ORDINANCE NO. 16-742

AN ORDINANCE AMENDING TITLE 9, CHAPTER 2, ARTICLE 29 OF THE CALIFORNIA CITY MUNICIPAL CODE REGARDING MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION, AMENDING TITLE 9, CHAPTER 2, ARTICLE 21 "M1 LIGHT INDUSTRIAL DISTRICT", AND ADDING TITLE 5, CHAPTER 6, ENTITLED "MEDICAL MARIJUANA BUSINESSES AND ACTIVITY"

WHEREAS, the City of California City is a general law city; and

WHEREAS, the City has the power to make and enforce within its limits all ordinances and regulations in respect to municipal affairs not in conflict with general laws; and

WHEREAS, comprehensive zoning regulations and regulations upon the use of land and property lie within the City's police powers; and

WHEREAS, on November 5, 1996, California voters approved Proposition 215, the Compassionate Use Act of 1996 (CUA), codified at California Health and Safety Code section 11362.5, the intent of which was to enable persons with a demonstrated need for marijuana for medical/therapeutic purposes, as recommended by a health care provider, to obtain and to use marijuana, or marijuana-derived compounds, under limited and specified circumstances; and

WHEREAS, on January 1, 2004, Senate Bill 420 codified as California Health and Safety Code section 11362.7 et seq. and entitled the "Medical Marijuana Program Act" (MMPA) became law to clarify the scope of the CUA. Pursuant to California Health and Safety Code section 11362.77(a), a qualified patient or primary caregiver was permitted to possess no more than eight (8) ounces of dried marijuana plant material per patient. In addition, they were also able to maintain no more than six mature or twelve immature marijuana plants per patient unless a doctor authorized an additional amount; and

WHEREAS, the CUA is limited in scope in that it only provides a defense from criminal prosecution for possession and cultivation of medical marijuana to qualified patients and their primary caregivers. The MMPA also is limited in scope in that it establishes a statewide identification program and affords qualified patients, persons with recommendation cards, and their primary caregivers, an affirmative defense to certain enumerated criminal sanctions that would otherwise apply to transporting, processing, administering or distributing marijuana; and

WHEREAS, on October 9, 2015, Governor Brown signed into law the Medical Cannabis Regulation and Safety Act (MCRSA) formerly known as (the Medical Marijuana Regulation and Safety Act) which consisted of three interrelated pieces of legislation (SB 643, AB 243, and AB 266), intended to provide a comprehensive regulatory framework for the licensing, control, and taxation of medical marijuana related businesses in California; and

WHEREAS, the MCRSA expressly protects a City's local licensing practices, zoning authority, and other local actions taken under the City's constitutional municipal and police powers; and

WHEREAS, the MCRSA contains statutory provisions that:

(1) Allow local governments to enact ordinances expressing their intent to allow or prohibit the cultivation of marijuana and their intent to administer or not administer a conditional permit program pursuant to California Health and Safety Code section 11362.777 for the cultivation of marijuana;

(2) Expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances or enforcement of local permit or licensing requirements regarding marijuana per California Business and Professions Code section 19315(a);

(3) Expressly provide that the Act does not limit the civil or administrative authority or remedies of a local government provision of law regarding marijuana including, but not limited to, a local government's right to make and to enforce within its limits all regulations not in conflict with general laws per California Business and Professions Code section 19316(c);

(4) Specifically requires, as a condition of state licensure, compliance with any and all local requirements for all cannabis-related operations;

WHEREAS, the California Supreme Court has made clear that neither the CUA nor the MMPA expressly or impliedly preempts the authority of cities or counties, under their traditional land use and police powers, to allow, restrict, limit or entirely exclude facilities that distribute medical marijuana. The MMPA allowed cities and counties to adopt local ordinances that regulate the location, operation or establishment of medical marijuana collectives and to enforce such ordinances. (City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. (2013) 56 Cal.4th 729; Health and Safety Code section 11362.83). The same authority encompasses the regulation, operation, or establishment of marijuana cultivation. (Maral v. City of Live Oak (2013) 221 Cal.App.4th 975.) That authority remains undisturbed under the MCRSA; and

WHEREAS, marijuana currently remains defined as a schedule 1 drug under the Federal Controlled Substances Act, 21 USC 801 et seq.; and

WHEREAS, despite this classification and treatment under federal law, federal executive and law enforcement agencies have issued memoranda and other guidelines allowing for the development of state-specific regulatory schemes that include the provision of marijuana and marijuana-derived products for medical purposes, as long as the administration of those schemes is consistent with the aims of federal law; and

WHEREAS, the City has received inquiries from individuals and incorporated entities inquiring about the ability to open medical marijuana related businesses within the City, including dispensaries, cultivation locations, and manufacturing/processing

businesses. Other than a general prohibition of dispensaries and cultivation, the City has not yet adopted land use controls or regulations or other requirements for the operation of these businesses once established; and

WHEREAS, it is important to have sufficient and enforceable regulations and standards in place in order to address any potential threats to the public health, safety, and welfare of current and future residents from the establishment of medical marijuana related businesses; and

WHEREAS, California City's Municipal Code sections 9.1.109 and 9.2.102(b) provide that no land may be used, or structures built or modified, for any purpose other than as permitted and in conformance with the City's zoning laws, general plan, and other ordinances; and

WHEREAS, the City Council recognizes that the investigation and research of the therapeutic uses for medical marijuana and natural marijuana-derived compounds continues to progress, with at least some demonstrated positive impact on users following the advisement and encouragement of their health care providers, for a variety of ailments, including severely debilitating and terminal illnesses; and

WHEREAS, the City Council recognizes that, unless City regulatory controls are put into place, supply chains for medical marijuana and marijuana-related products as they currently exist, will only work to benefit criminal elements to the detriment of residents of the State of California, the County of Kern, and very likely the City of California City, without full regard for public safety, health, and welfare issues; and

WHEREAS, the City Council also recognizes its obligation to provide guidance on appropriate community standards of health, safety, and welfare, and, where appropriate, to protect residents—especially residents of particularly vulnerable populations like children—from violation and abuse of those community standards; and

WHEREAS, the City Council desires to establish reasonable land use controls and reasonable regulations on the operation of medical marijuana related businesses which are intended to operate in conjunction with the zoning and land use regulations of the City of California City, and which are intended to address the negative impacts, nuisance impacts, and criminal impacts of unregulated cannabis-related businesses; and

WHEREAS, medical marijuana related businesses will be subject to the zoning and land use regulations of the zoning district in which such business establish and operate, as set forth in Title 9, Chapter 2, Article 29 of the California City Municipal Code, and as otherwise established by the City; and

WHEREAS, the City Council finds that the activities permitted under this ordinance are consistent with and implement the goals and policies of the California City General Plan; and

WHEREAS, the City Council finds that the adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA)

pursuant to the following sections of the CEQA Guidelines, 14 Cal. Code of Regulations, Chapter 3:

A. The ordinance is exempt under Section 15061(b) (3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The ordinance permits a very limited number of medical marijuana businesses, and the medical marijuana businesses will have no impacts that are different than the farming, manufacturing, distribution, laboratory, and delivery activities already authorized within the proposed City zones. Furthermore, the ordinance contains requirements that prevent any potential impacts on the environment that may be unique to businesses involving medical marijuana. For example, the ordinance establishes prohibitions on nuisance odors, glare, excess energy usage, and establishes safety protections to prevent crime or deterioration of the business area into blight, prohibition on usages of hazardous chemicals, and a prohibition on usage of excess water in violation of drought laws etc. Further, there is no possibility that this ordinance would create cumulative impacts that are significant because this ordinance does not authorize a total number of businesses in the city than would have been otherwise authorized, does not authorize construction or other related activities or any other activities that are not already permitted, except that the ordinance allows the same activities but with a different material (medical marijuana) that is being grown, sold, transported, or otherwise utilized in some form; there are no other significant impacts that could occur as a result of this ordinance, and there are no unusual circumstances that would cause any such significant impacts;

B. The ordinance is also exempt under Section 15183 (projects consistent with a community plan, general plan, or zoning) since the types of businesses permitted by the ordinance are consistent with those contemplated by general plan and zoning, such as farming, manufacture, and distribution of other agriculture products and/or products to be used as pharmaceuticals;

C. The ordinance is also exempt under CEQA Guidelines Section 15301 (existing facilities) since permitted medical marijuana business under the ordinance may locate in existing facilities, and any additions to structures would be expected to be also exempt under 15301; and

D. The ordinance is exempt under Section 15303 (new construction or conversion of small structures). The businesses will be established in an urban area, and given the build out of the existing city, and sufficient existing leasable property, the amount of construction that would occur is minimal to non-existent, and any such construction would be less than the thresholds established in Section 15303.

