



ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO

BILL NO. B-122

ORDINANCE NO. 2006-130

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,  
REPEALING SECTION 8-221 AND AMENDING SECTION 12-306-N  
OF THE FRESNO MUNICIPAL CODE, RELATING TO MEDICAL  
MARIJUANA DISPENSARIES.

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

SECTION 1. Section 8-221 of the Fresno Municipal Code is repealed.

SECTION 2. Section 12-306-N is hereby amended to read:

SECTION 12-306-N. PROPERTY DEVELOPMENT STANDARDS.

19. (a). "Medical Marijuana" is defined as set forth in

California Health and Safety Code § 11362.5 et seq.

(b) A "Medical Marijuana Dispensary" means any facility

or location, whether fixed or mobile, where medical

marijuana is made available to, distributed by, or distributed

to one or more of the following: (1) a qualified patient, (2) a

person with an identification card, or (3) a primary caregiver.

All three of these terms are defined in strict accordance with

California Health and Safety Code section 11362.5 et seq.

Unless otherwise regulated by this Code or applicable law, a

"medical marijuana dispensary" shall not include the

following uses: 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

Adopted 8/29/06  
Approved 9/6/06  
Effective 10/7/06

2006-130



Health and Safety Code, a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq.

- (c) A "Medical Marijuana Cooperative" involves two or more persons collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering, or giving away medical marijuana.
- (d) A medical marijuana dispensary and/or medical marijuana cooperative shall be allowed only in a zone district designated for medical offices and only if consistent with state and federal law.

SECTION 3. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA )  
COUNTY OF FRESNO )ss.  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 29th day of August, 2006.

AYES : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan  
NOES : None  
ABSENT : None  
ABSTAIN : None

Mayor Approval: September 6, 2006  
Mayor Approval/No Return: N/A, 2006  
Mayor Veto: N/A, 2006  
Council Override Vote: N/A, 2006

REBECCA E. KLISCH  
City Clerk

BY: Rebecca E. Klisch

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: [Signature]



August 30, 2006

Council Adoption: 08/29/06  
Mayor Approval:  
Mayor Veto:  
Override Request:

TO: MAYOR ALAN AUTRY  
FROM: REBECCA E. KLISCH, CMC  
City Clerk

RECEIVED  
REK 2006 SEP -6 AM 11:23  
CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 08/29/06, Council adopted the attached Ordinance No. 2006-160<sup>3</sup>, entitled **Repealing and adopting FMC re: property dev. standards for medical marijuana dispensaries/cooperatives**, Item No. 1Q, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan  
Noes : None  
Absent : None  
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before September 11, 2006. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

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**APPROVED:**

**VETOED** for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Alan Autry, Mayor

Date: 9/6/06

**COUNCIL OVERRIDE ACTION:**

Date: \_\_\_\_\_

Ayes :  
Noes :  
Absent :  
Abstain :