

SZC No. \_\_\_\_\_

**AN INTERIM URGENCY ORDINANCE OF THE SACRAMENTO COUNTY ZONING  
CODE ADOPTED PURSUANT TO GOVERNMENT CODE SECTION 65858  
RELATING TO THE CULTIVATION AND DISPENSING OF MEDICAL MARIJUANA**

**Whereas**, the Sacramento Zoning Code currently does not regulate either the location or manner of cultivation of medical marijuana, but prohibits the establishment and operation of medical marijuana dispensaries and the sale or distribution of medical marijuana; and

**Whereas**, medical marijuana cultivation is increasing in the unincorporated area and there are a number of medical marijuana dispensaries that are unlawfully operating within the unincorporated area;

**Whereas**, the increasing cultivation of medical marijuana without regulation creates health and safety risks;

**Whereas**, if medical marijuana dispensaries were permitted to be established without appropriate regulation, such uses might be established in areas that would conflict with the requirements of the General Plan, be inconsistent with surrounding uses, or be detrimental to the public health, safety and welfare;

**Whereas**, citizens of the County of Sacramento have expressed concerns regarding the inadequacy of the current regulations to address the increasing cultivation of medical marijuana as well as the increasing number of unpermitted medical marijuana dispensaries and cooperatives operating within the unincorporated area of the County and the impacts of such establishment on the community as a whole, including safety, noise, litter and other public health and welfare impacts;

**Whereas**, the County of Sacramento is in the process of studying appropriate amendments to the County's Zoning Ordinance related to the cultivation and dispensing of medical marijuana in order to provide, clear, consistent and uniform guidance to businesses and individuals regarding the cultivation of marijuana as well as the siting and operating characteristics of dispensaries and similar establishments, if permitted, while addressing the significant community concerns described above; and

**Whereas**, the Board of Supervisors desires, on an urgency basis, to temporarily regulate the cultivation of medical marijuana, as well as the location and operating conditions for dispensaries within the unincorporated area of the County, pending development of final regulations.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA**, ordains as follows:

SECTION 1. Chapter 45 of the Sacramento County Zoning Code is added to read as follows:

**345-01 Purpose and Intent**

It is the purpose and intent of this Article is to regulate the cultivation and dispensing of medical marijuana in a manner that is consistent with State law and which promotes the health, safety, and general welfare of the residents and businesses within the unincorporated territory of the County of Sacramento by balancing the needs of medical patients and their caregivers for access to medical marijuana with the needs of neighbors and communities to be protected from public safety and nuisance impacts related to the cultivation or dispensing of medical marijuana and the need to limit the harmful environmental impacts that are sometimes associated with marijuana cultivation and distribution. Nothing in this Article is intended to permit activities or conduct which are illegal under state law. Nothing in this Article shall be construed to a) allow persons to engage in activities or conduct that endanger others or causes a public nuisance as defined herein; or b) allow any activities or conduct relating to cultivation, distribution, dispensing, sale or consumption of marijuana that is otherwise illegal under state law.

## **345-02 Findings**

The Board of Supervisors of the County of Sacramento hereby finds and declares the following:

A. In 1996, the voters of the State of California approved Proposition 215, codified as California Health and Safety Code section 11362.5 and entitled "The Compassionate Use Act of 1996."

B. The intent of Proposition 215 was to ensure that seriously ill persons have the right to obtain and use medical marijuana for medical purposes when that medical use is deemed appropriate and has been recommended by a physician without fear of criminal prosecution under limited, specified circumstances. Proposition 215 further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes." The ballot arguments supporting Proposition 215 expressly acknowledged that "Proposition 215 does not allow unlimited quantities of marijuana to be grown anywhere."

C. In 2004, the Legislature enacted Senate Bill 420 which was codified as California Health and Safety Code sections 11362.7. That legislation was enacted to clarify the scope of Proposition 215 and to provide qualified patients and primary caregivers cultivate marijuana for medical purposes with a limited defense to certain specified state criminal statutes.