NOW THEREFORE, The City Council of the City of California City does ordain as follows:

SECTION 1. Title 9, Chapter 2, Article 29 of the California City Municipal Code entitled "Medical Marijuana Dispensaries and Cultivation", enacted by Ordinance No. 14-723, is hereby amended to read as follows:

ARTICLE 29. - MARIJUANA BUSINESSES AND CULTIVATION

Sec. 9-2.2900. – Purpose and General Prohibitions.

(a) The purpose of this Article is to further fulfill the purposes and intents set forth in Title 5, Chapter 6 of the California City Municipal Code.
(b) The operation of any medical marijuana business within the City is strictly prohibited, unless the owner and/or operator first obtains a medical marijuana business permit, issued by the City pursuant the requirements of Title 5, Chapter 6 of the City's municipal code. Owners and operators shall at all time remain in compliance with the requirements of Title 5, Chapter 6, and with all applicable state laws, and shall further be required to obtain a state issued marijuana business permit as soon as those permits are available for issuance.
(c) The use and cultivation of non-medical marijuana, and the operation of any non-medical marijuana businesses, are strictly prohibited in the City.

Sec. 9-2.2901. - Applicability.

(a) Nothing in this article is intended, nor shall it be construed, to burden any defense to criminal prosecution under the Compassionate Use Act or other state law.

(b) All the provisions of this article shall apply to all property, public and private, within the City.

(c) All the provisions of this article shall apply indoors and outdoors.

Sec. 9-2.2902. Definitions.

Unless otherwise provided herein, the terms used in this Article shall have the meanings ascribed to them in Title 5, Chapter 6 of the California City Municipal Code, unless otherwise indicated.

Sec. 9-2.2903. Location and Design of Medical Marijuana Businesses

Medical marijuana businesses including those permitted to engage in cultivation, manufacturing, testing, distribution, dispensing and transporting of cannabis and cannabis products are subject to the following zoning and locational requirements:

(a) The medical marijuana business must be located on property zoned M-1 (Light Industrial) or M-2 (Heavy Industrial), and must meet all of the requirements for developments in those zones; and

(b) The property on which the medical marijuana business is located must also meet all of the following distance requirements:

(1) It shall be no closer than two hundred (200) feet of any residentially zoned parcel in the City, including any legal non-conforming residential uses as

of the date the medical marijuana business permit is issued. The distance between medical marijuana business and the residential parcel shall be measured from the outer boundaries of the residential parcel to the first structure on the property seeking the marijuana permit.

(2) It shall be no closer than one thousand (1,000) feet from any parcel containing any of the following:

A. A school, college or university (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12);

B. A church or other house of worship;

C. A park, daycare facility serving nine or more children and is licensed by the county.

D. A drug or alcohol rehabilitation facility providing on-site medical treatment.

(c) Each proposed medical marijuana business project shall:

(1) Conform with the City's general plan, any applicable specific plans, master plans, and design requirements.

(2) Comply with all applicable zoning and related development standards.

(3) Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.

(4) Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.

(5) Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.

(6) Be provided with adequate electricity, sewerage, disposal, water, fire protection and storm drainage facilities for the intended purpose.

For the purposes of this Article, the distance between parcels shall be the horizontal distance measured in a straight line from the property line where the sensitive use is located to the first structure on the lot seeking the medical marijuana business permit, without regard to any intervening structures.

Sec. 9-2.2905. Certification from Planning Director.

Prior to commencing operations, a medical marijuana business must obtain a certification from the Planning Director certifying that the business is located on a site that meets all of the requirements of this Title.

Sec. 9-2.2906. Cultivation of Marijuana.

(a) Medical Marijuana Cultivation.

All medical marijuana cultivation, whether indoors or outdoors, is prohibited within the City of California City, except as may be specifically authorized through the issuance of a medical marijuana cultivation business permit pursuant to the requirements of Title 5, Chapter 6, of this code.

(b) Non-Medical Marijuana Cultivation.

All non-medical marijuana cultivation, whether indoors or outdoors, is prohibited within the City of California City. If subsequent state legislation shall be enacted, which mandates that the personal cultivation of non-medical marijuana be allowed, such cultivation shall only occur indoors in full compliance with state and local laws, and only to the minimum extent authorized by state law..

Sec. 9-2.2907. Non-Medical Marijuana Businesses

No non-medical marijuana-related business is permitted to locate or operate within the City of California City.

Sec. 9-2.2908. Delivery of Non-Medical Marijuana to Locations Within The City Prohibited.

Non-medical marijuana businesses operating outside the City of California City are prohibited from delivering non-medical marijuana to locations within the City.

Sec. 9-2.2909. - Declaration of public nuisance.

Any use, structure, or property that is altered, enlarged, erected, established, maintained, moved, or operated contrary to the provisions of this article, is hereby declared to be unlawful and a public nuisance and may be abated by the city through civil proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.

Sec. 9-2.2910. - Violations.

(a) Violations of this article shall be punishable pursuant to Title 1, Chapter 3, of this Code, as it may be amended from time to time, and as permitted by state law.

(b) This article is not the exclusive means for the abatement of illegal marijuana businesses within the City of California City. The remedies set forth pursuant to this section shall be in addition to any other existing remedies for violations of the Zoning Code, including but not limited to, any action at law or equity.

SECTION 2. Title 9, Chapter 2, Article 21 of the California City Municipal Code entitled "M1 Light Industrial District", is hereby amended to read as follows:

A. Section 9-2.2100 (Purpose) is deleted, and the following substituted in its place:

Sec. 9-2.2100. - Purpose.

The M1, light industrial, district is intended for urban areas designated for light industrial use in the General Plan.

B. Section. 9-2.2103 (Site and Structure Requirements (M1)) is amended to read as follows:

Sec. 9-2.2103. Site and Structure Requirements (M1).

(a) There is no minimum lot area in the M1 District.

(b) The minimum setback requirements in the M1 District are:
(1) Twenty (20) ft. in the front.
(2) Twenty (20) ft. in the rear or side yard if the rear or side yard abuts a residential district. There are no rear or side yard minimums if the lot does not abut a residential district.

(c) All lots within 200 feet of a residential property shall have an approved 8 ft block sound wall on those sides directly or indirectly facing residential uses.

(d) The total size of any structure is not limited so long the developer complies with all building setback and other requirements of the zone.

(e) Electrical requirements will be dictacted by the size and nature of the development. Electrical use and installation must be safe and meet all state and local safety and building standards. Solar is a permissible means to meet the needs of electrical generation.

(f) Vehicles accessing the site shall not exceed the current load bearing standards for those roads used to access the site.

SECTION 3. Title 5, Chapter 6 shall be added to the California City Municipal Code entitled "Medical Marijuana Related Businesses and Activity" and shall read as follows:

Title 5, Chapter 6. MEDICAL MARIJUANA RELATED BUSINESSES AND ACTIVITY.

Article 1. General Provisions.

Sec. 5-6.101.- Purpose and Intent.

