

**AN ORDINANCE ADDING CHAPTER 6.108 TO TITLE 6  
OF THE ORDINANCE CODE OF THE COUNTY OF ALAMEDA  
RELATING TO MEDICAL MARIJUANA DISPENSARIES**

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**ORDINANCE NO. O-2005-25****AN ORDINANCE ADDING CHAPTER 6.108 TO TITLE 6  
OF THE ORDINANCE CODE OF THE COUNTY OF ALAMEDA  
RELATING TO MEDICAL MARIJUANA DISPENSARIES<sup>1</sup>**

The Board of Supervisors of the County of Alameda ordains as follows:

**SECTION I  
Findings**

The Board of Supervisors hereby amends the Ordinance Code for the County of Alameda based upon the following findings:

- A. The voters of the State of California approved Proposition 215 (codified as Sections 11362.5, *et. seq.*, of the California Health and Safety Code 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 obtain it without fear of criminal prosecution under specific, limited circumstances.
- C. The State enacted Senate Bill 420 in 2003 (codified as Sections 11362.7 *et seq.* of the Health and Safety Code) to clarify the scope of the Compassionate Use Act of 1996 and to allow local governments to adopt and enforce rules and regulations consistent with State law.
- D. It is the desire of the Board of Supervisors to implement Senate Bill 420 by amending the General Ordinance Code in order to protect the public health, safety and general welfare.
- E. It is the Board of Supervisors' intention that nothing in this ordinance shall be construed to allow the consumption, cultivation or distribution of marijuana for any purpose that is not allowed by State law.

**SECTION II  
Amendment of Ordinance Code**

Chapter 6.108 is added to Title 6 of the Ordinance Code of the County of Alameda to read as follows:

**6.108.010 Purpose and Intent**

The purpose and intent of this Chapter is to implement State law by providing a means of establishing and regulating the operation of medical marijuana dispensaries in a manner that is consistent with State law and which promotes the health, safety and

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general welfare of the residents and businesses within the unincorporated portions of the County.

#### **6.108.020 Definitions**

The following words and phrases shall have the following meanings when used in this Chapter:

- A. "Applicant" means a person who shall seek a permit under this Chapter by filing an application as provided for in this Chapter. "Application" means that form provided by the Sheriff in accordance with this Chapter for the purpose of seeking a permit.
- B. "County" means the County of Alameda. "State" means the State of California.
- C. "Eligible application" means an application that complies with the requirements of the initial review and is submitted for final selection, as provided for in Section 6.108.110.
- D. "Identification card" has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.
- E. "Medical marijuana dispensary" or "dispensary" means any facility where medical marijuana is made available and/or distributed under the authority and regulations of this Chapter; provided, however, that the following facilities are exempt from the requirement of a permit.
1. A clinic that is licensed under Chapter 1 of Division 2 of the California Health and Safety Code.
  2. A health care facility that is licensed under Chapter 2 of Division 2 of the California Health and Safety Code.
  3. A residential care facility for persons with chronic life-threatening illness that is licensed under Chapter 3.01 of Division 2 of the California Health and Safety Code.
  4. A residential care facility for the elderly that is licensed under Chapter 3.2 of Division 2 of the California Health and Safety Code.
  5. A residential hospice or a home health agency that is licensed under Chapter 8 of Division 2 of the California Health and Safety Code.
- F. "Permit" means a permit issued by the County for operation of a medical marijuana dispensary under this Chapter. "Permittee" means a person who holds an effective and current permit under this Chapter.
- G. "Person" means any human being or an incorporated or unincorporated business entity or association established under the laws of the State.

H. "Person with an identification card" has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended. Until such time as the State implements a program for issuance of identification cards under Section 11362.7 of the California Health and Safety Code throughout California, any identification card issued under the authority of the State or a local agency in California shall be deemed to comply with this Section.

