

ORDINANCE NO. 705

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON
ADDING CHAPTERS 9.10 AND 16.111 AND
AMENDING SECTION 16.12.060, TABLE 16.20.1 AND TABLE 16.144.3
OF THE RIPON MUNICIPAL CODE
RELATING TO MEDICAL MARIJUANA DISPENSARIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIPON AS
FOLLOWS:

SECTION 1. AMENDMENT OF CODE

Title 9 of the Ripon Municipal Code is hereby amended by adding Chapter 9.10 to read in full as follows:

CHAPTER 9.10
MEDICAL MARIJUANA DISPENSARIES

Sections:

- 9.10.010 Findings.
- 9.10.020 Purpose and Intent.
- 9.10.030 Definitions.
- 9.10.040 Permit Required.
- 9.10.050 Applications.
- 9.10.060 Terms of Permits and Renewals.
- 9.10.070 Fees.
- 9.10.080 Investigation and Action on Application.
- 9.10.090 Referral of Application to City Council.
- 9.10.100 Grounds for Denial of Permit.
- 9.10.110 Notice of Decision Regarding Permit.
- 9.10.120 Appeal of Decision Regarding Permit.
- 9.10.130 Suspension or Revocation-Procedure.
- 9.10.140 Suspension or Revocation-Grounds.
- 9.10.150 Suspension or Revocation-Appeals.
- 9.10.160 Suspension or Revocation Without Hearing.
- 9.10.170 Effect of Denial or Revocation.
- 9.10.180 Registration of Employees.
- 9.10.190 Operating Requirements.
- 9.10.200 Minors.
- 9.10.210 Display of Permit.
- 9.10.220 Transfer of Permit.
- 9.10.230 Separate Offense for Each Day.
- 9.10.240 Public Nuisance

- 9.10.250 Criminal Penalties
- 9.10.260 Civil Injunction.
- 9.10.270 Administrative remedies.
- 9.10.280 Severability.
- 9.10.290 Time Limit for Filing Application for Permit.
- 9.10.300 Judicial Review.

9.10.010 Findings.

The City Council adopts this Chapter based upon the following findings:

- A. The voters of the State of California approved proposition 215 (codified as California Health and Safety Code §11362.5 et seq. and entitled “The Compassionate Use Act of 1996”).
- B. The intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to be able to obtain and use it without fear of criminal prosecution under limited, specified circumstances.
- C. The State enacted SB 420 in 2004 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 consistent with SB 420.
- D. To protect the public health, safety and welfare, it is the desire of the City Council to modify the Ripon Municipal Code consistent with SB 420, regarding the location and operation of Medical Marijuana Dispensaries.
- E. It is the City Council’s intention that nothing in this ordinance shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. §800 et seq., nor to otherwise permit any activity that is prohibited under that Act or any other local, state or federal law, statute, rule or regulation.
- F. It is the City Council’s intention that nothing in this ordinance shall be construed to (1) allow persons to engage in conduct that endangers others or causes a public nuisance, (2) allow the use of marijuana for non-medical purposes, or (3) allow any activity relating to the cultivation, distribution or consumption of marijuana that is otherwise illegal.
- G. Pursuant to California Health and Safety Code §11362.71 et seq., the State Department of Health is responsible for establishing and maintaining a voluntary identification card program.
- H. California Health and Safety Code §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 matter set forth in §11362.71 et seq.
- I. This ordinance is hereby found to be categorically exempt from environmental review pursuant to CEQA Guidelines §15061(b)(3).

9.10.020 Purpose and Intent.

It is the purpose and intent of this Chapter to regulate Medical Marijuana Dispensaries in order to promote the health, safety, morals and general welfare of the residents and businesses within the City. It is neither the intent nor effect of this Chapter to condone or legitimize the use of marijuana.

9.10.030 Definitions.

- A. Whenever the word “applicant” is used in this Chapter, it shall mean a person who is required to file an application for a permit under this Chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a Medical Marijuana Dispensary.
- B. Whenever the word “church” is used in this Chapter, it shall mean a structure or leased portion of a structure which is used primarily for religious worship and related “religious assembly” as defined in Ripon Municipal Code Section 16.12.050.
- C. Whenever the word “City” is used in this Chapter, it shall mean “the City of Ripon.
- D. Whenever the words “drug paraphernalia” are used in this Chapter, they shall have the same definition as set forth in Ripon Municipal Code Section 9.08.010, and as may be amended.
- E. Whenever the words “identification card” are used in this Chapter, they shall have the same definition as set forth in California Health and Safety Code §11362.7, and as may be amended.
- F. Whenever the words “Medical Marijuana Dispensary” or “Dispensary” are used in this Chapter, they shall mean any facility or location where medical marijuana is made available to and/or distributed by or to two (2) or more of the following: a primary caregiver, a qualified patient or a person with an identification card, in strict accordance with California Health and Safety Code §11362.5 et seq. A “medical marijuana dispensary” shall not include the following 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 California Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the California 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 California Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, California Health and Safety Code §11362.5 et seq.

