

ORDINANCE NO. 2012-013

Adopted by the Sacramento City Council

April 3, 2012

AN ORDINANCE AMENDING SECTIONS 5.150.040, 5.150.070, 5.150.110, AND 5.150.130 OF THE SACRAMENTO CITY CODE, RELATING TO MEDICAL MARIJUANA DISPENSARIES

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 5.150.040 of the Sacramento City Code is amended to read as follows:

A. Subsection D is amended to read as follows:

D. Notwithstanding the provisions of Section 5.150.030, a person may continue to operate a registered medical marijuana dispensary without a dispensary permit until February 7, 2011. If a phase one and/or phase two application for a dispensary permit is or has been properly filed and has not been denied, a person may continue to operate that dispensary without a dispensary permit until February 11, 2014, and while the application approval or denial is pending.

B. Except as amended in subsection A, above, Section 5.150.040 shall remain unchanged and in full force and effect.

SECTION 2.

Section 5.150.070 of the Sacramento City Code is amended to read as follows:

A. Subsection A is amended to read as follows:

A. If the city manager notifies the applicant that it may continue to phase two in the application process the applicant shall, no later than November 12, 2013, file a phase two application with the city manager's office, that includes the following:

1. A non-refundable dispensary permit program fee in the amount established by resolution of the city council. The dispensary permit program fee shall be in addition to any other fee imposed by this code.
2. Security Plan. A detailed security plan, prepared by a qualified professional, outlining the measures that will be taken to ensure the safety of persons and to protect the dispensary property from theft.
3. Floor Plan. A scaled floor plan for each level of the entire building showing the interior configuration of the dispensary building, including a statement of the total floor area occupied by the dispensary. The floor plan must include entrances, exits, restrooms, waiting area, office space, storage, and area for distributing marijuana to members. The floor plan must be professionally prepared by a licensed civil engineer or architect.
4. Site Plan. A scaled site plan of the parcel of real property on which the dispensary building is located, including the outline of all structures, driveways, parking and landscape areas, and boundaries of the parcel. The site plan must be professionally prepared by a licensed civil engineer or architect.
5. Accessibility Evaluation. A written evaluation of accessibility by the physically disabled to and within the building and identification of any planned accessibility improvements to comply with all state and federal disability access laws, including, but not limited to, Title 24 of the California Code of Regulations and the Americans with Disabilities Act. The evaluation must be professionally prepared by a licensed civil engineer or architect.
6. Neighborhood Context Map. An accurate straight-line drawing depicting the boundaries of the dispensary property, the boundaries of all other properties within 1000 feet of the dispensary property, and the uses of those properties, specifically including, but not limited to, any use identified in the location requirements of Title 17 of this code. The map must be professionally prepared by a licensed civil engineer or architect.
7. Lighting Plan. A lighting plan showing existing and proposed exterior and interior lighting levels that would be the minimum necessary to provide adequate security lighting for the use.
8. Zoning Code Compliance. A copy of a valid special permit approved by the city's zoning administrator or planning commission for the proposed dispensary location.

9. A copy of the dispensary's commercial general liability insurance policy and all other insurance policies related to the operation of the dispensary.
10. A copy of the dispensary's annual budget for operations.
11. A copy of the dispensary's most recent year's financial statement and tax return.
12. A list of the most recent prices for all products and services provided by the dispensary.
13. Applicant's Certification. A statement dated and signed by each management member, under penalty of perjury, that the management member has personal knowledge of the information contained in the phase one and phase two applications, that the information contained therein is true and correct, and that the applications have been completed under their supervision.
14. Other Information. Such other information as deemed necessary by the city manager to demonstrate compliance with this code.

B. Except as amended in subsection A, above, Section 5.150.070 shall remain unchanged and in full force and effect.

SECTION 3.

Section 5.150.110 of the Sacramento City Code is amended to read as follows:

A. Subsection A is amended to read as follows:

A. After the phase two application is complete, as specified in Section 5.150.070(B)(5), the city manager shall either grant or deny a dispensary permit on or before February 11, 2014.

B. Except as amended in subsection A, above, Section 5.150.110 shall remain unchanged and in full force and effect.

SECTION 4.

Section 5.150.130 of the Sacramento City Code is amended to read as follows:

A. Subsection N is amended to read as follows:

N. Indemnification. Every application filed or permit issued under this chapter shall contain a term or condition requiring the dispensary, through its management members, to execute an agreement in a form approved by the city attorney whereby the dispensary: (1) releases the city, and its agents, officers, elected

officials, and employees from any injuries, damages, or liabilities of any kind that result from (a) any repeal or amendment of this chapter and/or Title 17 (the zoning code) relating to medical marijuana dispensaries, or (b) any arrest or prosecution of the dispensary or its management members, employees, or members for violation of state or federal laws; and (2) defends, indemnifies and holds harmless the city and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by adjacent or nearby property owners or other third parties due to the operations at the dispensary, and for any claims brought by any of their clients for problems, injuries, damages, or liabilities of any kind that may arise out of the distribution of medical marijuana provided at the dispensary.

- B. Except as amended in subsection A, above, Section 5.150.130 shall remain unchanged and in full force and effect.

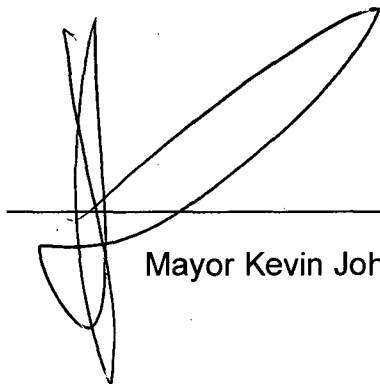
Adopted by the City of Sacramento City Council on April 3, 2012 by the following vote:

Ayes: Councilmembers Ashby, Cohn, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: Councilmember D Fong.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

Passed for Publication: March 27, 2012

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