

REGULAR MEETING
October 26, 2016

B. ANNOUNCEMENT OF CLOSED SESSION ITEMS

1. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION PER GOVERNMENT CODE SECTION 54956.9(d)(1).
 - a. Borja v. City of Adelanto, et al., Case No. CIVDS 1615867.
 - b. Cordero v. City of Adelanto, et al., Case No. CIVDS 1616163.
 - c. Moore v. City of Adelanto, et al., Case No. CIVDS 1616168.

C. PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEMS

- 1.

D. CONVENE INTO CLOSED SESSION

TIME: _____

1. Motion to go into Closed Session.

M _____ **S** _____ **ACTION** _____

E. CALL TO ORDER—REGULAR MEETING

TIME: _____

ROLL CALL:

<i>Councilor Camargo</i>	_____
<i>Councilor Glasper</i>	_____
<i>Councilor Woodard</i>	_____
<i>Mayor Pro Tem Wright</i>	_____
<i>Mayor Kerr</i>	_____

INVOCATION: Dave Blevins, Calvary Chapel

FLAG SALUTE: _____

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F. CONFLICTS OF INTEREST

1. Council Members will announce any possible Conflicts of Interest with the Agenda.

G. CLOSED SESSION REPORT

1. City Attorney or City Manager will make an oral report on any reportable actions taken in Closed Session.

H. DELETIONS/ADDITIONS TO AGENDA

1. City Manager to announce if there is any addition/removal of items from the agenda.

I. PRESENTATIONS

1. Presentation by Linda Garber of the Ray Pryke Foundation.

J. PUBLIC COMMUNICATIONS

Members of the public wishing to address the City Council Members are required to fill out the yellow speaker card and place it in the **SPEAKER CARD TRAY located on the podium**. The Clerk of the meeting will collect the cards and hand them to the Chair. **REMEMBER ONE CARD PER PERSON you can mark the card to address various items on the agenda.**

This is the time and place for members of the public to comment on any matter within the jurisdiction of the City Council. After receiving recognition from the Chair, the speaker will walk to the podium and state their name for the record. There is a time limit of three (3) minutes when giving your presentation.

Members of the audience may address the City Council on **non-agenda items**; however, in accordance with Government Code section 54954.2, the City Council may not take action on an item not appearing on the posted agenda.

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K. CONSENT CALENDAR

Items on the Consent Calendar are considered routine in nature and non-controversial, and require no further discussion by the City Council. They may be acted on in one motion unless a member of the City Council or member of the audience requests a separate discussion on an item.

MOTION APPROVING THE CONSENT CALENDAR AS PRESENTED

1. Motion waiving the full reading of all ordinances and resolutions. Titles for ordinances and resolutions which appear on the public agenda shall be determined to have been read by title and further reading waived.
2. Approval of Business License Department Report.
3. Approval Commercial & Residential Solid Waste & Recycling Report.
4. Approval of Firework Stands Financial Statements.
5. Approval of Warrant:
 - a. Approval of City of Adelanto Warrant, 16/17-10-02, 135116 through 135221, for the total amount of \$1,425,419.43.
 - b. Approval of City of Adelanto Warrant Electronic Fund Transfer, 16/17-10-02, 187 through 191 for the total amount of \$6,660.45.

M _____ S _____ ACTION _____

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October 26, 2016

L. PUBLIC HEARING

PUBLIC HEARING OPEN: _____ PUBLIC HEARING CLOSED: _____

1. PUBLIC HEARING - ORDINANCE 553, CODE AMENDMENT 16-06 – PROPOSED AMENDMENT TO TITLE 17 OF THE ADELANTO MUNICIPAL CODE REPEALING SECTION 17.80.050, ADDING SECTION 17.80.120 ALLOWING MEDICAL CANNABIS DISPENSARIES, AMENDING SECTIONS 17.80.080 AND 17.80.090 REGARDING MEDICAL CANNABIS CULTIVATION AND MANUFACTURING, AND MAKING CONSISTENCY CHANGES TO THE TABLE OF CONTENTS AND APPENDIX A OF THE ZONING ORDINANCE; AND RESOLUTION 16-69 - ADOPTING ADMINISTRATIVE PERMIT FEES FOR SUCH USES

RECOMMENDATION: Introduce for the First Reading Ordinance 553, find the approval of Code Amendment 16-06 exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) as the Code Amendment will not have a significant effect on the environment, adopt Code Amendment 16-06, make findings in support thereof;

AND

Adopt Resolution 16-69, establishing permit application fees for Medical Cannabis Dispensaries, find the approval of fees exempt from the California Environmental Quality Act pursuant to Section 15273 (Rates, Tolls, Fares and Charges), adopt and approve related findings in support thereof.

ORDINANCE NO. 553

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA, AMENDING SECTION 17.80.080 OF THE ADELANTO MUNICIPAL CODE REGARDING MEDICAL CANNABIS CULTIVATION AND SECTION 17.80.090 REGARDING MEDICAL CANNABIS MANUFACTURING, REPEALING SECTION 17.80.050 REGARDING MEDICAL CANNABIS DISPENSARIES, AND ADDING SECTION 17.80.120 REGARDING MEDICAL CANNABIS DISPENSARIES

AND

RESOLUTION 16-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA ADOPTING MEDICAL CANNABIS DISPENSARY PERMIT APPLICATION FEES AND MAKING FINDINGS IN SUPPORT THEREOF

M _____ S _____ ACTION _____

PUBLIC HEARING OPEN: _____ **PUBLIC HEARING CLOSED:** _____

2. PUBLIC HEARING ORDINANCE 555—URGENCY ORDINANCE ADDING CHAPTER 8.60 OF THE ADELANTO MUNICIPAL CODE REGARDING PERSONAL CULTIVATION AND PERSONAL USE OF CANNABIS (Attorney)

RECOMMENDATION: Adopt the attached Urgency Ordinance (“Ordinance 555”) adding Chapter 8.60 of the Adelanto Municipal Code regarding Personal Cultivation and Personal Use of non-medical cannabis in the City.

ORDINANCE NO. 555

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA, ADDING CHAPTER 8.60 OF THE ADELANTO MUNICIPAL CODE REGARDING PERSONAL CULTIVATION AND PERSONAL USE OF CANNABIS

M _____ S _____ ACTION _____

REGULAR MEETING

October 26, 2016

M. NEW BUSINESS OF THE SUCCESSOR AGENCY BOARD

1. RESOLUTION OF THE BOARD OF THE SUCCESSOR AGENCY TO THE FORMER ADELANTO REDEVELOPMENT AGENCY TERMINATION DISPOSITION AND DEVELOPMENT AGREEMENT PROVISIONS REQUIRING THE ADELANTO REDEVELOPMENT AGENCY'S APPROVAL TO SELL ASSESSOR'S PARCEL NUMBER 3129-261-26 (Attorney)

RECOMMENDATION: Adopt the attached Resolution terminating the provisions imposed by the Disposition and Development Agreement and Memorandum of Disposition and Development Agreement which require the Former Adelanto Redevelopment Agency's approval to sell parcel number 3129-261-26.

SUCCESSOR AGENCY RESOLUTION NO. 15-03

A RESOLUTION OF THE BOARD OF THE SUCCESSOR AGENCY TO THE FORMER ADELANTO REDEVELOPMENT AGENCY TERMINATING DISPOSITION AND DEVELOPMENT AGREEMENT PROVISIONS REQUIRING THE ADELANTO REDEVELOPMENT AGENCY'S APPROVAL TO SELL ASSESSOR'S PARCEL NUMBER 3129-261-26

M _____ S _____ ACTION _____

N. NEW BUSINESS

1. BUDGET AMENDMENT.

M _____ S _____ ACTION _____

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O. ITEMS REMOVED FROM THE CONSENT CALENDAR

P. CITY MANAGERS ANNOUNCEMENTS AND REPORTS

Q. CITY COUNCIL ANNOUNCEMENTS AND REPORTS

R. ADJOURNMENT

The next Regular Meeting of the City Council will be held on November 9, 2016 at 7:00 p.m.

TIME OUT: _____

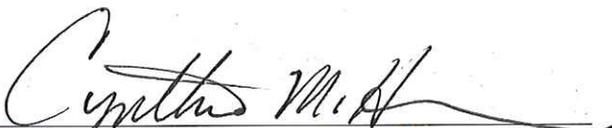
M _____ S _____ ACTION _____

REGULAR MEETING

October 26, 2016

S. DECLARATION OF POSTING

I, CINDY M. HERRERA, CITY CLERK OF THE CITY OF ADELANTO, OR MY DESIGNEE, HEREBY CERTIFY THAT A TRUE, ACCURATE COPY OF THE FOREGOING AGENDA WAS POSTED ON OCTOBER 20, 2016, SEVENTY TWO (72) HOURS PRIOR TO THE MEETING PER GOVERNMENT CODE 54954.2 IN THE GOVERNMENTAL CENTER'S DISPLAY CASE, 11600 AIR EXPRESSWAY, AND ADELANTO, CALIFORNIA.


CYNTHIA M. HERRERA, CITY CLERK, MMC

VOTE

VOTE ON NOVEMBER 8, 2016

Adelanto's Municipal Election

Presidential General Election

Last day to register to vote is October 24th

Last day to request to vote by Mail Ballot is November 1, 2016

Measure S Gross Revenue Business Tax

Shall the Adelanto City Council be authorized to impose a tax, with no termination date, on each business licensed or operating within the City of Adelanto in the amount of not more than 0.05 percent of the gross revenue attributable to that business's revenue earned from within the City of Adelanto, potentially generating several thousands of dollars annually in additional tax revenue for the City of Adelanto?

Measure R Commercial Marijuana Activity Excise Tax

Shall the Adelanto City Council be authorized to impose excise taxes, with no termination date, on each commercial marijuana activity business licensed or operating within the City of Adelanto in an amount of not more than five percent of the gross revenue attributable to that business's revenue earned from within the City of Adelanto, potentially generating millions of dollars annually in additional tax revenue for the City of Adelanto?

YOUR CITY GOVERNMENT

CHARTER CITY: Ratified by the electors of the City at an election on November 3, 1992. “A Charter City can do what the Charter permits it to do, so long as there is not direct violation of the State Constitution.”

CITY COUNCIL: The City Council of the legislative and policy-making body of the City. The City Council is composed of one elected Mayor and four Council Members, elected at large (to represent the entire City), to serve four year, staggered terms.

CITY MANAGER: The City Manager is the chief executive officer responsible for the administration of City affairs.

CITY COUNCIL MEETING: The regular meeting of your City Council is a vital part of the democratic process in the conduct of the City’s affairs. These meetings are open to the public and conducted by your elected representatives who are responsible, as a body, for the operation of Adelanto’s City Government. The Council appreciates your interest and urges citizen participation in government matters.

LEGISLATIVE TERMS

ORDINANCES: Ordinances are the means by which the City enacts its local laws. Unless an urgent situation exists, ordinances will first be presented at a Council meeting as a “first reading.” At a subsequent Council meeting, there will be a second reading and adoption. Ordinances go into effect after a waiting period of thirty days, in most cases, during which time the summary of the ordinance is published in a local newspaper approved for this purpose.

RESOLUTIONS: Resolutions and minute orders are the means by which the City Council formally adopts policies or approves specific actions. These go into effect when adopted.



Rich Kerr
Mayor

Jermaine Wright Sr.
Mayor Pro-Tem

Ed Camargo
Council Member

Charley B. Glasper
Council Member

John "Bug" Woodard Jr.
Council Member

Cynthia M. Herrera, MMC
Interim City Manager

MEETING NOTICE

**NOTICE OF A JOINT MEETING OF THE
CITY OF ADELANTO CITY COUNCIL
AND ADELANTO PUBLIC FINANCING AUTHORITY
AND ADELANTO PUBLIC UTILITY AUTHORITY
AND ADELANTO COMMUNITY BENEFIT CORPORATION
AND THE SUCCESSOR AGENCY BOARD**

NOTICE IS HEREBY GIVEN that the meeting of City Council, Adelanto Public Financing Authority, Adelanto Public Utility Authority, Adelanto Community Benefit Corporation, and the Successor Agency Board of the City of Adelanto will meet in a Joint Meeting at the following time and place.

TIME

Closed Session: 6:00 P.M.
Regular Meeting: 7:00 P.M.
Wednesday
October 26, 2016

PLACE

Adelanto Governmental Center
Adelanto Council Chambers
11600 Air Expressway
Adelanto, CA 92301



City Clerk of the City of Adelanto
and of the City Council thereof

DATED: October 20, 2016



CITY COUNCIL AGENDA REPORT

ADELANTO GOVERNMENTAL CENTER | 11600 AIR EXPRESSWAY
| ADELANTO, CALIFORNIA 92301

DATE: October 262016
TO: Honorable Mayor and City Council Members
FROM: Cynthia M. Herrera, City Manager
BY: HdL Companies / Via: Larry Jarvis, Sr. Management Analyst

SUBJECT: BUSINESS LICENSE REPORT – SEPTEMBER 2016

STAFF RECOMMENDATION:

Staff recommends that the City Council accept the monthly Business License Division report for September 2016.

BACKGROUND:

The “New Business Activity Listing” exhibits all the new business licenses that were processed in the month of September. Included in the report are new applicants and businesses that renewed their annual license with the City. Anyone doing business within the City must obtain a business license.

The “Cash Receipt Listing” exhibit lists all money received by the Business License Division for the issuance of: a new business licenses, business license renewal, or a temporary business licenses.

FISCAL IMPACT:

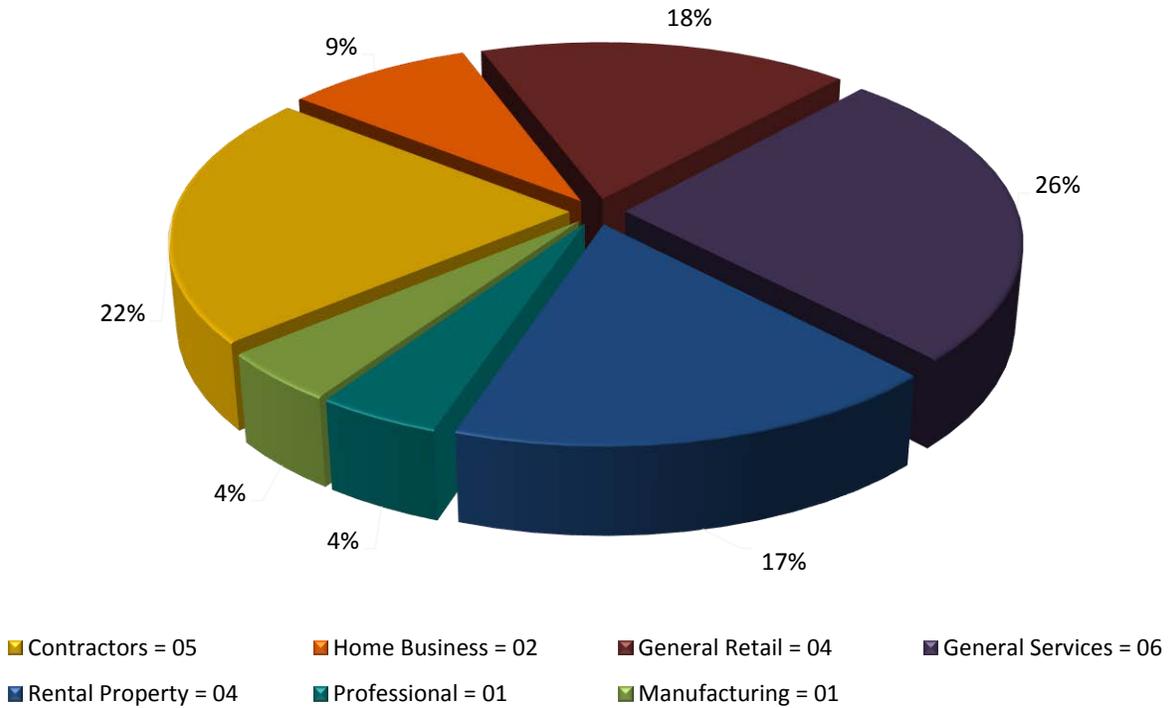
A total of \$3,048.65 received during the month of September 2016.