It is the purpose and intent of this Chapter to accommodate the needs of medically-ill persons in need of marijuana for medical purposes, as advised and recommended by their health care provider(s), while imposing regulations on the use of land to protect the City's neighborhoods, residents, and businesses from negative impacts. It is a further purpose and intent of this Chapter to regulate the cultivation, manufacturing, processing, testing, transporting, delivery, and distribution of cannabis and cannabis-related products in a manner which is responsible, which protects the health, safety, and welfare of the residents of California City, and to enforce rules and regulations consistent with state law. In part to meet these objectives, an annual permit shall be required in order to own and/or to operate a medical marijuana business within California City. Nothing in this Chapter is intended to authorize the possession, use, or provision of marijuana for purposes which violate state or federal law. The provisions of this Chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the City, and are in addition to any permits, licenses and approval required under state, county or other law.

Sec. 5-6.102.- Legal Authority.

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, and the provisions of the Medical Cannabis Regulation and Safety Act (formerly known as the Medical Marijuana Regulation and Safety Act) (hereinafter "MCRSA"), the City of California City is authorized to adopt ordinances that establish standards, requirements and regulations for local licenses and permits for cannabis and cannabis-related activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of California City to cannabis, and/or cannabis-related activity.

Sec. 5-6.103.- Marijuana cultivation and medical marijuana business activities prohibited unless specifically authorized by this Chapter.

Except as specifically authorized in this Chapter, the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, dispensing, distribution, delivery, or sale of cannabis or a cannabis product is expressly prohibited in the City of California City.

Sec. 5-6.104.- Compliance with Laws.

It is the responsibility of the owners and operators of the medical marijuana business to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this Chapter shall be construed as authorizing any actions which violate federal, state law or local

law with respect to the operation of a medical marijuana business. It shall be the responsibility of the owners and the operators of the medical marijuana business to ensure that the medical marijuana business is, at all times, operating in a manner compliant with all applicable federal, state and local laws, any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific additional operating procedures or requirements which may be imposed as conditions of approval of the medical marijuana business permit. Nothing in this Chapter shall be construed as authorizing any actions which violate federal or state law with regard to the operation of a medical marijuana business.

Article 2. Definitions.

Sec. 5-6.201. When used in this Chapter, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder, and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

(a) "Cannabis" means all parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 14017 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, "cannabis" does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

(b) "Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency. An edible medical cannabis product is not considered food, as defined by Section 109935 of the California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.

(c) "Caregiver" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.

(d) "City" or "City of California City" means the City of California City, a California general law city.

(e) "Cultivation" means any activity, whether occurring indoors or outdoors, involving the propagation, planting, growing, harvesting, drying, curing, grading, and/or trimming of cannabis plants or any part thereof for any purpose, including medical marijuana.

(f) "Cultivation site" means a facility where medical cannabis is cultivated, propagated, planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, and where the operator holds a valid medical marijuana business permit for cultivation from the City of California City and, after January 1, 2018 or as soon as permitted by the state granting agency, department or division, a valid state license for cultivation pursuant to MCRSA.

(g) "Delivery" means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined to be authorized by the State of California, or any of its departments or divisions, to anyone for any purpose. "Delivery" also includes the use by a dispensary of any technology platform owned, controlled, and/or licensed by the dispensary, or independently licensed by the State of California under the MCRSA (as the same may be amended from time-to-time), that enables anyone to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.

(h) "Dispensary" means a medical marijuana business facility where cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, medical cannabis and medical cannabis products as part of a retail sale, and where the operator holds a valid medical marijuana business permit from the City of California City authorizing the operation of a dispensary, and a valid state license as required by state law to operate a dispensary.

(i) "Dispensing" means any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.

(j) "Distribution" means the procurement, sale, and transport of medical cannabis or medical cannabis products between medical marijuana businesses.

(k) "Distributor" means a person holding a valid medical marijuana business permit for distribution issued by the City of California City, and, after January 1, 2018 or as soon as permitted by the state granting agency, department or division, a valid state license for distribution, pursuant to MCRSA.

(l) "Dried flower" means all dead medical cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(m) "Edible cannabis product" means manufactured cannabis that is intended to be used, in whole or in part, for human consumption. An edible medical cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code.

(n) "Indoor structure" means a fully enclosed and secured structure, 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, provides complete visual screening, complies with all odor control and other design standards required by this chapter, and which is accessible only through one or more lockable doors and is inaccessible to minors.

(o) "Indoors" means within a fully enclosed and secure structure. The term indoors includes any indoor structures.

(p) "Live plants" means living medical cannabis flowers and plants, including seeds, sprouts, immature plants (including unrooted clones), and vegetative stage plants.

(q) "Manufacturer" means a person that conducts the production, preparation, propagation, or compounding of manufactured cannabis, as defined in this section, or medical cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis at a fixed location that packages or repackages medical cannabis or medical cannabis products or labels or relabels its container, where the operator holds a valid medical marijuana business permit for manufacturing from the City of California City and, after January 1, 2018 or as soon as permitted by the state granting agency, department or division, a valid state license for manufacturing pursuant to MCRSA.

(r) "Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate or manufactured product intended for internal consumption or topical application.

(s) "Manufacturing site" means a location that produces, prepares, propagates, or compounds medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid Medical marijuana business permit for manufacturing from the City of California City, and, after January 1, 2018 or as soon as permitted by the state granting agency, department or division, a valid state license for manufacturing pursuant to MCRSA.

(t) "Marijuana" means "cannabis," as that term is defined in this Chapter.

(u) "Medical cannabis", "medical marijuana," "medical cannabis product" or "cannabis product" means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code (as the same may be amended from time-to-time). For purposes of this Chapter, "medical cannabis" does not include industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

(v) "Medical marijuana activity" includes cultivation, manufacture, processing, laboratory testing, transporting, delivery, distribution, or sale of medical cannabis or a medical cannabis product, within the meaning of California Business and Professions Code 19300 et seq.

(w) "Medical marijuana business" means any business or operation which engages in medical marijuana activity.

(x) "Medical marijuana business permit" means a regulatory permit issued by the City of California City pursuant to this Chapter to a medical marijuana business, and is required before any medical marijuana activity may be conducted in the City. The initial permit and annual renewal of a medical marijuana business permit is made expressly contingent upon the business' ongoing compliance with all of the requirements of this Chapter and any regulations adopted by the City governing the medical marijuana activity at issue.

(y) "Non-medical marijuana" means all marijuana, except for medical marijuana.

(z) Non-medical marijuana activity" includes cultivation, manufacture, processing, laboratory testing, transporting, delivery, distribution, or sale of non-medical marijuana or a non-medical marijuana product.

(aa) "Non-medical marijuana business" means any business or operation which engages in non-medical marijuana activity.

(bb) "Outdoors" means any location within the City that is not within a fully enclosed and secure structure.

(cc) "Patient" or "qualified patient" shall have the same definition as California Health and Safety Code Section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California Health & Safety Code Section 11362.5. For purposes of this ordinance, qualified patient shall include a person with a properly issued identification

card, as that term is defined by California Health and Safety Code Section 11362.7 et seq.

(dd) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

(ee) "Person with an identification card" shall have the meaning given that term by California Health and Safety Code Section 11362.7.

(ff) "State License" means a permit or license issued by the State of California, or one of its departments or divisions, under MCRSA to engage in medical marijuana activity.

(gg) "Topical cannabis" means a product intended for external use. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.

(hh) "Testing laboratory" means a facility, entity, or site in the City of California City that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state.

(2) Is owned and operated by a person issued a valid medical marijuana business permit for laboratory testing from the City of California City, and, after January 1, 2018 or as soon as permitted by the state granting agency, department or division, a valid state license for laboratory testing pursuant to MCRSA.

(ii) "Transport" means the transfer of medical cannabis or medical cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting medical marijuana activity authorized by the MCRSA.

(jj) "Transporter" means a person issued a state license, and a medical marijuana business permit by the City of California City, authorizing the transport of medical cannabis or medical cannabis products in amounts authorized by the State of California, or by one of its departments or divisions under the MCRSA.

Article 3. Medical Marijuana Business Permits Required for Owner/Operator; Medical marijuana Work Permit Required for Employees.

Sec. 5-6.301.- Medical Marijuana Business Permit Required to Engage in Medical Marijuana Business.

