

ORDINANCE NO. G-7426

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN, STATE OF CALIFORNIA ADDING CHAPTER 5.84 TO TITLE 5 OF THE ORDINANCE CODE OF THE COUNTY OF KERN RELATING TO REGULATION OF MEDICAL MARIJUANA DISPENSARIES

The following ordinance, consisting of two (2) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Kern, State of California, at a regular meeting of the Board of Supervisors held on the 25th day of July, 2006, by the following vote, to wit:

AYES: McQuiston, Maben, Patrick, Rubio

NOES: None

ABSENT: Watson

Barbara Patrick

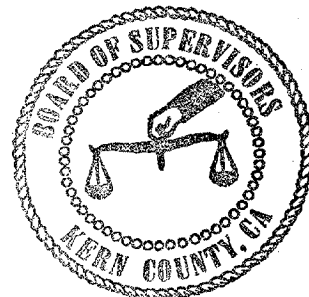
Chairman of the Board of Supervisors of the County of Kern, State of California

(SEAL)

ATTEST:

DENISE PENNELL
Clerk of the Board of Supervisors

By Judy A. Denny, Deputy Clerk



THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN ORDAINS AS FOLLOWS:

Section 1. This ordinance shall take effect and be in full force on and after the 24th day of August 2006, and shall be published once in The Bakersfield Californian, a newspaper of general circulation, published in the County of Kern, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

G-7426

Section 2. Chapter 5.84 is hereby added to title 5 of the Ordinance Code of the County of Kern to read as follows:

CHAPTER 5.84

MEDICAL MARIJUANA DISPENSARIES

5.84.010 Findings.

The Board of Supervisors of the County of Kern finds and declares as follows:

A. In 1996 the voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 and titled "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. In 2004 the State Legislature enacted SB 420 (codified as Health and Safety Code section 11362.7 et seq. and titled the Medical Marijuana Program Act) to clarify the scope of the Compassionate Use Act of 1996. The Medical Marijuana Program Act allows counties to adopt and enforce rules and regulations consistent with its provisions.

D. This ordinance is enacted, consistent with SB 420, to protect the public health, safety, and welfare of Kern County residents in relation to the legal operation and location of medical marijuana dispensaries.

E. According to the Kern County Sheriff, medical marijuana dispensaries have been operating in Kern County for several years without local regulation and have been the subject of armed robberies with shots fired, incidents with juveniles and young adults and closure and arrests of operators for violation of both State and federal laws including seizure of illegal firearms. Some of the individuals arrested would be disqualified from operating such a dispensary based on reasonable standards relating to their criminal history backgrounds. Other public entities have documented that violence is reported as a byproduct of dispensary operation. The Sheriff further reports that he cannot help prevent such occurrences or determine compliance with the cited Health and Safety Code provisions without local regulatory measures affording law enforcement personnel access to the dispensaries, dispensary transaction and financial information and record keeping requirements. Illegally operated marijuana dispensaries foster crime and associated violence and are otherwise harmful to the welfare of the surrounding community and its residents.

F. Nothing in this ordinance shall be deemed to conflict with federal

law as contained in the Controlled Substances Act, 21 U.S.C. Section 841 or to license any activity that is prohibited under that Act except as mandated by the cited State laws.

G. 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 illegal under State law.

H. Operational information and records of Medical Marijuana Dispensaries are not only needed for regulatory and law enforcement purposes, but to help determine the numbers of residents in need of medical marijuana so that the County may provide for orderly, regulated growth in the number or size of dispensaries as the case may be.

5.84.020 Definitions.

For purposes of this chapter, the following words and phrases shall have the meanings set forth:

A. "Applicant" means a person who is required to file an application for a license 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. "County" means the County of Kern or the unincorporated area of the County of Kern as required by the context.

C. "Identification card" shall have the same definition as in California Health and Safety Code Section 11362.7 et seq. as it now reads or as amended.

D. "Medical Marijuana Dispensary" or "Dispensary" means any facility or location where medical marijuana is made available to and/or distributed by a person to two 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 Section 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 Section 11362.5 et seq.

