



AGENDA ITEM NO: **CC - B - 2**

City Manager: *JM*

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Police Department in Conjunction with Department of Planning and Development Services

DATE: December 5, 2005

SUBJECT: Consider Second Reading and Adoption of Ord 05-40 (1) Adding Chapter 5.21, of Title 5, of the Clovis Municipal Code Pertaining to Medical Marijuana, (2) Amending Section 9.3.305, of Chapter 5, of Title 9, of the Clovis Municipal Code Pertaining to Uses Expressly Prohibited to Include Those Uses Prohibited With the Addition of Chapter 5.21 of Title 5, and (3) Adding Unchaptered Health, Safety, and Welfare Ordinance Pertaining to Medical Marijuana Dispensaries

CONFLICT OF INTEREST

None.

RECOMMENDATION

It is recommended that the Council have a second reading and adopt the proposed ordinance.

EXECUTIVE SUMMARY

On November 14, 2005 the Council introduced Ordinance No. 05-40, a permanent ordinance pertaining to medical marijuana. That ordinance is before the Council for a second reading and adoption. Please refer to the November 14, 2005 Council staff report for further details about the proposed ordinance. The ordinance is attached as **Exhibit 1**.

BACKGROUND

On November 14, 2005, following extensive public testimony, the Council introduced Ordinance No. 05-40, a permanent ordinance pertaining to medical marijuana. The

proposed ordinance addresses the cultivation, distribution, and consumption of medical marijuana within the City.

Primary Regulations

The following primary regulations are contained within the ordinance:

Cultivation

1. Requires that the cultivation of medical marijuana occur in a secure, locked, and fully enclosed structure, including a ceiling, roof or top.
2. Limits patient and primary caregiver cultivation to the maximum amounts allowed under state law of 6 mature or 12 immature plants per patient, with caps as set forth herein.
3. Requires that collective or cooperative cultivation and the cultivation of more than 24 plants occur in the M-1 Light Industrial or the R-A Rural Residential Zone districts.
4. Places a cap of 99 plants regardless of the Zone district.
5. Places setback and area restrictions on collective or cooperative cultivation in R-A Zone districts.
6. Imposes requirements to ensure that collective or cooperative cultivation does not turn into an illegal dispensary.
7. Requires that the owner or tenant of the property where cooperative or collective cultivation occurs provide detailed information about the operation to the Police Department.

Dispensaries

1. Bans medical marijuana dispensaries.
2. Medical marijuana dispensaries do not include places where medical marijuana is: (1) distributed to less than three persons qualified to receive medical marijuana where those persons are not immediate family members residing in the same household; and (2) where medical marijuana is distributed to less than five persons qualified to receive medical marijuana where those persons are immediate family members residing in the same household.

3. Medical Marijuana Dispensaries do not include certain specified licensed health care clinics and facilities that provide medical treatment.

Consumption

1. Requires that the consumption of medical marijuana occur entirely within a private residence or on the premises of a private residence but out of public view.

During the Council meeting, several medical marijuana users and advocates expressed a concern that the definition of "out of public view" was too vague since it could be interpreted to apply to a neighbor looking over the fence. Additionally, since the Council meeting, staff learned that some Clovis residents expressed a concern that medical marijuana users will interpret consumption "entirely within a private residence" as including garages and accessory buildings that could lead to consumption in public view when the doors to these buildings are open..

Minor revisions to the text of the ordinance, by adding appropriate definitions for "out of public view" and "inside a private residence," have been made to address the concerns of both medical marijuana users and the residents. Section 5.21.05 now reads as follows:

No person shall smoke, ingest, or otherwise consume medical marijuana in the City of Clovis unless such smoking, ingesting or consumption occurs entirely within a private residence or on the premises of a private residence but out of public view. "Out of public view" shall mean out of view from public rights of way where members of the public are lawfully entitled to be. "Inside a private residence" shall mean inside habitable areas and shall not include garages, whether attached or detached, and other accessory buildings. Consumption in garages and other accessory buildings shall be outside of public view.