I. "Premises" means the building in which a medical marijuana dispensary is operated and, in addition, any accessory structures and appurtenant areas.

J. "Sheriff" means the Sheriff of the County of Alameda and his or her authorized representatives.

K. "Primary caregiver" has the same definition as in Section 11362.5 of the California Health and Safety Code, as it may be amended.

L. "Qualified patient" has the same definition as in Section 11362.5 of the California Health and Safety Code, as it may be amended.

M. "School" means an institution of learning for minors, whether public or private, that offers a regular course of instruction and any child or day care facility.

#### **6.108.030 Permit Required**

A. It shall be unlawful for any person to conduct, engage in or allow to be conducted or engaged in the operation of a medical marijuana dispensary in the unincorporated portion of Alameda County, unless such medical marijuana dispensary is authorized by a legally effective permit issued under this Chapter.

B. The owner, managing partner, officer of a corporation or such other person who shall be primarily responsible for the operation of a proposed medical marijuana dispensary shall apply for a permit under this Chapter and, if granted, shall maintain the operation of the medical marijuana dispensary in conformity with the terms of this Chapter and of the permit.

C. The fact that an applicant possesses other types of State or County permits or licenses other than those identified in Section 6.108.020 shall not exempt the applicant from obtaining a permit under this Chapter, nor shall the terms and conditions of any other such permit or license modify the requirements of a permit granted under this Chapter.

D. At no time shall the County have in effect more than three (3) permits, consisting of a maximum of one (1) permit in each of the areas shown in Exhibit A of this Ordinance. No permit shall be issued in any portion of the unincorporated area that is not within one of the areas delineated in Exhibit A.

E. Notwithstanding Paragraph D of this Section, each medical marijuana dispensary shall also meet all of the following locational standards:

1. No dispensary may be closer than one thousand (1000) feet from any other dispensary.
2. No dispensary may be closer than one thousand (1000) feet from any school, public park or playground, drug recovery facility or recreation center.
3. Each dispensary shall be located in a commercial or industrial zone or their equivalent.
- F. The County has the ability to reduce the location requirement as it applies to schools by 15% upon a finding that the dispensary would not endanger the health and safety of students.

#### **6.108.040 Term of Permits and Renewals**

A. Each permit shall expire two (2) years after the date of its issuance. Any permit may be renewed by the Sheriff for successive two (2) year periods upon the submission of an application by the permittee. At the time of consideration of a renewal application, the County shall consider compliance with conditions in the prior term and, in addition, the HCSA may review and revise the mission statement of the dispensary in accordance with the requirements of Sections 6.108.090 and 6.108.100.

B. Notwithstanding paragraph A of this Section 6.108.040, any permit shall expire upon the effective date of an ordinance that provides for the operation of a medical marijuana dispensary by the County, whether as a County facility or under contract with the County.

C. Any application for renewal shall be filed at least forty-five (45) days before expiration of the permit.

D. Any application for renewal shall be rejected, if:

1. The application is filed less than forty-five (45) days before its expiration.
2. The permit is suspended or revoked at the time of the application; provided, however, that an application for renewal may be filed within ten (10) days after the granting of a permittee's appeal of the suspension or revocation of a permit.
3. The dispensary authorized by the permit has not been in regular operation in the four (4) months prior to the renewal application.
4. The dispensary fails to conform to the criteria set forth in Section 6.108.100.

**6.108.050 Application, Renewal and Revocation Procedures**

A. The Sheriff shall initiate an application process upon receipt of an application for the establishment of a dispensary within an area where a dispensary could be established based upon the provisions of Paragraph D of Section 6.108.030.

B. Each application for the establishment of a dispensary or renewal of an existing permit shall be filed with the Sheriff and the Sheriff shall be responsible for administering the application process as set forth in this Chapter.

C. The Board of Supervisors shall, by resolution, adopt such forms and procedures as are necessary to implement this Chapter with respect to the initial selection, future selection, renewal, revocation and suspension of permits.

