Office of the City Manager
201 West Sierra Avenue
Cotati, CA 94931
Ph: 707-665-3623
Fax: 707-795-7067
www.ci.cotati.ca.us

MEDICAL MARIJUANA DISPENSARY LICENSE APPLICATION

STAFF USE		
	LICENSE APPLICATION NO.	DATE RECEIVED
	FEES COLLECTED	
	DEPOSIT COLLECTED: $4500 deposit is required for a new license, renewal or transfer.	
	RECEIPT NUMBER(S)	
	PUBLIC HEARING NOTICE BOARD REQUIRED? ☐ YES ($525 DEPOSIT) ☐NO	RECEIVED BY

Applicant, please fill out completely:

GENERAL		
	LOCATION OF PROJECT (ADDRESS)	NAME OF PROPOSED PROJECT
	APN	PROPERTY SIZE (ACRES)
	NOTE TO APPLICANT: ALL SUBMITTAL REQUIREMENTS SPECIFIC TO THE MEDICAL MARIJUANA DISPENSARY LICENSE APPLICATION, AS DESCRIBED IN THE MEDICAL MARIJUANA DISPENSARY CHECKLIST, MUST BE SUBMITTED WITH THIS LICENSE APPLICATION.	

CONTACT INFO			
	APPLICANT	BUSINESS PHONE	CELL PHONE
	MAILING ADDRESS	FAX	EMAIL
	ARCHITECT/ENGINEER	BUSINESS PHONE	CELL PHONE
	MAILING ADDRESS	FAX	EMAIL
	PROPERTY OWNER	BUSINESS PHONE	CELL PHONE
	MAILING ADDRESS	FAX	EMAIL

I HEREBY CERTIFY THAT THE INFORMATION GIVEN ABOVE AND ATTACHED HERETO IS TRUE AND CORRECT, THAT THE PROPERTY OWNER IS AWARE OF AND AGREES WITH THIS APPLICATION, AND THAT FALSIFICATION OF FACT WILL RESULT IN INVALIDATION OF THE APPLICATION. FURTHER, I UNDERSTAND THAT ANY APPROVAL GIVEN IS VALID FOR THE SPECIFIC PROJECT APPROVED ONLY, AND IS SUBJECT TO ALL APPLICABLE LAWS, REGULATIONS, AND CONDITIONS. THE APPLICATION SHALL BE SIGNED UNDER PENALTY OF PERJURY.

APPLICANT SIGNATURE _____ DATE_____

PROPERTY OWNER SIGNATURE _____ DATE_____

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MEDICAL MARIJUANA DISPENSARY
APPLICATION CHECKLIST

Any person wishing to operate a medical marijuana dispensary must file a complete application with the City. A complete application submittal packet includes a completed Medical Marijuana Dispensary License Application, all information and materials required by Ordinance No. 787, as listed in this checklist, and all necessary fees.

SUBMITTAL REQUIREMENTS

☐ **Applicant name.** The full name (including any current or prior aliases, or other legal names the applicant is or has been known by, including maiden names), present address, and telephone number of the applicant.
☐ **Applicant mailing address.** The address to which notice of action on the application is to be mailed.
☐ **Previous addresses.** Previous addresses for the past five years immediately prior to the present address of the applicant.
☐ **Verification of age.** Written proof that the applicant is over the age of eighteen (18) years of age.
☐ **Physical description.** Applicant's height, weight, color of eyes and hair.
☐ **Photographs.** Passport quality photographs for identification purposes.
☐ **Employment history.** All business, occupation, or employment of the applicant for the ten years immediately preceding the date of the application.
☐ **Tax history.** The dispensary business tax history of the applicant, including whether such person, in previously operating in this or another city, county or state has had a permit, approval and/or business license revoked or suspended, the reason therefore, and the business or activity or occupation engaged in by the applicant subsequent to such action of suspension or revocation.
☐ **Management information.** The name or names and addresses of the person or persons having the management or supervision of applicant's business.
☐ **Criminal background.** A background investigation, approved by the City of Cotati, verifying whether the person or person having the management or supervision of applicant's business has been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefore.
☐ **Employee information.** Number of employees, volunteers, and other persons who will work at the dispensary.
☐ **Statement of dispensary need.** A statement and/or information to establish the need for the dispensary to serve persons with an identification card and qualified patients in the area.
☐ **Plan of operations.** A plan of operations describing how the dispensary will operate consistent with the intent of state law and the provisions of this chapter, including but not limited to:
(i) Ensuring cannabis is not purchased or sold by the dispensary in a manner that would generate a profit.
(ii) Controls that will assure medical cannabis will be dispensed to patients or caregivers only.
(iii) Controls that will ensure limitations on numbers of patients is adhered to.
(iv) Controls that will ensure access to dispensary premises is adequately monitored and restricted to pre-approved patients and caregivers.
(v) Independent verification methods for ensuring that a patient's physician is not recommending cannabis for less than medically appropriate reasons.
☐ **Written project description.** A written description summarizing the proposed dispensary use size, number of patients, characteristics and intent.
☐ **Written response to dispensary standards.** The applicant shall provide a comprehensive written response identifying how the dispensary plan complies with each of the standards for review in this chapter, specifically the limitation on number and size, limitation on location, and the operating requirements (located in Section 8.24.090) sections.
☐ **Written response to Criteria for Review section.** The applicant shall provide a written response indicating how each of the criteria for review specified in Section 8.24.110 has been satisfied.
☐ **Security plan.** A detailed security plan outlining the proposed security arrangements for insuring the safety of persons and to protect the premises from theft. The plan shall include installation of security cameras, a robbery and burglary alarm system monitored by a state-licensed operator, retention of security personnel during operating hours, and a regular, written security assessment of the site conducted by a qualified professional.
☐ **Floor plan.** 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