D. Health and Safety Code section 11362.83 expressly allows cities and counties to adopt and enforce ordinances that are consistent with Senate Bill 420.

E. The federal Controlled Substances Act (21 USC §§ 801 et seq.) classifies marijuana as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, transport, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act does not exempt the cultivation, manufacture, distribution, dispensation, transportation, or possession of marijuana for medical purposes.

F. The cultivation, distribution, dispensing or sale of medical marijuana in the unincorporated area of Sacramento County can adversely affect the health, safety and well-being of the County and its residents. Medical marijuana cultivation, distribution, dispensing or sale, without certain safeguards, increases the risk of criminal activity, degradation of the natural environment, malodorous smells and indoor electrical fire hazards, particularly substantial amounts of medical marijuana are concentrated in one place. Both the outdoor cultivation of marijuana and the distribution, dispensing or sale of medical marijuana in or near residential zones increases the risk of such activity and intrudes upon residential uses.

G. The distribution, dispensing, or sale of any amount of marijuana at locations or premises within 1,000 feet of schools, school bus stops, school evacuation sites, churches, parks, child care centers, or youth-oriented facilities creates unique risks that the marijuana plants may be observed by juveniles, and therefore be especially vulnerable to theft or recreational consumption by juveniles. The cultivation of marijuana in accessory structures within 600 feet of schools, school bus stops, school

evacuation sites, churches, parks, child care centers or youth-oriented facilities increases the risk that the marijuana will be vulnerable to theft or recreational consumption by juveniles. Further, the potential for criminal activities associated with marijuana cultivation, distribution or sale at such locations poses heightened risks that juveniles will be involved or endangered. Therefore, cultivation, distribution, dispensing, or sale of any amount of marijuana at such locations or premises is especially hazardous to public safety and welfare, and to the protection of juveniles and the person(s) cultivating the marijuana plants.

H. Marijuana plants, as they begin to flower and for a period of two months or more during the growing season, produce an extremely strong odor, offensive to many people and detectable far beyond property boundaries.

I. The strong smell of marijuana may create an attractive nuisance, alerting persons to the location of marijuana plants, thereby creating a risk of burglary, robbery, armed robbery, assault, attempted murder, and murder.

J. Marijuana that is grown indoors may require excessive use of electricity which may overload standard electrical systems, thereby creating an unreasonable risk of fire. If indoor grow lighting systems are powered by diesel generators, the improper maintenance of generators and fuel lines and the improper storage and disposal of diesel fuel and waste oil may create an unreasonable risk of fire and pollution.

K. As recognized by the Attorney General's August 2008 *Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use*, the cultivation, distribution, dispensing, sale or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

L. The limited right of qualified patients and their primary caregivers under state law to cultivate marijuana plants for medical purposes does not confer upon them the right to create or maintain a public nuisance.

M. Nothing in this ordinance shall be construed to allow any conduct or activity relating to the cultivation, distribution, dispensing, sale, or consumption of marijuana that is otherwise illegal under state law. No provision of this Article shall be deemed a defense or immunity to any action brought against any person by the Sacramento County District Attorney, the Attorney General of the State of California, or the United States of America.

N. This Article is not subject to the California Environmental Quality Act pursuant to Sections 15060(c)(2) and 15061(B)(3). In addition to the foregoing general exemptions, the following categorical exemptions apply: Sections 15308 and 15321.

### **345-03 Definitions**

As used herein, the following definitions shall govern the construction of this Article.

A. "Child Care Center" means any licensed child care center, daycare center or childcare home, or any preschool.

B. "Church" means a structure or leased portion of a structure which is used primarily for religious worship and related religious activities.

C. "Cultivation" means the planting, growing, harvesting, drying, processing or storage of one or more marijuana plants or any part thereof in any location, indoor or outdoor, including a fully enclosed and secure building.

