

ORDINANCE NO. 4020

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CERTAIN SECTIONS OF CHAPTER 10-40 OF THE SANTA ROSA CITY CODE –MEDICAL CANNABIS DISPENSARIES

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Section 10-40.050 (B) of the Santa Rosa City Code is amended to read as follows:

“(B) Permits may be renewed by the City Manager for additional periods of up to two years in length upon application by the permittee, unless the permit is suspended or revoked in accordance with the provisions of this chapter or if the application for renewal fails to comply with the provisions of this chapter.”

Section 2. Section 10-40.090 (A) of the Santa Rosa City Code is amended to read as follows:

“(A) During the initial 6 months from the effective date of this Ordinance, the City Manager may not grant or cause to be granted more than two (2) permits for Medical Cannabis Dispensaries in compliance with the provisions of this chapter.”

Section 3. Section 10-40.110 (C) of the Santa Rosa City Code is amended to read as follows:

“(C) Operating Hours. Dispensaries may operate between the hours of 9:00 a.m. to 9:00 p.m. up to seven (7) days per week unless the reviewing authority imposes more restrictive hours due to specific considerations for a particular location. The basis for any restriction on hours shall be specified in any permit issued.”

Section 4. Section 10-40.110 (D) (1) and D (2) of the Santa Rosa City Code are amended to read as follows:

“(D) Dispensary Size and Access.

(1) Dispensary size shall be limited, as deemed appropriate and necessary, to best serve patient needs within the intent of this chapter and reduce potential adverse impacts that might otherwise occur on surrounding neighborhoods, businesses and demands on City services. The City may, upon renewal of an application, limit the number of patients at a particular location if there is shown to be adverse impacts to the surrounding neighborhoods, businesses and demands on City services due to the number of patients being served.

(2) A dispensary shall not be physically increased in size (i.e., floor area or buildings utilized) without a prior approval amending the existing dispensary permit.”

Section 5. Section 10-40.110 (F) (3) and (F) (5) of the Santa Rosa City Code are amended to read as follows:

“(3) Prior to dispensing Medical Cannabis, the dispensary shall obtain and maintain verification from the recommending Physician that the individual requesting Medical Cannabis is a qualified patient.”

“(5) Patient records shall be maintained on-site and verified as needed, which is determined to be at least every 12 months or upon expiration of the verification on file if it expires sooner than twelve (12) months with the qualifying patients physician or Doctor of Osteopathy.”

Section 6. Section 10-40.110 (G) (1) of the Santa Rosa City Code is amended to read as follows:

“(G) Consumption Restrictions.

(1) Cannabis shall not be consumed on the premises of the dispensary by any member of the public. The term "premises" includes the actual building, as well as any accessory structures, parking areas, or other surroundings within 200 feet of the dispensary's entrance. Dispensary employees who are qualified patients may consume cannabis within the enclosed areas of the building in designated spaces outside the presence of members of the public and provided that such consumption is by vaporization or oral consumption and not smoking.”

Section 7. Section 10-40.110 (H) (2) and (H) (3) of the Santa Rosa City Code are amended to read as follows:

“(H) Retail Sales and Cultivation Prohibited.”

“(2) Except as provided in subsection (3) below, no dispensary shall conduct or engage in the commercial sale of any product, good or service. The term "commercial sale" does not include the provision of medical cannabis on terms and conditions consistent with this chapter and applicable law.

(3) No dispensary shall sell or display any drug paraphernalia or any implement that may be used to administer medical cannabis unless specifically authorized in its permit. An applicant may request that up to 150 square feet be authorized to display or sell devices for administration of medical cannabis which may only be sold to qualified patients or primary caregivers or to sell other related products to qualified patients if the sale of such products is a use approved by the Zoning Administrator to be in compliance with the City’s zoning code and any other applicable state or local regulations.”

Section 8. Section 10-40.110 (J) (4) of the Santa Rosa City Code is amended to read as follows:

“(4) Business identification signage shall be approved in accordance with the City’s sign permit process set forth in Chapter 20-38 and any other applicable ordinances with the additional requirement that signs shall not contain any logos or information that identifies, advertises or lists the specific products or services offered by the dispensary.”

Section 9. Section 10-40.120 (G) of the Santa Rosa City Code is amended to read as follows:

“(G) Renewal Applications. Applications for renewal shall be accompanied by the following minimum information:”

Section 10. Section 10-40.120 (G) (5) of the Santa Rosa City Code is added to read as follows:

“(5) Any proposed change in the services or products provided.”

Section 11. Section 10-40.130, Section 10-40.130 (F) and Section 10-40.130 (G) of the Santa Rosa City Code are amended to read as follows:

“The review authority shall consider the following criteria in determining whether to grant or deny a dispensary permit, and renewals of a permit:”

“(F) That all required application or renewal fees have been paid and reporting requirements have been satisfied in a timely manner.”

“(G) That an appropriate limit on size of the dispensary has been established and the requested permit is in compliance with the provisions of this chapter and any other applicable state or local ordinance.”

Section 12. Section 10-40.140 (D) and Section 10-40.140 (F) of the Santa Rosa City Code is amended to read as follows:

“(D) The City Manager shall cause a written notice of his or her decision to issue or deny a permit or renewal to be mailed to the applicant by U.S. mail.”

“(F) That all required application or renewal fees have been paid and reporting requirements have been satisfied in a timely manner.”

Section 13. Except as expressed amended herein all other provisions of Chapter 10-40 shall remain in full force and effect.

Section 14. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California

Environmental Quality Act, pursuant to CEQA Guidelines Section 15060(c) (2) in that the Council finds there is no foreseeable possibility that the implementation of this ordinance to add a new medical service land use classification and specific land use standards to regulate the land use would have any direct or indirect significant effects on the environment.

Section 15. Severability. If any action, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 16. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 14th day of January, 2014.

AYES: (7) Mayor Bartley, Vice Mayor Swinth and Council Members Carlstrom, Combs, Olivares, Ours, Wysocky

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: Terri Griffin, City Clerk

APPROVED: Scott P. Bartley, Mayor

APPROVED AS TO FORM:

Caroline Fowler, City Attorney