- G. Whenever the word “permittee” is used in this Chapter, it shall mean the person to whom a Medical Marijuana Dispensary permit is issued.
- H. Whenever the word “person” is used in this Chapter, it shall mean any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.
- I. Whenever the words “person with an identification card” are used in this Chapter, they shall have the same definition as set forth in California Health and Safety Code §11362.7, and as may be amended.
- J. Whenever the words “Police Chief” are used in this Chapter, they shall mean the Police Chief of the City of Ripon or the authorized representatives thereof.
- K. Whenever the word “premises” is used in this Chapter, it shall mean the actual building that houses the Medical Marijuana Dispensary, as well as any accessory structures, parking areas or other immediate surroundings.
- L. Whenever the words “primary caregiver” are used in this Chapter, they shall have the same definition as set forth in California Health and Safety Code §11362.7, and as may be amended.
- M. Whenever the words “qualified patient” are used in this Chapter, they shall have the same definition as set forth in California Health and Safety Code §11362.7, and as may be amended.
- N. Whenever the word “school” is used in this Chapter, it shall mean an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any child or day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college college, or university.

9.10.040 Permit Required.

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City, the operation of a Medical Marijuana Dispensary unless the person first obtains and continues to maintain in full force and effect a Medical Marijuana Dispensary permit from the City as herein required. A Medical Marijuana Dispensary shall also be required to apply for and maintain a general business license from the City as a prerequisite to obtaining a permit pursuant to the terms hereof.

9.10.050 Applications.

- A. All applications for permits shall be filed with the Police Chief. The application shall be made under penalty of perjury.

- B. Any application for a permit shall include the following information:
1. The full name, present address and telephone number of the applicant;
 2. The address to which notice of action on the application is to be mailed;
 3. Previous addresses for the past five (5) 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 sex height, weight, color of eyes and hair;
 6. Two (2) recent color passport-quality photographs for identification purposes (photographs may also be taken by the Police Department, at its election);
 7. All business, occupation or employment of the applicant for the five years immediately preceding the date of the application;
 8. The Medical Marijuana Dispensary business license history of the applicant, including, but not limited to, whether such person, in previously operating in this or another city, county or state under a license has had such license revoked or suspended, the reason therefore, and the business, activity or occupation subsequent to said suspension or revocation;
 9. The name(s) of the person(s) having management or supervision positions of the applicant's current business;
 10. Whether the person(s) having management or supervision positions of the applicant's current business have been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefore;
 11. The names of all employees, independent contractors and other persons who will work at the Medical Marijuana Dispensary;
 12. The proposed security arrangements for insuring the safety of persons and the protection of the premises from theft;
 13. A sketch or diagram showing the interior configuration of the premises, including, but not limited to, a statement of the total floor area occupied by the Medical Marijuana Dispensary. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches;
 14. 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 Marijuana Dispensary, and: (1) the property line of any other Medical Marijuana Dispensary within five hundred (500) feet of the

primary entrance of the Medical Marijuana Dispensary for which a permit is requested; and (2) the property lines of any church, school, park, or residential zone or use within five hundred (500) feet of the primary entrance of the Medical Marijuana Dispensary;

15. Such other identification and information as deemed necessary by the Police Chief;
 16. Authorization for the City, its agents and employees, to seek verification of the information contained within the application;
 17. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.
- C. If the applicant has completed the application improperly, or if the application is incomplete, the Police Chief shall, within ten (10) days of receipt of the original application, notify the applicant of such fact and, on request of the applicant, grant the applicant an extension of time of ten (10) days or more to submit a complete application. In addition, the applicant may request an extension, not to exceed ten (10) days, of the time for the Police Chief to act on the application. 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.
- D. 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 Marijuana Dispensary permit.