Secondary Regulations (Backup Ordinance)

The ordinance also contains secondary regulations through the adoption of a backup ordinance. The purpose of this backup ordinance is to have regulations in place should the law subsequently change requiring the City to permit medical marijuana dispensaries or should a court declare the ban on dispensaries unlawful. The regulations contained in the backup ordinance are described in the November 14, 2005 Council Staff report.

Clerical Changes

In addition to the changes in text to the consumption section, the following clerical changes have been made to the ordinance:

1. Section 5.21.06 to Chapter 5.21 has been added clarifying that judicial review shall be in accordance with applicable Code of Civil Procedure Section 1094.5.
2. Section 104 of the backup ordinance, (1) in parenthesis has been changed to (10) to coincide with the text.
3. Section 115 of the backup ordinance which references a one year prohibition on applying for a new permit after revocation has been clarified to include the applicant and any corporation, partnership, or other entity in which the applicant has a beneficial interest. Previously the words partnership and other entity were left out.

Conclusion

The cultivation, distribution, and consumption of medical marijuana are known to have adverse consequences and absent proper controls will result in neighborhood nuisances. Staff and the Planning Commission recommend approval of the proposed ordinance.

The minor and clerical changes to the Ordinance since the first reading are not substantial enough to require a third reading.

FISCAL IMPACT

No direct fiscal impact. Could result in additional staff time for enforcement of regulations.

REASONS FOR RECOMMENDATION

Without adoption of a permanent ordinance, medical marijuana dispensaries with potential adverse impacts could open within the City without any controls. Additionally, the cultivation of marijuana for medical purposes could occur within the City with no regulations to address the potential adverse impacts resulting there from. Further, the consumption of marijuana could occur within the City with no regulations to address the problems associated therewith.

ACTIONS FOLLOWING APPROVAL

The Ordinance will take effect on January 4, 2005. A further summary of the ordinance will be published as required. The Police Department will be principally responsible for enforcing the ordinance.

Prepared by: Russ Greathouse, Police Captain
David Wolfe, Assistant City Attorney

Submitted by: Dwight Kroll, AICP, City Planner

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EXHIBIT 1

CITY OF CLOVIS

**PROPOSED PERMANENT
MEDICAL MARIJUANA
ORDINANCE**

December 5, 2005

ORDINANCE NO. 05-40

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS:
(1) ADDING CHAPTER 5.21, OF TITLE 5, OF THE CLOVIS
MUNICIPAL CODE PERTAINING TO MEDICAL MARIJUANA; (2)
AMENDING SECTION 9.3.305, OF CHAPTER 5, OF TITLE 9, OF THE
CLOVIS MUNICIPAL CODE PERTAINING TO USES EXPRESSLY
PROHIBITED TO INCLUDE THOSE USES PROHIBITED WITH THE
ADDITION OF CHAPTER 5.21 OF TITLE 5; AND (3) ADDING
UNCHAPTERED HEALTH, SAFETY, AND WELFARE ORDINANCE
PERTAINING TO MEDICAL MARIJUANA DISPENSARIES**

THE CITY COUNCIL OF THE CITY OF CLOVIS DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

