

ORDINANCE NO. 1185

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
TO AMEND TITLE 10 OF THE SAUSALITO MUNICIPAL CODE
FOR THE PROHIBITION OF MEDICINAL MARIJUANA DISPENSARIES
AS AN ALLOWABLE USE OR HOME OCCUPATION
ADDING SECTION 10.44.320 AND DEFINITION IN SECTION 10.88.040
AND AMENDING SECTION 10.44.030 (b)(2)**

**THE CITY COUNCIL OF THE CITY OF SAUSALITO DOES HEREBY
ORDAIN AS FOLLOWS:**

SECTION 1.

a. **CEQA Findings and Determination.** The adoption of this ordinance is categorically exempt from environmental review, per provisions of Section 15061 (b)(3) of the California Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that such adoption may have a significant effect on the environment.

b. **General Plan Consistency.** The City Council hereby finds pursuant to Government Code section 65853 that the proposed Ordinance set forth in Section 2 below is consistent with the Sausalito General Plan objectives and policies.

c. **Title 10 of Sausalito Municipal Code Amendment (Zoning Ordinance Section 10.44.320, 10.44.030, and 10.88.040).** It is the purpose and intent of this ordinance prohibiting medical marijuana dispensaries to promote the health, safety, and general welfare of the residents and businesses within the City.

SECTION 2.

Section 10.44 (Specific Use Requirements) of the Sausalito Municipal Code is amended to read as follows:

10.44.320 Medical Marijuana Dispensaries

A medical marijuana dispensary (defined by Chapter 10.88, Definitions) is not an allowable use within any district of the City of Sausalito, and is prohibited as a home occupation in all districts. No other definition or term utilized herein shall be interpreted to allow such use.

SECTION 3.

Section 10.44.030 (b) (2) (Home Occupations) of the Sausalito Municipal Code is amended to read as follows:

2. **Uses prohibited.** For guidance, the following and similar uses are not allowed as home occupations: commercial retail sales (except as allowed pursuant to

Section 10.44.030.C.9 (Retail sales)); auto repair or painting; beauty parlor or barber shop or any similar service enterprise; music school, dancing school, business school, or other school of any kind with organized classes or similar activity; medical marijuana dispensary; or any outdoor business activity not otherwise consistent with this Title.

SECTION 4.

Section 10.88.040 (DEFINITIONS) of the Sausalito Municipal Code is amended to read as follows:

Medical Marijuana Dispensary. A “medical marijuana dispensary” is any facility or location where marijuana is made available for medical purposes and/or distributed to a primary caregiver, qualified patient, or person with an identification card. The terms “primary caregiver,” “qualified patient”, and “person with an identification card” shall be as defined in Health and Safety Code Sections 11362.5 and 11362.7 *et seq.*

SECTION 5.

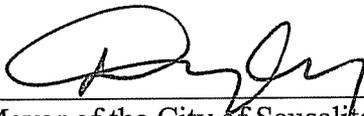
Effective date. This Ordinance shall be in full force and effect thirty (30) days after the date of its adoption.

SECTION 6.

Publication. This Ordinance shall be published once within fifteen (15) days after its passage and adoption in a newspaper of general circulation in the City of Sausalito.

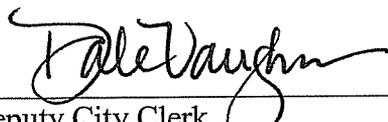
THE FOREGOING ORDINANCE was read at a regular meeting of the Sausalito City Council on the 15th day of May 2007, and was adopted at a regular meeting of the City Council on the 12th day of June, 2007 by the following vote:

AYES: Councilmembers: Leone, Weiner, Mayor Kelly
NOES: Councilmembers: Albritton
ABSENT: Councilmembers: Vice Mayor Belser
ABSTAIN: Councilmembers: None



Mayor of the City of Sausalito

ATTEST:



Deputy City Clerk