SUBMITTAL REQUIREMENTS		
	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. ☐ **Site plan**. A sketch or diagram showing exterior configuration of the premises, including the outline of all structures, parking and landscape areas, and property boundaries. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions to an accuracy of plus or minus six (6) inches. ☐ **Neighborhood context map**. An accurate straight-line drawing depicting the building and the portion thereof to be occupied by the dispensary, all properties and uses within 500 feet of the boundaries of the property on which the dispensary license is requested, and: (1) the property line of any "smoke shop" within 500 feet of the primary entrance of the dispensary; and (2) the property lines of any school, or park. Residential zones or uses within 500 feet of the primary entrance of the dispensary shall also be indicated on the context map.	☐ **Lighting plan**. A lighting plan showing existing and proposed exterior premise and interior lighting levels that would be the minimum necessary to provide adequate security lighting for the use and comply with all City standards regarding lighting design and installation. ☐ **City authorization**. Written authorization for the City, its agents and employees to seek verification of the information contained within the application and/or required to be provided pursuant to this chapter. ☐ **Statement of owner's consent**. A statement in writing by the applicant that he or she certifies under penalty of perjury that the applicant has the consent of the property owner and landlord to operate a dispensary at the location. ☐ **Applicant's certification**. 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. ☐ **Other information**. Such other identification and information as deemed necessary by the City Manager to demonstrate compliance with this chapter and City Code, including the operating requirements established herein.

ORDINANCE No. 787

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI ADDING CHAPTER 8.24 TITLED MEDICAL MARIJUANA DISPENSARIES AND AMENDING CHAPTER 17 OF THE COTATI MUNICIPAL CODE

WHEREAS, the voters of the State of California approved proposition 215 (codified as Health and Safety Code Section 11362.5 et seq.) entitled "The Compassionate Use Act of 1996" (Act); and,

WHEREAS, the intent of Proposition 215 was to enable persons residing in the State of California who are in need of marijuana for medical purposes to be able to obtain and use it without fear of State criminal prosecution under limited, specified circumstances; and,

WHEREAS, the State enacted SB 420 in 2004, being sections 11362.7, et seq., of the Health and Safety Code, being identified as the Medical Marijuana Program, (Program), to clarify the scope of the Compassionate Use Act of 1996 and to allow cities and other governing bodies in California to adopt and enforce rules and regulations consistent with the Program; and,

WHEREAS, to protect the public health, safety, and welfare, it is the desire of the City Council to modify the City's Municipal Code consistent with the enacted Program, and to address the location and operation of Medical Marijuana Dispensaries; and,

WHEREAS, it is the City Council's intention that nothing in this chapter shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. Section 841, or to otherwise permit any activity that is lawfully and constitutionally prohibited under that Act; and,

WHEREAS, it is the City Council's intention that nothing in this chapter shall be construed to do the following: (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 otherwise illegal; and,

WHEREAS, pursuant to California Health and Safety Code Section 11362.71 et seq., the State Department of Health through the State's counties, is to be responsible for establishing and maintaining a voluntary medical marijuana identification card program for qualified patients and primary caregivers; and,

WHEREAS, California Health and Safety Code Section 11362.71(b) requires every county health department, or its designee, to implement a procedure to accept and process applications from those seeking to join the identification program in the matters set forth in Section 11362.71 et seq; and,

WHEREAS, this ordinance is hereby found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b) (3) in that the Council finds and determines that there is nothing in this ordinance or its implementation that could foreseeably have any significant effect on the environment.

****

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COTATI DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 8.24 entitled "Medical Marijuana Dispensaries," is added to the Cotati Municipal Code to read as follows:

8.24010 Purpose and Intent.

It is the purpose and intent of this chapter to regulate Medical Marijuana Dispensaries in order to promote the health, safety, morals, and general welfare of residents and businesses within the City. It is neither the intent nor the effect of this chapter to condone or legitimize the use of marijuana.