D. "Dispensing Collective or Cooperative" means any association, cooperative, affiliation, or collective of persons where multiple qualified patients or primary caregivers are organized or associated to collectively or cooperatively cultivate, store and/or dispense marijuana for medical purposes as provided in Health and Safety Code section 11362.775.

E. "Dispensary" means any facility or location where medical marijuana is made available to and/or distributed by two or more of the following: a qualified patient, a person with an identification card, and/or a primary caregiver. A dispensary shall include any facility or location where medical marijuana is made available to or distributed by or to a primary caregiver or a qualified patient in strict accordance with Health and Safety Code sections 11362.5 et seq. A dispensary shall include a dispensing collective or cooperative. A dispensary shall not include dispensing by primary caregivers to qualified patients in the following locations, so long as such locations are otherwise permitted by the Sacramento Zoning Code or by applicable state laws and such facilities are in compliance with applicable laws:

1. A clinic licensed pursuant to Chapter 1 of Division 2 of the state Health and Safety Code;

2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the state Health and Safety Code;

3. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the state Health and Safety Code;

4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the state Health and Safety Code; and

5. A residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the state Health and Safety Code.

F. "Enforcing Officer" means the Director of the Department of Building and Code Enforcement.

G. "Fully enclosed and secure structure" means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, and which is accessible only through one or more lockable doors.

H. "Indoors" means within a fully enclosed and secure structure which can only be entered through a locked door that requires a key or combination to open and which is secure against unauthorized entry.

I. "Legal parcel" means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (commencing with Section 66410 of Title 7 of the Government Code).

J. "Marijuana" means all parts of the plant Genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

K. "Marijuana plant" means any mature or immature marijuana plant, or any marijuana seeding, unless otherwise specifically provided herein.

L. "Outdoors" means any location within the County of Sacramento that is not within a fully enclosed and secure structure.

M. "Premises" means a single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall be counted as a single "premises" for purposes of this Article.

N. "Primary caregiver" shall have the meaning set forth in Health and Safety Code section 11362.7(d).

O. "Qualified Patient" shall have the meaning set forth in Health and Safety Code section 11362.7(f).

P. "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any child or day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but does not include a home school, vocational or professional institution of higher education, including a community or junior college, college or university.

Q. "School Bus Stop" means any location designated in accordance with California Code of Regulations, Title 13, section 1238, to receive school buses, as defined in California Vehicle Code section 233 or school pupil activity buses as defined in Vehicle Code section 546.

R. "School Evacuation Site" means any location designated by formal action of the governing body, Superintendent, or principal of any school as a location to which juveniles are to be evacuated to, or are to assemble at, in the event of an emergency or other incident at the school.

S. "Youth-oriented facility" means any facility that caters to or provides services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

#### **345-04 Authority and Application**

The Director of the Sacramento County Department of Building and Code Enforcement, or the Director's designee ("Director") shall administer and enforce the provisions of this Article.

#### **345-05 Outdoor Cultivation Prohibited**

The cultivation of marijuana outdoors for any purpose shall be unlawful on any parcel in the unincorporated area of Sacramento County and shall be a public nuisance.

#### **345-06 Indoor Cultivation**

A. Indoor cultivation of medical marijuana shall be prohibited, except within the Agricultural Residential or Residential zones subject to the terms and conditions of this Chapter.

1. Indoor cultivation of marijuana may be undertaken only a) within the primary residence of a qualified patient; or, in the alternative, b) within a legal accessory structure located on a legal parcel on which the qualified patient maintains his or her primary residence.