9.10.060 Term of Permit and Renewals.

Annual permits issued under this Chapter shall expire one (1) year following their issuance. Annual permits may be renewed by the Police Chief for additional one (1) year periods upon application by the permittee, unless the permit is suspended or revoked in accordance with Section 9.10.130. Applications for renewal shall be made at least forty-five (45) days before the expiration date of the permit and shall be accompanied by the nonrefundable fee referenced in Section 9.10.070. When made less than forty-five (45) days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on as provided herein for action upon applications for permits.

9.10.070 Fees

Every application for a permit or renewal shall be accompanied by a nonrefundable fee, as established by resolution adopted by the City Council from time to time. This application or renewal fee shall not include the cost of fingerprinting, photographing and conducting a background check and shall be in addition to any other business license fee or permit fee imposed by this Code or other governmental agencies. The fees for fingerprinting, photographing and conducting a background check will be as established

by resolution adopted by the City Council from time to time. The initial fees associated with a Medical Marijuana Dispensary are as follows:

- A. Application Fee - \$250.00
- B. Background Check Fee - \$67.00 per person
- C. Annual Permit Renewal Fee - \$250.00
- D. Transfer Fee - \$250.00

9.10.080 Investigation and Action on Application.

Upon receipt of an application for a Medical Marijuana Dispensary permit and payment of all required fees, the Police Chief shall conduct a background check of the applicant and all employees, and conduct an investigation of the application. After the background checks and investigation are complete, and in no case later than forty-five (45) days after receipt of a completed application, the Police Chief shall either grant or deny the application in accordance with the provisions of this Chapter.

9.10.090 Referral of Application to City 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 for a determination thereon.

9.10.100 Grounds for Denial of Permit.

Issuance of a permit may be denied for one (1) or more of the following reasons:

- A. The business or conduct of the business at a particular location is prohibited by any local, state or federal law, statute, rule or regulation.
- B. The applicant has violated any local, state or federal law, statute, rule or regulation respecting the medical marijuana business.
- C. The applicant has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.
- D. The applicant, his or her agent or employees or any person who is acting on behalf of the applicant has been convicted of a felony, or of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a permittee. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
- E. The applicant has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
- F. Commission of any act by the applicant, his or her agent or employees or any person who is acting on behalf of the applicant, which, if done by a permittee, would be grounds for suspension or revocation of a permit.

- G. An applicant is under eighteen (18) years of age.
- H. The Medical Marijuana Dispensary does not comply with the zoning ordinance standards for location, as stated in Chapter 16.20 of the Ripon Municipal Code.
- I. The required application or background check fees have not been paid.

9.10.110 Notice of Decision Regarding Permit.

The Police Chief shall 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.

9.10.120 Appeal of Decision Regarding Permit.

- A. An applicant may appeal the Police Chief's decision to deny a permit to the City Council by filing a written notice with the City Clerk within ten (10) working days of the applicant's receipt of the notice of decision. If an appeal is not taken within such time, the Police Chief's decision shall be final.
- B. Upon referral by the Police Chief as described in Section 9.10.090 or appeal by an applicant to the City Council, the permit application shall be scheduled by the City Clerk for a public hearing within forty-five (45) days.
- C. Notice of the public 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 five (5) 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 five (5) days in advance of the hearing. The City Council may give such additional notice of the public hearing as it deems appropriate in a particular case.
- D. Following the public hearing, the City Council may grant the permit subject to such conditions as it deems reasonable under the circumstances, or it may deny the issuance of the permit if it finds any of the grounds specified in Section 9.10.100. The decision of the City Council shall be final.

9.10.130 Suspension or Revocation—Procedure.

- A. Any permit issued under this Chapter may be suspended or revoked by the Police Chief when it appears to him or her that the permittee has committed any one (1) or more of the acts or omissions constituting the grounds for suspension, revocation or denial of a permit under this Chapter.
- B. No permit shall be revoked or suspended by virtue of this Section until a hearing has been held by 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.

9.10.140 Suspension or Revocation—Grounds.

Any permit issued under this Chapter may be suspended or revoked if any permittee or person, agent or employee acting on behalf of the permittee with regard to the permit:

- A. Does any act which constitutes grounds for denial of a permit for the Medical Marijuana Dispensary as identified in Section 9.10.100; or
- B. Violates any provision of this Chapter or any local, state or federal law, statute, rule or regulation relating to the permitted activity; or
- C. Engages in or permits misconduct that is substantially related to the qualifications, functions or duties of the permittee; or
- D. Conducts the permitted business in a manner that in any way endangers the peace, health or safety of the public, or
- E. Fails to take reasonable measures to control the Medical Marijuana Dispensary's patrons' conduct resulting in disturbances, vandalism or crowd control problems occurring inside of or outside the premises, traffic control problems or creation of a public or private nuisance, or obstruction of the business operation of another business; or
- F. Violates or fails to comply with the terms and conditions of the permit.

