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2 **SECTION 3.** Section 22.56.196 is added to read as follows:

3 **22.56.196 Medical marijuana dispensaries.**

4 A. Purpose. This Section is established:

5 1. To ban the operation of medical marijuana dispensaries in the
6 County; or

7 2. In the event that a ban is held unlawful by a final decision of a
8 California Court of Appeals or by the California Supreme Court, to regulate medical
9 marijuana dispensaries in a manner that is safe, that to mitigates potential health, safety
10 and welfare impacts that medical marijuana dispensaries may have on surrounding
11 properties and persons, and that is in consistent with and in conformance with the
12 provisions of the California Health and Safety Code Sections 11362.5 through Section
13 11362.83, inclusive, commonly referred to as the Compassionate Use Act of 1996 and
14 the Medical Marijuana Program.

15 B. Prohibition. Medical marijuana dispensaries and any facility or location
16 which distributes, transmits, gives or otherwise provides marijuana to any person are
17 prohibited in all zones of the County. Conditional use permit required. The
18 establishment and operation of any medical marijuana dispensary requires a conditional
19 use permit in compliance with the requirements of this Section.

20 C. Court Decision. If a final decision of the California Court of Appeals or the
21 California Supreme Court determines that a local jurisdiction may not ban medical
22 marijuana facilities from all zones in the jurisdiction, then subsections D through H shall
23 be in effect and shall regulate medical marijuana dispensaries in the County operated
24 consistent with and in conformance with the provisions of the Compassionate Use Act
25 of 1996 and the Medical Marijuana Program.

26 GD. Application procedure.

1 1. County Department Review. In addition to ensuring compliance
2 with the application procedures specified in Sections 22.56.020, 22.56.030, 22.56.040,
3 22.56.050 and 22.56.085, the director shall send a copy of the application and related
4 materials to Departments of Health Services, Sheriff's Department, Business License
5 Commission and all other applicable County departments for their review and comment.

6 2. Disclaimer. A warning and disclaimer shall be put on medical
7 marijuana zoning application forms and shall include the following:

8 a. A warning that dispensary operators and their employees
9 may be subject to prosecution under federal marijuana laws; and

10 b. A disclaimer that the County will not accept any legal liability
11 in connection with any approval and/or subsequent operation of a dispensary.]

12 DE. Findings. In addition to the findings required in Section 22.56.090,
13 approval of a conditional use permit for a medical marijuana dispensary shall be subject
14 to the following findings:

15 1. That the requested use at the proposed location will not adversely
16 affect the economic welfare of the nearby community;

17 2. That the requested use at the proposed location will not adversely
18 affect the use of any property used for a school, playground, park, youth facility, child
19 care facility, religious facility or library;

20 3. That the requested use at the proposed location is sufficiently
21 buffered in relation to any residential area in the immediate vicinity so as not to
22 adversely affect said area; and

23 4. That the exterior appearance of the structure will be consistent with
24 the exterior appearance of structures already constructed or under construction within
25 the immediate neighborhood, so as to prevent blight or deterioration, or substantial
26 diminishment or impairment of property values within the neighborhood.

1 EF. Conditions of Use. The following standards and requirements shall apply
2 to all medical marijuana dispensaries unless a variance is granted pursuant to Part 2 of
3 Chapter 22.56:

4 1. Location.

5 a. Dispensaries shall not be located within a 1,000-foot radius
6 of schools, playgrounds, parks, libraries, places of religious worship, child care facilities,
7 and youth facilities, including but not limited to youth hostels, youth camps, youth clubs,
8 etc., and other similar uses.

9 b. Dispensaries shall not be located within a 1,000-foot radius
10 of other dispensaries.

11 2. Signs.

12 a. Notwithstanding the wall sign standards specified in
13 subsection A of Section 22.52.880, dispensaries shall be limited to one wall sign not to
14 exceed 10 square feet in area.

15 b. Notwithstanding the building identification sign standards
16 specified in subsection A.3 of Section 22.52.930, dispensaries shall be limited to one
17 building identification sign not to exceed two square feet in area.

18 c. Notwithstanding the provisions of subsection E of Section
19 22.52.880 and subsection C of Section 22.52.930, dispensary wall and building
20 identification signs may not be internally or externally lit.

21 d. All dispensaries shall display on their wall sign or
22 identification sign, the name and emergency contact phone number of the operator or
23 manager in letters of at least 2 inches in height.

24 e. Dispensaries shall post a legible indoor sign in a
25 conspicuous location with the following warnings:
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1 i. That the diversion of marijuana for non-medical
2 purposes is a violation of State law;

3 ii. That the use of medical marijuana may impair a
4 person's ability to drive a motor vehicle or operate machinery; and

5 iii. That loitering on and around the dispensary site is
6 prohibited by California Penal Code Section 647(e).

7 3. Hours of Operation. Dispensary operation shall be limited to the
8 hours of 7 a.m. to 8 p.m.

9 4. Lighting.

10 a. Lighting shall adequately illuminate the dispensary, its
11 immediate surrounding area, any accessory uses including storage areas, the parking
12 lot, the dispensary's front façade and any adjoining public sidewalk to the director's
13 satisfaction.

14 b. Lighting shall be hooded or oriented so as to deflect light
15 away from adjacent properties.

16 5. Graffiti. The owner(s) of the property on which a dispensary is
17 located shall remove graffiti from the premises within 24 hours of its occurrence.