ATTACHMENTS:

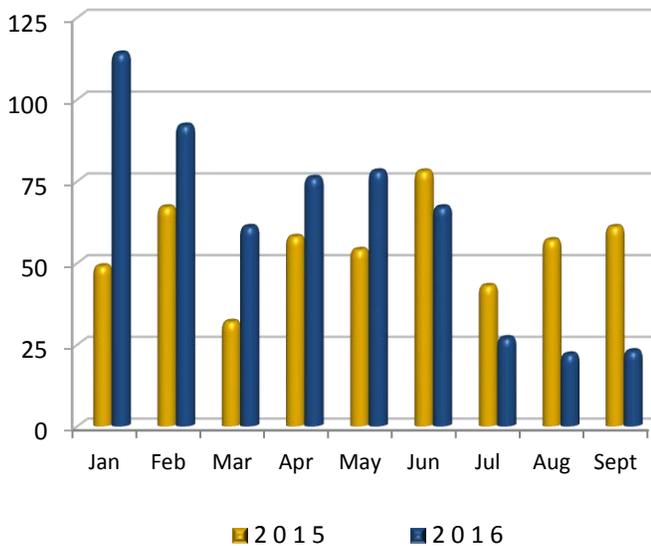
1. Monthly New Business Activity Listing for September 2016
2. Monthly Cash Receipt List for September 2016

SEPTEMBER SUMMARY:

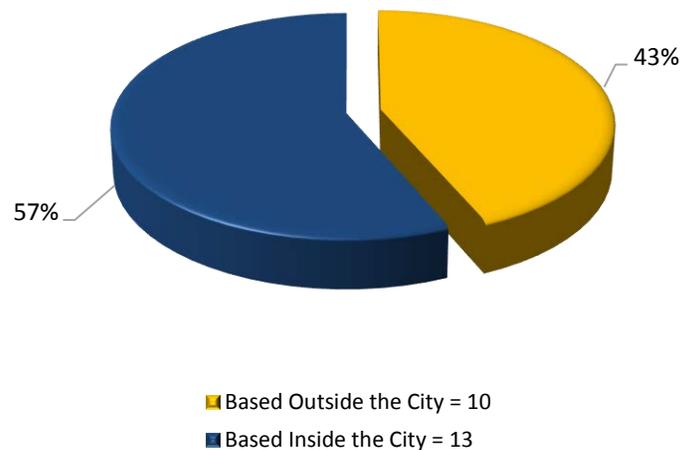
Business License Accounts Processed by Rate Category: September 2016
(Total Record Count = 23)



Total Number of Accounts Processed: 2015 vs. 2016



Business Licenses Issued by Location: August 2016



New Business Activity Listing



Firm Name	Firm Address	Business Description	Location In/Out	License Type	Issue Date	Amount
Aaron Taylor	14763 SNAPDRAGON LN	Home Occupation	Inside	New Application	9/26/2016	\$121.00
All American Asphalt	400 E SIXTH ST	Contractors (Class A, B1, C20)	Outside	Renewal	9/13/2016	\$101.00
AmeriGas Propane LP	16575 DAISY RD	Retail/Wholesale	Inside	Renewal	9/19/2016	\$51.00
AmeriGas Propane Parts & Service Inc.	16575 DAISY RD	Contractors (Class A, B1, C20)	Inside	Renewal	9/19/2016	\$101.00
Brightview Landscape Services Inc	24151 VENTURA BLVD	Contractors (All Other Class 'C')	Outside	Reinstated	9/23/2016	\$51.00
Bullseye Mobile Advertising	8590 SKY LINE DR	Advertising	Outside	New Application	9/1/2016	\$61.00
Dena Reyes	11801 TRAILWOOD ST	Misc Business	Outside	New Application	9/26/2016	\$51.00
Dunagan's Market	11913 BARTLETT AVE	Retail/Wholesale	Inside	Renewal	9/1/2016	\$51.00
Emma Ferrusquia	19035 DENNIS STREET	Hotels,Motels & Other Rental Units	Inside	Renewal	9/30/2016	\$31.00
Family Dollar, Inc # 10458	11545 BARTLETT AVE	Retail/Wholesale	Inside	Renewal	9/20/2016	\$51.00
Global Conductor Construction Corp.	17130 RACoon AVE #A	Contractors (C4, C6, C8, C10, C12)	Inside	Renewal	9/22/2016	\$61.00
Ideco Inc.	431 W BLUERIDGE AVE	Contractors (Class A, B1, C20)	Outside	New Application	9/30/2016	\$101.00
J & B Properties, Llc	11851 SAGE	Hotels,Motels & Other Rental Units	Inside	Renewal	9/27/2016	\$31.00
Kimley-Horn & Associates, Inc.	765 THE CITY DRIVE	Professional Services (A)	Outside	Renewal	9/13/2016	\$126.00
Luis & Rosa Santana	10512 Dawn ST	Hotels,Motels & Other Rental Units	Inside	Renewal	9/2/2016	\$31.00
Martha & Sons Cleaning Service	14604 MESA DR	Nursery Landscaping	Outside	Renewal	9/11/2016	\$36.00
Michael Man-Chung Wong	14567 WILLOW WAY	Hotels,Motels & Other Rental Units	Inside	Renewal	9/30/2016	\$31.00
Nestle Waters North America, Inc.	13456 FIGHTING FALCON STREET	Trucking Hauling	Outside	Renewal	9/1/2016	\$151.00
One Love Entertainment	15169 PARK WAY	Home Occupation	Inside	Renewal	9/21/2016	\$26.00
Orlando & Rocio Montano	5861 SAMANTHA PL	Janitorial Serv and Supplies	Outside	Renewal	9/13/2016	\$31.00
Scott Turbon Mixer, Inc.	9351 INDUSTRIAL WAY	Manufacturing Flat Fee	Inside	Renewal	9/1/2016	\$101.00
Treasures Novelties And Trinkets LLC	11068 RIO SECO CT	Retail/Wholesale	Inside	New Application	9/12/2016	\$146.00
Universal Protection Service, LP	2900 ADAMS ST STE C-10A	Misc Business	Outside	New Application	9/1/2016	\$51.00

License Process Summary:
 New - Pending Approval: 06
 Renewal Accounts: 16
 Reinstated Accounts: 01

City of Adelanto - Cash Receipt Listing

Business License Division

9/1/2016 to 9/30/2016

Totals for New Receipts		
Summary by GL Account #		
Building Department - Commercial Zoning Fees		
Credit Card		100.00
e-Check		100.00
Total		\$200.00
Building Department - Home Occupation Zoning		
Credit Card		285.00
Total		\$285.00
Business License Tax - G/L #100-0000-43035		
Check		873.68
Credit Card		1,352.00
e-Check		210.00
Total		\$2,435.68
Penalties - G/L #100-0000-43035		
Check		5.74
Credit Card		77.23
Total		\$82.97
SB-1186 Fees - City Portion		
Check		10.50
Credit Card		18.20
e-Check		2.80
Total		\$31.50
SB-1186 Fees - State Portion		
Check		4.50
Credit Card		7.80
e-Check		1.20
Total		\$13.50
Grand Total:		\$3,048.65
Summary by Payment Type		
15 Check		894.42
24 Credit Card		1,840.23
4 e-Check		314.00
43 Grand Total:		\$3,048.65
Summary by Users		
20 SYS Online Web Service		1,591.31
23 HDL Tax Specialist Group		1,457.34
43 Grand Total:		\$3,048.65



CITY COUNCIL AGENDA REPORT

ADELANTO GOVERNMENTAL CENTER | 11600 AIR EXPRESSWAY | ADELANTO, CALIFORNIA 92301

DATE: October 26, 2016

TO: Honorable Mayor and City Council Members

FROM: Cynthia M. Herrera, MMC, City Manager/ City Clerk

BY: Belen Cordero, Conservation Administrator/Grant Coordinator

SUBJECT: MONTHLY COMMERCIAL & RESIDENTIAL SOLID WASTE & RECYCLING REPORT-
AUGUST 2016

ATTACHMENTS:

1. Burrtec's monthly commercial & residential solid waste & recycling report August 2016



BURRTEC

WASTE INDUSTRIES, INC.

"We'll Take Care Of It"

September 20, 2016

Ms. Belen Cordero
City of Adelanto
11600 Air Expressway - P.O. Box 10
Adelanto, CA 92301

Re: Monthly Commercial & Residential Report – August 2016

Dear Ms. Cordero:

The following information is provided as the monthly report for the solid waste and recyclables collection services:

Solid Waste Collected

Attached is a copy of the Waste Generation and Diversion Report, which provides a breakdown of the tonnage, collected by commodity type. Additional information based on program code and AB939 reporting format is also included.

The recycling tonnage is received and processed at the Victor Valley Material Recovery Facility. A detailed commodity breakdown by customer type is included. The solid waste is taken to the Victorville Landfill.

Call Logs

Attached are the detailed call logs.

Compliments	0
Complaints	0
Missed pick-ups	12

Used Oil Collection Activity

Burrtec provides a used oil collection program. Under this program, participating residents have their used oil and oil filters collected at curbside. The following summarizes the used oil and oil filters collection activity.

Oil Container Deliveries	0
Used Oil Collection	0

Sharps Container Activity

Burrtec provides a used Sharps container distribution program. Under this program, participating residents may exchange their used containers for a new container at the Burrtec facility and can also drop off used Sharps containers at the new site located at City Hall.

Sharps Container Distribution	12
Used Sharps Container Collection	11

Universal Waste & E-Waste Collections

Universal waste includes such items as batteries, fluorescent lamps, and mercury thermostats among others. Electronic waste or E-waste includes such items as computer monitors, television sets, stereos, etc. The following summarizes the Universal Waste and E-waste residential collections:

Televisions	39
Other (Microwaves, Refrigerators, Washer/Dryers, etc.)	66

Street Sweeping Services

During the reporting period an estimated 27.83 tons of street sweeping debris was collected and taken to Safe Soil.

Warning Notices

No warning notices were issued during the month.

Problems Encountered

No problems were encountered.

Other Noteworthy Items

Bulky Item Collections: During the month we received 188 calls for bulky-item pick-ups, including: end tables, cabinets, desks, beds, mattresses, entertainment centers, BBQs, cribs, bookcases, and recliners. A detailed report of the bulky items collection calls is attached.

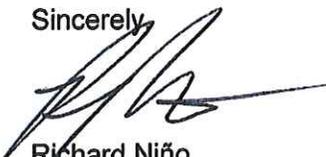
Commercial Recycling Program

Outreach: Below please find the activity summary for the Commercial and Multi-Family Recycling Program. Effective July 1, Burrtec implemented Street Sweeping services to assist Adelanto with improving the community's environment. A mailer was sent to the residents announcing this new service. Attached are copies of event flyers distributed to residents describing the quarterly Shred Fest held at Victor Valley MRF and the Conservation Festival held at Maverick's Stadium that Burrtec participated in.

Date	Remarks
8/6/16	August Shred Fest – 6 Adelanto residents attended
8/8/16	Street Sweeping insert mailed with City billing
8/19/16	Adelanto Conservation Festival held at Maverick's Stadium

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



Richard Niño
Vice President

SOLID WASTE COLLECTED

Waste Generation and Diversion Report
July_2016

Route Description	Refuse	Recycling	E-waste	Greenwaste	Tires (Transformation)	Tin/White Goods	Scrap Metal	Wood	Inert	Transformation	Comm'l Select	Total Tonnage Generated
Residential Total	689.24	172.57	-	-	-	-	-	-	-	-	-	881.81
Christmas Tree Total	21.97	-	-	-	-	-	-	-	-	-	-	-
Bulky Item Total	104.39	7.44	1.43	-	-	4.41	-	-	-	-	-	27.81
Clean Up Total	7.73	-	-	-	-	-	-	-	-	-	-	-
Multi-Family Total	277.62	40.84	-	0.08	0.32	-	1.19	-	-	0.22	-	320.27
Residential Bin Total	429.12	-	-	-	-	-	9.96	12.31	-	-	-	328.00
Commercial Total	1,530.07	220.85	1.43	0.08	0.32	4.41	11.16	12.31	-	0.22	0.89	452.28
Grand Total												1,781.73

Diverted Tonnage	Residue %	Residue Tons	Net Tonnage Diverted
Residential Recycling	33.62%	58.02	114.55
Res'dl Recycling- External Bulky	0.00%	-	6.84
Multi-Family Recy	24.09%	1.79	5.65
Commercial Recycling	24.09%	9.84	31.00
Commercial Transformation	0.00%	-	0.22
Commercial-Other Recycling	0.00%	-	1.59
Rolloff Select Loads	9.00%	0.08	0.81
Rolloff-Other Recycling	0.00%	-	22.27
Total			181.93

Facility Recovery	Gross Diversion	Net Diversion
7000 Series	14.12%	10.21%
Special Waste - 4000 Series	20.05%	13.53%
Composting 3000 Series	6.65%	5.05%
Recycling 2000 Series	13.00%	10.00%
Transformation 8000 Series	5.12%	5.10%

Reconciliation of Tonnage to CIMMB Report:	(a)	(b)	(c)	(d)	(e)
Total refuse generated	1,530.07	69.73	27.87	-	-
Total residue	-	69.73	-	-	-
Total Refuse	1,599.80	-	-	-	-
Net Tonnage Diverted	181.93	-	-	-	-
Total Reported	1,781.73	-	-	-	-

Total special waste 27.87 (c)
Commercial MRF credit for diversion only (d)

VICTORVILLE DISPOSAL
CITY OF ADELANTO

CWMB Program Code	Description	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Y-T-D
Refuse									
	Residential Refuse	686.90	678.57	786.56	753.53	748.41	787.27	689.24	5,190.48
	Residential Bulky Items	10.99	18.75	22.47	26.24	23.59	29.80	21.97	153.81
	Residential Refuse (residue)	56.43	53.31	60.36	56.12	55.51	60.63	58.02	400.38
	Clean Up Refuse	0.00	0.00	0.00	22.68	0.00	0.00	0.00	22.68
	Government Refuse								0.00
	School Refuse								0.00
	Residential Bin Refuse	4.11	4.10	4.57	4.21	4.61	4.21	7.73	33.54
	Residential Bin Refuse (residue)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Multi-Family Refuse	110.90	110.58	123.52	113.63	124.44	113.62	104.39	801.08
	Multi-Family Refuse (residue)	2.06	1.93	2.13	2.19	2.39	2.21	1.79	14.70
	Commercial Refuse	291.57	289.43	326.77	312.80	338.28	306.96	277.62	2,143.43
	Roll-off Refuse	391.52	471.54	556.12	526.75	443.60	497.72	429.12	3,316.37
	Commercial Refuse (residue)	13.62	12.70	14.02	14.16	15.41	14.33	9.84	94.08
	Roll-off Refuse (residue)	0.50	0.29	0.46	0.50	0.07	0.00	0.08	1.90
	Roll-off Refuse (residue)	1,568.60	1,641.20	1,896.98	1,832.81	1,756.31	1,816.75	1,599.80	12,112.45
Source Reduction									
1000-SR-XGC	Xenicscoping, Grasscycling								0.00
1010-SR-BCM	Backyard Composting								0.00
1020-SR-BWR	Business Source Reduction								0.00
1030-SR-PMT	Procurement								0.00
1040-SR-SCH	School Source Reduction								0.00
1050-SR-GOV	Government Source Reduction								0.00
1060-SR-MTE	Material Exchange, Thrift Shops								0.00
1070-SR-OTH	Other Source Reduction								0.00
Source Reduction Totals		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Recycling (net of residue)									
2000-RC-CRB	Residential Curbside Recycling	111.37	105.27	119.17	110.80	109.59	119.71	114.55	790.46
2010-RC-DRP	Residential Drop-Off Recycling								0.00
2020-RC-BYB	Residential Buy-Back Centers								0.00
2030-RC-OSP	Commercial On-Site Pickup	35.95	34.37	37.69	37.57	40.88	37.99	36.65	261.10
2040-RC-SFC	Commercial Self Haul Recycling								0.00
2050-RC-SCH	School Recycling								0.00
2060-RC-GOV	Government Recycling								0.00
2070-RC-SNL	Special Collection - Seasonal	5.21	0.00	0.00	0.00	0.00	0.00	0.00	5.21
2080-RC-SPE	Special Collection - Events								0.00
2090-RC-OTH	Other Recycling-Pre Sorted Roll-off	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Recycling Totals		152.53	139.64	156.86	148.37	150.47	157.70	151.20	1,056.77
Composting									
3000-CM-RCG	Residential Curbside Greenwaste	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3010-CM-RSG	Residential Self Haul Greenwaste								0.00
3020-CM-COG	Commercial On-Site Greenwaste	0.00	3.75	4.73	0.00	2.69	0.83	0.08	12.08
3030-CM-CSG	Commercial Self Haul Greenwaste								0.00
3040-CM-FWC	Food Waste Composting	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3050-CM-SCH	School Composting								0.00
3060-CM-GOV	Government Composting								0.00
3070-CM-OTH	Other Composting								0.00
Composting Totals		0.00	3.75	4.73	0.00	2.69	0.83	0.08	12.08
Special Waste									
4000-SP-ASH	Ash								0.00
4010-SP-SLG	Sludge (sewage industrial)								0.00
4020-SP-TRS	Tires	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4030-SP-WHG	White Goods	2.34	2.70	3.06	3.78	3.22	4.05	4.41	23.56
4040-SP-SCM	Scrap Metal	1.48	1.77	1.25	12.38	2.75	1.27	11.15	32.05
4050-SP-WDW	Wood Waste	0.00	0.00	3.16	0.69	0.20	15.55	12.31	31.91
4060-SP-CAR	Concrete/Asphalt/Rubble	1.25	0.00	1.25	40.00	1.25	2.54	0.00	46.29
4070-SP-DSD	Disaster Debris								0.00
4080-SP-SGL	Shingles								0.00
4090-SP-RND	Rendering								0.00
4100-SP-OTH	Other Special Waste	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Special Waste Totals		5.07	4.47	8.72	56.85	7.42	23.41	27.87	133.81

