

**ORDINANCE NO. 02-12 N.S.**

**AN ORDINANCE OF THE CITY OF RICHMOND CITY COUNCIL AMENDING  
RICHMOND MUNICIPAL CODE CHAPTER 7.102 (MEDICAL MARIJUANA  
COLLECTIVES) TO INCREASE THE NUMBER OF AVAILABLE PERMITS, LIMIT  
THE CONCENTRATION OF COLLECTIVES AND PROVIDE A PROCEDURE FOR  
PERMITTED COLLECTIVES TO CHANGE LOCATIONS**

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**THE CITY COUNCIL OF THE CITY OF RICHMOND** does ordain that Richmond Municipal Code Chapter 7.102 is hereby amended as follows:

**SECTION 1.** Richmond Municipal Code Section 7.102.040 (Location and number) is hereby amended as follows:

A. All Medical Marijuana Collectives shall be located in the Regional Commercial (C-3) Zoning District unless, following a public hearing, the City Council makes the following findings to authorize a Collective to locate in the General Commercial (C-2) Zoning District:

- i. The Collective has demonstrated that it considered locations within the Regional Commercial (C-3) Zoning District and found no location meeting the requirements of this Chapter that serves the needs of its Members.
- ii. The proposed location within the General Commercial (C-2) Zoning District would complement the surrounding community while providing necessary services to its Members.
- iii. The proposed location is not abutting a residential use.

B. All Medical Marijuana Collectives shall be a minimum of one thousand five hundred feet (1,500') from any public or private high school and a minimum of five hundred feet (500') from any park, community center, youth center, public or private child-care center, nursery school, kindergarten, elementary, middle or junior high school, unless, following a public hearing, the City Council makes all of the following findings based on specific facts, stated in writing:

- i. The location, design and proposed operating characteristics of the Collective are such that it is highly improbable persons on, in or travelling to or from nearby schools, parks, community centers, youth centers, or child-care centers would be able to view persons in, entering, or leaving the Collective.
- ii. Allowing the Collective to locate within one thousand five hundred feet (1,500') of a public or private high school or within five hundred feet (500') of a park, community center, youth center, public or private child-care center, nursery school, kindergarten, elementary, middle or junior high school will not grant the Collective a special privilege not available to other Medical Marijuana Collectives within the City of Richmond.
- iii. The Collective has demonstrated that it considered other locations and selected the location that would have the minimum negative impact on the surrounding community while providing necessary services to its Members.

C. No more than three (3) Medical Marijuana Collectives shall be located within any square

mile within the City limits.

D. The City Council shall permit no more than six (6) Medical Marijuana Collectives to operate in the City of Richmond. When there are fewer than six (6) permitted Collectives operating within the City, the Chief of Police shall publish an Invitation for Applications on the City's website, stating the period during which applications will be accepted.

**SECTION 2.** Richmond Municipal Code Section 7.102.070 (Permit non-transferable) is hereby amended as follows:

7.102.070 Permit Non-transferable. A Medical Marijuana Collective Permit issued pursuant to this Chapter shall become null and void upon the cessation of the Collective—and/or the unauthorized relocation of the Collective to a different Property.

A. The following shall be deemed an unauthorized change in location if undertaken without approval of a permit modification in accordance with Section 7.102.075:

1. Any relocation or expansion that includes a separate piece of property or parcel of land from the initially permitted Property.
2. Any expansion of the initially permitted Property which represents a greater than fifty percent (50%) increase in the square footage of occupancy or in the square footage that is open to the public.

B. The lawful conduct of activity regulated by this Chapter by a permittee shall be limited to those activities expressly indicated on the Medical Marijuana Collective Permit and in the application materials.

C. The holder of a Medical Marijuana Collective Permit shall not allow others to use or rent the permitted Property. An exception shall be made for persons who are not Collective members or Management Members and who possess a valid City issued business license which authorizes the "place to place" sale of materials (other than seed stock) for the collective cultivation of Medical Marijuana by members and/or Management Members of the Collective.

**SECTION 3.** Richmond Municipal Code is hereby amended with the addition of Section 7.102.075 (Modification of permit terms) to read as follows:

7.102.075 Modification of permit conditions

A. A medical marijuana collective may request a modification of permit condition(s) by submitting a written request to the Chief of Police stating the condition(s) to be modified and the reason(s) for the request. A request must be accompanied by the fee for an appeal as set forth in the City Council resolution establishing fees for medical marijuana collective permits. The request should be accompanied by all supporting documents.

B. Upon receipt of a request to modify permit condition(s) and payment of the required fee, the Chief of Police, or his or her designee, shall schedule a public hearing before the Public Safety/Public Services Committee at its next regularly scheduled meeting unless the request is to relocate to the General Commercial (C-2) Zoning District. If the request is to relocate to the General Commercial (C-2) Zoning District, the public hearing shall be scheduled before the City Council at a regular meeting within forty-five (45) days after receipt of the request and payment of the required fee.

C. Notice of the hearing shall be published and mailed in accordance with Section 7.102.050.D.

D. A decision of the Public Safety/Public Services Committee to grant or deny a permit modification shall be appealable to the City Council by filing a written appeal with the Chief of Police and paying the appeal fee within fourteen (14) days of the Committee's decision. The appeal procedure shall be in accordance with Section 7.102.055, except that the appellate body shall be the City Council.

E. A decision of the City Council to grant or deny a request to relocate in the General Commercial (C-2) Zoning District shall be final.

**SECTION 4. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

**SECTION 5. Effective Date.**

This Ordinance becomes effective thirty (30) days following its passage and adoption.

First read at a joint meeting of the Council of the City of Richmond, California, held March 6, 2012, and finally passed and adopted at a regular meeting thereof held March 20, 2012, by the following vote:

AYES: Councilmembers Bates, Boozé, Ritterman, and Vice Mayor Rogers.

NOES: Councilmember Butt.

ABSTENTIONS: None.

ABSENT: Councilmember Beckles and Mayor McLaughlin.

DIANE HOLMES  
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

GAYLE MCLAUGHLIN  
Mayor

Approved as to form:

BRUCE REED GOODMILLER  
City Attorney

State of California            }  
County of Contra Costa        }       : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of Ordinance No. 02-12 N.S., finally passed and adopted by the City Council of the City of Richmond at a joint meeting held on March 20, 2012.