1. The Compassionate Use Act (Proposition 215). In 1996, with the adoption of Proposition 215, the California voters approved the Compassionate Use Act (Health and Safety Code § 11362.5) to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, without fear of criminal prosecution under limited, specified circumstances.
2. Supplemental Statutory Regulations (SB 420). In 2004, the State Legislature enacted SB 420 to clarify the scope of the Compassionate Use Act and provide additional statutory guidance regarding medical marijuana use. These statutes are codified at Health and Safety Code § 11362.7 et seq. and allow cities and counties to adopt supplemental rules and regulations.
3. Federal Law (The Controlled Substances Act). While State law allows the use of marijuana for medical purposes, marijuana is an illegal controlled substance under the Federal Controlled Substances Act. The United States Supreme Court has ruled that notwithstanding California law, the distribution of medical marijuana through a medical marijuana dispensary is unlawful (United States v. Oakland Cannabis Buyers' Cooperative (2001) 532 U.S. 483) as is the possession, use, and cultivation of marijuana for personal medical purposes (Gonzales v. Raich (2005) ___ U.S. ___. Violations are subject to federal prosecution.
4. Health, Safety, and Welfare Concerns. The City of Clovis has identified a number of health, safety, and welfare concerns associated with the cultivation, distribution, and consumption of medical marijuana. These concerns are set forth in various reports on file with the City, including the April 22, 2005 Report on Laws Pertaining to Medical Marijuana: Review of Statewide Approach by Cities and Counties, Prepared by Assistant City Attorney David J. Wolfe, with an October 21, 2005 Supplement to the April 22, 2005 Report.

The Planning Commission and City Council have reviewed and considered these reports, the source materials for the reports, and such other reports as may have been presented to them during the public hearings

Some of the documented problems with cultivation include offensive odors, trespassing, theft, and violent encounters between growers and persons attempting to steal plants. For indoor grows, there are problems with fire hazards and problems associated with mold, fungus, and pests. For distribution, there are documented problems with medical marijuana dispensaries such as increased crime in and about the dispensary, robberies of customers, negative impact on nearby businesses, nuisance problems, and increased DUI's. Some of the concerns with the consumption of marijuana include smoke drifting into neighboring residences, children being able to observe and smell the consumption of marijuana, and driving under the influence of marijuana.

There is a need to adopt health, safety, and welfare regulations, including appropriate zoning regulations, to avoid adverse impacts on the community which may arise from the cultivation, distribution, and consumption of medical marijuana.

5. The Compassionate Use Act and SB 420 Could Lead to the Opening of Medical Marijuana Dispensaries. Medical marijuana advocates assert that medical marijuana dispensaries, businesses which sell marijuana to qualified patients, persons with valid identification cards, and designated primary care givers are permitted by the Compassionate Use Act and SB 420. Individuals have relied upon these laws to open dispensaries in a number of communities throughout the State. Medical marijuana advocates assert that patients may designate these businesses as their primary caregiver and the business can serve an unlimited number of patients.

In addition to the primary caregiver provision, SB 420 allows qualified patients, persons with identification cards, and primary caregivers of qualified patients and persons with identification cards, to associate within California to collectively or cooperatively cultivate medical marijuana. Medical marijuana advocates have indicated that they may rely upon these provisions to operate medical marijuana dispensaries by having persons qualified to receive medical marijuana designate others to cultivate and distribute medical marijuana on their behalf.

Because of the problems associated with dispensaries and the potential for such dispensaries to open in the City, it is necessary to adopt regulations addressing medical marijuana dispensaries to protect the public health, safety, and welfare of the citizens of Clovis. Without a city ordinance in place, medical marijuana dispensaries could open in the City and operate without restriction, subject only to State and federal prosecutorial discretion for violations of State and federal drug laws.

6. The Compassionate Use Act and SB 420 Could Lead to the Large-Scale Cultivation of Marijuana

SB 420 provides that qualified patients, persons with valid identification cards, and designated primary care givers who associate within California in order to collectively or cooperatively cultivate marijuana for medical purposes are not subject to criminal sanctions. This provision could lead to the large-scale cultivation of medical marijuana within the City and the problems associated therewith. Therefore it is necessary to adopt regulations addressing the cultivation of medical marijuana to protect the public health, safety, and welfare of the citizens of Clovis. Without a city ordinance in place, the cultivation of marijuana could occur within the City without restriction.