8.24.020 Definitions.

For the purpose of this chapter, the following words and phrases shall mean:

1. "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.
2. "Church" means a structure or leased portion of a structure which is used primarily for religious worship and related religious activities.
3. "City" means the City of Cotati.
4. "Drug paraphernalia" shall have the same definition as California Health and Safety Code Section 11362.5, and as may be amended.
5. "Identification card" shall have the same definition as California Health and Safety Code Section 11362.5 et seq., and as may be amended.
6. "Medical cannabis dispensary collective, medical marijuana dispensary, or medical marijuana dispensary collective," hereinafter "dispensary or MMD" shall be construed to include any association, cooperative, affiliation, or collective of persons where multiple "qualified patients" and/or "primary care givers," are organized to provide education, referral, or network services, and facilitation or assistance in the lawful, "retail" distribution of medical cannabis. "Dispensary" also means any facility or location where the primary purpose is to dispense medical cannabis (sometimes referred herein as marijuana.) as a medication that has been recommended by a physician and where medical cannabis is made available to and/or distributed by or to two or more of the following: a primary caregiver and/or a qualified patient, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A "dispensary" shall not include dispensing by primary caregivers to qualified patients in the following locations and 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, 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., or a qualified patient's or caregiver's place of residence.

7. "Medical cannabis patient collective," hereinafter "patient collective," shall be defined the same as "dispensary," but does not operate in a "retail" capacity. As such, "patient collectives" are exempt from the provisions of this ordinance.

8. "Licensee" means the person (A) to whom a dispensary license is issued and (B) who is identified in California Health and Safety Code Section 11362.7, subdivision (c) or (d), or (e), or (f).

9. "Person" shall be as defined in the Land Use Code, Section 17.90.020.

10. "Person with an identification card" shall have the same definition as set forth in California Health and Safety Code sections 11362.5 et seq., and as they may amend from time to time.

11. "Primary caregiver" (caregiver) shall have the same definition as set forth in California Health and Safety Code Section 11362.5 et seq., and as may be amended.

12. "Qualified patient" (patient) shall have the same definition as set forth California Health and Safety Code sections 11362.5 et seq., and as they may be amended from time to time.

13. "School" shall be as defined in the Land Use Code, Section 17.90.020.

14. "Youth-Oriented Facility" shall mean elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or; the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. This shall not include a daycare or preschool facility that provides supervision of 8 or fewer minor children, or children under 10 years of age.

8.24.030 Dispensary License Required to Operate.

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City the operation of a dispensary unless the person first obtains and continues to maintain in full force and effect a dispensary license from the City as herein required.

8.24.040 Annual Term of License and Renewal Required.

1. Licenses issued under this chapter shall expire one (1) year following the date of their issuance.

2. Licenses may be renewed by the City Council for additional one (1) year periods upon application by the licensee, unless the license is suspended or revoked in accordance with the provisions of this chapter.

3. Complete applications for renewal shall be made at least forty-five (45) days before the annual expiration date of the license and shall be accompanied by the nonrefundable application

fee referenced herein. Applications for renewal shall be governed by the same criteria applicable to initial applications for licenses.

4. Applications for renewal made less than forty-five (45) days before the annual expiration date shall not stay the annual expiration date of the license, and in addition to satisfying all other applicable criteria for license renewal, the applicant shall be required to demonstrate good cause for failing to have timely filed his/her/its application for license renewal. The City Council shall have the sole discretion to determine whether such good cause is demonstrated.
5. Licenses may be revoked or suspended by the City Manager or City Council at any time, as provided in this chapter.

6. In the event that the City Council is not able to act upon a license renewel application prior to the date said license expires, and said inability is due to no fault of the City, said license shall expire as of its expiration date and the dispensary shall no longer operate after said expiration date. In such circumstances, should the licensee of the expired license desire to re-establish his/her/its right to operate a dispensary, s/he/it must do so by applying for a new dispensary license complying with all requirements of this chapter applicable to an original application for a dispensary license. Should the Council approve the license application, said decision shall be deemed effective on the date of the Council's decision.

8.24.050 Business License Liability.
An operator of a dispensary shall also be required to apply for and obtain a general City business license as a requirement of the issuance of the medical marijuana dispensary license.

8.24.060 Imposition of Fees.
Every application for a dispensary license or renewal shall be accompanied by a nonrefundable fee, as established by resolution of the City Council from time to time. This application or renewal fee shall not include fingerprinting, photographing, and background check costs and shall be in addition to any other business license fee or permit fee imposed by this code or other governmental agencies. Fingerprinting, photographing, and background check fees shall be as established by resolution adopted by the City Council from time to time.

8.24.070 Limitations on Number and Size of Dispensaries.
1. City Council may not grant or cause to be granted more than one license for a Medical Marijuana Dispensary, serving up to the maximum limit of 1000 patients per month. However, after the first six months of business an operator may make a request in writing to the City Manager to modify this limitation to allow a small increase to the 1000 limit, not to exceed ten percent.
2. Medical Marijuana Dispensaries shall be limited in size to no larger than 1000 square feet exclusive of A.D.A. restroom and employee rest area, except that some flexibility shall be allowed (never exceeding 1200 square feet for the entire dispensary) to adjust the overall size of the dispensary while at no time allowing the public dispensing area to exceed 800 square feet.