D. Wherever this Chapter requires the County to give notice to an applicant, appellant or permittee, such notice shall be given by the Sheriff, in writing, and shall be delivered either by personal delivery or by certified U.S. mail, postage prepaid, return receipt requested. In addition, any such notice shall be posted at the address of the dispensary on the date of the mailing of notice.

E. No person or facility that purports to have distributed marijuana prior to the enactment of this Chapter shall be deemed to have been a legally established dispensary under the provisions of this Chapter, and such person or facility shall not be entitled to claim a legal nonconforming status. Other than specifically provided in Section 6.108.080, no preference shall be given to any applicant due to an existing or prior operation of such a facility.

**6.108.060 Contents of an Application**

A. Each application shall set forth or incorporate by reference the following information in a standard form adopted by the Board of Supervisors:

1. Address of the proposed dispensary and the name and address of the owner of the premises.
2. The full name, present address and telephone number of the applicant.
3. The address to which notice of action on the application is to be mailed.
4. All residential addresses of the applicant for the five (5) years immediately prior to the date of the application.
5. Written proof that the applicant is eighteen (18) years of age or older.
6. The height and weight and the color of eyes and hair of the applicant.
7. Photographs of the applicant for identification purposes to be taken by the Sheriff.

8. The names and addresses of all businesses operated by and the employment of the applicant for the five (5) years immediately prior to the date of the application.
  9. The address of any dispensaries that had previously been operated by the applicant and a statement of whether the authorization for any such operation had been revoked or suspended and, if so, the reason therefor.
  10. The names of the person or persons to be regularly engaged in the operation of the proposed dispensary, whether an employee, volunteer or contractor. The application shall also identify those persons having management and supervisory responsibilities for the proposed dispensary;
  11. A description of the proposed security arrangements for insuring the safety of persons and protection of 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 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 twelve (12) inches.
  13. A description of external appearance of the dispensary, including a precise depiction of any signage.
  14. A description of products to be sold or dispensed by the dispensary.
  15. The mission statement of the dispensary with respect to meeting the medical needs of patients in its area, as delineated by Paragraph D of Section 6.108.030.
  16. A description of the methods by which the applicant will mitigate any potentially adverse impacts, such as loitering or noise, on surrounding property owners.
  17. Authorization for the County, its agents and employees to seek verification of the information contained in the application.
  18. Written certification that the applicant has reviewed and understands and accepts the standard conditions that are set forth in Section 6.108.120.
  19. Certification, under penalty of perjury, that all the information contained in the application is true and correct.
  20. A statement by the applicant that it has the ability to comply with all laws regulating businesses in the State of California and that it shall maintain compliance during the term of the permit.
- B. The filing of an application shall be deemed complete upon the submission of an application in conformance with this Section and payment of the application fees required by Section 6.108.070.
- C. An application may be reviewed and copied by any member of the public in accordance with the California Public Records Act.

**6.108.070 Fees**

A. Every application or renewal of a permit shall be accompanied by a nonrefundable fee, as established by the Board of Supervisors, in order to reimburse the County for the cost of reviewing and acting upon the application.

B. In addition, each dispensary shall pay an annual fee, as established by the Board of Supervisors, for the administration of the permit, including monitoring and enforcing compliance with terms of the permit.

C. The Board of Supervisors may enact such other fees as may be necessary to recover the County's costs of inspection and corrective actions in relation to dispensaries.

D. The Board of Supervisors may enact fees to be paid to schools located in the three areas where dispensaries are permitted for reimbursement for drug and alcohol treatment and education for students.

**6.108.080 Selection of Permittees**

A. Each of the medical marijuana dispensaries that is identified in Exhibit B of this Ordinance shall be allowed to file an application not later than forty (40) days after the effective date of this Chapter. At the time of filing such application the applicant is to provide notice of such application to all neighboring business and/or residences within one thousand (1000) feet of the proposed dispensary. All such applications shall be acted upon in accordance with the procedures set forth in this Chapter. No other application may be considered until all of the medical marijuana dispensaries listed in Exhibit B have either been issued or denied a permit or have otherwise failed to qualify for a permit.