7. No Intent to Permit Unlawful Conduct: Federal Prosecution. In adopting this ordinance, the Council is not intending to permit conduct that is otherwise prohibited by State or federal law. The City intends to regulate the cultivation, distribution, and consumption of medical marijuana only to the extent they are otherwise permitted under State law. The City does not intend to provide any broader uses than are permitted under State law. If the Act or implementing statutes are declared unlawful in violation of federal law, nothing in this ordinance shall be deemed to permit the use, cultivation, or distribution of marijuana for medical or any other purpose. Similarly, nothing in this ordinance shall be deemed to prevent federal prosecution of violations of the Controlled Substances Act within the City of Clovis.

8. Conduct Which Endangers Others: Nuisances. Nothing in this ordinance shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance.

SECTION 2: AMENDMENT OF CODE: PUBLIC WELFARE (MEDICAL MARIJUANA).

Chapter 5.21, of Title 5, of the Clovis Municipal Code is added to read as follows:

Chapter 5.21

MEDICAL MARIJUANA

Section 5.21.01 Purpose and Intent

It is the purpose and intent of this Chapter to promote the health, safety, morals, and general welfare of the residents and businesses within the City by regulating the cultivation, distribution, and consumption of medical marijuana.

Section 5.21.02 Definitions

For purposes of this Chapter, the following definitions shall apply:

(a) Medical Marijuana is defined in strict accordance with California Health and Safety Code sections 11362.5, and 11362.7 *et seq.*

(b) Cultivation of medical marijuana means the growing of medical marijuana for medical purposes as defined in strict accordance with California Health and Safety Code sections 11362.5, and 11362.7 *et seq.*

(c) Collective or cooperative cultivation means the association within California of qualified patients, persons with valid identification cards, and designated primary care givers to cultivate marijuana for medical purposes as defined in strict accordance with California Health and Safety Code sections 11362.5, and 11362.7 *et seq.*

(d) Medical marijuana dispensary means any facility or location, whether fixed or mobile, and any building or structure: (1) where medical marijuana is made available to, distributed by, or distributed to more than two qualified patients, persons with an identification card, or primary caregivers where those persons are not immediate family members residing in the same household; and (2) where medical marijuana is made available to, distributed by, or distributed to more than four qualified patients, persons with an identification card, or primary caregivers where those persons are immediate family members residing in the same household. The terms qualified patients, persons with an identification card, or primary caregivers are defined in strict accordance with California Health and Safety Code sections 11362.5, and 11362.7 *et seq. seq.*

A medical marijuana dispensary shall not include the following uses, as long as these uses comply strictly with Health and Safety Code sections 11362.5 and 11362.7 *et seq.*, and all other State and local laws pertaining to the uses, including zoning, permitting, and licensing requirements:

- A clinic licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2 of the Health and Safety Code
- A health care facility licensed pursuant to Chapter 2 (commencing with Section 1250) 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 (commencing with Section 1568.01) of Division 2 of the Health and Safety Code
- A residential care facility for the elderly licensed pursuant to Chapter 3.2 (commencing with Section 1569) of Division 2 of the Health and Safety Code
- A residential hospice, or a home health agency licensed pursuant to Chapter 8 (commencing with Section 1725) of Division 2 of the Health and Safety Code

(e) Immediate family member means spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, stepfather, grandmother, grandfather.

Section 5.21.03 Regulations Applicable to the Cultivation of Medical Marijuana

To the extent that the City is required to allow the cultivation of medical marijuana under State law, the rules set forth herein shall apply. Nothing in this section shall be interpreted to permit medical marijuana dispensaries otherwise prohibited by this Chapter or the City's Unchaptered Health, Safety, and Welfare Ordinance pertaining to Medical Marijuana Dispensaries.

(a) Secure Enclosed Structure. The cultivation of medical marijuana shall at all times occur in a secure, locked, and fully enclosed structure, including a ceiling, roof or top.