E. "Licensee" means the person to whom a Medical Marijuana Dispensary license is issued under this chapter.

F. "Person" means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.

G. "Person with an identification card" shall have the same definition as in Health and Safety Code section 11362.5 et seq. as it reads now or as amended.

H. "Sheriff" means the Sheriff of Kern County or his deputies.

I. "Primary caregiver" shall have the same definition as in Health and Safety Code section 11362.5 et seq. as it reads now or as amended.

J. "Qualified patient" shall have the same definition as Health and Safety Code section 11362.5 et seq. as it reads now or as amended. As used herein, the term "qualified patient" shall include "person with an identification card."

K. "School" means 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.

L. "Conviction" shall have the same definition set forth in Business and Professions Code section 480(a)(1) as it now reads or as amended.

5.84.030 License required.

It shall be unlawful for any person to engage in, operate, conduct or carry on in or upon any premises in the unincorporated area of the County of Kern a Medical Marijuana Dispensary unless the person first obtains and continues to maintain in full force and effect a Medical Marijuana Dispensary license issued by the Sheriff as required by this chapter.

5.84.040 Applications.

A. All applications for licenses shall be filed with the Sheriff. The application shall be made under penalty of perjury.

B. Any application for a license shall be on a form prepared by the

Sheriff and 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 years immediately prior to the present address of the applicant;
4. A California drivers license or Identification Card showing 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 of the applicant, those charged with managing or supervising the business and all employees (photographs shall be taken by the Sheriff);
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 history, occupation license history and general business license history for the previous five years of the applicant, including any prior business license or occupation license suspensions or revocations in this or any other State and the reason for any such action;
9. The name of any person having the management or supervision of applicant's existing or proposed Medical Marijuana Dispensary business;
10. A listing of all felony convictions and all misdemeanor convictions within the past five years of the applicant, every person having an ownership interest in or charged with the management or supervision of applicant's business, including the nature of the offense and the sentence received therefore;
11. The names of all employees, independent contractors, and other persons who work or will work at the Medical Marijuana Dispensary;
12. The proposed security arrangements for insuring the safety of persons and to protect the premises from theft, burglary, armed robbery or other similar crimes;
13. A sketch or diagram showing the interior configuration of the premises, including 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. The diagram shall show the principal location of the product sold;

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 the property lines of any school within one thousand (1000) feet of the primary entrance of the Medical Marijuana Dispensary;

15. Such other identification and information as deemed necessary by the Sheriff to reasonably process the application under the circumstances presented;

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

17. Documentation showing whether the premises on which the Medical Marijuana Dispensary is located is owned, leased or rented by the applicant and any applicable contracts, deeds or leases so specifying; and

18. 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 Sheriff 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 Sheriff to act on the application. The time period for granting or denying a license 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 County licenses does not exempt the applicant from the requirement of obtaining a Medical Marijuana Dispensary license.

5.84.050 Term of licenses and renewals.

Annual licenses issued under this chapter shall expire one year following their issuance. Annual licenses may be renewed by the Sheriff for additional one year periods upon application by the Licensee, unless the license is suspended or revoked in accordance with this chapter. Applications for renewal shall be made at least forty-five (45) days before the expiration date of the license and shall be accompanied by the

nonrefundable fee referenced in section 5.84.060. When made less than forty-five (45) days before the expiration date, the expiration of the license will not be stayed. Applications for renewal shall be acted on by the Sheriff within forty-five days of the application for renewal.

5.84.060 Fees

Every application for a license or renewal shall be accompanied by a nonrefundable fee, as established by resolution adopted by the County Board of Supervisors from time to time. This application or renewal fee shall include all County fingerprinting, photographing, background investigation and ongoing regulatory costs, but shall be in addition to any other fee of any kind imposed by this Code or other governmental agencies in any way involved with the business here regulated or the operation thereof.

5.84.070 Investigation and action on application.

A. After the making and filing of said application for the Medical Marijuana Dispensary license and the payment of the fees, the Sheriff shall conduct a background check of the applicant, persons charged with the management or supervision of the business and all employees and conduct an investigation of the application. After the background checks and investigation are complete, and in no case later than sixty (60) days after receipt of a completed application, the Sheriff shall either grant or deny the application or impose conditions in accordance with the provisions of this chapter.