B. Each dispensary that is identified in Exhibit B shall be allowed to continue to operate until the earliest of any of the following dates:

1. Upon forty (40) days following the effective date of this Chapter, no application has been filed for the operation of the dispensary.
2. Upon denial of an application that was timely filed for operation of the dispensary and rejection of all appeals of the denial by the applicant.
3. Issuance of an order of suspension or revocation by the County under Section 6.108.160.
4. Upon the effective date of an ordinance that provides for the operation of a medical marijuana dispensary by the County, whether as a County facility or under contract with the County.



C. After conclusion of all actions on all applications filed under Paragraph A of this Section, the Sheriff shall accept applications and conduct a selection process in accordance with Section 6.108.030.

#### **6.108.090 Initial Review of Application**

A. The Sheriff shall commence review of any application immediately upon its filing and shall complete such review within thirty (30) days. In conducting this review, the following County agencies shall comment on specific portions of the application:

1. The Sheriff shall be responsible for verifying factual information in the application, including names, addresses and other information on the applicant operator and its employees of the proposed dispensary.
2. The Sheriff shall comment upon the adequacy of security measures that are described in the application.
3. The Community Development Agency shall comment upon the proposed location's compliance with the requirements of Paragraphs D and E of Section 6.108.030 and conditions that are needed to mitigate adverse impacts on surrounding uses.
4. The Health Care Services Agency shall comment upon the services to be provided and the mission statement set forth in the application.

B. Within ten (10) business days after the filing of an application, the Sheriff shall reject any application and so notify the applicant, if the application has been improperly completed or if it is incomplete. The applicant may amend and refile the application within ten (10) days after such rejection.

C. At the conclusion of the initial review, the Sheriff shall notify the applicant of the results of the initial review of the application.

#### **6.108.100 Action upon Completion of Initial Review**

A. Upon completion of the initial review, the Sheriff shall reject any permit that meets any of the following criteria:

1. The proposed dispensary does not comply with requirements of this Chapter.
2. The applicant has knowingly made a false statement of material fact or has knowingly omitted a material fact from the application.
3. The operation of the proposed dispensary at the proposed location is prohibited by any State or local law or regulation.
4. Any person who is listed on the application pursuant to Paragraph A(10) of Section 6.108.060 has been convicted of a felony within the past ten (10) years.

A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

5. The applicant or the operator listed in the application is less than eighteen (18) years of age.
  6. The Health Care Services Agency has determined that the application has failed to state a health care purpose that fulfills the purposes of Sections 11362.5, *et. seq.* of the California Health and Safety Code.
- B. Any application that is not rejected upon completion of the initial review shall be deemed an eligible application and submitted to the final selection process.

#### **6.108.110 Final Selection of Medical Marijuana Dispensaries**

A. The final selection process shall be comprised of selection of which eligible applications shall be submitted for final selection and the establishment of operating conditions of any permits issued under this Chapter. The final selection process shall not exceed thirty (30) days in the absence of an appeal.

B. The final selection process shall commence with the separation of all eligible applications into the areas that are delineated in Paragraph D of Section 6.108.030. If an area has a number of eligible applications that is the same as or less than the allowable number of medical marijuana dispensaries for such area, then all applications for that area shall be submitted for establishment of operating conditions as set forth in Paragraph C of this Section. If any area has a number of eligible applications that exceeds the maximum number of dispensaries for such area, the eligible applications to be submitted for final selection shall be designated by drawing or other method that ensures that each eligible application has an equal chance of being selected for the area.