VICTORVILLE DISPOSAL
CITY OF ADELANTO

CWMB Program Code	Description	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Y-T-D
Public Education & Outreach									
5000-ED-ELC	Electronic (radio, TV, WWW, Hotlines)								0.00
5010-ED-PRN	Printed Media								0.00
5020-ED-OUT	Outreach (workshops, fairs, field trips)								0.00
5030-ED-SCH	Other Public Education								0.00
5040-ED-OTH	Other Public Education								0.00
	Public Education & Outreach Totals	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Policy Incentives									
6000-PI-PLB	Product & Landfill Bans								0.00
6010-PI-EIN	Economic Incentives								0.00
6020-PI-ORD	Ordinances								0.00
6030-PI-OTH	Other Policy Incentives								0.00
	Public Education Totals	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Facility Recovery									
7000-FR-MRF	Material Recovery Facility	0.98	0.44	0.70	0.03	0.94	0.47	0.81	4.37
7010-FR-LAN	Landfill								0.00
7020-FR-TST	Transfer Station								0.00
7030-FR-CMF	Composting Facility								0.00
7040-FR-ADC	Alternate Daily Cover								0.00
7050-FR-OTH	Other Facility Recovery								0.00
	Facility Recovery Totals	0.98	0.44	0.70	0.03	0.94	0.47	0.81	4.37
Transformation									
8000-TR-WTE	Waste-to-Energy	0.21	0.08	0.00	0.39	0.00	0.00	0.22	0.90
8010-TR-WDW	Biomass (wood waste)								0.00
8020-TR-TRS	Tires	0.40	0.35	1.08	1.23	1.21	0.75	0.32	5.34
8030-TR-OTH	Other Transformation								0.00
	Transformation Totals	0.61	0.43	1.08	1.62	1.21	0.75	0.54	6.24
Household Hazardous Waste									
9000-HH-PMF	Permanent Facility								0.00
9010-HH-MPC	Mobile/Periodic Facility								0.00
9020-HH-CSC	Curbside Collection								0.00
9030-HH-WSE	Waste Exchange								0.00
9040-HH-EDP	Educational Programs								0.00
9045-HH-EWA	Electronic Waste	0.85	2.28	2.21	1.60	1.44	1.50	1.43	11.31
9050-HH-OTH	Other Household Hazardous Waste								0.00
	HHW Totals	0.85	2.28	2.21	1.60	1.44	1.50	1.43	11.31
	All Programs Total	160.04	151.01	174.30	208.47	164.17	184.66	181.93	1,224.58
	Total Refuse	1,568.60	1,641.20	1,896.98	1,832.81	1,756.31	1,816.75	1,599.80	12,112.45
	Total Tonnages Generated	1,728.64	1,792.21	2,071.28	2,041.28	1,920.48	2,001.41	1,781.73	13,337.03
Multi Family Net Diverted Tonnage									
2030-RC-OSP	Multi Family Curbside Recycling	4.74	4.42	4.91	5.03	5.48	5.07	5.65	35.30
3020-CM-COG	Multi Family Curbside Greenwaste	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7000-FR-MRF	Multi Family Material Recovery Facility	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Residential Bin Net Diverted Tonnage									
2030-RC-OSP	Residential Bin Curbside Recycling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3020-CM-COG	Residential Bin Curbside Greenwaste	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7000-FR-MRF	Residential Bin Material Recovery Facility	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Oil Waste (in Gallon)									
9010-HH-MPC	Mobile/Periodic Facility	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

CALL LOGS

**CITY OF ADELANTO COMPLAINTS
AUGUST 2016**

CUST ID STR # SERVICE ADDRESS DATE SERVICE NOTES

NONE TO REPORT

**CITY OF ADELANTO COMPLIMENTS
AUGUST 2016**

CUST ID	STR #	SERVICE ADDRESS	DATE	SERVICE NOTES
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NONE TO REPORT

**CITY OF ADELANTO MISSED PICK-UPS
AUGUST 2016**

CUST ID	STR #	SERVICE ADDRESS	DATE	SERVICE NOTES
29394	14738	HARRISON DR	08/10/16	SERVICE 2 60 GREEN BARRELS, CHECK SURROUNDING STREETS
29409	14832	HARRISON DR	08/10/16	SERVICE 2 60 TRASH - CLAIMS HALF OF STREET WAS MISSED
31062	11057	TOLLIVER WAY	08/10/16	SERVICE 3-60 GREEN BARRELS, CLAIMS ENTIRE STREET WAS MISSED.
31212	14818	WAKEFIELD DR	08/10/16	CUSTOMER CLAIMS ENTIRE STREET WAS MISSED.
31253	11181	WESTBROOK DR	08/10/16	CUSTOMER CLAIMS THAT WHOLE STREET WAS MISSED
31258	11224	WESTBROOK DR	08/10/16	SERVICE 1 60 GREEN BARREL. CHECK ENTIRE STREET.
31263	11264	WESTBROOK DR	08/10/16	SERVICE 1 60 TRASH. CLAIMS STREET NOT SERVICED
41615	11253	MEREDITH ST	08/11/16	SERVICE 1 60 TRASH BARREL- NOT COMPLETELY EMPTIED
48010	17768	WINDY WAY	08/12/16	DELIVER TRASH BARREL - CAUGHT ON FIRE
41568	14375	CAROLINE ST	08/16/16	SERVICE 1 60 BLUE BARREL
43521	15003	HUNTINGTON WAY	08/16/16	SERVICE 1 60 BLUE ADDED TO ACCT, MISSED ON 8/15
30427	10765	SPRING ST	08/31/16	SERVICE 1 60 GREEN BARREL - CLAIMS EXTRA BARREL IS NOT THIERS, IT'S THE NEIGHBORS

USED OIL PROGRAM

**CITY OF ADELANTO USED OIL PROGRAM
AUGUST 2016**

CUST ID	STR #	SERVICE ADDRESS	DATE	SERVICE NOTES
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NONE TO REPORT

SHARPS CONTAINER ACTIVITY

**CITY OF ADELANTO SHARPS PROGRAM
AUGUST 2016**

COLLECTED

DELIVERED

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BULKY PICK UPS

**CITY OF ADELANTO BULKY-ITEM PICK-UPS
AUGUST 2016**

CUST ID	STR #	SERVICE ADDRESS	DATE	SERVICE NOTES
29233	10779	FLORAL ST	08/01/16	BUNDLE OF WOOD, STROLLER, CAR SEAT , WASHER, REFRIGERATOR
30483	10820	PEPPER ST	08/01/16	COUCH, 2 PIECES OF WOOD, METAL FRAME, FISH TANK
55114	11000	EVEREST ST	08/01/16	2 DRESSER, NIGHT STAND, BOX SPRING, COUCH
28338	11312	BEGONIA RD	08/01/16	2 MATTRESSES
28343	11370	BEGONIA RD	08/01/16	3 MATTRESS, PORTABLE AC
55284	11732	CAMBRIDGE ST	08/01/16	2 MATTRESSES
28572	11784	CAMBRIDGE ST	08/01/16	DOOR, DISHWASHER
28581	11831	CAMBRIDGE ST	08/01/16	MATTRESS, BED FRAME, HEADBOARD, COUCH
45152	11979	WALLFLOWER CT	08/01/16	REFRIGERATOR, MATTRESS, BOX SPRING
45190	14280	CAROLINE ST	08/01/16	MATTRESS, 2 TABLES, WASHER, DRYER
30388	14336	PEARMAIN ST	08/01/16	WATER HEATER
28748	14468	CLEMSON CT	08/01/16	2 MATTRESSES
45588	14952	PEARMAIN ST	08/01/16	2 COUCHES, CHAIR, WASHER, DRYER
38527	15233	ELLERY ST	08/01/16	3 PIECES OF BUNK BED FRAME
30014	11071	LIVE OAK LN	08/02/16	DRESSER, TV STAND, TABLE, 4 CHAIRS
51910	11206	PALO VERDE ST	08/02/16	2 MATTRESS, COUCH, PLAY HOUSE, BUNDLE OF BURNT ITEMS
31001	11264	TAMARISK RD	08/02/16	2 MATTRESSES
29345	14612	GRAY ST	08/02/16	2 NIGHT STANDS, PIECES OF WOOD
33241	10543	JOSHUA ST	08/03/16	BOX SPRING, 4 PIECES BED FRAME
31725	10544	ARLINGTON ST	08/03/16	ENTERTAINMENT CENTER
34192	10575	MOORFIELD CIR	08/03/16	POWER WHEEL KIDS CAR, BED FRAME, PLASTIC WHEELS
31237	10832	E WAKEFIELD ST	08/03/16	MATTRESS, HEADBOARD, 2 DRESSERS, BLINDS, BAR STAND, 2 CHAIRS, TABLE
41845	11173	SHANANDOAH ST	08/03/16	MATTRESS, STAND, TABLE
41058	11193	CHARLESTON ST	08/03/16	SOFA, 4 ROLLS OF CARPET
29419	15068	HENDERSON ST	08/03/16	2 MATTRESSES, REFRIGERATOR, DRYER
41450	15070	ALEXANDRIA ST	08/03/16	COUCH
30051	10407	MENDICINO RD	08/04/16	SPA
30808	11407	SPRING ST	08/04/16	DRESSER
28241	11430	AUTUMN ST	08/04/16	RECLINER, BASKETBALL HOOP
28259	11532	AUTUMN ST	08/04/16	2 REFRIGERATORS, 2 COUCHES, HUTCH CABINET
28269	11584	AUTUMN ST	08/04/16	MATTRESS, STOVE
38624	11720	POPPY RD	08/04/16	3 POOL COVERS, SUITCASE, WASHER
48432	15105	STRAWBERRY LN	08/04/16	2 COUCHES
30399	15344	PEARMAIN ST	08/04/16	2 KID SCOOTERS
29283	15589	FREMONT DR	08/04/16	COUCH, CARDBOARD BOXES, BUNDLE OF BRUSH, REFRIGERATOR, DRYER
54149	19011	DENNIS ST	08/04/16	DRYER, REFRIGERATOR
53253	10403	RODEO CIR	08/05/16	3 COUCHES, 3 MATTRESS, 3 BUNDLES OF SWING SET, REFRIGERATOR
28895	12060	CHAMBERLAINE WAY	08/05/16	3 BOX SPRINGS, 2 MATTRESS
34260	18142	CASABA RD	08/05/16	2 MATTRESSES, COUCH
53439	18613	CASABA RD	08/05/16	MATTRESS, 2 BOX SPRINGS, 2 POWER WHEELS CARS, REFRIGERATOR
28165	10840	ALMOND ST	08/08/16	MATTRESS, BOX SPRING
29442	10849	HICKORY ST	08/08/16	2 BIKES, STROLLER, BABY BED, TABLE
29444	10874	HICKORY ST	08/08/16	MATTRESS, BOX SPRING, FUTON COUCH
55627	10946	EVEREST ST	08/08/16	COUCH, BBQ
53186	11391	DARTMOUTH CT	08/08/16	POWER WHEEL, BIKE, COUNTER TOP, DISHWASHER
28349	11480	BEGONIA RD	08/08/16	DRESSER

**CITY OF ADELANTO BULKY-ITEM PICK-UPS
AUGUST 2016**

CUST ID	STR #	SERVICE ADDRESS	DATE	SERVICE NOTES
28783	11566	CORNELL ST	08/08/16	2 MATTRESSES, DRESSER, LAWN MOWER, CAGE
42326	11980	CLIFFROSE CT	08/08/16	MATTRESS, BOX SPRING, HEADBOARD
36832	14263	PALM CT	08/08/16	MATTRESS
45466	14281	SAVANNA ST	08/08/16	4 CAR SEATS, BED FRAME
31092	10595	VILLA ST	08/09/16	3 DESKS, TREADMILL
30494	10930	PERSHING DR	08/09/16	COUCH , BUNDLE OF WOOD
42703	11382	REGENT ST	08/09/16	3 COUCHES, 2 TABLES
34623	14520	YARROW CT	08/09/16	COUCH, STROLLER, TABLE
34359	14623	BLUE SAGE RD	08/09/16	2 COUCHES, REFRIGERATOR
37444	14818	SNAPDRAGON LN	08/09/16	2 MATTRESSES, BIKE
31011	10546	TEAKWOOD WAY	08/10/16	FUTON FRAME, 2 MATTRESSES, BUNDLE OF WOOD
33172	10649	JOSHUA ST	08/10/16	2 COUCHES, MATTRESS, BOX SPRING, DRESSER
28172	10719	ALTON CT	08/10/16	DRESSER, SINK
30536	10749	PLAINFIELD ST	08/10/16	4 PIECES OF VINYL FENCING, DISHWASHER
30905	11549	STAR ST	08/10/16	ENTERTAINMENT CENTER, STROLLER, 2 TABLES
42160	15170	ALEXANDRIA ST	08/10/16	2 NIGHTSTANDS, TIRE, COUCH
51767	10314	MENDICINO RD	08/11/16	3 DRESSERS, MATTRESS, COFFEE TABLE
51218	10357	ORCHARD AVE	08/11/16	2 COUCHES
31328	11375	WINTER PL	08/11/16	TABLE, MATTRESS, RUG, LARGE BOX, DRESSER
30816	11459	SPRING ST	08/11/16	DRESSER, BOOKCASE, 3 ROLLS
28259	11532	AUTUMN ST	08/11/16	HUTCH, DRESSER, COUCH, DESK, MATTRESS
29334	11562	GOLDEN ST	08/11/16	MATTRESS, HEADBOARD
51933	11702	CLOVERLAWN CT	08/11/16	3 COUCHES, 2 BOX SPRINGS
36620	11793	LUPIN RD	08/11/16	REFRIGERATOR
43444	11810	TARA LN	08/11/16	MATTRESS
35679	11836	MARSHALL RD	08/11/16	3 COUCHES
39621	11853	POPPY RD	08/11/16	2 PALLETS, 5 SHELF UNITS, 1 PLASTIC SLIDE
54925	15015	STRAWBERRY LN	08/11/16	DRESSER, COUCH
30124	15250	MOON ST	08/11/16	MATTRESS, BOX SPRING, DISHWASHER
53845	15344	FREMONT DR	08/11/16	RECLINER, TABLE
39597	15666	PEARMAIN ST	08/11/16	BBQ, DRESSER, CHAIR, BED FRAME, DISHWASHER
46755	15731	PINE BLUFF CT	08/11/16	TREADMILL, DOOR
43683	15768	DESERT PASS ST	08/11/16	COUCH
46429	18752	MUSKRAT AVE	08/11/16	2 TIRES, PLASTIC CD STAND, 2 VACUUMS
28428	18831	BIRCH CT	08/11/16	5 MATTRESSES
30328	19018	PANTHER AVE	08/11/16	MATTRESS, HEADBOARD, TABLE, TREADMILL, WASHER
32017	10434	PEACH CT	08/12/16	COUCH
28880	11946	CHAMBERLAINE WAY	08/12/16	WASHER
28093	18490	ADELANTO RD	08/12/16	COUCH, 2 REFRIGERATORS
29301	10800	GATES ST	08/15/16	COUCH
30188	11474	NEWPORT CT	08/15/16	CHAIR, STEREO CASE, VACUUM
43539	11746	MARYLAND ST	08/15/16	WATER HEATER, COUCH
28814	11767	CORNELL ST	08/15/16	6 CHAIRS, 2 MATTRESSES, TABLE, WATER HEATER
38487	11777	WOLCOTT ST	08/15/16	4 MATTRESSES, DRESSER, TABLE, COUCH
41593	11863	STOCKTON ST	08/15/16	MATTRESS, BOX SPRING, 2 DESKS, DRESSER
42935	11870	STAR ST	08/15/16	COUCH, MATTRESS
55818	11933	WALLFLOWER CT	08/15/16	HEADBOARD, WOODEN FRAME, WHEEL BARREL, CHAIR
55488	14306	SIERRA GRANDE ST	08/15/16	CHAIR, COUCH , LOVESEAT
57288	14317	VINCENT WAY	08/15/16	2 MATTRESSES, 2 BOX SPRINGS, TABLE
53379	14380	SIERRA GRANDE ST	08/15/16	MATTRESS, UMBRELLA, WINE COOLER, OTTOMAN, AIR CONDITIONER
63988	10976	WILLOW WAY	08/16/16	BIKE, TABLE, LARGE BASKET