2. A qualified caregiver may undertake indoor cultivation of marijuana on behalf of a qualified patient, provided that such indoor cultivation occurs only a) within the primary residence of the qualified caretaker, or, in the alternative, b) within a legal accessory structure located on a legal parcel on which the qualified caretaker maintains a primary residence;

3. In no case, shall a qualified patient or his or her qualified caretaker be permitted to undertake indoor cultivation of medical marijuana in both the personal residence of the patient or caretaker and any accessory structure located on the premises. In the event that a residential accessory structure which complies with Section 305-83 of the Sacramento Zoning Code is occupied by a person other than the person residing at the primary residence on the property, the residential accessory structure shall be treated for purposes of this Chapter as the primary residence of its occupant. In all other cases, the residential accessory structure shall be treated as accessory structure for purposes of this Chapter.

B. The accessory structure in which medical marijuana may be cultivated shall comply with the provisions of Title III, Article 6, Sections 305-80 et seq.

C. Notwithstanding the provisions of Title III, Article 6, Sections 305-80 et seq., any accessory structure in which medical marijuana is cultivated shall be set back from the boundaries of the premises as set forth below. Any required setback distance shall be measured in a straight line from the accessory structure in which the medical marijuana is cultivated.

1. On premises that are twenty (20) acres in size or less, the accessory structure shall be set back at least one hundred (100) feet from all boundaries of the premises.

2. On premises that are greater than twenty (20) acres in size but less than one hundred sixty (160) acres in size, the accessory structure shall be set back at least three hundred (300) feet from all boundaries of the premises.

3. On premises that are one hundred sixty (160) acres or greater in size, the accessory structure shall be set back at least one thousand (1,000) feet from all boundaries of the premises.

D. The cultivation of marijuana, in any amount or quantity, in an accessory structure upon any premises located within six hundred (600) feet of any school, school bus stop, school evacuation site, church, park, child care center, or youth-oriented facility is prohibited.

1. Except as provided in subdivision (D)(2), such distance shall be measured in a straight line from the boundary line of the premises upon which medical marijuana is cultivated to the boundary line of the premises upon which the school, school bus stop, school evacuation site, church, park, child care center or youth-oriented facility is located.

2. If the premises is twenty (20) acres or greater in size, then such distance shall be measured in a straight line from the building in which the medical marijuana is cultivated, to the boundary line of the premises upon which the school, school bus stop, school evacuation site, church, park, child care center or youth-oriented facility is located.

E. The indoor cultivation of medical marijuana, on any premises, by either a qualified patient or a qualified caregiver is limited to no more than the following number of marijuana plants, in order to minimize the nuisance risks attendant with greater numbers: twelve (12) mature marijuana plants or twenty-four (24) immature marijuana plants and, if both mature and immature marijuana plants are cultivated on the premises, not more than twelve (12) mature marijuana plants and not more than twenty-four (24) total marijuana plants. The limitations imposed herein shall be imposed regardless of the number of qualified patients or primary caregivers residing at the premises or participating directly or indirectly in the cultivation. The limitations herein shall be imposed notwithstanding any assertion that the person(s) cultivating marijuana is the primary caregiver(s) for qualified patients or that such person(s) is collectively or cooperatively cultivating marijuana.

### **345-07 Operational Standards for Cultivation**

The cultivation of medical marijuana, in any amount or quantity, upon any premises is prohibited, unless all of the following occurs:

A. The person(s) owning, leasing, occupying, or having charge or possession of any premises annually shall register the premises with the Sacramento County Department of Building and Code Enforcement and shall provide on an annual basis all of the following:

1. The name of each person who owns, leases, occupies, and/or has charge or possession of the premises;
2. The name and county of residence of each qualified patient and/or primary caregiver who participates in the cultivation of medical marijuana or the services provided in conjunction with the provision of that marijuana;
3. A statement attesting under penalty of perjury that the person(s) cultivating the marijuana on the premises is either a qualified patient or qualified caregiver;
4. The number of marijuana plants, whether mature or immature, cultivated on the premises; and
5. Such other information and documentation as the Department of Building and Code Enforcement determines is necessary to ensure compliance with state law and this Chapter.

