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ORDINANCE NO. 2010-03

**AN ORDINANCE OF THE CITY OF KINGSBURG AMENDING
TITLE 17 OF THE KINGSBURG MUNICIPAL CODE BY ADDING A NEW
CHAPTER 17.97 TO TITLE 17 REGARDING MEDICAL MARIJUANA
DISPENSARIES, COOPERATIVES, AND CULTIVATION**

The City Council for the City of Kingsburg does hereby ordain as follows:

SECTION 1. Title 17 of the Kingsburg Municipal Code is hereby amended to add a new Chapter 17.97 regarding medical marijuana dispensaries, medical marijuana cooperatives, and medical marijuana cultivation.

SECTION 2. Title 17 is hereby amended by adding a new Chapter 17.97 to read as follows:

Section 17.97.010 – PURPOSE AND FINDINGS.

The City Council finds that federal and state laws continue to prohibit the possession, sale, distribution, and cultivation of marijuana. In order to preserve and protect the public health, safety, and welfare of the residents and businesses within the City of Kingsburg, the declared purpose of this Chapter is to identify medical marijuana dispensaries and medical marijuana cooperatives as prohibited uses in the City of Kingsburg and to restrict the cultivation of medical marijuana as stated in this Chapter.

Section 17.97-020 - DEFINITIONS.

A. “Medical Marijuana” is defined in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq.

B. “Medical Marijuana Dispensary” means any facility or location, whether fixed or mobile, where medical marijuana is made available to, distributed by, or distributed to one or more of the following: (1) a qualified patient, (2) a person with an identification card, or (3) a primary caregiver. All three of these terms are defined in strict accordance with California Health and Safety Code Section 11362.5 and 11362.7 et seq.

1 C. "Cultivation of Medical Marijuana" means the growing of medical marijuana for
2 medical purposes as defined in strict accordance with California Health and Safety Code Sections
3 11362.5 and 11362.7 et seq.

4 D. "Medical Marijuana Collective or Cooperative" means the association of two or
5 more persons including, without limitation, qualified patients, persons with valid identification
6 cards, and designated primary caregivers who collectively or cooperatively cultivate, use, sell,
7 transport, process, administer, deliver, dispense, or give away marijuana for medical purposes as
8 defined in strict accordance with California Health and Safety Code Sections 11362.5 and
9 11362.7 et seq.

10 **Section 17.97.030 - MEDICAL MARIJUANA DISPENSARY AS A PROHIBITED**
11 **USE.**

12 A. A medical marijuana dispensary as defined in Section 17.97.020 is a prohibited
13 use in all zone districts in the City of Kingsburg.

14 **Section 17.97.040 - MEDICAL MARIJUANA COOPERATIVES AS A**
15 **PROHIBITED USE.**

16 A. A medical marijuana collective or cooperative as defined in Section 17.97.020 is a
17 prohibited use in all zone districts in the City of Kingsburg.

18 **Section 17.97.050 – CULTIVATION OF MEDICAL MARIJUANA PROHIBITED.**

19 A. The outdoor cultivation of medical marijuana is prohibited in all zone districts in
20 the City of Kingsburg.

21 **Section 17.97-060 – SEVERABILITY.**

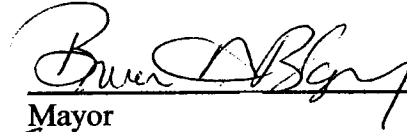
22 A. The provisions of this chapter are hereby declared to be severable. If any
23 provision, clause, word, sentence, or paragraph of this Chapter or the application thereof to any
24 person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the
25 other provisions of this Chapter.

26 ///
27 ///
28 ///


1 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
Kingsburg duly called and held on the 15 day of December, 2010, by the following vote:

2 AYES: Council Member(s): Bergstrom, Reilly, Smith and Mayor Blayney
3 NOES: Council Member(s): None
4 ABSTAIN: Council Member(s): None
5 ABSENT: Council Member(s): Karstetter

6 APPROVED


Mayor


7 ATTEST:


Susan Bauch, City Clerk

9
10 STATE OF CALIFORNIA)
11 COUNTY OF FRESNO)ss
CITY OF KINGSBURG)

12 I, SUSAN BAUCH, City Clerk of the City of Kingsburg, do hereby certify the foregoing
13 ordinance was duly introduced at a regular meeting of the City Council of the City of Kingsburg
14 on the 1st day of December, 2010, and it was duly passed and adopted at a regular meeting of said
City Council held on the 15th day of December, 2010.

15
16 Dated: December 16, 2010


Susan Bauch, City Clerk