9.10.150 Suspension or Revocation—Appeal.

Any permittee whose permit has been suspended or revoked by the Police Chief 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 City Council, the permit shall remain in effect. If such appeal is not taken within ten (10) days, the decision of the Police Chief shall be final. If an appeal is filed in a timely manner, the City Council shall, after giving notice of the hearing as specified in Section 9.10.120(C), hold a public hearing on the appeal, and may suspend or revoke the permit if it finds any of the grounds specified in Section 9.10.140. The City Council's decision shall be final.

9.10.160 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, other than giving written notice of revocation to the permittee.

9.10.170 Effect of Denial or Revocation of Permit.

When the Police Chief has denied or revoked any permit provided for in this Chapter and the time for appeal to the City Council has elapsed, or, if after appeal to the City Council,

the decision of the Police Chief has been affirmed by the City Council, no new application for a permit shall be accepted from the applicant, and no such permit shall be issued, to the applicant or to any person in which the applicant has any beneficial interest for a period of one (1) year after the action of denying or revoking the permit.

9.10.180 Registration of Employees.

- A. As a condition of approval of every Medical Marijuana Dispensary permit or renewal issued pursuant to this Chapter, the owner or operator of the Dispensary shall register every employee with the City Police Department within five (5) business days of the commencement of employment at the Medical Marijuana Dispensary.
- B. Each employee shall be required to provide two (2) recent color passport-quality photographs and, at the discretion of the Police Chief, shall allow himself or herself to be fingerprinted and/or photographed by the City Police Department for purposes of identification. In addition, each employee shall provide the following information on a form provided by the City Police Department:
 - 1. Name, current resident address, and telephone number.
 - 2. Date of birth.
 - 3. Sex, height, weight, color of eyes and hair color.
- C. The information provided for purposes of this Section shall be maintained by the City Police Department as confidential information, and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction.
- D. Each owner or operator of a Medical Marijuana Dispensary shall maintain a current register of the names of all employees currently employed by the Medical Marijuana Dispensary, and shall disclose such registration for inspection by any City Police Officer for purposes of determining compliance with the requirements of this Section.
- E. Failure to register each employee within five (5) days of the commencement of employment, or to maintain a current register of the names of all employees, shall be deemed a violation of the conditions of the permit and may be considered grounds for suspension or revocation of the permit.

9.10.190 Operating Requirements.

- A. A Medical Marijuana Dispensary shall be open for business only between the hours of (8) a.m. and (5) p.m. on any particular day.
- B. A current register of the names of all employees currently employed by the Medical Marijuana Dispensary shall be available at the Dispensary at all times.

- C. A Medical Marijuana Dispensary shall maintain current 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 §11362.71 et seq., as a protection of the confidentiality of the cardholders, or a copy of the written recommendation from a physician stating the need for medical marijuana.
- D. The building entrance to a Medical Marijuana Dispensary shall be clearly and legibly posted with a notice indicating that person under the age of eighteen (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.
- E. A Medical Marijuana Dispensary may possess no more than eight (8) ounces of dried marijuana per qualified patient or primary caregiver, and maintain no more than six (6) mature or twelve (12) immature marijuana plants per qualified patient or primary caregiver. However, if a qualified patient or primary caregiver has a physician's recommendation that this quantity does not meet the qualified patient's medical needs, the Dispensary may possess an amount of marijuana consistent with the patient's needs as specified in writing by the physician.
- F. No marijuana may be smoked, ingested or otherwise consumed on the premises or in the vicinity of the Medical Marijuana Dispensary. Each building entrance to a Dispensary shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming marijuana on the premises or in the vicinity of the Dispensary is prohibited.
- G. No marijuana shall be grown or cultivated on the premises or in the vicinity of the Medical Marijuana Dispensary.
- H. No Medical Marijuana Dispensary shall hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed or used on the premises or in the vicinity of the Dispensary.
- I. No Medical Marijuana Dispensary shall conduct or engage in the commercial sale of any product, good or service. The term "commercial sale" does not include the providing of medical marijuana on terms and conditions consistent with this Chapter and applicable law.
- J. No Medical Marijuana Dispensary shall sell or display any drug paraphernalia or any object that may be used to administer medical marijuana.
- K. A Medical Marijuana Dispensary shall provide adequate security on the premises, including, but not limited to, lighting and alarms, to insure the safety of persons and to protect the premises from theft.
- L. A Medical Marijuana Dispensary shall provide the Police Chief with the name, phone number and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated

with the Dispensary. The owner or operator of the Dispensary shall make every good faith effort to encourage residents to call this person to try to solve operating problems, if any, before any calls or complaints are made to the City Police Department or Department of Planning and Economic Development.