8.24.080 Limitation on Location of Dispensary.

1. A dispensary may only be located within commercial zoning districts, except that a dispensary may not be located within the Downtown Commercial, CD zoning district.
2. A dispensary shall be in a highly visible location that provides unobstructed views of the dispensary entrance from one of the following public streets: East Cotati Avenue, Gravenstein Highway, or Redwood Drive, between Helman Lane and Gravenstein Highway, as applicable.
3. A dispensary shall not be allowed in the following areas:
(a) Within 500-feet of a "youth-oriented facility," a "school," or a "smoke-shop" which sells paraphernalia for consuming drug or tobacco products; or
(b) Within any residential zoned parcel, or any property with an underlying "residential" or "mobile homes" General Plan land use designation, not including mixed-use districts.
4. The distance between a proposed dispensary and the above proposed listed uses shall be measured in a straight line from the boundary line of the property on which the dispensary is located nearest to the boundary of the property on which the building or structure, or portion of the building or structure, in which the above listed use occurs or is located.

8.24.090 Operating Requirements.

Dispensary operations shall be established and managed only in compliance with the following standards:
1. Criminal History. Any applicant, his or her agent or employees, or any person exercising managerial authority over a dispensary on behalf of the applicant shall not have been convicted of a felony, or of a misdemeanor involving moral turpitude, or engaged in misconduct related to the qualifications, functions or duties of a licensee. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
2. Minors.
(a) It shall be unlawful for any licensee, operator, or other person in charge of any 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 dispensary unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or guardian and have written parental permission to be present.
(c) The entrance to a 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 and have written parental permission to be present.
3. Operating Hours. The maximum dispensary days and hours of operations shall be as follows:

- Monday – Saturday: 10 am - 7 pm
- Sunday: 12 pm – 5 pm
- Closed on any City Council-recognized festival weekend
- Closed on (state observed) Legal Holidays

4. Dispensary Size and Access.
(a) Subject to Section 8.24.070, the dispensary size shall not exceed 1000 square feet, exclusive of ADA restroom and employee rest area. 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.
(b) Except as provided in Section 8.24.070 (1), a dispensary shall not be increased in size (i.e., floor area or number of patients) without a prior approval from the City Council amending the existing dispensary license.
(c) The entrance into the dispensary building shall be locked at all times with entry strictly controlled; e.g., a "buzz-in" electronic/mechanical entry system is highly encouraged. A viewer shall be installed in the door that allows maximum angle of view of the exterior entrance.
(d) Security personnel shall be employed to monitor site activity, control loitering and site access.
(e) Only dispensary staff, primary caregivers, qualified patients and persons with bona-fide purposes for visiting the site shall be permitted at a dispensary.
(f) Potential patients or caregivers shall not visit a dispensary without first having obtained a valid written recommendation from their physician recommending use of medical cannabis/marijuana.
(g) Only a primary caregiver and qualified patient shall be permitted in the designated dispensing area with dispensary personnel. All other authorized visitors shall remain in the designated waiting area in the front entrance/lobby.
(h) Restrooms shall remain locked and under the control of management.
5. Dispensary Supply. A dispensary may possess no more than 15 lbs. of dried cannabis and 50 immature plants on site at all times.
6. Dispensing Operations.
(a) A dispensary shall dispense medical cannabis to meet monthly medication needs of qualified patients, similar to typical pharmacy operations. The dispensary shall strongly discourage and avoid daily or weekly visits by patients as a routine practice.
(b) A dispensary shall only dispense to qualified patients or caregivers with a currently valid physicians approval or recommendation in compliance with the criteria in California Health and Safety Code sections 11362.5. et seq.
(c) Prior to dispensing Medical Cannabis, the dispensary shall obtain verbal and signed verification from the recommending physician that the individual requesting Medical Cannabis is a qualified patient.
(d) A dispensary shall not have a physician on-site to evaluate patients and provide a recommendation for medical cannabis.
(e) Patient records shall be maintained on-site, either digitally or physically, and secured and verified by the City as needed and at least every 12 months by the qualifying patient's physician or Doctor of Osteopathy.
(f) Information on prior years' operations verifying compliance with this chapter shall be provided annually to the City Manager, as required in this chapter. The operator shall adjust the operations as required to address issues.
7. Consumption Restrictions.
(a) Cannabis shall not be consumed on the premises of the dispensary. The term "premises" includes the actual building, as well as any accessory structures, parking areas, or other