**CITY OF ADELANTO BULKY-ITEM PICK-UPS
AUGUST 2016**

CUST ID	STR #	SERVICE ADDRESS	DATE	SERVICE NOTES
30007	10978	LIVE OAK LN	08/16/16	MATTRESS, 4 BUNDLES OF WOOD
38179	11373	ESSEX CT	08/16/16	2 COUCHES, REFRIGERATOR
40668	14312	JEREMIAH ST	08/16/16	HEADBOARD, FOOTBOARD, 3 STROLLERS
38353	14569	BARKSDALE CIR	08/16/16	MATTRESS
29010	14625	DANA ST	08/16/16	MATTRESS
34750	14626	SUNFLOWER CT	08/16/16	TABLE, BBQ, CHAIR
54309	14769	BO CT	08/16/16	CARPET MACHINE, BOX
36668	14781	LOUISA CT	08/16/16	REFRIGERATOR
41453	14814	SANDSTONE ST	08/16/16	2 COUCHES
29409	14832	HARRISON DR	08/16/16	CHAIR, CAR SEAT, DRESSER, 2 MATTRESSES
29364	10637	GRAYSON ST	08/17/16	2 WASHERS, 2 COUCHES
28189	10645	ALTON PL	08/17/16	2 BUNDLES OF CRIB, CRIB MATTRESS, AIR VENT HOSE, TUB
53491	10655	GRAYSON ST	08/17/16	COUCH, LOVESEAT, MATTRESS
30424	10747	PEMBERTON ST	08/17/16	COUCH, RECLINER, 3 BOOKSHELVES
31875	10770	ROSE CT	08/17/16	SOFA
45933	10991	HILLSBOROUGH ST	08/17/16	MATTRESS
41058	11193	CHARLESTON ST	08/17/16	5 ROLLS OF CARPET
46453	15024	FLOWER ST	08/17/16	WASHER, REFRIGERATOR COOLER
30085	15064	MILFORD AVE	08/17/16	4 COUCHES
30700	15245	ROSE PL	08/17/16	CHAIR, 2 TABLES , TIRE
31611	10448	NAPA RD	08/18/16	7 MATTRESSES, 2 CHAIRS, TABLE
31336	11433	WINTER PL	08/18/16	15 PIECES OF WOOD FENCING
38723	11793	POPPY RD	08/18/16	2 STROLLERS, BIKE, BARSTOOL, DRESSER
30032	15573	MAVERICK DR	08/18/16	TREADMILL, 2 BUNDLES OF BUILDING MATERIAL
43462	18563	LAURIE LN	08/18/16	3 BOOKCASES, WOOD SHELF, WATER CLEANER
29732	10410	KEMPER AVE	08/19/16	BEDRAIL, BASKETBALL HOOP
54633	10535	FLORENCE CT	08/19/16	2 TABLES, MATTRESS, DRESSER
28885	11979	CHAMBERLAINE WAY	08/19/16	COUCH, 2 CABINETS, POWER WHEEL, TRAMPOLINE
29991	18146	LILAC RD	08/19/16	COUCH
58463	18336	ADELANTO RD A-B	08/19/16	2 MATTRESSES, BOX SPRING, COUCH, BATH TUB
29558	18461	JONATHAN ST	08/19/16	2 COUCHES, 2 MATTRESSES
30474	10779	PEPPER ST	08/22/16	2 COUCHES
54042	10809	HICKORY ST	08/22/16	MATTRESS
55699	11054	SANTA ANITA ST	08/22/16	CHAIR
43442	11574	BEGONIA RD	08/22/16	ROLL OF FOAM
28799	11678	CORNELL ST	08/22/16	TIRE, LAWNMOWER, REFRIGERATOR
28360	11768	BEGONIA RD	08/22/16	MATTRESS, BOX SPRING
46801	11926	WALLFLOWER CT	08/22/16	STOVE, DRYER, REFRIGERATOR, CABINET
45190	14280	CAROLINE ST	08/22/16	TABLE, BABY SWING, MATTRESS, 2 BIKE FRAMES
29211	14343	DUKE CT	08/22/16	SWAMP COOLER
53057	14417	CHIPOLTE CT	08/22/16	SECTIONAL COUCH, RECLINER
43581	14995	HUNTINGTON ST	08/22/16	DRESSER, DART BOARD, 2 SUITCASES
31092	10595	VILLA ST	08/23/16	KIDS POWER WHEELS, 2 DESKS, TABLE, CABINET
31315	10987	WILLOW WAY	08/23/16	FOOSBALL TABLE, PIANO, 2 DRESSERS, TABLE
31065	11066	TOLLIVER WAY	08/23/16	STOVE, DISHWASHER, MICROWAVE, SINK
28096	14527	AGAVE WAY	08/23/16	COUCH, KIDS POOL, 2 MATTRESSES, STOVE
40138	14535	CLYDESDALE ST	08/23/16	2 MATTRESSES, SOFA, HOT WHEEL TRUCK, SLIDE
36630	14547	SCOTTSDALE CIR	08/23/16	2 COUCHES, FISH TANK, DRESSER, CHAIR
35622	14599	CHICORY LN	08/23/16	COUCH, LOVESEAT, END TABLE, PATIO BENCH, MATTRESS PAD
30420	10722	PEMBERTON ST	08/24/16	2 WHEELCHAIRS, 2 CHAIRS, SUITCASE
31223	10754	E WAKEFIELD ST	08/24/16	2 BOX SPRINGS, MATTRESS, COFFEE TABLE

**CITY OF ADELANTO BULKY-ITEM PICK-UPS
AUGUST 2016**

CUST ID	STR #	SERVICE ADDRESS	DATE	SERVICE NOTES
30679	10769	ROSE CT	08/24/16	2 CHAIRS, 2 BOX SPRINGS, MATTRESS
30680	10775	ROSE CT	08/24/16	MATTRESS, BOX SPRING, 2 BIKES
29194	10835	DOVE LN	08/24/16	COUCH, 2 NIGHT STANDS
45590	10938	WINDCREST ST	08/24/16	2 BIKES, MATTRESS, DRESSER
42944	11074	STAR ST	08/24/16	2 DRESSERS, DOOR, 2 MATTRESSES, 2 VACUUMS, BOX FLATTENED, 2 SPEAKERS
44294	11656	ENGLISH CT	08/24/16	3 DRESSERS, DISHWASHER
45973	15019	FLOWER ST	08/24/16	PIECE OF WOOD FENCE, PATIO UMBRELLA, LAWN FEEDER, FLORESCENT LIGHT FIXTURE
48643	10341	MENDICINO RD	08/25/16	2 MATTRESSES, 2 PIECE DESK ,COFFEE TABLE, OLD METAL TRASH BARREL, UMBRELLA, BIKE, TOY HORSE
47528	11083	CEDAR CT	08/25/16	TV STAND, BOX SPRING, 2 LAMPS
29337	11579	JUNIPER ST	08/25/16	2 COUCHES
31364	11590	HIGH POINT CT	08/25/16	HEADBOARD, 3 CHAIRS, WALKER, 2 FRAMES, 2 TRASH CANS, PAIL
40313	11715	CLIFFROSE CT	08/25/16	COUCH, RECLINER, 2 TABLES, DESK
30567	11720	TEAKWOOD WAY	08/25/16	DRESSER
49149	15838	JESSICA WAY	08/25/16	MATTRESS, 2 BOX SPRINGS, BED FRAME
28678	11205	CHAPPARAL AVE	08/26/16	2 MATTRESSES
30818	11469	TOLLIVER ST	08/26/16	MATTRESS, VACUUM, 2 CAR SEATS
29765	17919	KENDALL CIR	08/26/16	REFRIGERATOR, WASHER, MICROWAVE, COUCH, LOVESEAT, DRYER, DOOR
29645	17930	KENDALL CIR	08/26/16	TABLE, SINK
29781	17964	PALMYRA CT	08/26/16	COUCH, TRAMPOLINE, SHELVING UNIT
28155	10787	ALMOND ST	08/29/16	POOL LINER, EXERCISE BIKE, COUCH, CAR HOOD
29043	11421	GOLDEN ST	08/29/16	COUCH, CAR, TOLIET, PIECE OF WOOD
41593	11863	WALLFLOWER CT	08/29/16	MATTRESS, CHRISTMAS TREE
44183	11867	HANDSDALE ST	08/29/16	BOX SPRING, 2 BUNDLES OF CARDBOARD
43097	11869	STAR ST	08/29/16	COUCH, MATTRESS, 2 BED FRAMES
37369	14213	MAYWOOD CT	08/29/16	FUTON FRAME, MATTRESS, DRESSER, KIDS BASKETBALL HOOP
43738	14396	BETHANY LN	08/29/16	2 RECLINERS
28710	14444	CHESTNUT ST	08/29/16	3 SMALL DRESSERS, 2 CHAIRS
28762	14451	COLUMBIA CT	08/29/16	MATTRESS, 2 BOX SPRINGS
30272	10710	PEMBERTON ST	08/30/16	3 MATTRESSES, CHAIR
49580	14553	LYNCH CT	08/30/16	2 CHAIRS
30249	14616	PALMYRA CT	08/30/16	TABLE, 3 CHAIRS
30249	14616	PALMYRA ST	08/30/16	CHAIR, TABLE, MATTRESS, COUCH, BOX SPRING, DRESSER
37985	14726	SANDSTONE ST	08/30/16	4 COUCHES
41453	14814	SAVANNA ST	08/30/16	DRESSER, 2 MATTRESSES
31006	10521	TOLLIVER ST	08/31/16	REFRIGERATOR
28438	10718	BONANZA RD	08/31/16	2 CAMPER SHELL, 3 DRESSERS
30427	10765	PORTOLA CT	08/31/16	2 COUCHES, MATTRESS, CHAIR, BED FRAME
31055	10832	VILLA ST	08/31/16	PLS SVC 60 GAL GRN CUST CLAIMS HE WAS MISSED
31055	10832	WINTER PL	08/31/16	STACK OF CHAIRS, POOL TABLE, BENCH, SWING FRAME, SWING SET
31153	11086	CRAWFORD AVE	08/31/16	DRESSER, BOOKSHELF, 3 SMALL CABINETS
34564	15029	SNAPDRAGON LN	08/31/16	2 CHAIRS, COUCH, STOOL

OUTREACH

FREE DROP-OFF

Victor Valley MRF Recycling Center

17000 Abbey Lane in Victorville (just off Stoddard Wells Road)

2016 QUARTERLY SHRED-FESTS

Aug 6 • Nov 5
8 a.m. to 12 noon



<p>On your way to the landfill?</p> <p>Recycle at the MRF instead.</p> 	<p>***New Items***</p> <p>Now accepting donations of clothing and shoes!!</p> 	<p>Drop off old TVs, computers, & appliances for FREE</p> 	<p>Drop off scrap metal, mixed paper, plastic, glass, cardboard, & newspaper.</p> 	<p>Redeem your CRV bottles & cans for \$ CASH!</p> 	<p>Bring up to 4 "bankers boxes" (12"x10"x16") of confidential documents to shred for FREE!</p> 
--	--	--	--	---	--

*****PLEASE NOTE:** Shredding ends at 12 noon or when the shred truck is full, whichever occurs first.

<p>Got Mulch?</p>	<p>Need mulch for your yard? There will be FREE mulch at the MRF during the Shred-Fest event. This is a "load your own" mulch giveaway, so bring your own shovels as well as bags or other containers to load mulch into. The giveaway is for residents only— no businesses or commercial vehicles. Mulch LIMIT up to 50 gallons.</p>	
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Sponsored by Burrtec Waste Industries, the City of Victorville and the Town of Apple Valley. For more information contact Burrtec Waste Municipal Programs Coordinator at (760) 245-8607 or call the Victor Valley MRF Recycling Center at (760) 241-1284.



BURRTEC
WASTE INDUSTRIES, INC.
"We'll Take Care Of It"

Customer Service and Recycling Coordinator
(760) 245-8607
www.burrtec.com



City of Victorville
Recycling Program
(760) 955-8615

Apple Valley Cares



A Better Way of Life
Town of Apple Valley
Municipal Services Department
(760) 240-7000 X 7521
www.applevalley.org

Here's What You Can Recycle At the "MRF"!!

Bring these items to the MRF "Recycle Alley" Drop-Off Area for

FREE DROP-OFF

Computers

TVs

Mixed Plastic

Appliances

All Scrap Metal

Plastic Grocery Bags

Glass Bottles & Jars

Mixed CRVs *

Cardboard *

Clothes & Shoes!!

Newspaper *

* Indicates buy-back/redeemable item

BUY-BACK CENTER

- ♻️ **CRV Aluminum— \$1.80/pound**
- ♻️ **CRV Glass— \$0.104/pound**
- ♻️ **CRV PET Plastic— \$1.19/pound**
- ♻️ **CRV Water Jugs— \$0.56/pound**
- ♻️ **HDPE—Milk Jugs (not CRV)— \$0.02/pound**
- ♻️ **Newspapers— \$0.026/pound**
- ♻️ **Corrugated Cardboard— \$0.034/pound**

Prices subject to change without notice.

Victor Valley Materials Recovery Facility

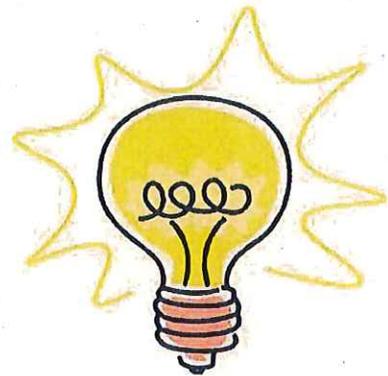
17000 Abbey Lane in Victorville

Open Monday-Friday 8 a.m. to 4 p.m.

and Saturday 8 a.m. to 12 noon

To find out more about the recycling services available at the MRF call (760) 241-1284 or for more information on how to RECYCLE call Burrtec Waste Municipal Programs Coordinator at (760) 245-8607.

ADELANTO CONSERVATION FESTIVAL



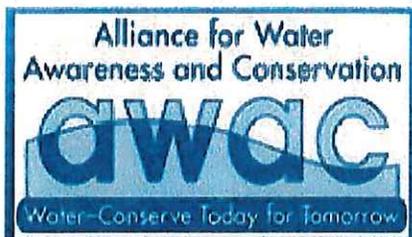
Friday, August 19, 2016

Game time 7:05 pm

Maverick's Stadium

12000 Stadium Way
Adelanto, CA 92301

Sponsored by:



Event: Adelanto Conservation Festival

Date / Time: Friday, August 19, 2016, 6-10pm

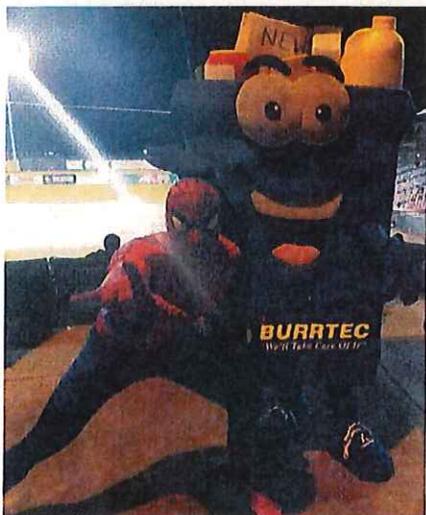
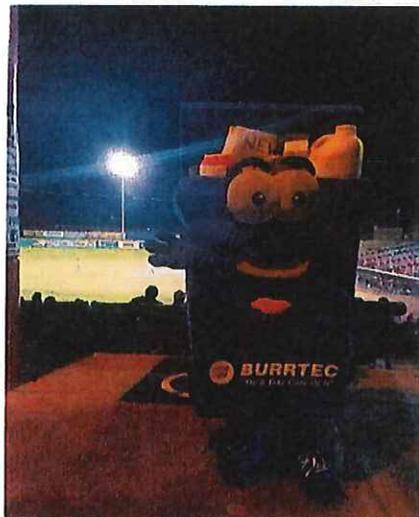
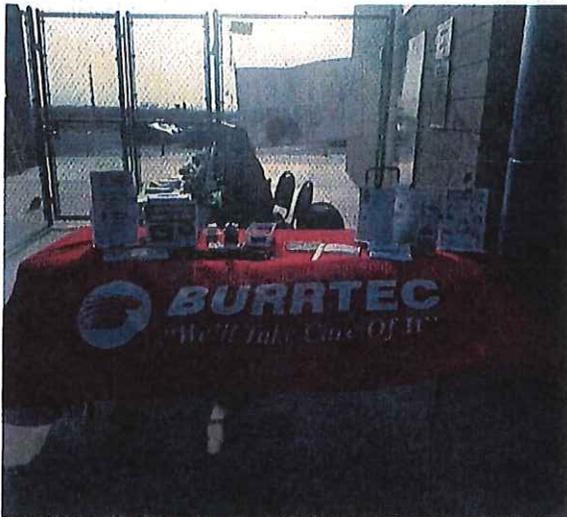
Address: 12000 Stadium Way, Adelanto (Maverick's Stadium)

Type of Event: Booth set up with Educational Material/ Giveaways and BURT

Burrtec Staff in Attendance: Josie Vargas (Organized & Participated), CSR Victorville Division & BURT

Educational Material: Adelanto Newsletter, Life Cycle Flyer, BURT Activity Flyer, Keep Your Barrels Clean brochures, Burrtec brochures, and Adelanto Program Flyers (Oil / Sharps)

Details: Promotional Giveaways: pens, pencils, rulers, note pads and lanyards. Raffle for a 7-day temporary bin rental (7 Entries).





CITY COUNCIL AGENDA REPORT

ADELANTO GOVERNMENTAL CENTER | 11600 AIR EXPRESSWAY | ADELANTO, CALIFORNIA 92301

DATE: October 26, 2016

TO: Honorable Mayor and City Council Members

FROM: Cindy Herrera, City Manager

BY: Mark de Manincor, Planning Manager

SUBJECT: FIREWORKS STANDS FINANCIAL STATEMENTS

STAFF RECOMMENDATION:

Receive and file Fireworks Stands Financial Statements.