C. The Sheriff, the Community Development Agency and the Health Care Services Agency shall establish operating conditions, in addition to the standard conditions contained in Section 6.108.120, for each eligible application that has been submitted for final review. The operating conditions shall be limited to those that are necessary to carry out the purposes of this Chapter, to mitigate specific and foreseeable adverse impacts on properties in the vicinity and to achieve the mission statement in the application.

D. At the conclusion of the final selection, the Sheriff shall give notice to the applicant of the operating conditions that would attach to the permit. Within ten (10) days after notice, the applicant shall either:

1. Certify acceptance of the operating conditions and the standard conditions of the permit, and the permit shall thereupon issue immediately.
2. If the applicant refuses or fails to certify agreement with any operating condition or standard condition, the application shall be denied. The applicant may appeal any condition within ten (10) days after notice of the conditions. Upon either the

failure to file a timely appeal or the rejection of the appeal, the application shall be deemed denied.

#### **6.108.120 Standard Conditions**

A. Throughout the term of the permit each permittee shall comply with the following standard conditions:

1. A dispensary may only distribute, provide or allow to be provided marijuana to those persons who are primary caregivers or qualified patients who are in possession of an identification card which is in compliance with the regulations established by the California Department of Health or Health Care Services Agency. All distribution shall strictly comply with Section 11362.5 of the California Health and Safety Code and the terms of the permit and this Chapter. It shall be the responsibility of the permittee to ensure that a good faith effort be made to verify the validity of any identification card provided to the dispensary.
2. Each dispensary shall maintain records of persons who have received marijuana from the dispensary. These records shall set forth only the identification card number issued 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 such documentation that authorizes such distribution under this Chapter.
3. A dispensary may be open for business only between the hours of 09:00 a.m. and 09:00 p.m. on any day, except as follows: each dispensary within 1000 feet of any school shall be closed for a period of one and one-half hours (1 ½) after the cessation of classes to avoid conflict with the travel of students to and from the school. All activities that are undertaken in the operation of the dispensary shall be entirely conducted indoors on the premises.
4. Marijuana may not be grown or cultivated on the premises. The maximum amount of marijuana that may be on the premises at any time shall be the lesser of:
  - a. An amount of marijuana equal to eight (8) ounces per qualified patient, primary caregiver and person with an identification card who has received marijuana from the dispensary during the previous thirty (30) calendar days, or
  - b. A total of twenty (20) pounds of marijuana.
5. No marijuana shall be smoked, ingested or otherwise consumed on the premises of a dispensary, provided that ingestion by a vaporization device may be authorized in writing by the Health Care Services Agency.
6. A dispensary shall label its products by stating the name of the dispensary and the weight of cannabis. Any food products must be contained in a package that is labeled to indicate the ingredients, including the amount of cannabis contained

- in the package, and such other information as may be required by state or local law.
7. No person who is less than eighteen (18) years of age may be employed or otherwise engaged in the operation of the dispensary. No person under the age of eighteen (18) shall be allowed on the premises.
  8. The entrance to a dispensary shall be posted with a notice that states the restrictions on the presence of persons under the age of eighteen (18) and that smoking, ingesting or consuming marijuana on the premises is prohibited. In addition, each dispensary shall conspicuously display the permit.
  9. No dispensary may hold a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, nor may it include a business that sells alcoholic beverages. No alcohol may be stored, sold, dispensed or used on the premises.
  10. Each permittee shall maintain a current registry of persons, including, but not limited to, employees, contractors and volunteers, who are engaged in the operation of the dispensary. The registry shall be provided to the Sheriff at any time upon request. The registry shall include the name, current residential address, telephone number, date of birth and the height, weight and color of eyes and hair of each such person.
  11. No person who has been convicted of a felony within the past ten (10) years may be actively engaged in the operation of any dispensary. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
  12. A dispensary shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft.
  13. The permittee shall provide the Sheriff with the name, telephone number and facsimile number of a community relations contact to whom one can provide notice of problems associated with the dispensary. The permittee shall make a good faith effort to resolve problems without the need for intervention by the County.
  14. A 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.
  15. A dispensary shall comply with County building, zoning and health codes, and shall allow inspections to ensure conformance with such regulations.
  16. A dispensary shall not be delinquent in the payment of fees required by this Chapter.