- M. A Medical Marijuana Dispensary shall provide litter removal services twice each day of operation on and in front of the premises and, if necessary, on public sidewalks within a hundred (100) feet of the premises.
- N. A Medical Marijuana Dispensary shall not cultivate, distribute or sell medical marijuana for a profit.
- O. A Medical Marijuana Dispensary shall meet all the operating criteria for the dispensing of medical marijuana as required by California Health and Safety Code §11362.5 et seq.

9.10.200 Minors.

- A. It shall be unlawful for any permittee, operator or other person employed by, or acting on behalf of, any Medical Marijuana Dispensary to employ any person who is not at least eighteen (18) years of age.
- B. Persons under the age of eighteen (18) shall not be allowed on the premises of a Medical Marijuana Dispensary unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or guardian.

9.10.210 Display of Permit.

Every Medical Marijuana Dispensary shall display, at all times, the permit issued pursuant to the provisions of this Chapter for such Medical Marijuana Dispensary in a conspicuous place so that the same may be readily seen by all persons entering the Medical Marijuana Dispensary.

9.10.220 Transfer of Permit.

- A. A permittee shall not operate a Medical Marijuana Dispensary under the authority of a Medical Marijuana Dispensary permit at any place other than the address of the Medical Marijuana Dispensary stated in the application for the permit.
- B. A permittee shall not transfer ownership or control of a Medical Marijuana Dispensary or transfer a Medical Marijuana Dispensary permit to another person unless and until the transferee obtains an amendment to the permit from the Police Chief stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Police Chief in accordance with Section 9.10.050 accompanies the application with a transfer fee in an amount set by resolution of the City Council, and the Police Chief determines in accordance with Section 9.10.080 that the transferee would be entitled to the issuance of an original permit.

- C. No permit may be transferred when the Police Chief has notified the permittee that the permit has been, or may be, suspended or revoked.
- D. 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 automatically revoked.

9.10.230 Separate Offense for Each Day.

Any person that violates any provision 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.

9.10.240 Public Nuisance.

Any use or condition caused, or permitted to exist, in violation of any of provision of this Chapter shall be, and hereby is, declared a public nuisance and may be summarily abated by the City pursuant to Section 731 of the California Code of Civil Procedure. (Ord. 293 § 7, 1980; Ord. 695 § 1, 2004)

9.10.250 Criminal Penalties.

Any person who violates, causes or permits another person to violate any provision of this Chapter commits a misdemeanor, and upon conviction thereof, shall be punished as provided in Chapter 1.08 of the Ripon Municipal Code. (Ord. 293 Section 9, (1980); Ord. 695 Section 1, 2004)

9.10.260 Civil Injunction.

The violation of any provision of this Chapter shall be, and hereby is, declared to be contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.

9.10.270 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 ordinance.

9.10.280 Severability.

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, word, sentence or paragraph of this Chapter, or the application thereof, to any person, establishment or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Chapter.

9.10.290 Time Limit for Filing Application for Permit.

All persons who possess a business license issued by the City for the operation of a Medical Marijuana Dispensary, must apply for and obtain a Medical Marijuana Dispensary permit within ninety (90) days of the effective date of this Chapter.

Continued operation of a Medical Marijuana Dispensary without a permit more than ninety (90) days after the effective date of this ordinance shall constitute a violation of this Chapter.

9.10.300 Judicial Review.

Judicial review of a decision made under this Chapter may be had by filing a petition for a writ of mandate with the San Joaquin County Superior Court in accordance with the provisions of the California Code of Civil Procedure §1094.5. Any such petition shall be filed within ninety (90) days after the day the decision becomes final as provided in California Code of Civil Procedure §1094.6, which shall be applicable for such actions.

SECTION 2. AMENDMENT OF CODE

Title 16 of the City of Ripon Municipal Code is hereby amended by adding Chapter 16.111 to read as follows:

**CHAPTER 16.111
MEDICAL MARIJUANA DISPENSARIES**

Section 16.111.010 – Purpose.

This Chapter establishes the requirements and standards for the location and operation of a Medical Marijuana Dispensary as defined in Section 9.10.030(F) and Section 16.12.060.