BACKGROUND:

In accordance with Chapter 9.65 of the Adelanto Municipal Code, organizations participating in the sales of fireworks must submit a financial statement. This year the following eight organizations have submitted their financial statements;

- | | |
|-------------------------------------|--|
| 1. High Desert Devils | 5. Knights of Columbus |
| 2. Desert streams Baptist Church | 6. Local Charities Relief Organization |
| 3. Adelanto Little League | 7. Christ the Good Shepherd |
| 4. Adelanto Airport Property Owners | 8. Down 2 Earth Christian Fellowship |

This year the following four organizations have **not** submitted their financial statements;

1. Adelanto Youth Sports Foundation
2. American Legion
3. Greater Life Church
4. City of the Lord Church

FISCAL IMPACT:

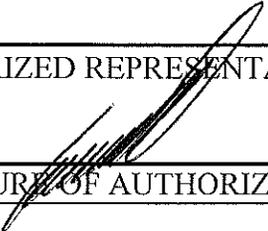
1. None

ATTACHMENTS:

1. Financial Statements

APPLICATION FOR SALE OF FIREWORKS

**FIREWORKS FINANCIAL STATEMENT
YEAR 2016**

ORGANIZATION:	DATE:
High Desert Devils	8/29/16
LOCATION:	
w/o Bellflower n/o Palmdale	
VENDOR:	
TNT Fireworks	
TOTAL DEPOSIT: <u>57571.86</u>	(All monies collected during fundraiser)
SALES TAX: <u>4265.00</u>	(Total Deposit minus Gross Sales)
GROSS SALES: <u>53306.86</u>	(Total Deposit divided by 1.08)
EXPENSES	
TOTAL PAID TO VENDOR: <u>35401.72</u>	(Fireworks cost, company charges, licenses)
TOTAL PAID TO OTHER: <u>220.00</u>	(Security, power supply, advertising, etc.)
MISCELLANEOUS PAID: <u>1791.85</u>	(Food, supplies, give-away fireworks, etc.)
TOTAL EXPENSES PAID: <u>37413.57</u>	(Total of the above 3 lines)
PROFIT	
TOTAL NET PROFIT: <u>15893.29</u>	(Total of gross sales less total expenses)
AUTHORIZED REPRESENTATIVE (please print name)	
	
SIGNATURE OF AUTHORIZED REPRESENTATIVE:	

Each organization operating or participating in a fireworks stand shall submit to the City a financial statement of actual sales and profit by 5:00 P.M. August 31, following the fireworks sale. Failure to comply may result in revocation of future license eligibility. (City of Adelanto Ordinance No. 392 Section m)

APPLICATION FOR SALE OF FIREWORKS

FIREWORKS FINANCIAL STATEMENT

ORGANIZATION:	<u>Desert Streams Baptist Church</u>	DATE:	<u>7-17-16</u>
LOCATION:	<u>BBB0001</u>	<u>North East</u> <u>corner Rancho 1395 highway</u>	
VENDOR:	<u>TNT - American Promotional Events</u>		
TOTAL DEPOSIT:	<u>15,489.37</u>	(All monies collected during fundraiser)	
SALES TAX:	<u>1,148.00</u>	(Amount of deposit paid to sales tax board)	
GROSS SALES:	<u>14,341.37</u>	(Balance of deposit less taxes paid)	
EXPENSES			
TOTAL PAID TO VENDOR:	<u>11,367.07</u>	(Fireworks cost, company charges, licenses)	
TOTAL PAID TO OTHER:	<u>656.00</u>	(Security, power supply, advertising, etc.)	
MISCELLANEOUS PAID:	<u>N/A</u>	(Food, supplies, give-away fireworks, etc.)	
TOTAL EXPENSES PAID:	<u>656.00</u>	(Total of the above 3 lines)	
PROFIT			
TOTAL NET PROFIT:	<u>2,318.30</u>	(Total of gross sales less total expenses)	
AUTHORIZED REPRESENTATIVE (please print name)			
<u>Michael John Swarthout</u>			
SIGNATURE OF AUTHORIZED REPRESENTATIVE:			
<u>Michael John Swarthout</u>			

Treasurer - D.S.B.C

Each organization operating or participating in a fireworks stand shall submit to the City a financial statement of actual sales and profit by 5:00 P.M. August 31, following the fireworks sale. Failure to comply may result in revocation of future license eligibility. (City of Adelanto Ordinance No. 392 Section m)

APPLICATION FOR SALE OF FIREWORKS

**FIREWORKS FINANCIAL STATEMENT
YEAR 2016**

Approved Denied

Signature: _____

Date: _____

*****NOTE: ALL FORMS MUST BE TURNED IN @ CITY HALL. NO FAXES WILL BE ACCEPTED. NO EXCEPTIONS*****

ORGANIZATION: ADELANTO LITTLE LEAGUE DATE: 8-11-16

LOCATION: 14168 Hwy 395 ADELANTO CA, 92301

VENDOR: TNT FIREWORKS

TOTAL DEPOSIT: \$ 87,399.46 (All monies collected during fundraiser)

SALES TAX: \$ 6,474.03 (Total Deposit multiplied by 0.08046)

GROSS SALES: \$ 80,925.43 (Total Deposit minus Sales Tax)

EXPENSES

TOTAL PAID TO VENDOR: \$ 62,717.39 (Fireworks cost, company charges, licenses)

TOTAL PAID TO OTHER: 0 (Security, power supply, advertising, etc.)

MISCELLANEOUS PAID: \$ 1,265.00 (Food, supplies, give-away fireworks, etc.)

TOTAL EXPENSES PAID: \$ 63,982.39 (Total of the above 3 lines)

PROFIT

TOTAL NET PROFIT: \$ 16,943.04 (Gross Sales minus Total Expenses Paid)

AUTHORIZED REPRESENTATIVE (please print name)

DAVID THOMAS

SIGNATURE OF AUTHORIZED REPRESENTATIVE: *David Thomas*

Each organization operating or participating in a fireworks stand shall submit to the City a financial statement of actual sales and profit by 5:00 P.M. August 31, following the fireworks sale. Failure to comply may result in revocation of future license eligibility. (City of Adelanto Ordinance No. 494 Section 9.65.040 Q.)

APPLICATION FOR SALE OF FIREWORKS

**FIREWORKS FINANCIAL STATEMENT
YEAR 2016**

ORGANIZATION:	<i>AA POA</i>	DATE:	<i>8-31-16</i>
LOCATION:	<i>9090 CACTUS RD</i>		
VENDOR:	<i>TNT</i>		
TOTAL DEPOSIT:	<u> <i>3727⁰⁰</i> </u>	(All monies collected during fundraiser)	
SALES TAX:	<u> <i>276⁰⁰</i> </u>	(Total Deposit minus Gross Sales)	
GROSS SALES:	<u> <i>3451⁰⁰</i> </u>	(Total Deposit divided by 1.08)	
EXPENSES			
TOTAL PAID TO VENDOR:	<u> <i>0</i> </u>	(Fireworks cost, company charges, licenses)	
TOTAL PAID TO OTHER:	<u> <i>0</i> </u>	(Security, power supply, advertising, etc.)	
MISCELLANEOUS PAID:	<u> <i>0</i> </u>	(Food, supplies, give-away fireworks, etc.)	
TOTAL EXPENSES PAID:	<u> <i>0</i> </u>	(Total of the above 3 lines)	
PROFIT			
TOTAL NET PROFIT:	<u> <i>1726⁰⁰</i> </u>	(Total of gross sales less total expenses)	
AUTHORIZED REPRESENTATIVE (please print name)	<i>Charles Laird</i>		
SIGNATURE OF AUTHORIZED REPRESENTATIVE:			

Each organization operating or participating in a fireworks stand shall submit to the City a financial statement of actual sales and profit by 5:00 P.M. August 31, following the fireworks sale. Failure to comply may result in revocation of future license eligibility. (City of Adelanto Ordinance No. 392 Section m)

APPLICATION FOR SALE OF FIREWORKS

**FIREWORKS FINANCIAL STATEMENT
YEAR 2016**

Approved Denied

Signature: _____

Date: _____

*****NOTE: ALL FORMS MUST BE TURNED IN @ CITY HALL. NO FAXES WILL BE ACCEPTED. NO EXCEPTIONS*****

ORGANIZATION:

St. Juan Diego Knights of Columbus

DATE:

LOCATION:

11500 Bartlett Ave., Adelanto, Ca, 92301-1945

VENDOR:

TOTAL DEPOSIT: 13,062.00 (All monies collected during fundraiser)

SALES TAX: 1,045.00 (Total Deposit multiplied by 0.08046)

GROSS SALES: 12,017.00 (Total Deposit minus Sales Tax)

EXPENSES

TOTAL PAID TO VENDOR: 10,025.75 (Fireworks cost, company charges, licenses)

TOTAL PAID TO OTHER: 350.00 (Security, power supply, advertising, etc.)

MISCELLANEOUS PAID: 237.96 (Food, supplies, give-away fireworks, etc.)

TOTAL EXPENSES PAID: 10,613.71 (Total of the above 3 lines)

PROFIT

TOTAL NET PROFIT: 1,403.29 (Gross Sales minus Total Expenses Paid)

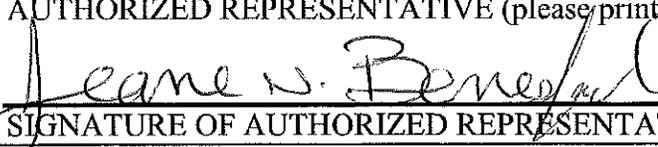
Patrick J. Hoffmann
AUTHORIZED REPRESENTATIVE (please print name)

Patrick J. Hoffmann
SIGNATURE OF AUTHORIZED REPRESENTATIVE:

Each organization operating or participating in a fireworks stand shall submit to the City a financial statement of actual sales and profit by 5:00 P.M. August 31, following the fireworks sale. Failure to comply may result in revocation of future license eligibility. (City of Adelanto Ordinance No. 494 Section 9.65.040 Q.)

APPLICATION FOR SALE OF FIREWORKS

**FIREWORKS FINANCIAL STATEMENT
YEAR 2016**

ORGANIZATION:	Local Charities Relief org.	DATE:	8-21-16
LOCATION:	Palmdale + Aster Rd.		
VENDOR:	TNT (High desert Bingo)		
TOTAL DEPOSIT:	\$ 39,250	(All monies collected during fundraiser)	
SALES TAX:	\$ 2,907	(Total Deposit minus Gross Sales)	
GROSS SALES:	\$ 36,342	(Total Deposit divided by 1.08)	
EXPENSES			
TOTAL PAID TO VENDOR:	\$ 27,135	(Fireworks cost, company charges, licenses)	
TOTAL PAID TO OTHER:	\$ 1,550	(Security, power supply, advertising, etc.)	
MISCELLANEOUS PAID:	\$ 980-	(Food, supplies, give-away fireworks, etc.)	
TOTAL EXPENSES PAID:	29,665	(Total of the above 3 lines)	
PROFIT			
TOTAL NET PROFIT:	\$ 6,677	(Total of gross sales less total expenses)	
AUTHORIZED REPRESENTATIVE (please print name)	Jeanne Berresford		
SIGNATURE OF AUTHORIZED REPRESENTATIVE:			

Each organization operating or participating in a fireworks stand shall submit to the City a financial statement of actual sales and profit by 5:00 P.M. August 31, following the fireworks sale. Failure to comply may result in revocation of future license eligibility. (City of Adelanto Ordinance No. 392 Section m)

APPLICATION FOR SALE OF FIREWORKS

**FIREWORKS FINANCIAL STATEMENT
YEAR 2016**

Approved Denied
Signature: _____
Date: _____

*****NOTE: ALL FORMS MUST BE TURNED IN @ CITY HALL. NO FAXES WILL BE ACCEPTED. NO EXCEPTIONS*****

ORGANIZATION: Christ the Good Shepherd DATE: _____
LOCATION: 17900 Jonathan St.
VENDOR: TNT
TOTAL DEPOSIT: \$27,749.20 (All monies collected during fundraiser)
SALES TAX: \$2655. (Total Deposit multiplied by 0.08046)
GROSS SALES: \$25,694.20 (Total Deposit minus Sales Tax)
EXPENSES
TOTAL PAID TO VENDOR: \$16,744.69 (Fireworks cost, company charges, licenses)
TOTAL PAID TO OTHER: \$438.00 (Security, power supply, advertising, etc.)
MISCELLANEOUS PAID: 219.30 (Food, supplies, give-away fireworks, etc.)
TOTAL EXPENSES PAID: 657.30 (Total of the above 3 lines)
PROFIT
TOTAL NET PROFIT: \$8292.21 (Gross Sales minus Total Expenses Paid)

AUTHORIZED REPRESENTATIVE (please print name)
Cruz Soliz
SIGNATURE OF AUTHORIZED REPRESENTATIVE: Cruz Soliz

Each organization operating or participating in a fireworks stand shall submit to the City a financial statement of actual sales and profit by 5:00 P.M. August 31, following the fireworks sale. Failure to comply may result in revocation of future license eligibility. (City of Adelanto Ordinance No. 494 Section 9.65.040 Q.)



CITY COUNCIL AGENDA REPORT

ADELANTO GOVERNMENTAL CENTER | 11600 AIR EXPRESSWAY |
ADELANTO, CALIFORNIA 92301

DATE: October 26, 2016

TO: Honorable Mayor and City Council Members

FROM: Cynthia M. Herrera, MMC, Interim, City Manager/City Clerk

BY: Grace Mercado, Accounting Technician II

SUBJECT: CONSENT CALENDAR/WARRANT DEMAND SCHEDULE 16/17-10-02

STAFF RECOMMENDATION:

Staff requests Council consider approving Warrant Demand Schedule 16/17-10-02 as presented by the Finance Department.

COUNCIL ACTION REQUESTED:

1. City of Adelanto Warrant Demand Schedule Warrants 135116 through 135221 in the total amount of \$1,425,419.43.
2. City of Adelanto Warrant Demand Schedule Warrants, Electronic Fund Transfers 187 through 191 in the total amount of \$6,660.45.

City of Adelanto
Payment Register

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
04000013-01 - CITY OF ADELANTO GENERAL CHKG									
Check									
135116	10/06/2016	Open			Accounts Payable	MARTINEZ, RICARDO	\$1,000.00		
	Invoice		Date	Description		Amount			
	10062016		10/06/2016	RMARTINEZ/EMERGENCY LOAN		\$1,000.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)		\$1,000.00			
135117	10/13/2016	Open			Accounts Payable	DEMANICOR, MARK	\$105.60		
	Invoice		Date	Description		Amount			
	9253661434		10/06/2016	OFFICE SUPPLIES FOR PLANNING		\$105.60			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)		\$105.60			
135118	10/13/2016	Open			Accounts Payable	RSD REFRIGERATION SUPPLIES DISTRIBUTOR	\$18.93		
	Invoice		Date	Description		Amount			
	66074312-00-A		08/02/2016	POLE 24 VOLT CONTACTOR W/LUGS		\$18.93			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)		\$18.93			
135119	10/17/2016	Open			Utility Management Refund	BAUTISTA, JUAN DE JESUS	\$5.81		
	Account Type		Account Number	Description	Transaction Date	Transaction Type			
	Paying Fund			Cash Account		Amount			
	353 - AWA_Water			353-11004 (Cash in Bank-AWA General Checking)		\$5.81			
135120	10/17/2016	Open			Utility Management Refund	BEARD, LAURA	\$119.86		
	Account Type		Account Number	Description	Transaction Date	Transaction Type			
	Paying Fund			Cash Account		Amount			
	353 - AWA_Water			353-11004 (Cash in Bank-AWA General Checking)		\$95.24			
	360 - APUA_Sewer			360-11004 (Cash in Bank-AWA General Checking)		\$24.62			
135121	10/17/2016	Open			Utility Management Refund	BROWN, DANIEL	\$112.38		
	Account Type		Account Number	Description	Transaction Date	Transaction Type			
	Paying Fund			Cash Account		Amount			
	353 - AWA_Water			353-11004 (Cash in Bank-AWA General Checking)		\$103.23			
	360 - APUA_Sewer			360-11004 (Cash in Bank-AWA General Checking)		\$9.15			
135122	10/17/2016	Open			Utility Management Refund	CA DREAM REALTY	\$27.11		
	Account Type		Account Number	Description	Transaction Date	Transaction Type			
	Paying Fund			Cash Account		Amount			
	360 - APUA_Sewer			360-11004 (Cash in Bank-AWA General Checking)		\$27.11			
135123	10/17/2016	Open			Utility Management Refund	CITIVEST INC.	\$178.63		
	Account Type		Account Number	Description	Transaction Date	Transaction Type			
	Paying Fund			Cash Account		Amount			
	353 - AWA_Water			353-11004 (Cash in Bank-AWA General Checking)		\$178.63			
135124	10/17/2016	Open			Utility Management Refund	COLOMA, SALVADOR	\$200.03		
	Account Type		Account Number	Description	Transaction Date	Transaction Type			
	Paying Fund			Cash Account		Amount			