(a) No person may engage in any medical marijuana business or in any medical marijuana activity within the City of California City including cultivation, manufacture, processing, laboratory testing, transporting, dispensing, distribution, or sale of medical cannabis or a medical cannabis product unless the person (1) has a valid medical marijuana business permit from the City of California City and (2) is currently in compliance with all applicable state and local laws and regulations pertaining to the medical marijuana business and the medical marijuana business activities, including the duty to obtain any required state licenses.

(b) Until Health & Safety Code Section 11362.775, subdivision (a), is repealed, the City intends that persons eligible to operate collectives or cooperatives under that subdivision shall be eligible to apply for a City permit to conduct medical marijuana activities, but only to the degree those activities are authorized under state law for collectives and cooperatives. When the Health & Safety Code Section 11362.775, subdivision (a), is repealed, or as soon as collectives and cooperatives are no longer permitted under state law, any City permit holder operating as a collective or cooperative who has not already obtained a state license for the medical marijuana business activities they are engaged in shall automatically forfeit his or her City medical marijuana business permit. At that point they shall no longer be authorized to engage in any medical marijuana activities in the City until they obtain both a City issued medical marijuana business permit and a state license for that medical marijuana activity.

Sec. 5-6.302.- Medical Marijuana Employee Permit Required.

(a) Any person who is an employee or who otherwise works or volunteers within a medical marijuana business must be legally authorized to do so under applicable state law. Employees, workers, or volunteers at businesses that are permitted by the City of California City as medical marijuana business cultivators, manufacturers, distributors, or delivers that are operating pursuant to Health & Safety Code section 11362.775 (a) as collectives or cooperatives until that subsection is repealed must be qualified patients or primary caregivers as required by state law.

(b) Any person who is an employee or who otherwise works or volunteers within a medical marijuana business must obtain a medical marijuana employee work permit from the City prior to performing any work at any medical marijuana business.

(c) Applications for medical marijuana employee work permits shall be developed and processed by the City Manager, a designated City employee, or by an independent third party company hired by the City for that purpose, and shall include, but not be limited to, the following information:

(1) Name, address, and phone number of the applicant;

(2) Age and verification of applicant. A copy of birth certificate or other proof that the applicant is at least eighteen (18) years of age must be submitted with the application;

(3) Name, address of the medical marijuana businesses where the person will be employed, and the name of the primary manager of that business;

(4) A list of any crimes for which the applicant has been convicted;

(5) Name, address, and contact person for any previous employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing;

(6) The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the City Manager or his/her designee.

(7) A signed statement under penalty of perjury that the information provided is true and correct.

(8) If applicable, verification that the applicant is a qualified patient or primary caregiver.

(9) A fee paid in an amount set by resolution of the City Council in an amount necessary to cover the costs of administering the employee work permit programs. The fee is non-refundable and shall not be returned in the event the work permit is denied or revoked.

(d) The City Manager, his/her designee, or a designated independent third party company contracted by the City, shall review the application for completeness, shall work with the police department to conduct a background check to verify the criminal record, and shall contact previous employers from which the applicant was fired, resigned in order to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant:

(1) Is dishonest or untrustworthy; or

(2) Was convicted of a felony, a violent crime, or crime of moral turpitude.

Discovery of these facts showing that the applicant is dishonest or untrustworthy or has been convicted of those types of crimes are grounds for denial of the permit.

(e) The City Manager or his designated City employee shall make the final decision on compliance with the requirements of this Article, and shall issue the medical marijuana work permit or a written denial to the applicant within ninety (90) days of the date the application was deemed complete.

(f) A work permit shall be valid for a twelve (12) month period and must be renewed on an annual basis. Renewal applications shall contain all the information required in subsection (b) above including the payment of a renewal application fee in an amount to be set by resolution of the City Council.

(g) In the event a person changes employment from one medical marijuana business in the City to another, the work permit holder shall notify the City Manager or his/her designee(s) in writing of the change within ten (10) days, or the work permit shall be suspended or revoked and such person shall not be permitted to work at any medical marijuana business in the City. Each medical marijuana business shall also be required to provide the notice in this section to the City. Within ten (10) days of learning about the departure of one of their employees from employment, each medical marijuana business shall provide written notice to the City Manager or his/her designee of that employee's departure.

(h) The City may immediately revoke the medical marijuana work permit should the permit holder be convicted of a crime listed in subsection (d) above, or if facts become known to the City Manager or his/her designee that the permit holder has engaged in activities showing that the he or she is dishonest or untrustworthy.

(i) The City Manager or his/her designee(s) is hereby authorized to promulgate all regulations necessary to implement the work permit process and requirements.

(j) The applicant may appeal the denial or revocation of a medical marijuana work permit by filing a notice of appeal with the City Clerk within ten (10) days of the date the applicant received the notice of denial, which appeal shall be conducted as set forth in Article 6 of this Chapter.

(k) The City Manager or his or her designee shall issue a permit in the form of a personal identification card that can be worn by the employee. The personal identification card shall be worn approximately chest-high on their outermost garment, in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.

Article 4. Number and Type of Authorized Medical Marijuana Businesses Permitted; Increase in Numbers and Types; Violations.

Sec. 5-6.401 Maximum Number, by Type, of Each Medical Marijuana Business Permitted to Operate within the City.

(a) The maximum number of each type of medical marijuana business that shall be permitted to operate in the City at any one given time shall be as follows:

(1) Cultivation: maximum of fifteen (15)

(2) Manufacturing: maximum of two (2)

(3) Transporting: maximum of two (2)

(4) Testing: maximum of two (2)

(5) Distribution: maximum of two (2)

(6) Dispensary: one for every thirteen thousand (13,000) residents, up to a maximum of two (2). The second dispensary permit would be available for potential issuance only when the City's population has reached twenty- six thousand (26,000) or more.

(b) Section 5-6.401 is only intended to create a maximum number of medical marijuana businesses that may be issued permits to operate in the City under each category. Nothing in this Chapter creates a mandate that the City Council must issue any or all of the medical marijuana business permits potentially available.

(c) Each year following the City Council's initial award of permits, if any, or at any time in the City Council's discretion, the City Council may reassess the number of cultivation permits which are authorized for issuance. The City Council, in its discretion, may determine by resolution that the number of cultivation permits should stay the same, or be expanded. In no event will the maximum number of cultivation permits issued by the City exceed thirty (30) permits. This paragraph is only applicable to the issuance of cultivation permits.

Section-5.402.- First Date the City Council May Issue Medical Marijuana Business Permits.

(a) Dispensaries. The City Council shall be authorized to issue dispensary permits only if the City Council, after reviewing the state health and safety laws and regulations applicable to dispensaries, must have passed a resolution finding that dispensaries may be permitted within the City because reasonably sufficient measures can be put into place to protect

the citizens from negative health or safety impacts associated with the dispensary's operation.

(b) All other medical marijuana businesses. The City Council may issue a permit to applicants selected according to the selection processes set forth herein at any time after the effective date of this Chapter.

Article 5. Application for Medical Marijuana Business Permit: Renewal Applications; and Effect of Revocation or Suspension of State License.

Sec. 5-6.501.- Initial Application Procedure.

(a) The City Council shall adopt by resolution the procedures which will govern the application process, and the manner in which the decision will ultimately be made regarding the issuance of any medical marijuana business permit(s). The resolution shall authorize the City Manager or his or her designee to prepare the necessary forms, adopt any necessary rules, regulations and processes, solicit applications, conduct initial evaluations of the applicants, and to ultimately provide a final recommendation to the City Council.

(b) At the time of filing, each applicant shall pay an application fee established by resolution of the City Council, to cover all costs incurred by the City in the application process. An application shall not be deemed complete, and will not be processed, until the designated application fees have been paid. Once submitted, all fees shall be non-refundable.

(c) After the initial review the City Manager or his designee will make a recommendation to the City Council, and the City Council shall make a final determination in accordance with Article 7.