17. All activities of the dispensary must take place within the interior of the building and not be visible from the street. A dispensary may not cover or alter the windows or building doors to comply with this requirement.
  18. A dispensary must have appropriate restroom facilities that will accommodate both male and female customers.
- B. In order to minimize any adverse impacts on surrounding properties or residents, the standard operating conditions that are set forth in this section may be modified upon the issuance of the permit or upon ten (10) days notice during the term of the permit.
- C. During the term of each permit, the County shall require the permittee to comply with the standard operating conditions that are set forth in this Section or as they may be modified in accordance with Paragraph B of this Section and, in addition, any such operating conditions that may be established pursuant to Paragraphs C and D of Section 6.108.110.
- D. At any time during the operation of a dispensary and without notice, the Sheriff, acting in conjunction with other appropriate County officials, may enter the premises for the purpose of observing compliance of the dispensary with the conditions of its permit.

#### **6.108.130 Appeal from Administrative Determinations**

- A. An appeal may be filed by an applicant, permittee or the owner or occupant of property within one thousand (1000) feet of any existing or proposed dispensary.
- B. Any appellant may appeal an administrative determination that is made in relation to any of the following actions:
1. Finding that an application is incomplete or
  2. Determination that an application does not comply with the requirements of Section 6.108.100.
  3. Establishment or modification of operating conditions.
  4. **Denial of Permit**
  5. Suspension or revocation of a permit.
- C. Any appeal shall be filed with the Sheriff within ten (10) days after the date of the notice of any such administrative determination.
- D. Within ten (10) days after the filing of an appeal, notice shall be given in accordance with Section 6.108.050. Such notice shall set forth the grounds for the appeal, the method of submitting comments to the County regarding the appeal and the date and location of the hearing of the appeal.
- E. Any appeal that is not timely filed will be deemed ineffective and the administrative determination that is being appealed will become final.

**6.108.140 Administrative Review of Appeal**

A. Within thirty (30) days after the filing of an appeal of an administrative determination, the Sheriff shall convene a panel consisting of a representative of the County Administrator, Community Development Agency, Health Care Services Agency and the Sheriff at which the appeal shall be heard in public session. The appellant and any interested parties will be allowed to address the panel regarding the appeal.

B. Within ten (10) days after conclusion of the hearing of the appeal by the administrative panel, the Sheriff shall give notice of the decision of the panel.

C. Any appellant may file an appeal of the determination of the administrative panel within ten (10) days after the date of the notice of the decision of the administrative panel.

**6.108.150 Hearing by the Board of Supervisors**

A. Within thirty (30) days after the filing of an appeal of the administrative panel's decision, the Board of Supervisors shall conduct a hearing of the appeal.

B. At least ten (10) days prior to the hearing of the appeal by the Board of Supervisors, notice shall be given in accordance with Section 6.108.050. Such notice shall set forth the grounds for the appeal, the method of submitting comments to the County regarding the appeal and the date and location of the hearing of the appeal by the Board of Supervisors. The Board of Supervisors may give such additional notice of hearing as it deems appropriate in a particular case.

C. The Board of Supervisors may take any appropriate action upon the original administrative action that was appealed pursuant to Section 6.108.130, including granting or denying the appeal or imposing, deleting or modifying operating conditions of the permit. The decision of the Board of Supervisors shall be final.

**6.108.160 Suspension and Revocation**

A. The Sheriff may initiate the revocation or suspension of a permit when it shall appear that the permittee has committed any of the following actions:

1. Violates the operating or standard conditions of the permit or the requirements of State or local laws.
2. Fails to take reasonable measures to control disturbances, loitering or such other problems on the premises.

