

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Dages SECONDED BY Perea

BILL NO. B-39

ORDINANCE NO. 2007-42



AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA
ADDING SUBSECTION 12-306-N-56 OF THE FRESNO
MUNICIPAL CODE, RELATING TO PROVIDING DEFINITIONS
AND STANDARDS FOR MEDICAL MARIJUANA

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

SECTION 1. Section 12-306-N of the Fresno Municipal Code is amended by adding subsection 56. thereto to read:

[56. Medical Marijuana is defined as set forth in California Health and Safety Code section 11362.5 et seq.

a. 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 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

Adopted 5-1-07
Approved 5-9-07
Effective 6-9-07



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.

b. A “Medical Marijuana Cooperative” involves two or more persons collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering, or giving away medical marijuana.

c. 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.]

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SECTION 2. 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 1st day of May, 2007.

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

Mayor Approval: _____ May 9 _____, 2007

Mayor Approval/No Return: _____ N/A _____, 2007

Mayor Veto: _____ N/A _____, 2007

Council Override Vote: _____ N/A _____, 2007

REBECCA E. KLISCH
City Clerk

BY: Rebecca Klisch
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: [Signature]
Kathryn C. Phelan
Deputy City Attorney

May 2, 2007

Council Adoption: 5/01/07

TO: MAYOR ALAN AUTRY

RECEIVED

Mayor Approval:

FROM: REBECCA E. KLISCH, ^{REK}CMC
City Clerk

2007 MAY -9 AM 9:26

Mayor Veto:

Override Request:

CITY CLERK, FRESNO CA



SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 5/01/07, Council adopted the attached Ordinance No. 2007-42 entitled **Amend FMC re: definition of medical marijuana dispensaries & cooperatives**, Item No. **1J**, by the following vote:

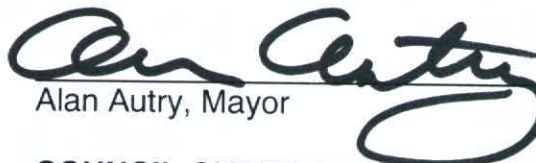
Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None
Abstain	:	None

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 May 14, 2007. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th 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.

APPROVED:

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


Alan Autry, Mayor

Date: 5/8/07

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	