(b) Maximum of 99 Plants. The individual, collective, or cooperative cultivation of more than 99 marijuana plants, whether mature or immature, is a prohibited use in all zones of the City.

(c) Maximum of 24 Plants Except Where Cooperative Growing is Allowed. The individual, collective, or cooperative cultivation of more than 24 marijuana plants, whether mature or immature, shall occur only in zones where cooperative cultivation is permitted.

(d) Patient Cultivation. For qualified patients and persons with identification cards, the following shall apply: each qualified patient and person with an identification card may cultivate in any zone 6 mature or 12 immature marijuana plants, or as otherwise recommended by a doctor in accordance with Section 11362.77, subject to the limits specified in this section.

(e) Primary Caregiver Cultivation. For primary care givers, the following shall apply: each primary care giver may cultivate in any zone 6 mature or 12 immature marijuana plants, or as otherwise recommended by a doctor, for each qualified patient in accordance with Section 11362.77, subject to the limits specified in this section and subject to the medical marijuana dispensary prohibition.

(f) Collective or Cooperative Cultivation. For the collective or cooperative cultivation, such cultivation shall be confined to the M-1 (light industrial) or the R-A (rural residential) zone district within the City and be subject to the following additional requirements:

(1) Requirements in R-A Zone Districts. The collective or cooperative cultivation in R-A zone districts within the City shall occur within an area not exceeding 20 feet by 20 feet and be not less than 25 feet from the nearest side and rear property line and not less than 100 feet from the front property line.

(2) Required Participation in the Cultivation: No Employees. All persons who associate together for the collective or cooperative cultivation must participate in the cultivation and the cultivation must occur solely among members of the association. No employees, independent contractors, or other persons may be utilized for the cultivation.

(3) No Compensation or Sales: Distribution Only Among Members. No member may compensate any other member to cultivate on its behalf. All distribution of the cultivated marijuana shall be solely among members of the association and shall be without compensation of any kind. Nothing in this subsection shall be deemed to prevent a primary caregiver from subsequently providing the cultivated marijuana to one of his or her qualified patients.

(4) No On-Site Consumption. No on-site consumption of medical marijuana shall occur except by qualified patients or persons with identification cards who live on the property as their principal place of residence.

(5) No Cultivation in Conjunction with a Business: No Sales of Goods or Services. The Cultivation shall not occur in conjunction with any business. No products or services shall be sold from the property where the cultivation occurs.

(6) Record Requirements. The owner or lessee of the property upon which the cooperative or collective grow occurs shall provide the following information to the Police Department in a form and manner approved by the Police Department: (a) full name, address, and telephone number(s) of the owner or lessee, including all alias names used in the previous 10 years; (b) the address where correspondence is to be mailed; (c) a list of all qualified patients, persons with identification cards, and primary caregivers participating in the cultivation; (d) a copy of all participant physician recommendations, identification cards, and primary caregiver evidence; (e) a sketch or diagram showing the property with the location of the cultivation and all buildings on the property, including a statement showing the total area occupied by the cultivation and the distance from the property lines; (f) a statement setting forth the number of plants to be cultivated and demonstrating that the cultivation does not exceed the maximums set forth under State law or this ordinance, namely patient maximums and the cap of 99 plants; (g) a statement identifying all persons who will be tending to the cultivation and describing the cultivation process; (h) such other information as the Police Department determines is necessary to ensure compliance with State law and this Chapter. This information shall be provided prior to the commencement of the collective or cooperative cultivation except that for existing collective or cooperative cultivation operations, the information shall be provided within ten (10) days of the effective date of this Chapter. The information provided shall be updated upon any change within ten (10) days. The Police Department shall keep patient information confidential to the extent required by law.

(7) Inspections. The cultivation operation shall be open for inspection by any law enforcement officer or City code enforcement officer between the hours of 8:00 a.m. and 9:00 p.m. seven days a week, or at any time upon responding to a call for service related to the property where the cultivation is occurring.

