TITLE 22 ZONING

Chapter 22.41 Medical Marijuana Dispensaries

22.41.090 Conditions

Per Section D of this ordinance, dispensaries shall be operated in strict compliance with the following regulations adopted by the Chief of Police. The following is the initial list of regulations governing the operation of a Medical Marijuana Dispensary with in the City of Martinez:

1. Dispensaries shall provide adequate lighting on-site to ensure the safety of persons and protect the premise from theft at all times.

2. The entrance to a dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises.

3. The entrance area of the dispensary building shall be strictly controlled. A viewer or video camera shall be installed in the door that allows maximum angle of view of the exterior entrance

4. All security guards employed by the dispensary shall be licensed and posses a valid Department of Consumer Affairs "Security Guard Card" at all times. Security Guards shall not possess firearms or electronic stun devices.

5. Dispensaries shall provide a neighborhood security guard patrol for a two (2) block radius surrounding the dispensary during all hours of operation for the purposes of controlling loitering.

6. No recommendations for medical marijuana shall be issued on site.

7. Dispensaries shall only dispense medical marijuana to qualified patients and their caregivers as defined by the California Health and Safety Code Section 11362.5 (Proposition 215). This shall include possession of a valid doctor's recommendation, not more than one (1) year old, for medical marijuana use by the patient.

8. Dispensaries shall notify patrons of the following both verbally and through the posting of a sign in a conspicuous location.

    a. Use of medical marijuana shall be limited to the patient identified on the doctor's recommendation. Secondary sale, barter or distribution of medical marijuana is a crime and can lead to arrest.

b. Possession of Marijuana while driving a motor vehicle is a crim.
c. Driving under the influence of marijuana is the equivalent of DUI.

d. Patrons must immediately leave the site and not consume medical marijuana until at home or an equivalent private location.
e. Dispensary staff shall monitor the site and vicinity to ensure compliance.
f. Forgery of a medical document is a felony crime.

9. Dispensaries shall not provide marijuana to any individual in an amount that is inconsistent with personal use; sales of cannabis is limited to one-eighth (1/8th) of an ounce.

10. Only a primary caregiver and qualified patient shall be permitted in the designated dispensing area along with certified dispensary personnel.

11. Patients or caregivers shall not be admitted to a dispensary without first having obtained a valid medicinal marijuana card and a written recommendation from their physician recommending use of medical cannabis.

12. Each on-site dispensary employee must be certified by the Chief of Police. Each potential employee shall, at their own expense, be live-scan fingerprinted to ensure they do not have a felony conviction. For purposes of this section, a conviction in another state that would have been a felony in California will disqualify a person from being certified.

13. Prior to dispensing medical cannabis, the Dispensary shall obtain verbal verification from the recommending physician's office personnel that the individual requesting medical cannabis is or remains a qualified patient pursuant to state Health & Safety Code Section 11362.5.

14. Dispensaries shall require such persons to provide valid official identification, such as a Department of Motor Vehicles driver's license or State Identification Card.

15. A Dispensary may not have a physician on-site to evaluate patients and provide a recommendation or prescription for the use of medical cannabis.

16. Dispensaries shall provide law enforcement and all neighbors within 1000 feet of the dispensaries with the name and phone number of an on-site community relations staff person to notify if there are operational problems with the establishment.

17. Each dispensary employee shall complete a criminal background check with the Martinez Police Department.

18. City of Martinez Code Enforcement Officer, Martinez Police Officers, other agents or employees of the city requesting admission for purpose of determining compliance with these standards shall be given unrestricted access

19. Cannabis shall not be consumed on the premises of the dispensary term.

The "premises" includes the actual building, as well as any Accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the dispensary's entrance.

20. Operating Plans. The user shall provide, a detailed Operations Plan and, upon issuance of the use permit, shall operate the dispensary in accordance with the Operations Plan; as such plan is approved by the Chief of Police.

21. User must take all reasonable measures have been incorporated into the security plan or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference with the operation of another business.

22. Floor Plan. A dispensary shall have a lobby waiting area at the entrance to receive clients, and a separate and secure designated area for dispensing medical cannabis to qualified patients or designated caregivers.

23. 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 or site driveways.

Dispensary Signage and Notices.

24. A notice shall be clearly and legibly posted in the dispensary indicating that smoking, ingesting or consuming cannabis on the premises or in the vicinity of the dispensary is prohibited.

25. Signs on the premises shall not obstruct the entrance or windows.

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

27. Client 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 under state Health & Safety Code Section 11362.5.