(d) THE CITY'S RESERVATION OF RIGHTS:

The City reserves the right to reject any or all applications. The City may also modify, postpone, or cancel any request for applications, or the entire program under this Chapter, at any time without liability, obligation, or commitment to any party, firm, or organization. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Chapter, may be cancelled at any time prior to permit issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to any other appropriate reasons for rejection, including but not limited to a failure to comply with any requirement of any State or local law, rule or regulation, an application RISKS BEING REJECTED for any of the following reasons:

(1) Proposal received after designated time and date.

(2) Proposal not containing the required elements, exhibits, nor organized in the required format.

(3) Proposal considered not fully responsive to this request for permit application.

(4) Proposal contains excess or extraneous material not called for in the request for permit application.

Sec. 5-6.502.- Expiration of Medical Marijuana Business Permits. Each medical marijuana business permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance. Medical marijuana permits may be renewed as provided in Section 5-6.504.

Sec. 5-6.503.- Revocation of Permits. Medical Marijuana Business Permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to this Chapter.

Sec. 5-6.504.- Renewal Applications.

(a) An application for renewal of a medical marijuana business permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.

(b) The renewal application shall contain all the information required for new applications.

(c) The applicant shall pay a fee in an amount to be set by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City to administer the program created under this Chapter. Once submitted to the City all fees shall be non-refundable.

(d) An application for renewal of a medical marijuana business permit shall be rejected if any of the following exists:

(1) The application is filed less than sixty (60) days before its expiration.

(2) The medical marijuana business permit is suspended or revoked at the time of the application.

(3) The medical marijuana business has not been in regular and continuous operation in the four (4) months prior to the renewal application.

(4) The medical marijuana business has failed to conform to the requirements of this Chapter, or of any regulations adopted pursuant to this Chapter.

(5) The permittee fails or is unable to renew its State of California license.

(6) If the City or state has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this Chapter, of the City's Municipal Code, or of the state rules and regulations, or of any term or condition of the permit, and the City or state has determined that the violation is grounds for termination or revocation of the medical marijuana business permit.

(e) The City Manager or his designee is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the City Manager or his designee is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the City Manager or his designee shall be handled pursuant to Article 6 of this Chapter.

(f) If a renewal application is rejected, a person may file a new application pursuant to this Chapter no sooner than one (1) year from the date of the rejection.

Sec. 5-6.505.- Effect of state license suspension, revocation, or termination.

Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a medical marijuana business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a medical marijuana business, such revocation or termination shall also revoke or terminate the ability of a medical cannabis business to operate within the City of California City.

Article 6. Appeals.

Sec. 5-6.601.- Appeals from Decisions of the City Manager or his Designee under this Chapter. Unless specifically provided elsewhere to the contrary, whenever an appeal is provided for in this Chapter from a decision of the City Manager or his or her designee, the appeal shall be conducted as prescribed in this Chapter.

Sec. 5-6.602.- Written request for Appeal.

(a) Within ten (10) calendar days after the date of a decision of the City Manager or his designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an aggrieved party may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper.

(b) At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the City Council from time to time.

Sec. 5-6.603.-. Appeal Hearing.

(a) Upon receipt of the written appeal, the City Clerk shall set the matter for a hearing before the City Council. The City Council shall hear the matter de novo, and shall conduct the hearing pursuant to the procedures set forth by the City.

(b) The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than ninety (90) days from the date of such filing. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing.

(c) At the hearing the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing.

(d) At the conclusion of the hearing the City Council may affirm, reverse or modify the decision appealed. The decision of the City Council shall be final.

Article 7. Permittee Selection Process.

Sec. 5-6.701.- Selection and Review of Finalists.

(a) The City Council shall adopt by resolution a procedure by which the top thirty (30) applicants in the category of cultivation businesses, and the top three (3) applicants in each other category of medical marijuana business (other than cultivation) will be presented to the City Council for a final determination at a public hearing.

(b) The top thirty (30) applicants in the category of cultivation businesses and the top three (3) applicants in each category of medical marijuana business other than cultivation may be invited to attend the City Council meeting, where they will be expected to make a public presentation introducing their team and providing an overview of their proposal. In order to provide adequate time, presentations may be divided over more than one meeting over multiple days as determined to be necessary.

(c) At least ten (10) days prior to the hearing, notice of the hearing shall be sent to all property owners located within three hundred (300) feet of the proposed business locations of each of the finalists to be considered by the City Council.

(d) The City Council shall rank the final candidates and shall select the top candidate in each category of medical marijuana business, which candidate shall become the prevailing candidate. The City Council's decision as to the selection of the prevailing candidates shall be final.

(e) Official issuance of the medical marijuana business permit, however, is conditioned upon the prevailing candidate obtaining all required land use approvals. Following the Council's selection, the prevailing candidate shall apply to the City's planning department to obtain any required land use approvals or entitlements for the permittee's location, if any. Land use approvals shall comply with all applicable provisions of CEQA. The City Manager shall formally issue the medical marijuana business permit once the City Manager and Chief of Police have both affirmed that all of the required land use approvals have been obtained.

(f) Issuance of a medical marijuana business permit does not create a land use entitlement. The medical marijuana business permit shall only be for a term of twelve (12) months, and shall expire at the end of the twelve (12) month period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a permit, unless all of the state and local laws and regulations, including but not limited to the requirements of this Chapter and of the permit, have been complied with.

(e) Notwithstanding anything in this Chapter to the contrary, the City Council reserves the right to reject any or all applications if it determines it would be in the best interest of the City, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a medical marijuana business permit until a permit is actually issued, and then only for the duration of the permit's term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the City Council may terminate or delay the program created under this Chapter.

(f) If an application is denied, a new application may not be filed for one (1) year from the date of the denial.

(g) Each person granted a medical marijuana business permit shall be required to pay the permit fee established by resolution of the City Council, to cover the costs of administering the medical marijuana business permit program created in this Chapter.

Sec. 5-6.702.- Permits Issued to Back-up Applicants.

The City Council reserves the right at any time, in its sole discretion, to simply restart the selection process over.

Alternatively, within eighteen (18) months following the issuance of any medical marijuana business permit, if any of the candidates chosen by the City Council to be

permitted withdraws from the process or its application is terminated for any reason, the City Council may direct staff to determine whether the runner-up applicant (ranked next highest after those chosen for permitting in the same category) in that category, based on the final ranking of the finalist, still desires a permit. If the applicant still desires a permit, city staff shall proceed to hold a public hearing, which will include notice to surrounding property owners, to evaluate the runner-up candidate's application for potential issuance of a permit. The City will utilize the same process which was used for the applicants chosen to receive permits. Prior to the hearing, the runner-up applicant shall be required to complete any additional requirements, and to update any information from its original application, which the City Manager or his/her designee may determine is reasonably required to verify that the applicant still appropriately qualified and has met all requirements. The City Council shall then hold the public hearing and make a determination whether a permit should be issued to the runner-up applicant or be denied. If the Council determines a permit should be issued, the applicant shall be required to follow the same process for land use and zoning approvals, before a permit will officially be issued.

Notwithstanding the foregoing, the City shall have no obligation to offer the permit to the runner-up applicant if an applicant has withdrawn its application, or if the Council finds, based on substantial evidence that the applicant no longer qualifies, is in violation of state or local laws or regulations, or that it would not be in the community's best interest to grant the permit as a result of impacts on the community's health, safety or welfare.

Sec. 5-6.703.- Permits Awarded to the Same Permittee in More than One Category of Medical Marijuana Business.

The City Council may award more than one medical marijuana business permit to the same applicant, but only for different categories of activities, and only if it does not violate any state law restrictions on the total number and types of permit combinations that may be simultaneously held.

Sec. 5-6.704.- Prohibition on Transfer of Medical Marijuana Business Permits.

(a) No person shall operate a medical marijuana business at any location other than the location specifically authorized and identified on the City issued medical marijuana business permit.