B. The provisions of sections 5.04.050 – License application – Fingerprinting and photograph, 5.04.060 – Investigation by the sheriff, 5.04.080 – Investigation of business location, 5.04.090 – consent to investigation, 5.04.100 – report of investigation – Issuance or denial of license, 5.04.110 – Issuance of conditional license, 5.04.120 – decision of investigating officer appealable and 5.04.130 – Notice of appeal – form – Procedure, are hereby made applicable to licenses provided for in this chapter.

5.84.080 Effect of denial.

When the Sheriff shall have denied or revoked any license provided for in this chapter and the time for appeal to the Board of Supervisors shall have elapsed, or, if after appeal to the Board of Supervisors, the decision of the Sheriff has been affirmed by said Board, no new application for a license shall be accepted from the applicant by the Sheriff and no such license shall be issued to such person or to any corporation in which he shall have any beneficial interest for a period of at least two years after the action denying or revoking the license.

5.84.090 Registration of new employees.

A. As a further condition of approval of every Medical Marijuana Dispensary license issued pursuant to this chapter, every owner or operator shall register every employee not named in the application with the Sheriff within five (5) business days of the commencement of the employee's period 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 Sheriff, shall allow himself or herself to be fingerprinted by the Sheriff for purposes of identification. In addition, each new employee shall provide the following information on a form provided by the Sheriff:

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

C. Other than the employees' names, the personal information provided for purposes of this section shall be maintained by the Sheriff as confidential information, and shall not be disclosed unless pursuant to subpoena or other process 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 peace officer for purposes of determining compliance with the requirements of this section.

E. Failure to register each new 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 license and may be considered grounds for suspension or revocation of the license.

5.84.100 Suspension and revocation—Notice.

A. Any license issued under this chapter may be suspended or revoked by the Sheriff when it shall appear to him or her that grounds for such action as set forth in section 5.04.240 of this Code exist. The provisions in Business and Professions code sections 490.5 and 492 shall also be grounds for suspension or revocation of such license. In addition to any other grounds for suspension or revocation of a license to operate a Medical Marijuana Dispensary, the following shall be sufficient grounds for any such action:

1. Failure to maintain, keep or provide the Sheriff access to any records relating to any aspect of the licensed activity which are required to be maintained or kept by this chapter or any other law; or
2. Any material falsification of or omission from any such

record.

B. The Sheriff shall prepare detailed documentation as to the reasons for such action and give the Licensee written notice of the grounds for such action. The suspension or revocation shall become effective twenty (20) days after notice is mailed to the Licensee by the Sheriff to the address of the Dispensary unless the Licensee files a written appeal of the proposed action with the Board of Supervisors prior to expiration of said twenty (20) day period and the Sheriff shall so notify the Licensee. In the event of a timely appeal, the provisions in sections 5.04.230 and 5.04.240 of this Code shall be applicable.

5.84.110 Suspension or revocation without hearing.

If any person holding a license or acting under the authority of such license under this article is convicted of a public offense in any court for the violation of any law which relates to operation of the Medical Marijuana Dispensary and continued operation of the Medical Marijuana Dispensary would pose imminent danger to the health or safety of persons near or doing business with the Dispensary, the Sheriff may revoke said license forthwith without any further action thereon, other than giving notice of revocation to the Licensee. The Sheriff's action is appealable as provided for in section 5.84.100 (B) of this Code.

5.84.120 Operating requirements.

A. A Medical Marijuana Dispensary shall be open for business only between the hours of seven (7) a.m. and eight (8) p.m. on any particular day.

B. A Medical Marijuana Dispensary shall maintain a current register of the names of all employees currently employed by the Dispensary.

C. A Medical Marijuana Dispensary shall maintain on the premises of the Dispensary records of the identity of all qualified patients and primary caregivers registered with the Dispensary. A Medical Marijuana Dispensary shall maintain a copy of the written recommendation from a physician stating the need for medical marijuana for each patient to which it provides marijuana in any form including patients using a primary caregiver to obtain medical marijuana from the Dispensary. Such records shall be maintained for one year after a patient or caregiver stops doing business with the Dispensary.