surroundings within 1000 feet of the dispensary's entrance.
(b) Dispensary operations shall not result in illegal redistribution of medical cannabis obtained from the dispensary, or use in any manner that violates local, state or City Codes.
(3) Patients shall not openly medicate in public places.
8. Retail Sales and Cultivation Prohibited.
(a) Subject to Section 8.24.090(5), no cannabis shall be cultivated on the premises of the dispensary, except in compliance with Health and Safety Code 11362.5. et seq.
(b) No dispensary shall conduct or engage in the commercial sale of any product, goods or service. The term "commercial sale" does not include the provision or sale of medical cannabis on terms and conditions consistent with this chapter and applicable law.
(c) No dispensary shall sell or display any drug paraphernalia or any implement that may be used to administer medical cannabis.
(d) A dispensary shall not cultivate, distribute or sell medical cannabis for a profit.
(e) A dispensary shall not pay any supplier(s) of medical cannabis more than the costs incurred for cultivation and preparation.
(f) A dispensary shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code sections 11362.5. et seq.
9. Operating Plans.
(a) Floor plan. A dispensary shall have a lobby "waiting area" at the entrance to receive patients and caregivers, and a separate and secure designated area for dispensing medical cannabis to patients and caregivers. The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks and site driveways.
(b) Storage. A dispensary shall have a suitable locked safe on the premises, identified as a part of the security plan, for after-hours storage of medical cannabis.
(c) Minimum staffing levels. The premises shall be staffed with at least one person during hours of operation who shall not be responsible for dispensing medical cannabis.
(d) Odors control. A dispensary shall have an air treatment system that ensures off-site odors shall not result.
(e) Security plans. A dispensary shall provide adequate security on the premises, as approved by the City Manager, including lighting and alarms, to insure the safety of persons and to protect the premises from theft.
(f) Security cameras. Security surveillance cameras shall be installed to monitor, at the minimum, the main entrance and exterior of the premises to discourage loitering, crime, and illegal or nuisance activities.
(g) Security video retention. Security video shall be retained for 30 days. Images shall be made available to the City Manager or Cotati Police Department upon written request for the specific incidence time span requested.
(h) Alarm system. A state-licensed professionally monitored robbery and burglary alarm system shall be installed and maintained in good working condition.
(i) Emergency contact. A dispensary shall provide the City Manager with the name, phone number and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the dispensary. The dispensary shall regularly update this information on an as needed basis. The dispensary shall make every

good faith effort to encourage neighborhood residents to call this person to try to solve operating problems, if any, before any calls or complaints are made to the City.

10. Signage and Notices.

(a) The building entrance to a dispensary shall be clearly and legibly posted with a notice indicating that smoking, ingesting, vaporizing or consuming cannabis on the premises or within 1000 feet of the dispensary is prohibited.

(b) Signs on the premises shall not obstruct the entrance or windows.

(c) Address identification shall comply with the Rancho Adobe Fire District requirements.

(d) Business identification signage shall be limited to that needed for identification only, consisting of a single window sign or wall sign that shall not exceed 6 square feet in area or 10% of the window area, whichever is less. Beyond this requirement, signs shall comply with all ordinances and not contain any logos or information that identifies, advertises or lists the services offered.

11. Employee Records. Each owner or operator of a dispensary shall maintain a current register of the names of all employees currently employed by the dispensary, and shall disclose such registration for inspection by any City officer or official for purposes of determining compliance with the requirements of this chapter.

12. Patient Records. A dispensary shall maintain records of all patients and primary caregivers using only the identification card number issued by the county, or its agent, 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 the written recommendation from a physician or Doctor of Osteopathy stating the need for medical cannabis. In addition, a daily record shall be maintained of all visits so that the number of visits may be measured.

13. Staff Training. Dispensary staff shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing in compliance with state and local law. The dispensary shall take those steps necessary to assure that the persons assigned to provide security are properly trained or professionally-hired security personnel.

14. Site Management.

(a) The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if related to the patrons of the subject dispensary.

(i) "Reasonable steps" shall include calling the police in a timely manner; and requesting those engaging in objectionable activities to cease those activities, unless personal safety would be threatened in making the request.

(ii) "Nuisance" includes but is not limited to disturbances of peace, open public consumption of cannabis or alcohol, excessive pedestrian or vehicular traffic, including the formation of any pedestrian lines outside the building, illegal drug activity, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or police detentions and arrests.

(iii) The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.

(b) The operator shall ensure that the hours of operation shall not be a detriment to the

surrounding area.
(c) The operator shall provide patients with a list of the rules and regulations governing medical cannabis use and consumption within the City and recommendations on sensible cannabis etiquette. .
15. Trash, Litter, Graffiti.
(a) The operator shall clear the sidewalks adjoining the premises plus 10 feet beyond property lines along the street as well as any parking lots under the control of the operator as needed to control litter, debris and trash.
(b) The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.
16. Compliance with Other Requirements. The operator shall comply with all provisions of all local, state or federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.
17. Confidentiality. To the extent permitted by law, the information provided for purposes of this section shall be maintained by the City Manager as confidential information, and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction.
18. Display of License. Every dispensary shall display at all times during business hours the license issued pursuant to the provisions of this chapter for such dispensary in a conspicuous place so that the same may be readily seen by all persons entering the dispensary.
19. Reporting and Payment of Fees. A licensee shall file a sworn statement, under penalty of perjury, with the City Manager specifying the number of patients served each month by the dispensary within the previous calendar year, and pay all annual license fees.