Payment Register

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference	
135125	10/17/2016	Open			353 - AWA_Water	353-11004 (Cash in Bank-AWA General Checking)	\$153.80			
					360 - APUA_Sewer	360-11004 (Cash in Bank-AWA General Checking)	\$46.23			
						Utility Management Refund	DIAZ, MARCO	\$16.76		
	<u>Account Type</u>		<u>Account Number</u>	<u>Description</u>	<u>Transaction Date</u>	<u>Transaction Type</u>				
	<u>Paying Fund</u>			<u>Cash Account</u>		<u>Amount</u>				
135126	10/17/2016	Open			353 - AWA_Water	353-11004 (Cash in Bank-AWA General Checking)	\$16.76			
					360 - APUA_Sewer	360-11004 (Cash in Bank-AWA General Checking)	\$164.74			
						Utility Management Refund	DINH or DAVID DINH, MARY			
	<u>Account Type</u>		<u>Account Number</u>	<u>Description</u>	<u>Transaction Date</u>	<u>Transaction Type</u>				
	<u>Paying Fund</u>			<u>Cash Account</u>		<u>Amount</u>				
135127	10/17/2016	Open			353 - AWA_Water	353-11004 (Cash in Bank-AWA General Checking)	\$128.84			
					360 - APUA_Sewer	360-11004 (Cash in Bank-AWA General Checking)	\$35.90			
						Utility Management Refund	ENTIRELY MOBILE	\$53.27		
	<u>Account Type</u>		<u>Account Number</u>	<u>Description</u>	<u>Transaction Date</u>	<u>Transaction Type</u>				
	<u>Paying Fund</u>			<u>Cash Account</u>		<u>Amount</u>				
135128	10/17/2016	Open			353 - AWA_Water	353-11004 (Cash in Bank-AWA General Checking)	\$53.27			
					360 - APUA_Sewer	360-11004 (Cash in Bank-AWA General Checking)	\$121.64			
						Utility Management Refund	ESTEVEZ, RICARDO			
	<u>Account Type</u>		<u>Account Number</u>	<u>Description</u>	<u>Transaction Date</u>	<u>Transaction Type</u>				
	<u>Paying Fund</u>			<u>Cash Account</u>		<u>Amount</u>				
135129	10/17/2016	Open			353 - AWA_Water	353-11004 (Cash in Bank-AWA General Checking)	\$92.89			
					360 - APUA_Sewer	360-11004 (Cash in Bank-AWA General Checking)	\$28.75			
						Utility Management Refund	FOSTER JONES, DONNA	\$49.38		
	<u>Account Type</u>		<u>Account Number</u>	<u>Description</u>	<u>Transaction Date</u>	<u>Transaction Type</u>				
	<u>Paying Fund</u>			<u>Cash Account</u>		<u>Amount</u>				
135130	10/17/2016	Open			R1NG	10011231-003				
							10/17/2016	REFUND ADJUSTMENT		
	<u>Account Type</u>		<u>Account Number</u>	<u>Description</u>	<u>Transaction Date</u>	<u>Transaction Type</u>				
	<u>Paying Fund</u>			<u>Cash Account</u>		<u>Amount</u>				
135131	10/17/2016	Open			353 - AWA_Water	353-11004 (Cash in Bank-AWA General Checking)	\$13.56			
					360 - APUA_Sewer	360-11004 (Cash in Bank-AWA General Checking)	\$84.95			
						Utility Management Refund	INLAND PROPERTY SOLUTIONS			
	<u>Account Type</u>		<u>Account Number</u>	<u>Description</u>	<u>Transaction Date</u>	<u>Transaction Type</u>				
	<u>Paying Fund</u>			<u>Cash Account</u>		<u>Amount</u>				
135132	10/17/2016	Open			353 - AWA_Water	353-11004 (Cash in Bank-AWA General Checking)	\$84.95			
					360 - APUA_Sewer	360-11004 (Cash in Bank-AWA General Checking)	\$22.11			
						Utility Management Refund	KING, JERRY			
	<u>Account Type</u>		<u>Account Number</u>	<u>Description</u>	<u>Transaction Date</u>	<u>Transaction Type</u>				
	<u>Paying Fund</u>			<u>Cash Account</u>		<u>Amount</u>				
135133	10/17/2016	Open			353 - AWA_Water	353-11004 (Cash in Bank-AWA General Checking)	\$22.11			
					360 - APUA_Sewer	360-11004 (Cash in Bank-AWA General Checking)	\$80.98			
						Utility Management Refund	KOBAYASHI, KELLEY			
	<u>Account Type</u>		<u>Account Number</u>	<u>Description</u>	<u>Transaction Date</u>	<u>Transaction Type</u>				
	<u>Paying Fund</u>			<u>Cash Account</u>		<u>Amount</u>				

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135134	10/17/2016	Open		353-11004 (Cash in Bank-AWA General Checking)	Utility Management Refund	LEE, HELEN	\$80.98		
	Account Type		Account Number	Description	Transaction Date	Transaction Type			
	Paying Fund			Cash Account				Amount	
	10/17/2016	Open		353-11004 (Cash in Bank-AWA General Checking)	Utility Management Refund	MARROQUIN, EDGAR or ANA	\$106.31		\$121.89
Account Type		Account Number	Description	Transaction Date	Transaction Type				
Paying Fund			Cash Account				Amount		
135135	10/17/2016	Open		353-11004 (Cash in Bank-AWA General Checking)	Utility Management Refund	MARROQUIN, EDGAR or ANA	\$106.31		
	Account Type		Account Number	Description	Transaction Date	Transaction Type			
	Paying Fund			Cash Account				Amount	
135136	10/17/2016	Open		353-11004 (Cash in Bank-AWA General Checking)	Utility Management Refund	MEJIA, MIGUEL	\$107.50		
	Account Type		Account Number	Description	Transaction Date	Transaction Type			
	Paying Fund			Cash Account				Amount	
	10/17/2016	Open		360-11004 (Cash in Bank-AWA General Checking)	Utility Management Refund		\$14.39		\$45.47
Account Type		Account Number	Description	Transaction Date	Transaction Type				
Paying Fund			Cash Account				Amount		
135137	10/17/2016	Open		353-11004 (Cash in Bank-AWA General Checking)	Utility Management Refund	MONTES, ERNEST	\$45.47		
	Account Type		Account Number	Description	Transaction Date	Transaction Type			
	Paying Fund			Cash Account				Amount	
	10/17/2016	Open		353-11004 (Cash in Bank-AWA General Checking)	Utility Management Refund		\$1.58		\$1.58
Account Type		Account Number	Description	Transaction Date	Transaction Type				
Paying Fund			Cash Account				Amount		
135138	10/17/2016	Open		353-11004 (Cash in Bank-AWA General Checking)	Utility Management Refund	MORAN, RAMONA	\$39.67		
	Account Type		Account Number	Description	Transaction Date	Transaction Type			
	Paying Fund			Cash Account				Amount	
	10/17/2016	Open		353-11004 (Cash in Bank-AWA General Checking)	Utility Management Refund		\$39.67		\$39.67
Account Type		Account Number	Description	Transaction Date	Transaction Type				
Paying Fund			Cash Account				Amount		
135139	10/17/2016	Open		360-11004 (Cash in Bank-AWA General Checking)	Utility Management Refund	OUNG, PHENG	\$41.71		
	Account Type		Account Number	Description	Transaction Date	Transaction Type			
	Paying Fund			Cash Account				Amount	
	10/17/2016	Open		360-11004 (Cash in Bank-AWA General Checking)	Utility Management Refund	PEREZ, ORALIA or JORGE	\$41.71		\$36.42
Account Type		Account Number	Description	Transaction Date	Transaction Type				
Paying Fund			Cash Account				Amount		
135140	10/17/2016	Open		353-11004 (Cash in Bank-AWA General Checking)	Utility Management Refund		\$24.99		
	Account Type		Account Number	Description	Transaction Date	Transaction Type			
	Paying Fund			Cash Account				Amount	
	10/17/2016	Open		360-11004 (Cash in Bank-AWA General Checking)	Utility Management Refund	PINEDA, WILLIAM	\$11.43		\$0.71
Account Type		Account Number	Description	Transaction Date	Transaction Type				
Paying Fund			Cash Account				Amount		
135141	10/17/2016	Open		353-11004 (Cash in Bank-AWA General Checking)	Utility Management Refund	RODRIGUEZ, NAHU	\$0.71		
	Account Type		Account Number	Description	Transaction Date	Transaction Type			
	Paying Fund			Cash Account				Amount	
	10/17/2016	Open		353-11004 (Cash in Bank-AWA General Checking)	Utility Management Refund		\$77.44		\$135.19
Account Type		Account Number	Description	Transaction Date	Transaction Type				
Paying Fund			Cash Account				Amount		
	10/17/2016	Open		360-11004 (Cash in Bank-AWA General Checking)	Utility Management Refund		\$57.75		
Account Type		Account Number	Description	Transaction Date	Transaction Type				
Paying Fund			Cash Account				Amount		

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135143	10/17/2016	Open			Utility Management Refund	SMITH, MARILYNN	\$123.94		
	<u>Account Type</u>		<u>Account Number</u>		<u>Description</u>	<u>Transaction Date</u>	<u>Transaction Type</u>		
	Paying Fund				Cash Account		Amount		
	353 - AWA_Water				353-11004 (Cash in Bank-AWA General Checking)		\$123.94		
135144	10/17/2016	Open			Utility Management Refund	SOTO, VERONICA	\$48.18		
	<u>Account Type</u>		<u>Account Number</u>		<u>Description</u>	<u>Transaction Date</u>	<u>Transaction Type</u>		
	RESIDENTIAL		70014814-002			10/11/2016	REFUND ADJUSTMENT		
	<u>Paying Fund</u>				<u>Cash Account</u>		<u>Amount</u>		
	353 - AWA_Water				353-11004 (Cash in Bank-AWA General Checking)		\$48.18		
135145	10/17/2016	Open			Utility Management Refund	THU, SHERRY , HA	\$170.78		
	<u>Account Type</u>		<u>Account Number</u>		<u>Description</u>	<u>Transaction Date</u>	<u>Transaction Type</u>		
	Paying Fund				Cash Account		Amount		
	353 - AWA_Water				353-11004 (Cash in Bank-AWA General Checking)		\$14.06		
	360 - APUA_Sewer				360-11004 (Cash in Bank-AWA General Checking)		\$156.72		
135146	10/17/2016	Open			Utility Management Refund	TOWNS, NATHANIEL	\$73.61		
	<u>Account Type</u>		<u>Account Number</u>		<u>Description</u>	<u>Transaction Date</u>	<u>Transaction Type</u>		
	Paying Fund				Cash Account		Amount		
	353 - AWA_Water				353-11004 (Cash in Bank-AWA General Checking)		\$15.50		
	360 - APUA_Sewer				360-11004 (Cash in Bank-AWA General Checking)		\$58.11		
135147	10/17/2016	Open			Utility Management Refund	TURNER, LEVON or TRACY	\$3.69		
	<u>Account Type</u>		<u>Account Number</u>		<u>Description</u>	<u>Transaction Date</u>	<u>Transaction Type</u>		
	Paying Fund				Cash Account		Amount		
	360 - APUA_Sewer				360-11004 (Cash in Bank-AWA General Checking)		\$3.69		
135148	10/17/2016	Open			Utility Management Refund	ZIMMERMAN, TENISE	\$79.44		
	<u>Account Type</u>		<u>Account Number</u>		<u>Description</u>	<u>Transaction Date</u>	<u>Transaction Type</u>		
	Paying Fund				Cash Account		Amount		
	353 - AWA_Water				353-11004 (Cash in Bank-AWA General Checking)		\$79.44		
135149	10/17/2016	Open			Accounts Payable	ALL AMERICAN TREE	\$975.00		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	12620000		09/06/2016		REMOVAL OF TREE STUMPS & ROOTS AT RICHARDSON PARK		\$975.00		
	<u>Paying Fund</u>				<u>Cash Account</u>		<u>Amount</u>		
	100 - General Fund				100-11001 (Cash in Bank - DCB General Checking)		\$975.00		
135150	10/18/2016	Open			Accounts Payable	SPRAY DOCTOR	\$382.38		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	145838		07/19/2016		BULB, BOLTS & WASHERS, & HEDGE TRIMMER USED ON CITY STREETS		\$75.31		
	146053		08/01/2016		CARBURATOR FOR POST DIGGER USED ON CITY STREETS		\$69.13		
	146077		08/03/2016		ECHO GEAR W/BLADES FOR HEDGE TRIMMER USED ON CITY STREETS		\$45.86		
	146118		08/09/2016		CARBURETOR FOR SIGN POST DIGGER USED ON CITY STREETS		\$71.16		

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	146119		08/09/2016		RAC V SWITCH TIP FOR PAINT MACHINE USED ON CITY STREETS		\$120.92		
	Paying Fund				Cash Account		Amount		
	235 - Measure I/70% Local 2010-2040				235-11001 (Cash in Bank - DCB General Checking)		\$382.38		
135151	10/18/2016	Open			Accounts Payable	HERRERA , CYNTHIA	\$679.43		
	Invoice		Date		Description		Amount		
	10416		10/18/2016		REIMBURSEMENT FOR HOTEL STAY FOR LEAGUE OF CALI CONF		\$679.43		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100-11001 (Cash in Bank - DCB General Checking)		\$679.43		
135152	10/18/2016	Open			Accounts Payable	LEWIS RETAIL CENTERS	\$626,586.10		
	Invoice		Date		Description		Amount		
	2524003		09/06/2016		Mojave- 395 Hwy Project		\$626,586.10		
	Paying Fund				Cash Account		Amount		
	235 - Measure I/70% Local 2010-2040				235-11001 (Cash in Bank - DCB General Checking)		\$626,586.10		
135153	10/18/2016	Open			Accounts Payable	VIRGINIA CERVANTES	\$1,000.00		
	Invoice		Date		Description		Amount		
	10182016		10/18/2016		V. CERVANTES-ELOAN		\$1,000.00		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100-11001 (Cash in Bank - DCB General Checking)		\$1,000.00		
135154	10/19/2016	Open			Accounts Payable	ALL AMERICAN FENCE ERECTORS	\$295.00		
	Invoice		Date		Description		Amount		
	7990		10/10/2016		GATE REPAIRS AT WWTP		\$295.00		
	Paying Fund				Cash Account		Amount		
	360 - APUA_Sewer				360-11001 (Cash in Bank - DCB General Checking)		\$295.00		
135155	10/19/2016	Open			Accounts Payable	ALLDATA, LLC.	\$1,500.00		
	Invoice		Date		Description		Amount		
	2002522744		09/21/2016		SUBSCRIPTION RENEWAL FOR V. MAINT MANUALS		\$1,500.00		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100-11001 (Cash in Bank - DCB General Checking)		\$1,500.00		
135156	10/19/2016	Open			Accounts Payable	AMERICAN CAPITAL ENT, INC.	\$281.53		
	Invoice		Date		Description		Amount		
	043312		09/26/2016		COMMISSIONS DUE FROM CHK 043312		\$281.53		
	Paying Fund				Cash Account		Amount		
	353 - AWA_Water				353-11001 (Cash in Bank - DCB General Checking)		\$281.53		
135157	10/19/2016	Open			Accounts Payable	ANIMAL CARE EQUIPMENT & SERVICES, LLC.	\$341.28		
	Invoice		Date		Description		Amount		
	47911		09/28/2016		Ketch-Poles		\$245.85		
	48045		10/04/2016		Replacement parts for Ketch-Poles		\$95.43		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100-11001 (Cash in Bank - DCB General Checking)		\$341.28		
135158	10/19/2016	Open			Accounts Payable	ANIMAL EMERGENCY CLINIC	\$147.00		
	Invoice		Date		Description		Amount		
	117318		10/08/2016		Emergency Vet Care - After Hours		\$147.00		
	Paying Fund				Cash Account		Amount		

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
					100 - General Fund	100-11001 (Cash in Bank - DCB General Checking)	\$147.00		
135159	10/19/2016	Open			Accounts Payable	AVCO DISPOSAL, INC.	\$8,628.22		
					Invoice	Date	Description	Amount	
					1447930	10/01/2016	MONTHLY TRASH SERVICE FOR WWTP	\$311.77	
					1448246	09/30/2016	SEPTEMBER 2016 SLUDGE REMOVAL	\$6,581.25	
					1448290	09/30/2016	MONTHLY TRASH SERVICE FOR PUBLIC WORKS YARD	\$1,735.20	
					Paying Fund	Cash Account	Amount		
					100 - General Fund	100-11001 (Cash in Bank - DCB General Checking)	\$1,735.20		
					360 - APUA_Sewer	360-11001 (Cash in Bank - DCB General Checking)	\$6,893.02		
135160	10/19/2016	Open			Accounts Payable	BANG, SANG W	\$200.00		
					Invoice	Date	Description	Amount	
					10112016	10/11/2016	Refund for Deposit on TUP16-15	\$200.00	
					Paying Fund	Cash Account	Amount		
					100 - General Fund	100-11001 (Cash in Bank - DCB General Checking)	\$200.00		
135161	10/19/2016	Open			Accounts Payable	CALPERS-FISCAL SERVICES DIVISION-CASHIER/PAYROLL	\$404.87		
					Invoice	Date	Description	Amount	
					100000014843558	01/01/2016	ANNUAL UNFUNDED ACCRUED LIABILITY FOR PLAN 3470	\$399.48	
					100000014843565	10/01/2016	ANNUAL UNFUNDED ACCRUED LIABILITY FOR PLAN 27331	\$5.39	
					Paying Fund	Cash Account	Amount		
					100 - General Fund	100-11001 (Cash in Bank - DCB General Checking)	\$404.87		
135162	10/19/2016	Open			Accounts Payable	CHARLES ABBOTT ASSOCIATE, INC.	\$14,412.50		
					Invoice	Date	Description	Amount	
					56169	09/30/2016	PLANNING CONSULTANT SERVICES SEPT 2016	\$14,412.50	
					Paying Fund	Cash Account	Amount		
					100 - General Fund	100-11001 (Cash in Bank - DCB General Checking)	\$14,412.50		
135163	10/19/2016	Open			Accounts Payable	CINTAS CORP #150	\$614.54		
					Invoice	Date	Description	Amount	
					150751659	10/04/2016	WEEKLY UNIFORM SERVICE FOR STREETS	\$95.67	
					150751660	10/04/2016	WEEKLY MAT SERVICE FOR CITY HALL	\$38.34	
					150751658	10/04/2016	WEEKLY UNIFORM SERVICE FOR PARKS	\$29.16	
					150755498	10/11/2016	WEEKLY UNIFORM SERVICE FOR PARKS	\$29.16	
					150755499	10/11/2016	WEEKLY INFORM SERVICE FOR STREETS	\$95.67	
					150755500	10/11/2016	WEEKLY MAT SERVICE FOR CITY HALL	\$38.34	
					150744011	09/20/2016	WEEKLY UNIFORM SERVICE FOR STREETS	\$95.67	
					150744010	09/20/2016	WEEKLY UNIFORM SERVICE FOR PARKS	\$29.16	
					150744012	09/20/2016	WEEKLY MAT SERVICE FOR CITY HALL	\$38.54	
					150759349	10/18/2016	WEEKLY UNIFORM SERVICE FOR STREETS	\$95.67	
					150759348	10/18/2016	WEEKLY UNIFORM SERVICE FOR PARKS	\$29.16	
					Paying Fund	Cash Account	Amount		
					100 - General Fund	100-11001 (Cash in Bank - DCB General Checking)	\$614.54		
135164	10/19/2016	Open			Accounts Payable	COGENT COMMUNICATIONS, INC.	\$3,626.00		
					Invoice	Date	Description	Amount	
					AD00001-10/01/16	10/01/2016	Cycle: 10/01/16 - 10/31/16	\$1,813.00	