B. No permit shall be revoked or suspended by virtue of this Section until a hearing has been held in the same manner as described in Sections 6.108.140 and 6.108.150. Notice of the hearing shall contain a brief statement of the grounds for revoking or suspending the permit and the time and date for the hearing.

C. The decision of the administrative panel may include suspension, revocation or the modification of the permit by adding conditions that are designed to reduce or remove the problems that caused the proposed revocation or suspension of the permit.

D. Within ten (10) days after conclusion of the hearing of the appeal by the administrative panel, the Sheriff shall give notice of the decision of the panel.

E. Any appellant may appeal the determination of the administrative panel to the Board of Supervisors within ten (10) days after the date of the notice of the decision of the administrative panel. The Board of Supervisors shall act upon the appeal in accordance with Section 6.108.150.

#### **6.108.170 Transfer of the Permit**

A. No permittee may transfer a permit without authorization by the County, granted in accordance with this Section.

B. A permittee shall apply for transfer by submitting an application that complies with Section 6.108.060. The Sheriff shall verify information in the application and shall approve the transfer unless it fails to comply with the standards set forth in Section 6.108.100.

C. Before a transfer of a permit may become effective, the transferee shall certify acceptance of the operating conditions and the standard conditions of the permit.

#### **6.108.180 Prohibited Operations**

The permittee and or his or her agents shall at all times comply with Section 11326.5, *et. seq.* Health and Safety Code and this Chapter in the operation of the dispensary. This includes, but is not limited to, the prohibition of sales, transportation and delivery of medicinal marijuana off the site of the dispensary premises.

#### **6.108.190 Misdemeanor Violation**

Any person violating any of the provisions or failing to comply with section 6.108.120 A, 2, 3, 4, 5, 6, 7, or 9 of this Chapter shall be guilty of a misdemeanor. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter or the permit is committed, continued or allowed in conjunction with the operation of a dispensary and shall be punishable accordingly.

#### **6.108.200 Civil Injunction**

In addition to the penalties provided in this Chapter, any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action for injunctive relief.

**6.108.210 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 circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.

**6.108.220 Judicial Review**

Judicial review of a final decision made under this Chapter may be had by filing a petition for a writ of mandate with the Superior Court in accordance with the provisions of the Section 1094.5 of the California Code of Civil Procedure. Any such petition or any other action seeking judicial review shall be filed within ninety (90) days after the day the decision becomes final.

**6.108.220(1) Six (6) Month Review**

The Board of Supervisors will conduct a formal review of this ordinance within six (6) months after its effective date.