8.24.100 Application Preparation and Filing.
1. Application Filing. Any person wishing to operate a medical marijuana dispensary, medical cannabis dispensary collective or medical marijuana dispensary collective, shall file with the City a complete application therefor. A complete application submittal packet shall include all necessary fees and all other information and materials required by the City and this chapter. All applications for licenses shall be filed with the City Manager, using forms provided by the City. It is the responsibility of the applicant to provide information required for approval of the license. The application shall be signed under penalty of perjury.
2. Eligibility for Filing. Applications may only be filed by the owner of the subject property, or person with a lease signed by the owner or duly authorized agent allowing them to occupy the property for the intended use. In any case, the property owner shall authorize the application in writing.
3. Filing Date. The filing date of any application shall be the date when the City receives the last submission of information or materials required in compliance with the submittal requirements specified herein.
4. Effect of Incomplete Filing. Upon notification that an application submittal is incomplete, the applicant shall be granted an extension of time to submit all materials required to complete the application within ten (10) days of the date of the notification. If the application remains incomplete in excess of said ten (10) day period, the application shall be deemed withdrawn and new application submittal shall be required in order to proceed with the subject request. 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.

5. Effect of Other Permits or Licenses. 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 dispensary license.

6. Submittal Requirements. Any application for a license shall include the following information:

(a) Applicant(s) name. The full name (including any current or prior aliases, or other legal names the applicant is or has been known by, including maiden names), present address, and telephone number of the applicant;

(b Applicant(s) mailing address. The address to which notice of action on the application is to be mailed;

(c) Previous addresses. Previous addresses for the past five years immediately prior to the present address of the applicant;

(d) Verification of age. Written proof that the applicant is over the age of eighteen (18) years of age;

(e) Physical description. Applicant's height, weight, color of eyes and hair;

(f) Photographs. Passport quality photographs for identification purposes;

(g) Employment history. All business, occupation, or employment of the applicant for the ten years immediately preceding the date of the application;

(h) Tax history. The dispensary business tax history of the applicant, including whether such person, in previously operating in this or another city, county or state has had a permit, approval and/or business license revoked or suspended, the reason therefore, and the business or activity or occupation engaged in by the applicant subsequent to such action of suspension or revocation;

(i) Management information. The name or names and addresses of the person or persons having the management or supervision of applicant's business;

(j) Criminal background. A background investigation, approved by the City of Cotati, verifying whether the person or person having the management or supervision of applicant's business has been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefore;

(k) Employee information. Number of employees, volunteers, and other persons who will work at the dispensary;

(l) Statement of dispensary need. A statement and/or information to establish the need for the dispensary to serve persons with an identification card and qualified patients in the area;

(m) Plan of Operations. A plan of operations describing how the dispensary will operate consistent with the intent of state law and the provisions of this chapter, including but not limited to:

(i) Ensuring cannabis is not purchased or sold by the dispensary in a manner that would generate a profit.

(ii) Controls that will assure medical cannabis will be dispensed to patients or caregivers only.

(iii) Controls that will ensure limitations on numbers of patients is adhered to.

(iv) Controls that will ensure access to dispensary premises is adequately monitored and restricted to pre-approved patients and caregivers.

(v) Independent verification methods for ensuring that a patient's physician is not recommending

cannabis for less than medically appropriate reasons.
(n) Written Project Description. A written description summarizing the proposed dispensary use size, number of patients, characteristics and intent.
(o) Written response to dispensary standards. The applicant shall provide a comprehensive written response identifying how the dispensary plan complies with each of the standards for review in this chapter, specifically the limitation on number and size, limitation on location, and operating requirements sections.
(p) Written response to Criteria for Review section. The applicant shall provide a written response indicating how each of the criteria for review specified in Section 8.24.110 has been satisfied.
(q) Security plan. A detailed security plan outlining the proposed security arrangements for insuring the safety of persons and to protect the premises from theft. The plan shall include installation of security cameras, a robbery *and burglary* alarm system monitored by a *state*-licensed operator, retention of security personnel during operating hours, and a regular, written security assessment of the site conducted by a qualified professional;
(r) Floor plan. 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 six (6) inches;
(s) Site plan. A sketch or diagram showing exterior configuration of the premises, including the outline of all structures, parking and landscape areas, and property boundaries. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions to an accuracy of plus or minus six (6) inches;
(t) Neighborhood context map. An accurate straight-line drawing depicting the building and the portion thereof to be occupied by the dispensary, all properties and uses within 500 feet of the boundaries of the property on which the dispensary license is requested, and: (1) the property line of any "smoke shop" within 500 feet of the primary entrance of the dispensary; and (2) the property lines of any school, or park. Residential zones or uses within 500 feet of the primary entrance of the dispensary shall also be indicated on the context map;
(u) Lighting plan. A lighting plan showing existing and proposed exterior premise and interior lighting levels that would be the minimum necessary to provide adequate security lighting for the use and comply with all City standards regarding lighting design and installation;
(v) City authorization. Written authorization for the City, its agents and employees to seek verification of the information contained within the application and/or required to be provided pursuant to this chapter;
(w) Statement of owner's consent. A statement in writing by the applicant that he or she certifies under penalty of perjury that the applicant has the consent of the property owner and landlord to operate a dispensary at the location;
(x) Applicant's certification. 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.
(y) Other information. Such other identification and information as deemed necessary by the City Manager to demonstrate compliance with this chapter and City Code, including the operating requirements established herein.
7. Annual Renewal. In addition to providing all the materials required for new applications,

