, ingested or otherwise consumed on the premises of the dispensary. The term "premises" includes any structure on the premises, parking areas or any other part of the property upon which the dispensary is situated, or any property immediately adjacent thereto.
- (C) The building entrance shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the premises unless they are a qualified patient or a primary caregiver and are in the presence of a parent or guardian.
- (D) It shall be unlawful for the permittee, operator, or other persons in charge of any medical cannabis dispensary to employ any person who is not at least eighteen (18) years of age.
- (E) No dispensary shall hold or maintain a license from the state department of alcohol beverage control to sell or furnish alcoholic beverages, or operate a business that sells or furnishes alcoholic beverages.
- (F) No cannabis may be cultivated on the premises, as the term "premises" is used in Subsection (B) of this section.
- (G) No dispensary shall conduct or engage in the commercial sale of any product, goods or service. The term "commercial sale" does not include the provision of medical cannabis on terms and conditions consistent with this code and applicable law.

- (H) A medical cannabis dispensary shall maintain 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, as a protection of the confidentiality of the cardholder, or a copy of the written medical recommendation pursuant to Senate Bill 420.
- (I) Each dispensary shall allow the Police Chief, or his designee, to have access to the dispensary's books, records, accounts, and any and all data relevant to its permitted activities for the purpose of conducting an audit or examination to determine compliance with this City Code and applicable law. Books, records, accounts, and any and all relevant data will be produced no later than twenty four (24) hours after receipt of the Police Chief's written request(s).
- (J) The dispensary shall provide adequate security on the premises, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft.
- (K) The dispensary shall meet any specific, additional operating procedures and measures as may be imposed as conditions of approval by the Police Chief to ensure that the operation of the dispensary is consistent with protection of the health, safety and welfare of the community, qualified patients and primary caregivers, and will not adversely affect surrounding uses.
- (L) The building in which the dispensary is located shall comply with all applicable local, state and federal rules, regulations, and laws including, but not limited to, building codes and the Americans with disabilities act.
- (M) A dispensary that provides cannabis in the form of food or other comestibles shall obtain and maintain the appropriate license(s) from the health department for providing food or other comestibles.
- (N) A dispensary may receive compensation for actual expenses, including reasonable compensation incurred for services provided, or for payment for out of pocket expenses incurred in providing those services. However, any such dispensary must pay applicable sales tax on such services and obtain and maintain the applicable seller's or similar permit from the Franchise Tax Board or other regulatory agency.
- (O) The medical cannabis dispensary shall be open for business only between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M. on any particular day.
- (P) A medical cannabis dispensary shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code Section 11362.5 and all other local or state law, statute, rule or regulation respecting the medical cannabis business. (Ord. 1598, 6-22-2004)
- (Q) The permittee shall assume all legal liabilities and responsibilities pursuant to operation of the dispensary.
- (R) Permittee shall not sell medical cannabis for profit.

5-25-14: **DISPLAY OF PERMIT:** Every medical cannabis dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such medical cannabis dispensary in a conspicuous place so that the same may be readily seen by all persons entering the business. (Ord. 1598, 6-22-2004)

5-25-15: **TRANSFER OF PERMIT:**

- (A) A permittee shall not operate a medical cannabis dispensary under the authority of a permit at any other place other than the address of the medical cannabis dispensary stated in the application for the permit.
- (B) The ownership or control of a medical cannabis dispensary permit shall not be transferable to another person.
- (C) Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void, and the permit shall be deemed revoked. (Ord. 1598, 6-22-2004)

5-25-16: **FEES:** The City Council may, by resolution, impose such reasonable fees on both the application for, and the issuance of a permit for a dispensary to recoup the City's cost in administering and implementing the provisions relating thereto. (Ord. 1598, 6-22-2004)

5-25-17: **VIOLATIONS: Violations of the terms and conditions of the dispensary's permit, of this code, or of applicable local, state, and federal rules, regulations, and laws shall be grounds for suspension or revocation of the permit or for nonrenewal. Failure to conduct the permitted business in a manner conducive to the peace, health or safety of the public or failure to take reasonable measures to control the establishment's patrons' conduct resulting in disturbances, vandalism, or crowd problems inside or outside the business or creation of a public or private nuisance or obstruction of the business operations of another business shall also be grounds for suspension or revocation of the permit. (Ord. 1598, 6-22-2004)**

5-25-18: **SUSPENSION AND REVOCATION; NOTICE:**

- (A) Any permit issued under the terms of this chapter may be suspended or revoked by the Police Chief when it shall appear to him or her that the permittee has committed any one or more of the acts or omissions constituting the grounds for suspension or revocation under this chapter.
- (B) No permit shall be revoked or suspended by virtue of this section until the permittee has had an opportunity for a hearing with the Police Chief. Written notice of the time and place of such hearing shall be served upon the person to whom the permit was granted at least five (5) days prior to the date set for such hearing. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery to the person to be notified, or by depositing it in the U.S. mail in a sealed envelope, postage prepaid, addressed to the person to be notified at his address as it appears in his application for a permit. (Ord. 1598, 6-22-2004)

5-25-19: **SUSPENSION AND REVOCATION; APPEAL:** Any permittee aggrieved by the decision of the Police Chief in suspending or revoking a permit may, within ten (10) calendar days, appeal to the City Council by filing a written notice with the City Clerk. During the pendency of the appeal to the Council, the permit shall remain in effect. If an appeal is not filed within ten (10) days, the decision of the Police Chief shall be final. If an appeal is filed in a timely manner, the Council shall, within forty five (45) days of the appeal's filing hold an appeal hearing. The Council may suspend or revoke the permit if it finds reasonable grounds for such action. The Council's decision shall be final. (Ord. 1598, 6-22-2004)