Section 16.111.020 – Development Standards.

- A. Permits Required. Medical Marijuana Dispensaries may only be operated with a permit issued pursuant to Chapter 9.10 of the Ripon Municipal Code and with a use permit.
- B. Distance Separation Requirements. Medical Marijuana Dispensaries may be located only in the C2, C3 and PO zones. A Medical Marijuana Dispensary shall not be located within 500 feet of any other Medical Marijuana Dispensary or any residential zone, church, school, or park. Distances shall be measured from the lot lines or zone boundaries whichever is larger.

Section 16.111.030 – Nonconforming Medical Marijuana Dispensaries.

- A. A Medical Marijuana Dispensary in lawful existence prior to the effective date of this Chapter may continue to operate as a nonconforming use, subject to the permit requirement outlined in Section 16.111.020.
- B. Closure or cessation of a nonconforming use for a period of six (6) consecutive months shall terminate its legal nonconforming status, and any person or entity

who intends to resume operations of the nonconforming use must first obtain a permit as required under this Chapter.

- C. Any alteration or expansion of the nonconforming use involving more than ten (10) percent of its gross floor area shall subject the nonconforming use to the requirements of this Chapter and Chapter 9.10 of the Ripon Municipal Code, and all required permits must be obtained prior to alteration or expansion.

SECTION 3. AMENDMENT OF CODE

Section 16.12.060 of Chapter 16.12 of Title 16 of the Ripon Municipal Code is hereby amended to add Medical Marijuana Dispensary to the list of office and commercial use types as follows:

16.12.060 Office and Commercial Use Types

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MAINTENANCE AND REPAIR SERVICES.

Establishments providing repair for appliances and office machines, and building maintenance services.

MEDICAL MARIJUANA DISPENSARY.

Any facility or location where medical marijuana is made available to and/or distributed by or to two (2) or more of the following: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code §11362.5 et seq. A “medical marijuana dispensary” shall not include the following 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, a 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 §11362.5 et seq.

NURSERY SALES AND SERVICE.

Facilities for the sale of plants, and related nursery items and services...

...

SECTION 4. AMENDMENT OF CODE

Table 16.20.1 of Chapter 16.20 of Title 16 of the Ripon Municipal Code is hereby amended to add Medical Marijuana Dispensary to the list of uses in office and commercial districts as follows:

| Table 16.20.1 USES IN OFFICE AND COMERCIAL DISTRICTS | | | | | | |
|---|-----|-----|-----|-------|----|-----|
| Uses... | C-1 | C-2 | C-3 | C-4 | PO | C-5 |
| ... Retail and Service Uses | | | | | | |
| ... Maintenance & Repair Services | -- | -- | U | S(PC) | -- | -- |
| Medical Marijuana Dispensary (Subject to Chapter 9.10 of RMC) | -- | U | U | -- | U | -- |
| Mini-warehouses | -- | U | -- | U | -- | -- |
| ... | | | | | | |

SECTION 5. AMENDMENT OF CODE

Section 16.144.3 of Chapter 16.144 of Title 16 of the City of Ripon Municipal Code is hereby amended to add Medical Marijuana Dispensary to the list of parking space requirements as follows:

| Table 16.144.3 PARKING SPACE REQUIREMENTS: COMMERCIAL | | | |
|--|-------------------------|---------|---------|
| Use | Required Spaces (Ratio) | Loading | Storage |
| ... Maintenance and Repair Services | 1 per 500 sq. feet | 1 | |
| Medical Marijuana Dispensary | 1 per 250 sq. feet | 1 | |
| Mini Warehouse | As specified by permit | | |
| ... | | | |

SECTION 6.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 7.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 8.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be effective without the invalid provision or application, and to this end the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

SECTION 9.

This ordinance shall become effective thirty days after its final passage and shall be published at least once within fifteen days prior to its effective date in the Ripon Record, the official newspaper of the City of Ripon.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Ripon held on the ____ day of _____, 2004, and by majority vote of the council members present, further reading was waived.

On a motion by Councilperson _____, seconded by Councilperson _____, the foregoing ordinance was duly passed and adopted by the City Council of the City of Ripon at a regular meeting thereof held on this ____ day of FEB., 2004, by the following vote,
TO WIT:

AYES:

NOES:

ABSENT:

ABSTAINING:

THE CITY OF RIPON,
A Municipal Corporation

By: _____
CHUCK WINN, Mayor

ATTEST:

LYNETTE VAN LAAR, City Clerk