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	AD00001-09/01/16		09/01/2016	Cycle: 09/01/16 - 09/30/16			\$1,813.00		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)			\$2,719.50		
	353 - AWA_Water			353-11001 (Cash in Bank - DCB General Checking)			\$906.50		
135165	10/19/2016	Open			Accounts Payable	CORDERO, BELEN	\$319.88		
	Invoice		Date	Description			Amount		
	759624141		10/04/2016	REIMBURSEMENT FOR HOTEL STAY FOR WATER SMART CONF			\$319.88		
	Paying Fund			Cash Account			Amount		
	353 - AWA_Water			353-11001 (Cash in Bank - DCB General Checking)			\$319.88		
135166	10/19/2016	Open			Accounts Payable	CORELOGIC SOLUTIONS, LLC.	\$325.00		
	Invoice		Date	Description			Amount		
	81734986		09/30/2016	Metroscan			\$100.00		
	81730212		09/30/2016	RealQuest			\$225.00		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)			\$325.00		
135167	10/19/2016	Open			Accounts Payable	COUNTY OF SAN BERNARDINO-1ST FLR	\$84.00		
	Invoice		Date	Description			Amount		
	589102016001		10/03/2016	County Recording Fees			\$84.00		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)			\$84.00		
135168	10/19/2016	Open			Accounts Payable	D R HORTON, L.A. HOLDING COMPANY	\$18,999.00		
	Invoice		Date	Description			Amount		
	101916		10/19/2016	REFUND CONSTRUCTION RECYCLE DEPOSIT			\$18,999.00		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)			\$18,999.00		
135169	10/19/2016	Open			Accounts Payable	DICKINSON JANITORIAL SUPPLIES	\$1,592.68		
	Invoice		Date	Description			Amount		
	62805		09/28/2016	ASPHALT RELEASE AGENT USE ON CITY STREETS			\$1,592.68		
	Paying Fund			Cash Account			Amount		
	235 - Measure I/70% Local 2010-2040			235-11001 (Cash in Bank - DCB General Checking)			\$1,592.68		
135170	10/19/2016	Open			Accounts Payable	ECOFF CAMPAIN & TILLES, LLP	\$4,934.57		
	Invoice		Date	Description			Amount		
	2062		09/15/2016	MATTER #1005-1, CITY vs MAIN ST. CALIF			\$4,934.57		
	Paying Fund			Cash Account			Amount		
	200 - Maverick Stadium			200-11001 (Cash in Bank - DCB General Checking)			\$4,934.57		
135171	10/19/2016	Open			Accounts Payable	ELITE BUILDING SERVICES	\$2,245.50		
	Invoice		Date	Description			Amount		
	1367		10/15/2016	JANITORIAL SERVICE FOR OCTOBER 2016			\$2,245.50		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)			\$2,245.50		
135172	10/19/2016	Open			Accounts Payable	FEDERAL EXPRESS	\$197.49		
	Invoice		Date	Description			Amount		
	5-570-14785		10/07/2016	FEDEX SHIPPING FOR ALL DEPTS.-FY 16/17			\$50.77		

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	5-577-93251		10/14/2016		MISC SHIP CHARGES, LOPEZ, PINA, PELT		\$146.72		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100-11001 (Cash in Bank - DCB General Checking)		\$197.49		
135173	10/19/2016	Open			Accounts Payable	FRED PRYOR SEMINARS	\$1,725.32		
	Invoice		Date		Description		Amount		
	4643036		10/06/2016		HR Success Academy, Ultimate Employer		\$1,327.32		
	4643037		10/07/2016		Training Rewards Memebership		\$199.00		
	4643066		10/07/2016		TRM 12MO Friend Offer		\$199.00		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100-11001 (Cash in Bank - DCB General Checking)		\$1,725.32		
135174	10/19/2016	Open			Accounts Payable	G.A. OSBORNE PIPE & SUPPLY INC.	\$97.38		
	Invoice		Date		Description		Amount		
	379788		10/06/2016		BRASS BUSH & MISC. ITEM		\$44.32		
	380017		10/18/2016		PVC BUSHING, FGTS & MISC ITEMS		\$53.06		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100-11001 (Cash in Bank - DCB General Checking)		\$53.06		
	353 - AWA_Water				353-11001 (Cash in Bank - DCB General Checking)		\$44.32		
135175	10/19/2016	Open			Accounts Payable	GARCIA, SUSAN	\$500.00		
	Invoice		Date		Description		Amount		
	091416		09/14/2016		2ND PLACE WINNDER FOR WEIGHT LOSS CHALLENGE		\$500.00		
	Paying Fund				Cash Account		Amount		
	471 - Adelanto Community Benefit Corp.				471-11001 (Cash in Bank - DCB General Checking)		\$500.00		
135176	10/19/2016	Open			Accounts Payable	HACH COMPANY	\$84.30		
	Invoice		Date		Description		Amount		
	10138101		10/05/2016		SAMPLE CELL, 25X60MM		\$84.30		
	Paying Fund				Cash Account		Amount		
	353 - AWA_Water				353-11001 (Cash in Bank - DCB General Checking)		\$84.30		
135177	10/19/2016	Open			Accounts Payable	HIGH DESERT LASER GRAPHICS	\$11.56		
	Invoice		Date		Description		Amount		
	41611		10/10/2016		NAME BADGES FOR G. PIEHE		\$11.56		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100-11001 (Cash in Bank - DCB General Checking)		\$11.56		
135178	10/19/2016	Open			Accounts Payable	HIGH DESERT LOCK & SAFE, INC.	\$137.76		
	Invoice		Date		Description		Amount		
	0000096038		10/05/2016		LOCK & KEY		\$137.76		
	Paying Fund				Cash Account		Amount		
	353 - AWA_Water				353-11001 (Cash in Bank - DCB General Checking)		\$137.76		
135179	10/19/2016	Open			Accounts Payable	HOME DEPOT CREDIT SERVICES	\$247.89		
	Invoice		Date		Description		Amount		
	5170351		10/10/2016		FILTER, KEY PADLOCK AND MISC ITEM		\$45.36		
	8181066		10/17/2016		CONCRETE MIX, ACCELERATOR & MISC ITEM USED ON CITY STREETS		\$202.53		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100-11001 (Cash in Bank - DCB General Checking)		\$45.36		
	235 - Measure I/70% Local 2010-2040				235-11001 (Cash in Bank - DCB General Checking)		\$202.53		

City of Adelanto
Payment Register

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
135180	10/19/2016	Open			Accounts Payable	INFOSEND	\$10,892.14		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	110790		09/16/2016		PAYMENT PROCESSING 9/1 - 9/16/16		\$3,521.65		
	109502		08/12/2016		PROP 218 HOT JOB (PAST DUE) INV LOST		\$5,496.98		
	111634		09/30/2016		PAYMENT PROCESSING 9/16 - 9/28/16		\$1,873.51		
	<u>Paying Fund</u>				<u>Cash Account</u>		<u>Amount</u>		
	353 - AWA_Water				353-11001 (Cash in Bank - DCB General Checking)		\$10,892.14		
135181	10/19/2016	Open			Accounts Payable	INLAND WATER WORKS SUPPLY CO.	\$2,562.84		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	287859		10/07/2016		CLAMP		\$318.60		
	287978		10/13/2016		CLAMP		\$249.48		
	287977		10/13/2016		CLAMPS		\$1,994.76		
	<u>Paying Fund</u>				<u>Cash Account</u>		<u>Amount</u>		
	353 - AWA_Water				353-11001 (Cash in Bank - DCB General Checking)		\$2,562.84		
135182	10/19/2016	Open			Accounts Payable	JACKSON LEWIS, P.C.	\$79.50		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	6815785		09/30/2016		MOORE, CORDERO, BORJA MATTER		\$79.50		
	<u>Paying Fund</u>				<u>Cash Account</u>		<u>Amount</u>		
	100 - General Fund				100-11001 (Cash in Bank - DCB General Checking)		\$79.50		
135183	10/19/2016	Open			Accounts Payable	JACOBO, ERIKA	\$250.00		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	091416		09/14/2016		3RD PLACE WINNER FOR WEIGHT LOSS CHALLENGE		\$250.00		
	<u>Paying Fund</u>				<u>Cash Account</u>		<u>Amount</u>		
	471 - Adelanto Community Benefit Corp.				471-11001 (Cash in Bank - DCB General Checking)		\$250.00		
135184	10/19/2016	Open			Accounts Payable	KAMAN INDUSTRIAL TECHNOLOGIES	\$408.95		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	C112566		09/29/2016		MTR MOD CTEP .75 2/4 56 STK		\$408.95		
	<u>Paying Fund</u>				<u>Cash Account</u>		<u>Amount</u>		
	360 - APUA_Sewer				360-11001 (Cash in Bank - DCB General Checking)		\$408.95		
135185	10/19/2016	Open			Accounts Payable	KNIGHT GUARD	\$2,904.00		
	<u>Invoice</u>		<u>Date</u>		<u>Description</u>		<u>Amount</u>		
	50368 8		09/16/2016		QUARTERLY ALARM MONITORING JULY, AUG, SEPT 2016		\$2,469.00		
	50958 12		09/16/2016		QUARTERLY ALARM MONITORING FEES JULY, AUG, SEPT 2016		\$120.00		
	243 12		09/16/2016		QUARTERLY ALARM MONITORING JULY, AUG, SEPT 2016		\$75.00		
	50954 12		09/16/2016		QUARTERLY ALARM MONITORING JULY, AUG, SEPT 2016		\$120.00		
	5115 1		09/16/2016		QUARTERLY MONITORING ALARM JULY,AUG,SEPT 2016		\$120.00		
	<u>Paying Fund</u>				<u>Cash Account</u>		<u>Amount</u>		
	100 - General Fund				100-11001 (Cash in Bank - DCB General Checking)		\$315.00		
	353 - AWA_Water				353-11001 (Cash in Bank - DCB General Checking)		\$2,469.00		
	360 - APUA_Sewer				360-11001 (Cash in Bank - DCB General Checking)		\$120.00		

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
135186	10/19/2016	Open			Accounts Payable	LOWE'S BUSINESS ACCOUNT	\$211.82		
	Invoice		Date	Description		Amount			
	25932		10/03/2016	FOAM, MUD PAN, TEXTURE & MISC ITEMS		\$78.94			
	69277		10/02/2016	LOCKS FOR GATE		\$132.88			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)		\$78.94			
	200 - Maverick Stadium			200-11001 (Cash in Bank - DCB General Checking)		\$132.88			
135187	10/19/2016	Open			Accounts Payable	MAGIC SMOG	\$55.00		
	Invoice		Date	Description		Amount			
	14189		10/06/2016	SMOG TEST ON CITY VEHICLE		\$55.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)		\$55.00			
135188	10/19/2016	Open			Accounts Payable	MOBILE OCCUPATIONAL SERVICES, INC.	\$355.00		
	Invoice		Date	Description		Amount			
	46977		08/31/2016	DOT Exams - FY 16/17 Billing Period 08/1-8/31/2016		\$160.00			
	47487		09/29/2016	DOT Exams - FY 16/17 Billing Period 09/01-09/29/16		\$195.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)		\$355.00			
135189	10/19/2016	Open			Accounts Payable	MOJAVE DESERT & MOUNTAIN INTEGRATED WASTE JPA	\$6,544.00		
	Invoice		Date	Description		Amount			
	1386		10/05/2016	FY16/17 QTR ENDING 12/16		\$6,544.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)		\$6,544.00			
135190	10/19/2016	Open			Accounts Payable	MV CHENG & ASSOCIATES INC.	\$8,512.50		
	Invoice		Date	Description		Amount			
	9/30/2016		10/05/2016	CONSULTING SERVICES FOR SEPT 2016		\$8,512.50			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)		\$8,512.50			
135191	10/19/2016	Open			Accounts Payable	NAPA AUTO PARTS, INC.	\$336.17		
	Invoice		Date	Description		Amount			
	977914		10/10/2016	BRAKE PADS, WINESHIELD WASH & QK REFILL		\$245.83			
	977909		10/10/2016	CORE DEPOSIT FOR PART #765-2975CA		(\$90.00)			
	979382		10/15/2016	FRONT BRAKE PADS FOR v. MAINT.		\$180.34			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)		\$336.17			
135192	10/19/2016	Open			Accounts Payable	NIXON-EGLI EQUIPMENT	\$1,657.22		
	Invoice		Date	Description		Amount			
	P18439		09/30/2016	IGNITOR FOR ASPHALT TRUCK USED ON CITY STREETS		\$207.53			
	W03042-A		07/15/2016	PAYING THE REMAINING BALANCE OF THE INVOICE AMOUNT		\$1,449.69			
	Paying Fund			Cash Account		Amount			
	235 - Measure I/70% Local 2010-2040			235-11001 (Cash in Bank - DCB General Checking)		\$1,657.22			
135193	10/19/2016	Open			Accounts Payable	NURSERY PRODUCTS, LLC	\$5,239.75		
	Invoice		Date	Description		Amount			
	SEPT2016ADELAN		09/30/2016	SEPT RECYCLING OF BIOSOILDS		\$5,239.75			

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	Paying Fund				Cash Account		Amount		
	360 - APUA_Sewer				360-11001 (Cash in Bank - DCB General Checking)		\$5,239.75		
135194	10/19/2016	Open			Accounts Payable	PARKHOUSE TIRE, INC.	\$577.44		
	Invoice		Date	Description			Amount		
	2020079702		09/23/2016	VALVE CORE & TIRE REPAIR ON GRADER USED ON CITY STREETS			\$357.15		
	2020079478		09/13/2016	REPAIR ON TIRE & ROAD SERVICE ON GRADER USED ON CITY STREETS			\$220.29		
	Paying Fund				Cash Account		Amount		
	235 - Measure I/70% Local 2010-2040				235-11001 (Cash in Bank - DCB General Checking)		\$577.44		
135195	10/19/2016	Open			Accounts Payable	PELTIER, STEVEN	\$1,334.61		
	Invoice		Date	Description			Amount		
	18440000280040		10/07/2016	Uniform Acc's for New Employees - Reimbursement Peltier			\$19.38		
	06863010		10/06/2016	Uniforms & Acc's for New Employees - Reimbursement Peltier			\$567.26		
	101516		10/15/2016	Food/Ice/Water for Community Clean Up - Reimbursement Peltier			\$218.78		
	629100009725		10/17/2016	Gun Safe - Reimbursement Peltier			\$529.19		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100-11001 (Cash in Bank - DCB General Checking)		\$1,334.61		
135196	10/19/2016	Open			Accounts Payable	POLYDYNE, INC.	\$5,216.40		
	Invoice		Date	Description			Amount		
	1080013		09/27/2016	CLARIFLOC WE-1296 CHEMICALS			\$2,608.20		
	1083398		10/10/2016	CLARIFLOC WE-1296 CHEMICALS			\$2,608.20		
	Paying Fund				Cash Account		Amount		
	360 - APUA_Sewer				360-11001 (Cash in Bank - DCB General Checking)		\$5,216.40		
135197	10/19/2016	Open			Accounts Payable	RAINES ELECTRIC	\$47,716.00		
	Invoice		Date	Description			Amount		
	2168		10/11/2016	ELECTRICAL REPAIR MATERIAL 50% TO START WORK			\$47,716.00		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100-11001 (Cash in Bank - DCB General Checking)		\$47,716.00		
135198	10/19/2016	Open			Accounts Payable	RANCHO MOTOR COMPANY	\$32.51		
	Invoice		Date	Description			Amount		
	259496		10/18/2016	ALTERNATOR CONNECTOR			\$32.51		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100-11001 (Cash in Bank - DCB General Checking)		\$32.51		
135199	10/19/2016	Open			Accounts Payable	ROADPOST USA INC.	\$52.16		
	Invoice		Date	Description			Amount		
	RU08100358		10/07/2016	Monthly Phone Services			\$52.16		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100-11001 (Cash in Bank - DCB General Checking)		\$52.16		
135200	10/19/2016	Open			Accounts Payable	ROSALES, JANNET	\$1,000.00		
	Invoice		Date	Description			Amount		
	091416		09/14/2016	1ST PLACE WINNER OF THE WEIGHT LOSS CHALLENGE			\$1,000.00		
	Paying Fund				Cash Account		Amount		