B. Any person who is not the legal owner of a parcel and who is cultivating medical marijuana on such parcel shall give written notice to the legal owner(s) of the parcel and submit a notarized letter from such legal owner(s) consenting to the cultivation of medical marijuana on the parcel.

C. All medical marijuana grown indoors shall be located within a fully enclosed and secure structure.

E. The qualifying residence located on the property containing the accessory structure in which medical marijuana is cultivated shall maintain kitchen, bathroom and primary bedroom for their intended use and shall not be used for cultivation.

F. Notwithstanding the provisions of Title III, Article 6, Sections 305-80 et seq., any accessory structure in which medical marijuana is cultivated shall meet the following criteria:

1. The structure shall be provided with locking doors and shall have an operational security system.
2. If the structure is a greenhouse, it shall additionally be surrounded by a secure solid six (6) foot high fence located within ten (10) feet of the greenhouse and equipped with a lockable gate.
3. The structure shall be located in the rear portion of the parcel.
4. Accessory structures utilized for cultivation shall be ventilated with odor control filters and shall not create an odor, humidity or mold problem on the subject property or adjacent properties.

**345-08 Dispensary – Permitted**

A dispensary shall be permitted only within an area zoned GC, SPA (GC), LC, M1, and SPA (M1) provided, however, that such dispensary shall not be located within three hundred (300) feet from any property that is zoned agricultural residential or residential. Such distance shall be measured as a radius from the primary entrance of the dispensary to the nearest property line.

**345-09 Dispensary – Use Permit Required**

A conditional use permit shall be required to establish, operate or maintain a dispensary. The requirements for an application for a conditional use permit shall be as specified in Title I, Chapter 10, Article I, of this Code.

**345-10 Dispensary – Operating Conditions**

In addition to any other conditions which may be imposed lawfully, once permitted, a dispensary shall meet and comply with the following operating conditions:

1. The dispensary shall not grow or cultivate medical marijuana onsite, including cuttings of the marijuana plant.
2. The dispensary shall be located in a visible store-front type location which provides good public views of the entrance, its windows, and the entrance to the premises from a public street.
3. The dispensary shall be located on a parcel more than 1,000 feet from a school, school bus stop, school evacuation site, church, park, child care center, or youth-oriented facility. Such distance shall be measured as a radius from the primary entrance of the dispensary to the nearest property line.
4. The operator, owner, manager, employee, volunteer worker or other person exercising managerial authority over a dispensing cooperative or collective and/or dispensary shall not have a conviction for a) controlled substance offense (whether felony or misdemeanor), b) any felony; or 3) a conviction for the cultivation, distribution or dispensing of marijuana in violation of this Chapter.
5. The operator, owner, employee, volunteer worker or other person in charge of any dispensing cooperative or collective and/or dispensary shall be at least 18 years of age. Persons under the age of 18 shall not be allowed on the premises unless they are a qualified patient or a primary caregiver and are in the presence of their parent or guardian. The entrance to any dispensing cooperative or collective and/or dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises unless they are a

qualified patient or a primary caregiver and are in the presence of their parent or guardian.

6. Only a primary caregiver and/or qualified patient shall be authorized to be present in any designated dispensing area along with dispensary personnel.

7. The dispensary shall only dispense medical marijuana to qualified patients or primary caregivers with a currently valid physician's approval or recommendation in compliance with Health and Safety Code sections 11362.5 et seq. A dispensing cooperative or collective and/or dispensary shall require such persons to provide valid official identification, such as a Department of Motor Vehicle driver's license or State Identification Card prior to dispensing or selling medical marijuana to such person.

8. The dispensary shall obtain, prior to dispensing medical marijuana, a current verification from the recommending physician's office that the individual requesting medical marijuana is or remains a qualified patient pursuant to Health and Safety Code section 11362.5. For purposes of this provision, verification shall be deemed current if it was issued within one (1) year prior to the dispensing or sale of medical marijuana.