D. Prior to providing any marijuana in any form to any qualified patient directly, through a primary caregiver or otherwise, a Medical Marijuana Dispensary shall verify the authenticity and accuracy of any recommendation tendered by any patient and shall verify that the person issuing the recommendation possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board of California or the Osteopathic Medical Board of California. The Dispensary shall maintain a record showing

the date of the authentications and verifications showing the patient's and physicians names and the name of the person who made the authentications and verifications.

E. A Medical Marijuana Dispensary shall not in any way or manner transfer to or receive from any person any marijuana in any form unless that person is a qualified patient or primary caregiver registered with the Dispensary as required by this chapter.

F. A Medical Marijuana Dispensary shall maintain on the Dispensary premises records for one year from the date of each transaction for each and every transaction involving the purchase of any marijuana in any form from any person for money and the sale of any marijuana in any form to any person for money. The record of each such transaction shall show the following:

1. The quantity and form of the marijuana involved; and
2. The amount of money involved in the transaction.

G. A Medical Marijuana Dispensary shall dispose of any form of marijuana residual material in such a way as to prevent any member of the public from accessing any such material.

H. A Medical Marijuana Dispensary shall maintain records of its business or corporate bank account transactions including deposits, withdrawals and checks written on such account. In addition, a Medical Marijuana Dispensary shall maintain on the premises an accounting system showing at a minimum daily operational expenses including all salaries paid so that it can be reasonably determined the Dispensary is not making a profit in violation of Health and Safety Code section 11362.5 et seq. Each record mentioned in this subdivision shall be maintained for two (2) years after it is created.

I. A Medical Marijuana Dispensary shall allow immediate access to the Dispensary facility and any and all of its records by the Sheriff for inspection and copying during regular business hours or at any time by special appointment on reasonable notice by the Sheriff; provided, however, the Sheriff shall not copy or seize any record identifying any qualified patient or primary caregiver without a court order or warrant.

J. The building entrance to a Medical Marijuana Dispensary 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 they are in the presence of their parent or guardian.

K. A Medical Marijuana Dispensary may possess no more than

eight (8) ounces of dried marijuana per qualified patient registered with the Dispensary and maintain no more than six (6) mature or twelve (12) immature marijuana plants per qualified patient registered with the Dispensary. 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 qualified patient's need in accordance with the physician's written recommendation.

L. No marijuana shall be smoked, ingested or otherwise consumed on the non-enclosed premises of the Dispensary. The building entrance to a Medical Marijuana Dispensary shall be posted with a notice so providing. Whether marijuana is smoked, ingested or otherwise consumed within the dispensary facility shall be in the discretion of the Dispensary operator subject to violation of State smoking laws.

M. 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 of the Dispensary.

N. A Medical Marijuana Dispensary shall provide security on the premises that is acceptable to the Sheriff, including lighting, video equipment and alarms, to insure the safety of persons and to protect the premises from theft and related crimes.

O. A Medical Marijuana Dispensary shall provide the Sheriff with the name, phone number and facsimile number of an on-site staff person who may be contacted during regular business hours.

P. A Medical Marijuana Dispensary shall provide litter removal services for its premises daily.

Q. A Medical Marijuana Dispensary shall not cultivate, distribute or sell medical marijuana for a profit. A Dispensary may receive compensation for its actual expenses, including reasonable compensation for services provided, or for payment of out-of-pocket expenses incurred in providing those services.

R. A Medical Marijuana Dispensary may not be located within one thousand (1000) feet of a school measured from the primary entrance to a Dispensary and the closest property line of the property of a school or on which a school is operated.

S. A Medical Marijuana Dispensary shall meet all of the operating criteria for the dispensing of medical marijuana required by Health and Safety Code section 11362.5. et seq.

T. Only one Medical Marijuana Dispensary shall be operated under a license issued under this chapter and only at the location designated in the license. Further, the Sheriff shall not issue more than one license to any person to operate a Medical Marijuana Dispensary in Kern County.

U. The building in which the Dispensary is located as well as Dispensary operations shall comply with all applicable local, state and federal rules, regulations, and laws including, but not limited to, building codes, the Revenue and Taxation Code and the Americans with Disabilities Act as certified by County building officials.