(b) No person may transfer ownership or control of a medical marijuana business or transfer any medical marijuana business permit issued under this Chapter. Medical marijuana business permits are not a property right, and permittees have no economic interest in any permit issued to them. Permittees have no right to sell or transfer a medical marijuana business permit to another party, or to have the City Council consider whether they should authorize the transfer of a medical marijuana business permit to another party. Any attempt to transfer ownership of a medical marijuana business or of a medical marijuana business permit shall render the medical marijuana business permit void.

(c) Any attempt to transfer a medical marijuana business permit or a medical marijuana business shall result in the medical marijuana business permit being declared immediately revoked and/or it is void and no longer of any effect.

In any situation where a permit has been lost as a result of an attempted transfer of the medical marijuana business permit or of the medical marijuana business, or as a result of the abandonment or revocation of the permit, any new permit shall be issued using the standard process for the issuance of permits in the first instance. No preference shall be given to any person proposed as new owner or assignee by the former permit holder. In such case, prior to accepting any new applications, the City shall post the availability of the medical marijuana business permit at issue on the City's website. The City Manager or his/her designee may take other actions to help ensure the broadest pool of applicants for the new permit.

Article 8. Requirements Before Permittee May Commence Operations.

Sec. 5-6.801.- City Business License. Prior to commencing operations a medical marijuana business shall obtain a City of California City business license.

Sec. 5-6.802.- Building Permits and Inspection. Prior to commencing operations a medical marijuana business shall be subject to a mandatory building inspection, and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), fire department approvals, Health Department approvals and other zoning and land use permit(s) and approvals.

Sec. 5-6.803.- Certification from Community Development Director. Prior to commencing operations, a medical marijuana business must obtain a certification from the Planning Director certifying that the business is located on a site that meets all of the requirements of the City's Zoning and Municipal Code, including Title 9, Chapter 2, Article 29 (Medical Marijuana Businesses).

Sec. 5-6.804.- Right to Occupy and to Use Property. As a condition precedent to the City's issuance of a medical marijuana business permit pursuant to this Chapter, any person intending to open and to operate a medical marijuana business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location will be leased from another person, the applicant shall be required to provide a signed and notarized statement from the owner of the property, acknowledging that the property owner has read this Chapter and consents to the operation of the medical marijuana business on the owner's property.

Sec. 5-6.805.- Limitations on City's Liability. To the fullest extent permitted by law, the City of California City shall not assume any liability whatsoever with respect to having issued a medical marijuana business permit pursuant to this Chapter or otherwise approving the operation of any medical marijuana business. As a condition to the

approval of any medical marijuana business permit, the applicant shall be required to meet all of the following conditions before they can receive the medical marijuana business permit:

(a) They must execute an agreement, in a form approved by the city attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of California City, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance of the medical marijuana business permit, the City's decision to approve the operation of the medical marijuana business or activity, the process used by the City in making its decision, the alleged violation of any federal, state or local laws by the medical marijuana business or any of its officers, employees or agents.

(b) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the city attorney.

(c) Reimburse the City of California City for all costs and expenses, including but not limited to attorney fees and costs and court costs, which the City of California City may be required to pay as a result of any legal challenge related to the City's approval of the applicant's medical marijuana business permit, or related to the City's approval of a medical marijuana activity. The City of California City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

Article 9. Operating Requirements for All Medical Marijuana Businesses Permitted Under this Chapter.

Sec. 5-6.901.- Records and Recordkeeping.

(a) Each owner and operator of a medical marijuana business shall maintain accurate books and records, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a medical marijuana business permit issued pursuant to this Chapter), or at any time upon reasonable request of the City, each medical marijuana business shall file a sworn statement detailing the number of sales by the medical marijuana business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid.

(b) Each owner and operator of a medical marijuana business shall maintain a current register of the names and the contact information (including the name, address, telephone number, and percentage of ownership) of

anyone owning or holding an interest in the medical marijuana business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the medical marijuana business. The register required by this paragraph shall be provided to the City Manager or his/her designee(s) upon a reasonable request. If at any time a corporation, LLC, company, trust or other entity holds an interest in a medical marijuana business, the register required by this paragraph shall also include the name and contact information of a person designated as being able as answer all questions on behalf of that entity, together with the name of every person holding an interest in that medical marijuana business. The designated representative shall provide whatever additional information the City Manager or his/her designee may reasonably request concerning the owners of that entity.

(c) Each medical marijuana business shall maintain a record of all persons, patients, collectives and primary caregivers served by the medical marijuana business, for a period of no less than four (4) years.

(d) All medical marijuana businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase by or distribution to a qualified patient or primary caregiver.

(e) Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPPA) regulations, each medical marijuana business shall allow City of California City officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted medical marijuana activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated by the City.

Sec. 5-6.902.- Security Measures.

(a) A permitted medical marijuana business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing medical cannabis or medical cannabis products, and to deter and prevent the theft of medical cannabis or medical cannabis products at the medical marijuana business. Except as may otherwise be determined by the City Manager or his/her designee(s), these security measures shall include, but shall not be limited to, all of the following:

(1) Preventing individuals from remaining on the premises of the medical marijuana business if they are not engaging in an activity

directly related to the permitted operations of the medical marijuana business.

(2) Establishing limited access areas accessible only to authorized medical marijuana business personnel.

(3) Except for live growing plants which are being cultivated at a cultivation facility, all medical cannabis and medical cannabis products shall be stored in a secured and locked room, safe, or vault. All medical cannabis and medical cannabis products, including live plants which are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes or for immediate sale at a dispensary.

(4) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the medical marijuana business which are open and accessible to the public, and all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis. The medical marijuana business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the City Manager or his/her designee(s), and the City's Police Department, and that it is compatible with the City's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the City Manager or his/her designee(s) and to the City's police department. Video recordings shall be maintained for a minimum of ninety (90) days, and shall be made available to the City Manager or his designee upon request.

(5) Sensors shall be installed to detect entry and exit from all secure areas.

(6) Panic buttons shall be installed in all medical marijuana businesses.

(7) Having a professionally installed, maintained, and monitored alarm system.

(8) Any bars installed on the windows or the doors of the medical marijuana business shall be installed only on the interior of the building.

(9) Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the City Manager or

his/her designee(s), with such approval not to be unreasonably withheld.

(10) Each medical marijuana business shall have the capability to remain secure and operational during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(b) Each medical marijuana business shall identify a designated security representative/liaison to the City of California City, who shall be reasonably available to meet with the City Manager, the City's Police Chief, or their designees, regarding any security related measures or and operational issues.

(c) As part of the application and permitting process each medical marijuana business shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency.

(d) The medical marijuana business shall cooperate with the City whenever the City Manager or his designee makes a request, upon reasonable notice to the medical marijuana business, to inspect or audit the effectiveness of any security plan or of any other requirement of this Chapter.

(e) A medical marijuana business shall notify the City Manager or his/her designee(s) within twenty-four (24) hours after discovering any of the following:

(1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager or his/her designee.

(2) Diversion, theft, loss, or any criminal activity involving the medical marijuana business or any agent or employee of the medical marijuana business.

(3) The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the medical marijuana business.

(4) Any other breach of security.

Sec. 5-6.903.- Restriction on Alcohol Sales.

No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the medical marijuana business.

Sec. 5-6.904.- Compliance with Laws.

It is the responsibility of the owners and operators of the medical marijuana business to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this Chapter shall be construed as authorizing any actions which violate state law or local law with respect to the operation of a medical marijuana business. It shall be the responsibility of the owners and the operators of the medical marijuana business to ensure that the medical marijuana business is, at all times, operating in a manner compliant with all applicable state and local laws, the 2008 Attorney General Guidelines, any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the medical marijuana business permit. Nothing in this Chapter shall be construed as authorizing any actions which violate state law with regard to the operation of a medical marijuana business.

Sec. 5-6.905.- Fees and Charges.

(a) No person may commence or continue any medical marijuana activity in the City, without timely paying in full all fees and charges required for the operation of a medical marijuana activity. Fees and charges associated with the operation of a medical marijuana activity shall be established by resolution of the City Council which may be amended from time to time.