9. No physician shall be located on-site to evaluate patients and/or provide a recommendation or prescription for use of medical marijuana.

10. Qualified patients shall not consume medical marijuana on its premises. For purposes of this subdivision, "premises" shall include the actual building, as well as any accessory structures, parking lot or parking areas.

11. The dispensary shall post in a clearly visible location a notice indicating that smoking, ingesting or consuming medical marijuana on the premises is prohibited.

12. The dispensary shall not sell, distribute, dispense, donate, provide, or display any drug paraphernalia, as defined in Health and Safety Code section 11362.5, or any implement that may be used to administer marijuana.

13. The dispensary shall have and maintain a separate and secure designated area for dispensing medical marijuana to qualified patients or designated caregivers.

14. The dispensary shall provide adequate security on the premises, including but not limited to provision for adequate lighting and alarms, security surveillance cameras that monitor the main entrance and exterior of the premises, a professionally monitored robbery alarm and building alarm systems and suitable locked storage on premises for after-hours storage of marijuana.

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

16. The dispensary shall maintain records, for a period of three years, demonstrating the source of the marijuana that is being dispensed, as well as each transaction in which marijuana is dispensed. The information contained in such records shall include, but not be limited to the name, residence address and volume of marijuana received and/or dispensed by the dispensary, and the amount charged, paid or collected for each transaction.

17. The dispensary shall annually provide the Department of Finance Auditor-Controller with a financial audit of dispensary operations, including a management letter, if applicable, prepared by a certified public accountant in accordance with generally accepted principles of accounting.

18. The dispensary shall provide to the Tax and License Collector, on or before the fifteenth (15<sup>th</sup>) of each month, summaries of dispensary activity, including but not limited to, totals of marijuana purchased, received in donation, dispensed and in inventory on a form provided by the Tax and License Collector.

19. The dispensary shall maintain confidential health care records of all qualified patients and primary caregivers using only the identification card number issued by the County or its agent and also maintain a copy of the most current written recommendation from a physician or doctor of osteopathy stating the need for medical cannabis under Health and Safety Code section 11362.5.

20. The owner and/or operator of a dispensary shall clear the sidewalks adjoining the premises, as well as any parking lots under the control of the owner and/or operator, as needed to control litter, debris and trash.

21. The owner and/or operator of a dispensary shall remove all graffiti from the premises and parking lots under the control of the owner and/or operator within 72 hours of its application.

22. The dispensary shall not display marijuana on its premises in a manner that can be observed from outside of the premises.

23. The dispensary's hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Sunday.

24. The dispensary manager or the dispensary owner shall be present at all times on the dispensary premises during its operating hours.

25. The owner and/or operator of the dispensary shall prohibit loitering by persons outside the establishment.

26. The dispensary shall not dispense medical marijuana to an individual qualified patient or primary caregiver more than twice a day.

27. All transactions shall occur on its premises and all marijuana shall be dispensed directly to the qualified patient or caregiver. No employee, owner or volunteer shall deliver medical marijuana to any qualified patient or caregiver at an off-premises location.

28. The applicant to whom a conditional use permit has been granted shall post on the premises for public display the use permit or a copy thereof when issued.

29. No food, beverage or food product, whether or not such food, beverage or food product contains marijuana, shall be dispensed, sold, or distributed in any manner from or at the site of the dispensary.

### **345.11 Hearing**

The Board of Supervisors shall be the appropriate authority to hear and decide all applications for conditional use permits for dispensaries, after a recommendation by the Planning Commission. After a hearing, pursuant to the provisions of Title I, Chapter 10 of this Code, the Planning Commission may recommend to the Board of Supervisors either to issue the permit with or without conditions or to deny the application and refuse to issue the permit.

Upon receipt of the written recommendation of the Planning Commission, the Board of Supervisors shall hold a public hearing on the application pursuant to the provisions of Title I, Chapter 10, of this Code. Upon hearing the application and the recommendation of the Planning Commission, the Board of Supervisors shall either

issue the permit with or without conditions or deny the application and refuse to issue the permit.