V. A Dispensary shall comply with all applicable federal, State and local laws rules and regulations as concerns any activity conducted on Dispensary premises.

W. All marijuana in any form obtained or possessed for Dispensary purposes shall be on the Dispensary premises at all times. A Dispensary shall do an inventory on the first business day of each month and shall record the total quantity of marijuana on the Dispensary premises specifying and identifying the quantity of each form of marijuana on the premises. These records shall be maintained for two (2) years from the date created.

5.84.140 Access of Sheriff to records – Confidentiality – Penalty for violation

The Sheriff shall have complete access to all Medical Marijuana Dispensary records solely for official regulatory, monitoring or law enforcement purposes. Any record or information from any record obtained from a Dispensary which identifies any natural person shall, to the extent allowed by law, be kept confidential by all Sheriff's Department personnel. No County officer or employee shall use or disclose any such record or information therefrom which identifies a natural person other than as necessary for official regulatory, monitoring or law enforcement purposes, as required by law, as required by court order, or as necessary in connection with a civil, administrative or criminal proceeding. Any County officer or employee who willfully uses or discloses any such record or information therefrom which identifies a natural person other than as necessary for official regulatory, monitoring or law enforcement purposes, as required by law, as required by court order, or as necessary in connection with a civil, administrative or criminal proceeding is guilty of a misdemeanor.

5.84.150 Minors.

A. It shall be unlawful for any Licensee, operator, or other person in charge 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.

5.84.160 Display of license.

A Medical Marijuana Dispensary shall display at all times during business hours the license 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.

5.84.170 Transfer of licenses.

A. A Licensee shall not operate a Medical Marijuana Dispensary under the authority of a Medical Marijuana Dispensary license at any place other than the address of the Medical Marijuana Dispensary stated in the application for the license.

B. A Licensee shall not transfer ownership or control of a Medical Marijuana Dispensary or transfer a Medical Marijuana Dispensary license to another person unless and until the transferee obtains an amendment to the license from the Sheriff stating that the transferee is now the Licensee. Such an amendment may be obtained only if the transferee files an application with the Sheriff in accordance with and meets all of the requirements of this chapter for issuance of a license to operate a Medical Marijuana Dispensary.

C. No License may be transferred when the Sheriff has notified the Licensee that the license has been or may be suspended or revoked.

D. Any attempt to transfer a license either directly or indirectly in violation of this section is hereby declared void, and the license shall be deemed revoked.

5.84.180 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, permits, continues, licenses, or causes a violation thereof, and shall be penalized accordingly.

5.84.190 Criminal penalties.

Any person who violates or causes another person to violate any provision of this chapter is guilty of a misdemeanor.

5.84.200 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 of this chapter.

5.84.210 Time limit for filing applications for license.

All persons who are operating a Medical Marijuana Dispensary on the effective date of this ordinance must apply for and obtain a Medical Marijuana Dispensary license. The application must be made within forty-five (45) days of the effective date of this ordinance. Operation of a Medical Marijuana Dispensary without a license or for which a license application is not being processed by the Sheriff more than forty-five (45) days after the effective date of this ordinance shall constitute a violation of this chapter.

5.84.220 Limit on number of dispensary licenses – Review and report

A. The Sheriff may not issue or renew more than six (6) Medical Marijuana Dispensary licenses for the operation of Medical Marijuana Dispensaries within the unincorporated area of the County of Kern.

B. Within two (2) years from the effective date of this ordinance, the Sheriff and the County Health Officer shall file reports with the Clerk of the Board of Supervisors with recommendations based on factual data contained in the reports as to the number and size of Medical Marijuana Dispensaries needed to provide medical marijuana to Kern County residents legally in accordance with the provisions of Health and Safety Code section 11362.5 et seq.

5.84.230 Zoning

A Medical Marijuana Dispensary shall be treated as a pharmacy for zoning purposes.

5.84.240 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 superior court in accordance with the provisions of the California Code of Civil Procedure Section 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 Section 1094.6 which shall be applicable for such actions.

JRI:gm:#139608
2210.89
CC20063512

COPIES FURNISHED:
<i>CAO, Co. Counsel</i>
<i>Sheriff</i>
<i>7-26-06 jd</i>