(8) Violations. In addition to the remedies provided in this Chapter, if the collective or cooperative cultivation occurs in violation of this Chapter or any other local or state law or regulation, the owner or lessee shall be prohibited from further collective or cooperative cultivation at any location within the City for a period of one year after notice by the City of the violation. Subsequent violations shall result in a three year prohibition.

Section 5.21.04 Regulations Applicable to Medical Marijuana Dispensaries

Medical marijuana dispensaries as defined in Section 5.21.02 are prohibited.

Section 5.21.05 Regulations Applicable to the Consumption of Medical Marijuana

No person shall smoke, ingest, or otherwise consume medical marijuana in the City of Clovis unless such smoking, ingesting or consumption occurs entirely within a private residence or on the premises of a private residence but out of public view. "Out of public view" shall mean out of view from public rights of way where members of the public are lawfully entitled to be. "Inside a private residence" shall mean inside habitable areas and shall not include garages, whether attached or detached, and other accessory buildings. Consumption in garages and other accessory buildings shall be outside of public view.

Section 5.21.06 Penalties and Enforcement

Violations of this Chapter shall be considered misdemeanors and are punishable in accordance with Chapter 1.2 of the Municipal Code. Each and every day, or portion thereof, a violation exists is a separate offense. The City may also pursue all applicable civil and administrative remedies, including but not limited to injunctive relief and administrative citations.

Should a court of competent jurisdiction subsequently determine that the criminal penalty provision renders this Chapter unlawful, the City intends that the misdemeanor provision be severable from the remaining penalty provisions and the City will only pursue non-criminal remedies for violations of this Chapter.

Section 5.21.07 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 1994.6, which shall be applicable for such actions.

SECTION 3: AMENDMENT OF CODE: PLANNING AND ZONING.

Section 9.3.305, of Chapter 3, of Title 9, of the Clovis Municipal Code is amended to read as follows:

9.3.505 Uses Expressly Prohibited.*

(a) Specific uses of land, buildings, and structures listed as prohibited in each district are hereby declared to be detrimental to the public health, safety, and welfare and are, for such reasons, expressly prohibited.

(b) The enumeration of prohibited uses shall not by implication enlarge the scope of permitted uses; they are for purposes of clarity only.

(c) In addition to the specific uses of land, buildings, and structures listed as prohibited in each district, the following uses shall be prohibited in all zone districts and there shall be no director review and approval, conditional use permit, or other permit issued for such use:

1. Medical marijuana dispensaries as set forth in Section 5.21.04 of the Municipal Code.
2. The individual, collective, or cooperative cultivation of more than 99 marijuana plants for medical purposes, whether mature or immature as set forth in Section 5.21.03 of the Municipal Code.

***Subsection (c) is new.**

SECTION 4: UNCHAPTERED AMENDMENT OF CODE.

If for any reason Section 5.21.04, of Chapter 5.21, of Title 5, of the Clovis Municipal Code adopted by this Ordinance pertaining to medical marijuana dispensaries is declared unlawful or unenforceable in any material respect by a court of law and the City is required to allow the operation of medical marijuana dispensaries, the regulations set forth herein shall become effective pending the adoption of a revised ordinance by the City Council.

Unchaptered Health, Safety, and Welfare Ordinance

MEDICAL MARIJUANA DISPENSARIES

Section 101. Purpose and Intent.

It is the purpose and intent of this ordinance to regulate Medical Marijuana Dispensaries in order to promote the health, safety, and general welfare of the residents and businesses within the City.

Section 102. Definitions.

All definitions set forth in Health & Safety Code section 11362.5 and 11362.7 *et seq.*, as may be amended, including but not limited to the terms "attending physician", "person with an identification card", "primary caregiver", "qualified patient", "identification card", and "serious medical condition", shall apply under this Ordinance in addition to the definitions set forth as follows:

(a) "Applicant" means a person who is required to file an application for a permit under this Ordinance.