18 6. Litter. The owner(s) of a property on which a dispensary is located
19 shall provide for removal of litter twice each day of operation from, and in front of, the
20 premises.

21 7. Alcohol prohibited. Provision, sale, or consumption of alcoholic
22 beverages on the grounds of the dispensary, both interior and exterior, shall be
23 prohibited.

24 8. Edibles. Medical marijuana may be provided by a dispensary in an
25 edible form, provided that the edibles meet all applicable County requirements. In
26 addition, any beverage or edible produced, provided or sold at the facility which

1 contains marijuana shall be so identified, as part of the packaging, which a prominent
2 and clearly legible warning advising that the product contains marijuana and that it is to
3 be consumed only with a physician's recommendation.

4 9. On-site consumption. Medical marijuana may be consumed on-site
5 only as follows:

6 a. The smoking of medical marijuana shall be allowed provided
7 that appropriate seating, restrooms, drinking water, ventilation, air purification system
8 and patient supervision are provided in a separate room or enclosure; and

9 b. Consumption of edibles by ingestion shall be allowed subject
10 to all applicable County requirements.

11 10. Devices for inhalation. Dispensaries may provide specific devices,
12 contrivances, instruments or paraphernalia necessary for inhaling medical marijuana,
13 including, but not limited to, rolling papers and related tools, pipes, water pipes, and
14 vaporizers. The above may only be provided to qualified patients, or primary caregivers
15 in accordance with California Health and Safety Code Section 11364.5.

16 11. Security. Dispensaries shall provide for security as follows:

17 a. An adequate and operable security system that includes
18 security cameras and alarms to the satisfaction of the director; and

19 b. A licensed security guard present at all times during
20 business hours. All security guards must be licensed and possess a valid Department of
21 Consumer Affairs "Security Guard Card" at all times.

22 12. Cultivation and cuttings. Marijuana shall not be grown at
23 dispensary sites, except that cuttings of the marijuana plant may be kept or maintained
24 on-site for distribution to qualified patients and primary caregivers as follows:

25 a. The cuttings shall not be utilized by dispensaries as a
26 source for the provision of marijuana for consumption on-site, however, upon provision

1 to a qualified patient or primary caregiver, that person may use the cuttings to cultivate
2 marijuana plants off-site for their own use and they may also return marijuana from the
3 resulting mature plant for distribution by the dispensary.

4 b. For the purposes of this Section, the term “cutting” shall
5 mean a rootless piece cut from a marijuana plant, which is no more than six inches in
6 length, and which can be used to grow another plant in a different location.

7 13. Loitering. Dispensaries shall ensure the absence of loitering
8 consistent with California Penal Code Section 647(e).

9 14. Distribution of emergency phone number. Dispensaries shall
10 distribute the name and emergency contact phone number of the operator or manager
11 to anyone who requests it.

12 15. Minors. It shall be unlawful for any dispensary to provide medical
13 marijuana to any person under the age of 18 unless that person is a qualified patient or
14 is a primary caregiver with a valid identification card in accordance with California State
15 Health and Safety Code Section 11362.7.

16 16. Compliance with other requirements. Dispensaries shall comply
17 with applicable provisions of the California Health and Safety Code Sections 11362.5
18 through Section 11362.83, inclusive, and with all applicable County requirements.

19 17. Additional conditions. Prior to approval of any dispensary, the
20 director, hearing officer or the regional planning commission may impose any other
21 conditions deemed necessary for compliance with the findings specified in subsection D
22 of this section.

23 18. Release the County from liability. The owner(s) and permittee(s) of
24 each dispensary shall release the County, and its agents, officers, elected officials, and
25 employees from any injuries, damages, or liabilities of any kind that results from any
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1 arrest or prosecution of dispensary owners, operators, employees, or clients for
2 violation of state or federal laws in a form satisfactory to the director.

3 19. County indemnification. The owner(s) and permittee(s) of each
4 dispensary shall indemnify and hold harmless the County, agents, officers, elected
5 officials, and employees for any claims, damages or injuries brought by adjacent or
6 nearby property owners or other third parties due to the operations at the dispensary,
7 and for any claims brought by any of their clients for problems, injuries, damages or
8 liabilities of any kind that may arise out of the distribution and/or on- or off-site use of
9 marijuana provided by the dispensary in a form satisfactory to the director.

10 FG. Previously existing dispensaries. Notwithstanding the provisions of Part 10
11 (Nonconforming Uses, Buildings and Structures) of Chapter 22.56, dispensaries
12 determined not to be operating illegally which were established prior to the effective
13 date of this ordinance, shall be brought into full compliance with the provisions of this
14 section within one year of the effective date of the ordinance establishing this section.

15 GH. Liability. The provisions of this Section shall not be construed to protect
16 dispensary owners, permittees, operators, and employees, or their clients from
17 prosecution pursuant to any laws that may prohibit the cultivation, sale, use, or
18 possession of controlled substances. Moreover, cultivation, sale, possession,
19 distribution, and use of marijuana remain violations of federal law as of the date of
20 adoption of the ordinance creating this section and this section is not intended to, nor
21 does it, protect any of the above described persons from arrest or prosecution under
22 those federal laws. Owners and permittees must assume any and all risk and any and
23 all liability that may arise or result under state and federal criminal laws from operation
24 of a medical marijuana dispensary. Further, to the fullest extent permitted by law, any
25 actions taken under the provisions of this section by any public officer or employee of
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1 the County of Los Angeles or the County of Los Angeles itself, shall not become a
2 personal liability of such person or the liability of the county.

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