Any modification of the conditions of a conditional use permit shall be in accordance with Section 110-10 of the Sacramento Zoning Code.

**345-12 Conformance to Chapter, General Plan and Other Plans**

Whenever an application for a conditional use permit is being considered pursuant to this Chapter, the Board of Supervisors and Planning Commission shall consider whether the proposed dispensary and its site are consistent with the purposes and requirements of this Chapter, of the Zoning Code of Sacramento County, of the General Plan, of any element thereof, of any community plan, or of any other pertinent ordinance, plan or program adopted by the Board of Supervisors.

**345-13 Appeals**

A. Notwithstanding any provision to the contrary in this Zoning Code, the Zoning Administrator shall be the appropriate authority to hear and decide whether to revoke a conditional use permit in connection with violations of the provisions of this Chapter; an appeal may be taken from the decision of the Zoning Administrator to the Board of Zoning Appeals. The decision of the Board of Zoning Appeals relating to revocation of a conditional use permit relating to any violation of the provisions of this Chapter shall be final. Neither the Zoning Administrator nor the Board of Zoning Appeals shall have authority under this section to modify the conditions of a use permit; modification of conditions of a use permit shall be conducted solely in accordance with the provisions of section 345-11.

B. Notwithstanding any provision to the contrary in this Zoning Code, any act or determination of the Director of the Building and Code Enforcement Department relating to violations of the provisions of this Chapter with the exception of those specified in subdivision (A) of this section may be appealed directly to the Board of Zoning Appeals. The decision of the Board of Zoning Appeals shall be final.

**SECTION 2. Section 305-202 of Title III, Article 8 of the Sacramento Zoning**

Code is amended to read as follows:

**305-202 Prohibited Uses**

The following uses are expressly prohibited as home occupations:

- (a) Ambulance Service
- (b) Ammunition reloading, including custom reloading
- (c) Boarding house, bed-and-breakfast hotel, time share condominium
- (d) Carpentry, cabinet makers
- (e) Ceramics (kiln of six cubic feet or more)
- (f) Churches, religious instruction
- (g) Medical marijuana dispensary, medical marijuana cultivation
- (h) Health salons, gyms, dance studios, aerobic exercise studios
- (i) Medical, dental, chiropractic, or veterinary clinics

- (j) Mortician, hearse service
- (k) Palm reading, fortune telling
- (l) Private clubs
- (m) Repair, or reconditioning, of boats or recreation vehicles
- (n) Restaurants or taverns
- (o) Retail sale from site (except direct distribution and artists originals)
- (p) Storage, repair or reconditioning of major household appliances, including refrigerators, freezers, clothes washers and dryers, dishwashers, stoves, heating and air condition equipment
- (q) Storage, repair or reconditioning of motorized vehicles or large equipment on-site
- (r) Tattoo service
- (s) Tow truck services
- (t) Veterinary uses (including boarding) but excluding "mobile veterinarians"
- (u) Welding Service (office only)

SECTION 3. This ordinance is an interim ordinance adopted as an urgency measure pursuant to Government Code section 65858, and it shall be of no further force and effect 45 days from its date of adoption, unless it is extended by further action of the Board of Supervisors, adopted pursuant to that statute.

SECTION 4. This ordinance is declared an urgency measure necessary for the immediate protection and preservation of the public peace, health, safety and welfare for the reasons stated in this interim urgency ordinance, and it shall take effect immediately upon its adoption, pursuant to Government Code section 65858 and Government Code section 25123(d).

On a motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this \_\_\_\_ day of \_\_\_\_\_ 2011, by the following vote:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

ABSTAIN: Supervisors,

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Chair of the Board of Supervisors  
of Sacramento County, California

(SEAL)

ATTEST: \_\_\_\_\_  
Clerk, Board of Supervisors