applications for annual renewal shall also be accompanied by the following information:
(a) The operator shall report the number of patients served monthly and pay applicable fees, as required by this chapter.
(b) The operator shall provide a detailed description of any adjustments and changes proposed or that have occurred in dispensary operations to address issues, or comply with laws.
(c) The operator shall identify any problems encountered during operations and how they have been addressed.
(d) The operator shall identify how the dispensary has managed its operations to comply with the operating requirements of this chapter and with state law.

8.24.110 Criteria for Review.
The review authority shall consider the following criteria in determining whether to grant or deny a dispensary license, and annual renewals:
1. That the proposed dispensary operation is consistent with the intent of Proposition 215 and related state law, the provisions of this chapter and the City Code, including the application submittal and operating requirements herein.
2. That the dispensary location is not identified as having significant crime issues (e.g., based upon crime reporting district/statistics as maintained by the police department).
3. That there have not been significant numbers of calls for police service, crimes or arrests in the area or to an existing dispensary location (or to a dispensary located in another jurisdiction with which the applicant is affiliated in any way).
4. That an applicant or employee is not under eighteen (18) years of age.
5. That all required application materials have been provided and/or the dispensary has operated successfully in a manner that shows it will comply with the operating requirements and standards specified in this chapter.
6. That all required application or annual renewal fees have been paid and reporting requirements have been satisfied in a timely manner.
7. That an appropriate limit on size of the dispensary has been established and the requested license would not exceed limitations on number of patients and/or licenses allowed by this chapter.
8. That issuance of a dispensary license for the size requested is justified to meet the needs of residents.
9. That issuance of the dispensary license would serve the needs of residents at this location.
10. That the location is not prohibited by the provisions of this chapter or any local or state law, statute, rule or regulation and no significant nuisance issues or problems are anticipated or resulted.
11. That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements of this chapter. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.
12. That no dispensary owner, licensee, agent, or employee affiliated with the applicant has

violated any provision of this chapter including grounds for suspension, modification or revocation of a license.
13. That all reasonable measures have been incorporated into the plan and consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, uncontrolled crowds in or outside the dispensary, traffic control problems, ingesting cannabis in public, or creation of a public or private nuisance, or interference of the operation of another business.
14. That the dispensary would not adversely affect the health, peace or safety of persons living or working in the surrounding area, overly burden a specific neighborhood with special needs or high impact uses, or contribute to a public nuisance; or that the dispensary has resulted in repeated nuisance activities including disturbances of the peace, illegal drug activity, ingesting cannabis in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.
15. That any provision of the Municipal Code or condition imposed by a City issued license, or any provision of any other local, State or Federal law, regulation, or order, or any condition imposed by permits issues in compliance with those laws has not been violated.
16. That the applicant has not violated any local or state law, statute, rule or regulation respecting the distribution, possession, or consumption of cannabis.
17. That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a license.
18. That the applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has not been convicted of a felony, or of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a licensee. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
19. That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

8.24.120 Investigation and Action on Application.

After the making and filing of a complete application for the dispensary license and the payment of the fees, the City Manager shall conduct a background check of the applicant and all the dispensary's identified employees and conduct an investigation of the application, and take action as follows:
1. The City Manager shall refer the application to any other City departments as necessary to complete his or her investigation into the application.
2. Within 60 days after completion of the City Manager's investigation, the application shall be scheduled for a public hearing before the City Council where the Council may either grant or deny the application in accordance with the provisions of this chapter.
3. In approving a dispensary license, the City Council may impose conditions, restrictions or require revisions to the proposal to comply with the provisions, purpose and intent of this chapter.
4. The City Council shall cause a written notice of its decision to issue or deny a license to be mailed to the applicant by U.S. mail.

8.24.130 Effect of Denial.

When the City Council shall have denied or revoked any license provided for in this chapter, no new application for a license shall be accepted from the applicant whose license has been revoked or application denied and no such license shall be issued to such person or to any company, entity or corporation in which s/he shall have any interest for a period of three years after the action denying or revoking the license.