(b) "City" means the City of Clovis.

(c) "Medical Marijuana Dispensary" or "Dispensary" means any facility or location where medical marijuana is made available to or distributed by or to the following: a primary caregiver, a qualified patient, or a person with an identification card as defined in strict accordance with Health and Safety Code section 11362.5 and 11362.7 *et seq.*

A medical marijuana dispensary shall not include the following uses, as long as these uses comply strictly with Health and Safety Code sections 11362.5 and 11362.7 *et seq.*, and all other State and local laws pertaining to the uses, including zoning, permitting, and licensing requirements:

- A clinic licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2 of the Health and Safety Code
- A health care facility licensed pursuant to Chapter 2 (commencing with Section 1250) 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 (commencing with Section 1568.01) of Division 2 of the Health and Safety Code
- A residential care facility for the elderly licensed pursuant to Chapter 3.2 (commencing with Section 1569) of Division 2 of the Health and Safety Code
- A residential hospice, or a home health agency licensed pursuant to Chapter 8 (commencing with Section 1725) of Division 2 of the Health and Safety Code

(d) "Police Chief" means the Police Chief of the City of Clovis or his or her designee.

Section 103. Permit Required.

No person or entity shall operate a Medical Marijuana Dispensary within the City of Clovis without first obtaining a Medical Marijuana Dispensary permit. The applicant shall also apply for and maintain a general City business license. Medical Marijuana Dispensaries shall be located only in permitted zoning districts and in accordance with the conditions of the zoning ordinance.

Section 104. Applications.

(a) Applications for permits shall be filed with the Police Chief under penalty of perjury and include the information set forth herein. For partnerships, limited liability companies, and corporations, the applicant shall be deemed the managing partners, president, and other persons with primary responsibility for operation of the Medical Marijuana Dispensary. The Police Chief may request such information he or she deems necessary to determine who is the applicant.

1. The full name and alias names used in the previous ten (10) years, 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 ten (10) years immediately preceding the present address of the applicant.
4. Written proof that the applicant is over the age of eighteen (18) years of age.
5. The applicant's height, weight, color of eyes and hair.
6. Photographs for identification purposes (photographs shall be taken by the police department).
7. All business, occupation, or employment of the applicant for the five (5) years immediately preceding the date of the application.
8. The Medical Marijuana Dispensary business license history of the applicant, including whether the applicant while previously operating in this or another city, county or state under license has had such license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation.
9. The name or names of the person or persons having the management or supervisory responsibilities for the applicant's business.
10. Whether the person or persons having the management or supervisory responsibilities for the applicant's business have been convicted of a crime, the nature of such offense, and the sentence received therefore.

11. The names of all employees, independent contractors, and other persons who will work at the Medical Marijuana Dispensary.
12. The names and addresses of all employees, independent contractors, and other persons who will work at the Medical Marijuana Dispensary as primary caregivers.
13. The names and addresses of all suppliers of marijuana. Any change in suppliers must be disclosed in advance.
14. The proposed security arrangements for insuring the safety of persons, safe and secure storage of the marijuana, and to protect the premises from theft which shall be kept confidential and not disclosed to the public as the public interest is served in preserving the confidentiality of such security arrangements.
15. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the proposed 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.
16. A current and accurate straight-line drawing depicting the building and the portion thereof to be occupied by the Medical Marijuana Dispensary and the property line of any sensitive use as set forth in Section 117.
17. Such other identification and information as deemed necessary by the Police Chief.
18. Authorization for the City, its agents and employees to seek verification of the information contained within the application.
19. 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.

(b) If the applicant has completed the application improperly, or if the application is incomplete, the Police Chief shall, within ten (10) days of receipt of the original application, notify the applicant of such fact

(c) The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining a Medical Marijuana Dispensary permit.

Section 105. Fees.