**SECTION III**  
**Effective Date**

A. This ordinance shall take effect and be in force thirty (30) days from and after the date of passage.

B. Before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on \_\_\_\_\_, 2005 by the following called vote:

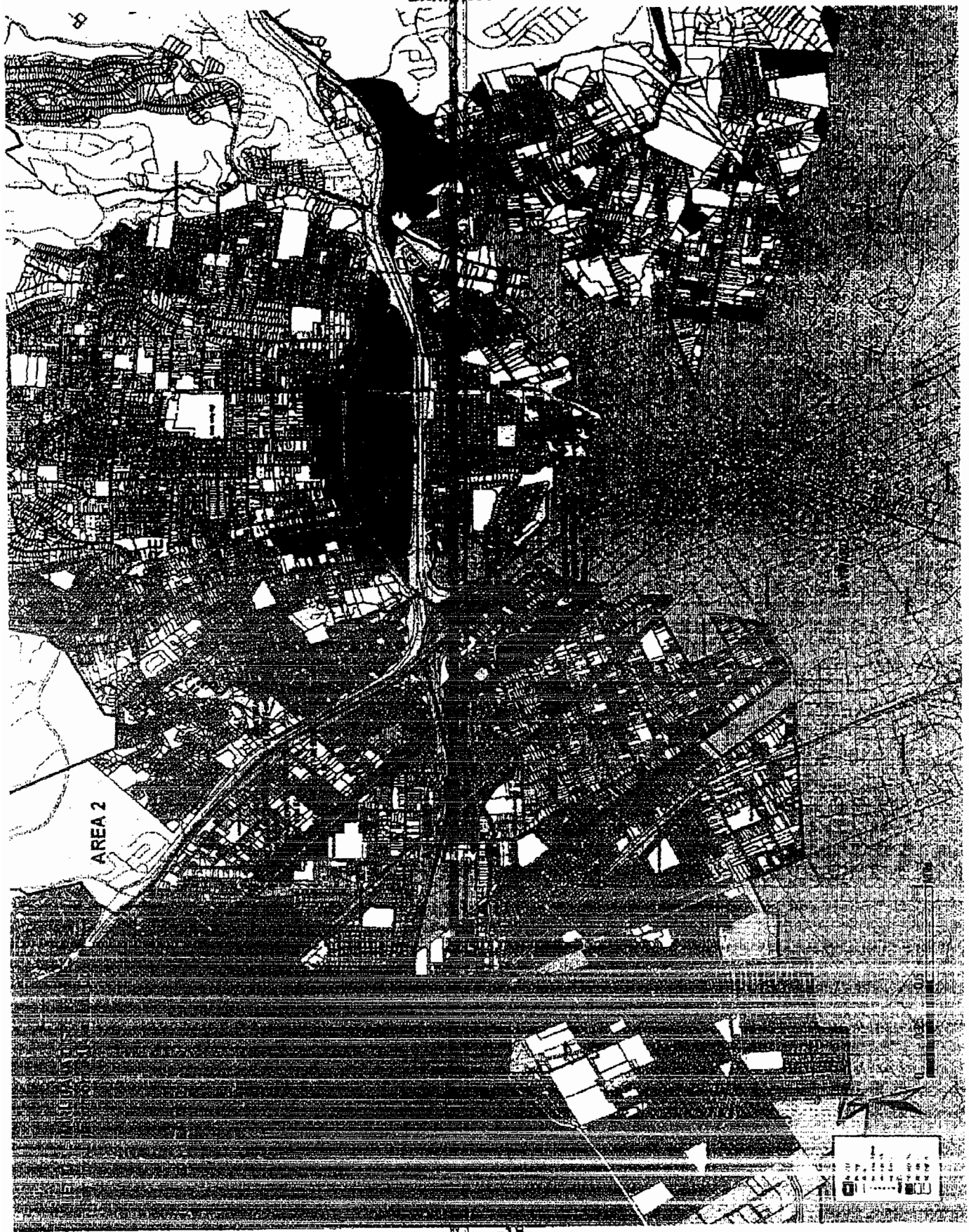
AYES:  
NOES;  
EXCUSED: \_\_\_\_\_

\_\_\_\_\_  
KEITH CARSON  
President of the Board of Supervisors  
County of Alameda, State of California

ATTEST: CRYSTAL K. HISHIDA  
Clerk of the Board of Supervisors, County of Alameda

By \_\_\_\_\_

Exhibit A



**Exhibit B****Existing Medical Marijuana Dispensaries**

1. The Health Center (THC), 15998 E. 14th Street, San Leandro, California
2. Alameda County Resource Center (ACRC), 16250 E. 14th Street, Suite B, San Leandro, California
3. We Are Hemp, 913 E. Lewelling Boulevard, Hayward, California
4. Compassionate Caregivers, 16045 E. 14th Street, San Leandro, California
5. A Natural Source, 16360 Foothill Blvd., San Leandro, California
6. Compassionate Collective of Alameda County (CCAC), 21222 Mission Boulevard, Hayward, California
7. Garden of Eden, 21227 Foothill Boulevard, Hayward, California