(b) All medical marijuana businesses authorized to operate under this Chapter shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each medical marijuana businesses shall be required to cooperate with City with respect to any request to audit the medical marijuana business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

Sec. 5-6.906.- Miscellaneous Operating Requirements.

(a) Hours of Operation. Medical marijuana businesses operating as dispensaries may be open for access to the public only between the hours of 8:00 A.M. and 7:00 P.M. Monday through Saturday, and may not be open for access on Sundays.

Other medical marijuana businesses may operate only during the hours specified in the medical marijuana business permits issued by the City.

(b) Restriction on Consumption. Cannabis shall not be smoked, ingested, used, or otherwise consumed on the property or premises of a medical marijuana businesses or elsewhere in the City of California City, other than within private residences.

(c) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a medical marijuana business permit, or on any of the vehicles owned or used as part of the medical marijuana business. No outdoor storage of cannabis or cannabis products is permitted at any time.

(d) Reporting and Tracking of Product and of Gross Sales. Each medical marijuana business shall have in place a point-of-sale tracking system to track and report on all aspects of the medical marijuana business including, but not limited to, such matters as cannabis tracking, inventory data, and gross sales (by weight and by sale). The medical marijuana business shall ensure that such information is compatible with the City's record-keeping systems. The system must have the capability to produce historical transactional data for review by the City Manager or his/her designee.

(e) All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the State and local regulations.

(f) There shall not be a physician located in or around any medical marijuana business at any time for the purpose of evaluating patients for the issuance of a medical marijuana prescription or card.

(g) Prior to dispensing cannabis or cannabis products to any person, the medical marijuana business shall obtain verification from the recommending physician that the person requesting cannabis or cannabis products is a qualified patient.

(h) Emergency Contact. Each medical marijuana business shall provide the City Manager or his/her designee(s), and the City's Chief of Police, with the name, telephone number (including mobile number) of one or more on-site employee(s) or owner(s), to whom emergency notice can be provided at any hour of the day.

(i) Signage and Notices.

(1) In addition to the requirements otherwise set forth in this section, business identification signage for a medical marijuana business shall conform to the requirements of the California City Municipal Code, including, but not limited to, seeking the issuance of a City sign permit.

(2) No signs placed on the premises of a medical marijuana business shall obstruct any entrance or exit to the building or any window.

(3) Each entrance to a medical marijuana business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the medical marijuana business is prohibited.

(4) Business identification signage shall be limited to that needed for identification only, and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No medical marijuana business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the medical marijuana business or elsewhere including, but not limited to, the public right-of-way.

(5) Signage shall not be directly illuminated, internally or externally, except that the name and address of the business may be illuminated at night. No banners, flags, billboards or other prohibited signs may be used at any time.

(6) Holders of medical marijuana business permits agree that, as an express and ongoing condition of permit issuance and subsequent renewal, the holder of the permit shall be prohibited from advertising any medical marijuana business located in the City of California City utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising, anywhere in the state. This paragraph is not intended to place limitations on the ability of a medical marijuana business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.

(j) Minors.

(1) Persons under the age of eighteen (18) years shall not be allowed on the premises of a medical marijuana business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Chapter for any person to employ any person at a medical marijuana business who is not at least eighteen (18) years of age.

(2) The entrance to the medical marijuana business shall be clearly and legibly posted with a notice that no person under the age of eighteen (18) years of age is permitted to enter upon the premises of the medical marijuana business.

(k) Odor Control. Odor control devices and techniques shall be incorporated in all medical marijuana businesses to ensure that odors from marijuana are not detectable off-site. Medical marijuana businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor

generated inside the medical marijuana business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the medical marijuana business. As such, medical marijuana businesses must install and maintain the following equipment, or any other equipment which the City Manager or his/her designee(s) determine is a more effective method or technology:

(1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

(2) An air system that creates negative air pressure between the medical marijuana business's interior and exterior, so that the odors generated inside the medical marijuana business are not detectable on the outside of the medical marijuana business.

(l) Display of Permit and City Business License. The original copy of the medical marijuana business permit issued by the City pursuant to this Chapter and the City issued business license shall be posted inside the medical marijuana business in a location readily-visible to the public.

(m) Background Check. Every person listed as an owner, manager, supervisor, employee or volunteer, of the medical marijuana business must submit fingerprints and other information deemed necessary by the City Manager or his/her designee(s) for a background check by the California City Police Department. No person shall be issued a permit to operate a medical marijuana business or a related work permit unless they have first cleared the background check, as determined by the Chief of Police, as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the City of California City to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a medical marijuana business permit is submitted. If this amount is not sufficient, the applicant shall provide additional amounts that are necessary and if the applicant is unable to provide the additional amounts necessary to complete the investigation, the investigation shall cease and shall not continue until such additional amounts are paid. Upon completion of the investigation or in the event the applicant withdraws their application, any fees paid for this process will be deemed non-refundable.

(n) Loitering. The owner and/or operator of a medical marijuana business, and the owner of the underlying parcel, shall prohibit loitering by persons outside the medical marijuana business, whether the loitering is occurring immediately outside the business or anywhere else on their property or parcel.

(o) Permits and other Approvals. Prior to the establishment of any medical marijuana business or the operation of any such business, the person intending to establish a medical marijuana business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such medical marijuana business intends to establish and to operate.

(p) If a medical marijuana business permittee is operating as a collective or cooperative under Health and Safety Code Section 11362.775, subdivision (a), members of the applicant authorized to possess cannabis shall sign an agreement with the medical marijuana business which states that members shall not distribute cannabis or cannabis products to non-members or in violation of the "Memorandum for all United States Attorneys," issued by the United States Department of Justice, from James M. Cole, Deputy Attorney General and any other applicable state and federal laws, regulations, or guidelines.

(q) If the medical marijuana business permittee is operating as a collective or cooperative under Health and Safety Code Section 11362.775, subdivision (a), the medical marijuana business shall terminate the membership of any member violating any of the provisions of this Chapter.

Sec. 5-6.907.- The City Manager or his/her designee may develop other medical marijuana business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare, provided that the City Council approves of the regulations before they are implemented.

Article 10. Additional Requirements for Dispensaries.

Sec. 5-6.1001.-. Operating Requirements.

(a) Owners and Operators are required to verify the age and the necessary documentation of each customer to ensure the customer is not under the age of eighteen (18) years, and to verify that the potential customer has a valid doctor's recommendation. Doctor recommendations are not to be obtained or provided at the dispensary.

(b) Entrances into the dispensary shall be locked at all times with entry strictly controlled. A "buzz-in" electronic/mechanical entry system shall be utilized to limit access to and entry to the dispensary, to separate it from the reception/lobby area. Individuals must show their cannabis card in order to gain access into the dispensary.

(c) Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities.

(d) Dispensaries may have on-site, in the retail sales area of the dispensary, only that quantity of cannabis and cannabis products reasonably anticipated to meet the daily demand readily available for sale.

(e) At no time shall cannabis or cannabis products be donated or given away, unless it is for a valid medical purpose and pursuant to a program authorized in writing in advance by the City.

(f) All restroom facilities shall remain locked and under the control of management.

Article 11. Additional Requirements for Cultivation Facilities.

Sec. 5-6.1101.- Operating Requirements.

(a) Outdoor Cultivation Prohibited. The cultivation of all cannabis must occur indoors, and only in a facility holding a valid medical marijuana business permit from the City under this Chapter. All outdoor cultivation is prohibited.

The above restriction against outdoor cultivation specifically includes, but is not limited to, a prohibition on the outdoor cultivation of any plants which an individual may be growing for his/her personal use, if the growth of plants for personal use is authorized under state law.

(b) In no case shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.

(c) Association with Dispensaries. If a dispensary is authorized to include cultivation activities, the dispensary may have only one cultivation site upon which cannabis is cultivated, produced, stored, harvested, manufactured, or packaged, and each dispensary and cultivation site must be separately permitted pursuant to this Chapter.

