

Division B26
MEDICINAL MARIJUANA DISPENSARIES

Sec. B26-1. Intent.

This division shall provide regulation for the convenient, affordable, and safe distribution of medicinal marijuana to all patients in medical need of marijuana.

(Ord. No. NS-300.599, § 1, 6-3-97; Ord. No. NS-300.599, § 1, 6-2-98; Ord. No. NS-300.619, § 1, 11-17-98)

Sec. B26-2. Applicability.

Medicinal marijuana dispensaries (also referred to as "dispensaries") are subject to the regulation contained within this division of the Santa Clara County Ordinance Code. Nothing in this division shall regulate or prohibit the following use which complies with Proposition 215:

(a) The cultivation or possession of marijuana for medical use by a single patient or primary caregiver.

(b) For the purposes of this division, "primary caregiver" may include a medicinal marijuana dispensary, subject to each of the requirements of this division, and limited to the cultivation or possession of marijuana for medical use.

(Ord. No. NS-300.599, § 1, 6-3-97; Ord. No. NS-300.599, § 1, 6-2-98; Ord. No. NS-300.619, § 1, 11-17-98)

Sec. B26-3. Medicinal marijuana dispensaries--General.

Medicinal marijuana dispensaries may be established only within CN, CG, MH, and ML zoning districts. Medicinal marijuana dispensaries shall locate no closer than 1,000 feet to schools and places of worship; and 1,000 feet from any other established dispensary. Distance shall be measured along any public road or pedestrian pathway.

(Ord. No. NS-300.599, § 1, 6-3-97; Ord. No. NS-300.599, § 1, 6-2-98)

Sec. B26-4. Authorized on-site activities.

The on-site cultivation of medicinal marijuana is an approved activity. Medicinal marijuana dispensaries shall distribute medicinal marijuana or medicinal marijuana food stuffs only. No retail sales of any products are permitted at the dispensary. On-site smoking, ingestion or consumption is not authorized. No one under 18 years of age shall enter a dispensary unless accompanied by parent or guardian. Hours of operation shall be restricted at a minimum to the hours of 7:00 a.m. to 8:00 p.m. Further hours of operation restrictions may be imposed through the use permit or ASA procedures.

Medicinal marijuana dispensaries may be designated as a primary caregiver only when the patient is an active participant in the operation of the facility, or in the cultivation of the on-site medicinal marijuana.

(Ord. No. NS-300.599, § 1, 6-3-97; Ord. No. NS-300.599, § 1, 6-2-98; Ord. No. NS-300.619, § 1, 11-17-98)

Sec. B26-5. Delivery prohibited.

No person employed by or affiliated with a medicinal marijuana dispensary shall deliver medicinal marijuana to a patient.

(Ord. No. NS-300.599, § 1, 6-3-97; Ord. No. NS-300.599, § 1, 6-2-98)

Sec. B26-6. Clearances required.

No person, partnership, association, corporation or entity shall establish or operate a medicinal marijuana dispensary without first obtaining a use permit pursuant to Article 47 [Chapter 5.65] [of the Zoning Ordinance], in addition to the following:

(a) Architectural and site approval (ASA) permit shall be obtained from the Santa Clara County Planning Office. The ASA procedure shall place conditions on dispensaries including but not limited to parking requirements, hours of operation and signage.

(b) The Santa Clara County Public Health Department shall provide clearance to all dispensary applications determined to be in strict compliance with the regulations enforced by the Public Health Official. All physician's statements regarding the usage of marijuana for medical purposes shall be verified by the Public Health Department.

(c) The office of the Sheriff shall provide clearance to all dispensary applications determined to be in strict compliance with the regulations enforced by the Sheriff.

(Ord. No. NS-300.599, § 1, 6-3-97; Ord. No. NS-300.599, § 1, 6-2-98; Ord. No. NS-300.619, § 1, 11-17-98)

Sec. B26-7. Approvals nontransferable.

Approvals granted under this division shall not be transferable, either as to the licensee or the location. Any attempt to transfer shall render the approval in question invalid, it shall be deemed automatically revoked, and no further business may be conducted under such approval.

(Ord. No. NS-300.599, § 1, 6-3-97; Ord. No. NS-300.599, § 1, 6-2-98)

Sec. B26-8. Posting of sign and County approvals.

(a) A legible sign identifying an establishment as a medicinal marijuana dispensary shall be posted at the main entrance of the establishment. The sign shall be limited to the name, address, phone number and hours of operation. Signs are subject to approval by the Planning Commission and ASA Committee.

(b) Medicinal marijuana dispensary approvals shall be posted in a conspicuous place in the establishment.

(Ord. No. NS-300.599, § 1, 6-3-97; Ord. No. NS-300.599, § 1, 6-2-98)

Sec. B26-9. Application of division to existing businesses.

The provisions of this division shall be applicable to all persons and businesses described herein whether the herein-described activities were established before or after the effective date of this division.

(Ord. No. NS-300.599, § 1, 6-3-97; Ord. No. NS-300.599, § 1, 6-2-98)

[NOTE: The above information originated from the Santa Clara County government website http://www.sccgov.org/SCC/docs/scc_ordinance/32700000.HTM.]