8.24.140 Suspension and Revocation.

1. Any license issued under the terms of this chapter may be suspended or revoked by the City Council or City Manager when the Council or City Manager finds that the licensee has violated any of the requirements of this chapter or the dispensary is operated in a manner that violates the provisions of this chapter, including the Criteria for Review and Operating Requirements sections, or conflicts with state law.
2. Except as otherwise provided in this chapter, no license shall be revoked or suspended by virtue of this section until written notice of the intent to consider revocation or suspension of the license has been served upon the person to whom the license was granted at least five (5) days prior to the date set for such review. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such license. Notice may be given either by personal delivery to the person to be notified (in which case, service shall have deemed to have been effected upon delivery of the notice), or by depositing it in the U.S. mail in a sealed envelope, postage prepaid, return receipt requested, addressed to the person to be notified at his/her address as it appears in his/her application for a license (in which case, service shall be deemed to have been effected on the date the receipt indicates delivery was accomplished).
3. If any person holding a license or acting under the authority of such license under this chapter is convicted of a public offense in any court for the violation of any law which relates to his or her license or the operation of the dispensary, the City Manager may revoke said license forthwith without any further action thereof, other than giving notice of revocation to the licensee.
4. Procedures for the above are not exclusive and the City reserves the right to enforce all applicable laws for any licensee's violation of any law.

8.24.150 Transfer of Licenses.

1. A licensee shall not operate a dispensary under the authority of a dispensary license at any place other than the address of the dispensary stated in the application for the license.
2. A licensee shall not transfer ownership or control of a dispensary or transfer a dispensary license to another person unless and until the transferee obtains an amendment to the license from the City Council stating that the transferee is now the licensee. Such an amendment may be obtained only if the transferee files an application with the City Manager in accordance with all provisions of this chapter (as though the transferee were applying for an original dispensary license) accompanied by a transfer fee in an amount set by resolution of the City Council (or if not set, shall be the same amount as the application fee), and the City Council determines (after hearing) in accordance this chapter that the transferee would be entitled to the issuance of an original license.
3. No license may be transferred when the City Manager has notified the licensee that the license

has been or may be suspended or revoked.
4. 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.

8.24.160 Time Limit for Filing Applications upon Annexation.
Any dispensary that was legally established in the County and which is subsequently annexed into the City must apply for and obtain a dispensary license in compliance with the provisions of this chapter within ninety (90) days from date of annexation. Continued operation of a dispensary without a City-issued license more than ninety (90) days after annexation shall constitute a violation of this chapter and subject the operator to revocation under Section 8.24.140.

8.24.170 Violations.
1. It is unlawful for any person, individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character to violate any provision or fail to comply with any of the requirements of this chapter and/or any dispensary license issued here under.

2. A violation of this chapter and/or any dispensary license issued here under shall be punished in accordance with Municipal Code Section (s) 17.89.040 et al.

8.24.180 Remedies Cumulative.
All remedies prescribed under this chapter shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.

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

8.24.200 Public Nuisance.
Any use or condition caused or permitted to exist in violation of any of the provisions of this chapter and/or any dispensary license issued here under shall be and is hereby declared a public nuisance and may be summarily abated by the City.

8.24.210 Criminal Penalties.
Any person who violates, causes, or permits another person to violate any provision of this chapter and/or any dispensary license issued here under commits a misdemeanor.

8.24.220 Civil Injunction.
The violation, or threatened violation, of any provision of this chapter and/or any dispensary license issued here under shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City Council, create a cause of action for injunctive relief.

8.24.230 Administrative Remedies.
In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this chapter and/or any dispensary license issued here under may be subject to administrative remedies as set forth in the Code.

SECTION 2: Section 17.22.020, Table 2-3 of the City of Cotati Land Use Code is amended to add Medical Marijuana Dispensary to the list of Land Uses, as shown below:

TABLE 2-3 Allowed Land Used and Permit Requirements for Mixed Use Corridors and Districts	P - Permitted Use Zoning Clearance required MUP - Minor Use Permit required UP - Use Permit required S - Permit requirement set by Specific Use Regulations – Use not allowed						
LAND USE (1)	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CE	CG	CD	CI	IG	PF	
Medical Marijuana Dispensary	S	S					See Chapter 8.24

SECTION 3: Section 17.90.020(M) of the City of Cotati Land Use Code is amended to add Medical Marijuana Dispensary with a reference to Chapter 8.24 as follows:

Medical Marijuana Dispensary- See Chapter 8.24

SECTION 4: 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.

SECTION 5: Fee Schedule. By Resolution, the City Council shall adopt a fee schedule to establish dispensary license application fee, renewal fee and transfer fee amounts.

SECTION 6: Forms. The City Manager shall initiate preparation of any application forms and materials required to implement the dispensary license process.

SECTION 7: Effective Date. This ordinance shall take effect on the 3oth day following its adoption.

SECTION 8: Repeal of Moratorium. If Ordinance 783 has not expired by its own terms upon the effective date of this Ordinance, Ordinance No. 783 is repealed and shall have no further effect upon the adoption of Ordinance No. 787.

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IT IS HEREBY CERTIFIED that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Cotati on the 8th day of August, 2007, and legally adopted on the 22nd day of August, 2007, by the following vote, to wit:

FOX	Yes
GILARDI	Yes
GUARDINO	Yes
MINNIS	Yes
ORCHARD	Yes

APPROVED: _____
Mayor

ATTEST: _____
Acting City Clerk

APPROVED AS TO FORM: _____
City Attorney