(d) If the medical marijuana business permitted by the City as a cultivator is operating as a collective or cooperative under Health and Safety Code Section 11362.775, subdivision (a), the medical marijuana business shall not allow more medical cannabis plants or plants per member of a medical marijuana business than the amounts permitted pursuant to State law, to be cultivated at the medical marijuana business premises.

(e) Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

(f) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.

(g) In no case shall any hazardous, flammable or explosive substances be used to process or manufacture cannabis products on site.

(h) The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the medical marijuana business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.

(i) All applicants for a cannabis cultivation permit shall submit the following in addition to the information generally otherwise required for a medical marijuana business:

(1) A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities (indoor, mixed-light) and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting (indoor, mixed-light).

(2) A description of a legal water source, irrigation plan, and projected water use.

(3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.

(4) Plan for addressing odor and other public nuisances which may derive from the cultivation site.

Article 12. Additional Requirements for Delivery Services.

Sec. 5-6.1201.- Permitted; Association with Dispensaries. Mobile delivery of cannabis shall be permitted pursuant to this Chapter. A mobile delivery service may operate only as a part of and in conjunction with a dispensary permitted pursuant to State law and by the City pursuant to this Chapter. Delivery of cannabis from a dispensary permitted pursuant to this Chapter can only be made in a city or county that does not expressly prohibit it by ordinance.

Article 13. Additional Requirements for Manufactured Cannabis.

Sec. 5-6.1301.- Cannabis Manufacturing: Edibles and Other Cannabis Products; Sale or Distribution of Edible and Other Cannabis Products. The manufacturing of food or other products infused with or which otherwise contain cannabis may be manufactured within the appropriate manufacturing zoning districts as described in Title 9, Chapter 2, Article 29, subject to the regulations set forth in this Chapter, and subject to whatever additional regulations may be promulgated hereunder by an ordinance or resolution of the City Council.

Sec. 5-6.1302.- Packaging and Labeling.

(a) Before a medical marijuana manufacturer delivers any edible cannabis or edible cannabis product to a dispensary, the same shall be labeled and placed in tamper-evident packaging which at least meets the requirements of California Business and Professions Code section 19347, as the same may be amended from time-to-time or superseded or replaced by subsequent State legislation or by any department or division of the State of California.

(b) All items to be sold or distributed shall be individually wrapped at the original point of preparation by the business permitted as a medical marijuana manufacturer.

(c) Labeling must include a warning if nuts or other known allergens are used, and must include the total weight (in ounces or grams) of cannabis in the package.

(d) A warning that the item is a medication and not a food must be clearly legible on the front of the package.

(e) The package must have a label warning that the product is to be kept away from children.

(f) The label must also state that the product contains cannabis and must specify the date of manufacture.

(g) Any edible cannabis product that is made to resemble a typical food product must be in a properly labeled opaque (non-see-through) package before it leaves the medical marijuana manufacturing business.

(h) Deliveries must be in a properly labeled opaque package when delivered.

(i) The City Council may impose additional packaging and labeling requirements on cannabis or cannabis products by resolution, as permitted by law.

Article 14. Application of Chapter; Other Legal Duties.

Sec. 5-6.1401.- Promulgation of Regulations and Standards.

(a) In addition to any regulations adopted by the City Council, the City Manager or his/her designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of medical marijuana business permits, the ongoing operation of medical marijuana businesses and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Chapter, provided such regulations are approved by the City Council before they are implemented.

(b) Regulations shall be published on the City's website.

(c) Regulations promulgated by the City Manager shall become effective upon date of publication. Medical marijuana businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Manager or his designee.

Sec. 5-6.1402. Community Relations.

(a) Each medical marijuana business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the medical marijuana business can be provided. Each medical marijuana business shall also provide the above information to all businesses and residences located within two hundred (200) feet of the medical marijuana business and shall provide opportunity for those businesses and residents within two hundred (200) feet to visit and to tour the medical marijuana business at least once on a mutually convenient date and time. Any additional request shall be at the sole discretion of the cannabis business operator.

(b) During the first year of actual operation of a marijuana business pursuant to this Chapter, the owner, manager, and community relations representative from each medical marijuana business holding a permit issued pursuant to this Chapter shall attend a quarterly meeting with the City Manager or his/her designee(s) to discuss costs, benefits, and other community issues arising as a result of implementation of this Chapter. After the first year of operation, the owner, manager, and community relations representative from each such medical marijuana business shall meet with the City Manager or his/her designee(s) when and as requested by the City Manager or his/her designee(s).

(c) Medical marijuana businesses to which a permit is issued pursuant to this Chapter shall develop and make available to youth organizations and educational institutions a public education plan that outlines the risks of

youth addiction to marijuana, and that identifies resources available to youth related to drugs and drug addiction.

Sec. 5-6.1403.- Fees Deemed Debt to City of California City.

The amount of any fee, cost or charge imposed pursuant to this Chapter shall be deemed a debt to the City of California City that is recoverable via an authorized administrative process as set forth in the Municipal Code, or in any court of competent jurisdiction.

Sec. 5-6.1404.- Permit Holder Responsible for Violations.

The person to whom a permit is issued pursuant to this Chapter shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of California City, whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the medical marijuana business whether or not said violations occur within the permit holder's presence.

Sec. 5-6.1405.- Inspection and Enforcement.

(a) The City Manager or his/her designee(s) are charged with enforcing the provisions of the California City Municipal Code, or any provision thereof, may enter the location of a medical marijuana business at any time during the hours of operation without notice, and inspect the location of any medical marijuana business as well as any recordings and records required to be maintained pursuant to this Chapter or under applicable provisions of State law.

(b) It is unlawful for any person having responsibility over the operation of a medical marijuana business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a medical marijuana business under this Chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a medical marijuana business under this Chapter or under state or local law.

(c) The City Manager or his/her designee(s) charged with enforcing the provisions of this Chapter may enter the location of a medical marijuana business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of California City shall be logged, recorded, and maintained in accordance with California City Police Department standards for evidence.

Sec. 5-6.1406.- Concurrent Regulation with State. It is the stated intent of this Chapter to regulate medical marijuana activity in the City of California City concurrently with the state of California.

Article 15. Violations and Enforcement.

Sec. 5-6.1501.- Violations declared a public nuisance.

Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance.

Sec. 5-6.1502.- Each violation a separate offense.

Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the California City Municipal Code. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, any permit issued pursuant to this Chapter being deemed null and void, disgorgement and payment to the City of any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of California City may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the medical marijuana business or persons related to, or associated with, the medical marijuana activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the City Manager, his/her designee, or the Chief of Police, may take immediate action to temporarily suspend a medical marijuana business permit issued by the City, pending a hearing before the City Council.

Sec. 5-6.1503.- Criminal Penalties.

Each and every violation of the provisions of this Chapter may be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars ($1,000) or imprisonment in the county jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

Sec. 5-6.1504.- Remedies cumulative and not exclusive.

The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

SECTION 5. Effective Date. This ordinance shall be in full force and effect commencing thirty (30) days after its final adoption and a summary hereof shall be published once within fifteen (15) days in the Mojave Desert News, a newspaper of general circulation printed and published in the County of Kern and circulated in the City of California City and hereby designated for that purpose by the City Council.

This Ordinance was introduced and read by title only on the 23rd day of August, 2016 and was passed and adopted on this 13th day of September, 2016 by the following vote:

AYES: Gomez, Warren, McGuire, Wood
NOES: None
ABSENT: Smith

Jennifer Wood, Mayor

ATTEST:

Denise Hilliker, City Clerk

APPROVED AS TO FORM:

Christian Bettenhausen, City Attorney

STATE OF CALIFORNIA)
COUNTY OF KERN) ss.
CITY OF CALIFORNIA CITY)

I, Denise Hilliker, City Clerk of California City, do hereby certify that the foregoing ordinance was introduced on the 23rd day of August, 2016, was regularly adopted at a meeting thereof on the 13th day of September, 2016 and was published/posted pursuant to law.

Denise Hilliker, City Clerk