5-25-20: **SUSPENSION OR REVOCATION WITHOUT HEARING:** If any person holding a permit or acting under the authority of such permit under this chapter is convicted of a public offense in any court for the violation of any law which relates to his or her permit, the Police Chief may revoke said

permit forthwith without any further action thereof, other than giving notice of revocation to the permittee. (Ord. 1598, 6-22-2004)

5-25-21: **EFFECT OF DENIAL:** When the Police Chief shall have denied or revoked any permit and the time for appeal to the Council has expired, or if after appeal to the Council, the decision of the Police Chief has been affirmed by the Council, no new application for a permit shall be accepted from the applicant and no such permit shall be issued to such person or to any corporation in which he shall have any beneficial interest for a period of one year after the action denying or revoking the permit. (Ord. 1598, 6-22-2004)

5-25-22: **SEPARATE OFFENSES FOR EACH DAY:** Any person who violates any provisions of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits or causes a violation thereof, and shall be penalized accordingly. (Ord. 1598, 6-22-2004)

5-25-23: **CRIMINAL PENALTIES:** Any person who violates, causes, or permits another person to violate any provisions of this chapter commits a misdemeanor. (Ord. 1598, 6-22-2004)

5-25-24: **CIVIL INJUNCTIONS:** The violation of any provisions of this chapter shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief. (Ord. 1598, 6-22-2004)

5-25-25: **ADMINISTRATIVE REMEDIES:** In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this chapter may be subject to administrative remedies, as set forth by City Code and state law. (Ord. 1598, 6-22-2004)

Section 2 :Title 10, Chapter 5, Section 15(B) shall be amended to read as follows:

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Club or association.

Domestic violence shelter.

Hospital, sanitarium, dispensary, clinic, mortuary.

Medical cannabis dispensary.

Motel and hotel.

One- or multi-family dwellings when above and/or below the ground floor.

One sign not to exceed the allowable size established by Section 10-4-17 of this title.

Place of worship and accessory social activities.

Professional or business office, bank, studio, place of entertainment and new and used retail sales when fully enclosed in a building, eating or drinking establishments, retail service, exclusive of fast food restaurants and automobile sales or service.

Public utility structure, fire station.

Reverse vending machines.

School, park, playground, golf course, cemetery.

(Ord. 1474, 1-8-1991; amd. Ord. 1585, 5-14-2002; Ord. 1598, 6-22-2004)

Section 3 : [Title 10, Chapter 5, Section 18\(B\)](#) shall be amended to read as follows:

(B) Permitted Uses: The following uses and their accessory uses are permitted outright:

Animal clinic or shelter.

Bulk storage, wholesale, packing, truck, bus, taxi or rail terminal.

Gas station, new and used automobile sales and services.

Manufacturing, processing, services or research, provided that no odor, gas, fumes, dust, smoke, noise, vibrations, glare, heat, electrical interference, radioactive or waste material is produced or emitted beyond the confines of the property onto contiguous properties or into the air or watercourses, to an extent constituting a nuisance, and provided it does not constitute a physical hazard to persons or properties beyond the confines of the property by reason of fire, explosion or similar cause.

Medical cannabis dispensary.

Office or retail sale.

One dwelling or one mobile home for caretaker, watchman or person primarily employed on the property and his/her immediate family.

One sign not to exceed the allowable size established by Section 10-4-17 of this title.

Public utility structure, fire station.

Reconstruction of single-family dwellings provided that the other regulations of this title are met.

Trade school.

(Ord. 1487, 1-14-1992; amd. Ord. 1585, 5-14-2002; Ord. 1598, 6-22-2004)

Section 4 : [Title 10, Chapter 10](#), shall be amended in its entirety to read as follows:

CHAPTER 10

MEDICAL CANNABIS DISPENSARY BUSINESSES REGULATED

10-10-1: **PURPOSE:** The purpose of this chapter is to establish requirements and standards for the location and operation of medical cannabis dispensaries, as defined in Section 5-25-3 of this code. (Ord. 1598, 6-22-2004)

10-10-2: **MANDATORY LOCATION STANDARDS:**

- (A) A medical cannabis dispensary business shall be prohibited in all zone district classifications within the city, except C commercial and HC heavy commercial, as provided in this section.
- (B) In those land use districts where a medical cannabis dispensary business regulated by this chapter would otherwise be a permitted use, it shall be unlawful to establish any such medical cannabis dispensary business if the location is:

1. within one thousand feet (1,000') of another medical cannabis dispensary business;
2. within five hundred feet (500') of any church;
3. within one thousand feet (1,000') of any public or private school, public park, or public library; or
4. Adjacent to real property zoned for residential use.

(C) The footage distances set forth in Subsection (B) of this section shall be measured from the lot lines or zone boundaries, whichever is longer, and shall be measured in a straight line, without regard to any intervening structures or objects. (Ord. 1598, 6-22-2004)

(D) The number of dispensaries permitted and operating shall not exceed two (2) within the City limits.

10-10-3: **ACCESSORY USE:** A medical cannabis dispensary business is not and may not be approved as an accessory use to any other use permitted by this title. (Ord. 1598, 6-22-2004)

The above Ordinance was introduced at a regular meeting of the City Council of the City of Placerville held on May 9, 2006, by Councilmember Colvin, and it was read for the first time. The Ordinance was read for the second time on May 23, 2006 and Councilmember Acuna moved its adoption. The motion was seconded by Councilmember Colvin. A poll vote was taken, which stood as follows:

AYES: Acuna, Colvin, Hagen, Rivas, Washburn

NOES: None

ABSENT: None

ABSTAIN: None

Pierre Rivas

Pierre Rivas, Mayor

ATTEST:

Susan Zito

Susan Zito, City Clerk