

ORDINANCE NO. 1182

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING VARIOUS SECTIONS OF THE UKIAH CITY CODE REGULATING MEDICAL MARIJUANA DISPENSARIES.

The City Council of the City of Ukiah hereby ordains as follows:

SECTION 1

Chapter 8 in Division 6 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

§ 5701 INTERPRETATION AND APPLICABILITY.

(E) Nothing in this Chapter is intended, nor shall it be construed, to allow or permit any “commercial cannabis activity”, as defined in Business and Professions Code § 26001(k), or any commercial or non-commercial activity involving marijuana use for recreational or other non-medical purposes that is not otherwise authorized in the Ukiah City Code.

§ 5702 DEFINITIONS.

(D) “Delivery” shall have the same definition as set forth in California Business and Professions Code § 26001, and as it may be amended.

(H) “Medical Marijuana Dispensary” or “Dispensary” means a “Dispensary” as defined in California Business and Professions Code § 26001, as it now reads or may be amended in the future.

§ 5708 OPERATING REQUIREMENTS.

Dispensary operations shall be established and managed only in compliance with the following standards:

(A) Criminal History. Any applicant, his or her agent or employees, volunteer workers, or any person exercising managerial authority of a Dispensary on behalf of the applicant shall not have been convicted of any of the felony offenses enumerated in Business and Professions Code § 26057(b)(4), or of a felony or misdemeanor involving moral turpitude, or on probation for a drug offense, or engaged in misconduct related to the qualifications, functions or duties of a permittee. Notwithstanding the above, an application shall not be denied solely on the basis that the applicant or any Manager has been convicted of a felony, if the person convicted has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar federal statute or state law where the expungement was granted. In addition, notwithstanding the above, a prior conviction, where the sentence, including any term of probation, incarceration, or supervised release, is completed, for possession of, possession for sale, sale, manufacture, transportation, or cultivation of cannabis or cannabinoid preparations is not considered related to the qualifications, functions, or duties of a permittee, and shall not be the sole

ground for denial of an application.

D. ***

a. A currently valid physician's approval or recommendation in compliance with the criteria in California Health and Safety Code Division 10, Chapter 6, Article 2.5 and as it may be amended, and valid official identification, such as a Department of Motor Vehicles driver's license or State Identification Card; or

G. Retail Sales and Cultivation:

1. No cannabis shall be cultivated on the premises of the dispensary, except in compliance with this chapter and with sections 6093 and 9254 of this code and applicable state laws and regulations.

5. A dispensary shall meet all the operating criteria for the dispensing of medical marijuana as is required pursuant to applicable state laws and regulations.

H. Operating Plans:

7. Security Video Retention: Security video shall be maintained for ninety (90) days. In the event of a crime onsite or anywhere within range of the Dispensary's security cameras, the Dispensary shall provide the Chief of Police with a useable digital copy of the security video upon request or at the earliest convenience.

(U) Inspections. During normal business hours, Dispensaries permitted under this Chapter shall provide access for administrative inspections by City officials or officers or consultants hired by the City to verify compliance with this Chapter. Any Dispensary's refusal to comply with this Section shall be deemed a violation of this Chapter.

§ 5710 CRITERIA FOR REVIEW.

In addition to the findings required in City Code § 9262, the Planning Commission shall consider the following criteria in determining whether to grant or deny a Dispensary Use Permit, and the Zoning Administrator shall consider the following criteria in determining whether to grant or deny renewals of a Dispensary Use Permit:

(Q) That adequate parking will be provided at a rate of one space for every 200 gross square feet of retail space, office space, and similar floor areas, pursuant to City Code §9198(F)(1). However, if the Dispensary to be operated by the applicant does not dispense medical marijuana to patients on-site but services qualified patients through deliveries in compliance with City Code § 5717, then adequate parking will be provided at a rate of one space for every four hundred (400) square feet of gross leasable space, pursuant to City

Code § 9198(G)(3).

SECTION 2.

1. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Ukiah hereby declares it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

2. EFFECTIVE DATE.

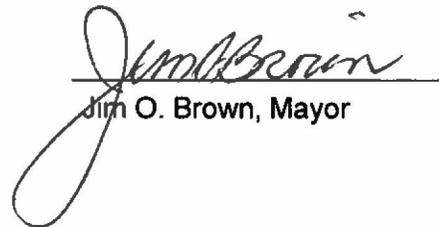
This Ordinance shall be published as required by law in a newspaper of general circulation in the City of Ukiah, and shall become effective thirty (30) days after its adoption.

Introduced by title only on October 18, 2017, by the following roll call vote:

AYES: Councilmembers Scalmanini, Crane, Mulheren, Doble, and Mayor Brown
NOES: None
ABSENT: None
ABSTAIN: None

Adopted on November 1, 2017, by the following roll call vote:

AYES: Councilmembers Scalmanini, Crane, Mulheren, Doble, and Mayor Brown
NOES: None
ABSENT: None
ABSTAIN: None



Jim O. Brown, Mayor

ATTEST:



Kristine Lawler, City Clerk