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	353 - AWA_Water			353-11001 (Cash in Bank - DCB General Checking)			\$1,034.53		
135209	10/19/2016	Open			Accounts Payable	SPRAY DOCTOR	\$119.32		
	Invoice		Date	Description			Amount		
	146463		10/15/2016	ECHO CLUTCH FOR CHAINSAW USED ON CITY STREETS			\$84.58		
	146464		10/15/2016	REPAIR & CLEANED AIR FILTER ON TRIMMER USED ON CIYT STREETS			\$34.74		
	Paying Fund			Cash Account			Amount		
	235 - Measure I/70% Local 2010-2040			235-11001 (Cash in Bank - DCB General Checking)			\$119.32		
135210	10/19/2016	Open			Accounts Payable	STATE OF CALIFORNIA DEPARTMENT OF JUSTICE	\$567.00		
	Invoice		Date	Description			Amount		
	184366		09/06/2016	Monthly Billing Stmt- Live Scan August 2016			\$567.00		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)			\$567.00		
135211	10/19/2016	Open			Accounts Payable	TOPS N BARRICADES, INC.	\$90.72		
	Invoice		Date	Description			Amount		
	1056456		09/30/2016	GREEN MARKING PAINT			\$90.72		
	Paying Fund			Cash Account			Amount		
	360 - APUA_Sewer			360-11001 (Cash in Bank - DCB General Checking)			\$90.72		
135212	10/19/2016	Open			Accounts Payable	TYPE SET GO	\$425.52		
	Invoice		Date	Description			Amount		
	14198		09/28/2016	BUSINESS CARDS FOR G. PIEHE & EVELOPES FOR CITY HALL			\$425.52		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)			\$425.52		
135213	10/19/2016	Open			Accounts Payable	UNDERGROUND SERVICE ALERT	\$88.50		
	Invoice		Date	Description			Amount		
	920160004		10/01/2016	NEW TICKET CHARGES			\$88.50		
	Paying Fund			Cash Account			Amount		
	353 - AWA_Water			353-11001 (Cash in Bank - DCB General Checking)			\$88.50		
135214	10/19/2016	Open			Accounts Payable	UPS	\$5.65		
	Invoice		Date	Description			Amount		
	0000975164406		10/01/2016	SHIP CHK MACHINE IN FOR REPAIRS UB			\$5.65		
	Paying Fund			Cash Account			Amount		
	353 - AWA_Water			353-11001 (Cash in Bank - DCB General Checking)			\$5.65		
135215	10/19/2016	Open			Accounts Payable	USA BLUEBOOK	\$343.64		
	Invoice		Date	Description			Amount		
	060628		09/14/2016	FLAG CARRIER/PROBE COMBO, ADHESIVE, & CAUTION SIGN			\$343.64		
	Paying Fund			Cash Account			Amount		
	353 - AWA_Water			353-11001 (Cash in Bank - DCB General Checking)			\$343.64		
135216	10/19/2016	Open			Accounts Payable	UTILITY COST MANAGEMENT LLC	\$6,192.28		
	Invoice		Date	Description			Amount		
	21886		09/23/2016	SCE RATE SAVINGS SEPT. 2016			\$6,192.28		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)			\$1,999.14		

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference	
					200-11001 (Cash in Bank - DCB General Checking)		\$249.47			
					353-11001 (Cash in Bank - DCB General Checking)		\$3,943.67			
135217	10/19/2016	Open			Accounts Payable	VALLEYWIDE NEWSPAPER	\$1,008.75			
			Invoice	Date	Description		Amount			
			48801	10/06/2016	Advertising - Election News		\$300.00			
			48802	10/06/2016	Nominees for Public Office		\$90.75			
			48899	10/13/2016	Town Hall Meeting Notice		\$35.00			
			48905	10/13/2016	Notice of Public Hearing CA 16-06		\$264.00			
			48907	10/13/2016	Notice of Public Hearing LDP 15-02		\$82.50			
			48908	10/13/2016	Notice of Public Hearing LDP 16-12		\$79.75			
			48906	10/13/2016	Notice of Public Hearing CUP 16-27		\$77.00			
			48909	10/13/2016	Notice of Public Hearing TPM 19785		\$79.75			
			Paying Fund		Cash Account		Amount			
			100 - General Fund		100-11001 (Cash in Bank - DCB General Checking)		\$1,008.75			
135218	10/19/2016	Open			Accounts Payable	VICTOR VALLEY ANIMAL PROTECTIVE LEAGUE	\$2,902.25			
			Invoice	Date	Description		Amount			
			973	09/30/2016	Animal Sheltering Costs		\$2,902.25			
			Paying Fund		Cash Account		Amount			
			100 - General Fund		100-11001 (Cash in Bank - DCB General Checking)		\$2,902.25			
135219	10/19/2016	Open			Accounts Payable	VOYAGER FLEET SYSTEMS, INC.	\$2,838.94			
			Invoice	Date	Description		Amount			
			869155671639	09/24/2016	PD Fuel Closing date 09/24/2016		\$2,838.94			
			Paying Fund		Cash Account		Amount			
			100 - General Fund		100-11001 (Cash in Bank - DCB General Checking)		\$2,838.94			
135220	10/19/2016	Open			Accounts Payable	VULCAN	\$1,658.87			
			Invoice	Date	Description		Amount			
			71264817	10/10/2016	SHEET MIX USED ON CITY STREETS		\$226.45			
			71264818	10/10/2016	SHEET MIX USED ON CITY STREETS		\$153.01			
			71264819	10/10/2016	SHEET MIX USED ON CITY STREETS		\$158.41			
			71261823	10/05/2016	SHEET MIX USED ON CITY STREETS		\$225.72			
			71271962	10/17/2016	SHEET MIX USED ON CITY STREETS		\$299.16			
			71271964	10/17/2016	SHEET MIX USED ON CITY STREETS		\$298.43			
			71271963	10/17/2016	SHEET MIX USED ON CITY STREETS		\$297.69			
			Paying Fund		Cash Account		Amount			
			235 - Measure I/70% Local 2010-2040		235-11001 (Cash in Bank - DCB General Checking)		\$1,658.87			
135221	10/19/2016	Open			Accounts Payable	XC2 SOFTWARE, LLC.	\$380.00			
			Invoice	Date	Description		Amount			
			8927	09/02/2016	BACKFLOW PREVENTION SOFTWARE RENEWAL		\$380.00			
			Paying Fund		Cash Account		Amount			
			353 - AWA_Water		353-11001 (Cash in Bank - DCB General Checking)		\$380.00			
Type Check Totals:							106 Transactions	\$1,425,419.43		
04000013-01 - CITY OF ADELANTO GENERAL CHKG Totals										
			Checks	Status	Count	Transaction Amount	Reconciled Amount			
				Open	106	\$1,425,419.43	\$0.00			
				Reconciled	0	\$0.00	\$0.00			
				Voided	0	\$0.00	\$0.00			

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
					Stopped		0	\$0.00	\$0.00
					Total		106	\$1,425,419.43	\$0.00
EFTs									
					Status		Count	Transaction Amount	Reconciled Amount
					Open		0	\$0.00	\$0.00
					Reconciled		0	\$0.00	\$0.00
					Voided		0	\$0.00	\$0.00
					Total		0	\$0.00	\$0.00
All									
					Status		Count	Transaction Amount	Reconciled Amount
					Open		106	\$1,425,419.43	\$0.00
					Reconciled		0	\$0.00	\$0.00
					Voided		0	\$0.00	\$0.00
					Stopped		0	\$0.00	\$0.00
					Total		106	\$1,425,419.43	\$0.00
Grand Totals:									
Checks									
					Status		Count	Transaction Amount	Reconciled Amount
					Open		106	\$1,425,419.43	\$0.00
					Reconciled		0	\$0.00	\$0.00
					Voided		0	\$0.00	\$0.00
					Stopped		0	\$0.00	\$0.00
					Total		106	\$1,425,419.43	\$0.00
EFTs									
					Status		Count	Transaction Amount	Reconciled Amount
					Open		0	\$0.00	\$0.00
					Reconciled		0	\$0.00	\$0.00
					Voided		0	\$0.00	\$0.00
					Total		0	\$0.00	\$0.00
All									
					Status		Count	Transaction Amount	Reconciled Amount
					Open		106	\$1,425,419.43	\$0.00
					Reconciled		0	\$0.00	\$0.00
					Voided		0	\$0.00	\$0.00
					Stopped		0	\$0.00	\$0.00
					Total		106	\$1,425,419.43	\$0.00

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Payment Register

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
04000013-01 - CITY OF ADELANTO GENERAL CHKG									
EFT									
187	10/03/2016	Open			Accounts Payable	METLIFE	\$6,224.85		
	Invoice		Date	Description			Amount		
	SEPT 2016/METLIF		09/15/2016	SEPT 2016/METLIFE-DISABILITY-DENTAL-LIFE			\$6,224.85		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)			\$6,224.85		
188	09/26/2016	Open			Accounts Payable	PAYPRO	\$108.90		
	Invoice		Date	Description			Amount		
	PP#17-2016PAYPRO		08/25/2016	PP#17-2016 PAYPRO FLEX SPENDING			\$108.90		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)			\$108.90		
189	09/26/2016	Open			Accounts Payable	PAYPRO	\$108.90		
	Invoice		Date	Description			Amount		
	PP#18-2016PAYPRO		09/08/2016	PP#18-2016 PAYPRO FLEX SPENDING			\$108.90		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)			\$108.90		
190	09/26/2016	Open			Accounts Payable	PAYPRO	\$108.90		
	Invoice		Date	Description			Amount		
	PP#19-2016PAYPRO		09/22/2016	PP#19-2016 PAYPRO FLEX SPENDING			\$108.90		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100-11001 (Cash in Bank - DCB General Checking)			\$108.90		
191	10/11/2016	Open			Accounts Payable	PAYPRO	\$108.90		
	Invoice		Date	Description			Amount		
	PP#20-2016PAYPRO		10/06/2016	PP#20-2016 PAYPRO FLEX SPENDING			\$108.90		
	Paying Fund			Cash Account			Amount		

City of Adelanto
Payment Register

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference	
	100 - General Fund			100-11001	(Cash in Bank - DCB General Checking)		\$108.90			
Type EFT Totals:										
04000013-01 - CITY OF ADELANTO GENERAL CHKG Totals							5 Transactions	\$6,660.45		

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	0	\$0.00	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	0	\$0.00	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	5	\$6,660.45	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	5	\$6,660.45	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	5	\$6,660.45	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	5	\$6,660.45	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	0	\$0.00	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	0	\$0.00	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	5	\$6,660.45	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	5	\$6,660.45	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	5	\$6,660.45	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	5	\$6,660.45	\$0.00



CITY COUNCIL AGENDA REPORT

ADELANTO GOVERNMENTAL CENTER | 11600 AIR EXPRESSWAY
| ADELANTO, CALIFORNIA 92301

DATE: October 26, 2016

TO: Honorable Mayor and City Council Members

FROM: Cindy M. Herrera, *City Manager*

BY: Mark de Manincor, *Planning Manager*

SUBJECT: PUBLIC HEARING - ORDINANCE 553, CODE AMENDMENT 16-06 – PROPOSED AMENDMENT TO TITLE 17 OF THE ADELANTO MUNICIPAL CODE REPEALING SECTION 17.80.050, ADDING SECTION 17.80.120 ALLOWING MEDICAL CANNABIS DESPENSARIES, AMENDING SECTIONS 17.80.080 AND 17.80.090 REGARDING MEDICAL CANNABIS CULTIVATION AND MANUFACTURING, AND MAKING CONSISTENCY CHANGES TO THE TABLE OF CONTENTS AND APPENDIX A OF THE ZONING ORDINANCE; AND RESOLUTION 16-69 - ADOPTING ADMINISTRATIVE PERMIT FEES FOR SUCH USES

STAFF RECOMMENDATION:

Introduce for the First Reading Ordinance 553, find the approval of Code Amendment 16-06 exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) as the Code Amendment will not have a significant effect on the environment, adopt Code Amendment 16-06, make findings in support thereof;

AND

Adopt Resolution 16-69, establishing permit application fees for Medical Cannabis Dispensaries, find the approval of fees exempt from the California Environmental Quality Act pursuant to Section 15273 (Rates, Tolls, Fares and Charges), adopt and approve related findings in support thereof.

BACKGROUND:

Federal law, pursuant to the Controlled Substances Act , 21 U.S.C. § 801 et sequentes (“CSA”), prohibits, except for certain research purposes, the illegal possession, distribution, and manufacture of cannabis. However, due to limited investigative and prosecutorial resources, the U. S. Department of Justice expects that states and local governments will enact laws authorizing cannabis-related conduct and that they will adopt and implement strong and effective regulatory and enforcement systems to protect public safety, public health, and other law enforcement interests.

Generally, California law is similar to the CSA (Health and Safety Code, § 11357 et sequentes). However, California statutes such as the Compassionate Use Act of 1996 (Health and Safety Code, § 11362.5 added by Proposition 15) and the Medical Cannabis Program (Health and Safety Code § 11362.7 et sequentes) have removed certain state law obstacles and allow qualified patients to obtain and use cannabis for legitimate medical purposes. The State’s Medical Marijuana Regulation and Safety Act (MMRSA) of 2015, amended by the Medical Cannabis Regulation and Safety Act (MCRSA) in 2016, has further clarified the State’s intent to allow access to such uses. On the federal level, there has been an unwillingness to enforce federal laws pertaining to medical cannabis.

Staff notes that California law allows for medical cannabis dispensaries to operate, subject to local authority by cities/counties (*City of Riverside v. Inland Empire Patient Health and Wellness Center* (2013) 51 Cal.4th 729). Since 2010, Adelanto Municipal Code (“AMC”) section 17.80.050 has prohibited medical cannabis dispensaries in the City. This proposed Ordinance will, among other things, eliminate the prohibition on dispensaries, and allow them in certain areas of the City with approval of corresponding permits and subject to specified standards.

Prior Agendized Discussions On Medical Cannabis

The City Council has had multiple Council meeting discussions pertaining to medical cannabis and has directed the preparation of ordinance revisions to the AMC to provide for the medical cannabis industry. On May 25, 2016, the City Council adopted Ordinance 545 to regulate medical cannabis cultivation and manufacturing in the City. On October 12, 2016, the City Council adopted Ordinance 548 to regulate medical cannabis distribution/transportation and testing in the City.

At the October 4, 2016 regular meeting of the Adelanto Planning Commission (“PC”), the PC voted to recommend to the City Council the approval of Ordinance 553 which would regulate medical cannabis dispensaries in the City. Three important items the proposed Ordinance 553 will accomplish are:

1. Medical cannabis dispensaries would be regulated by proposed Section 17.80.120 (Pages 25-39 of draft Ordinance 553). Similar to prior cannabis facility regulations, such uses would be restricted to the “Cultivation Area” of the Manufacturing/Industrial (MI) zoning designation. Development and operational standards would have to comply with State law, including segregation of the uses by building space separation. The Conditional Use Permit (“CUP”) approval process through the Planning Commission would be the first level of regulation used to ensure compliance. A separate administrative Dispensary Permit would be the second level, which would have to be obtained after the CUP approval. As currently drafted, dispensaries would be limited to distribution of cannabis for medical purposes only.
2. The requirement for an Oversight Committee to review Cultivation uses would be changed from being mandatory to permissive. The Ordinance would allow the City Manager or the City Manager’s designee to establish an Oversight Consultant List to provide advice to City staff regarding the practical regulation of medical cannabis activities. This is reflected in Section 17.80.080(d)(5) (see page 12 of draft Ordinance 553). Compliance with the AMC would continue under the existing enforcement structure, which includes Planning Commission review and revocation of CUPs. Therefore, this change would eliminate an administrative provision while maintaining effectiveness in enforcement.
3. Due to the State’s recent passage of the MCRSA, references to “marijuana” are now being replaced with “cannabis.” Consequently, staff is proposing revisions to AMC sections 17.80.080 and 17.80.090 regulating medical cannabis cultivation and manufacturing to reflect this change in terminology (Pages 2-24 of draft Ordinance 553).

ENVIRONMENTAL IMPACT

The project is considered Exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act as the project will not have a significant effect on the environment.

FISCAL IMPACT:

The fee for a Conditional Use Permit is established at \$2,735.00. New permitting fees are proposed to cover expenses incurred by the City in providing for and processing administrative Medical Cannabis Dispensary Permits. Staff is recommending a \$7,000.00 fee for each permit. Based on prior medical cannabis permit fees for Cultivation, Manufacturing, Transportation/Distribution, and Testing, and the time to review and provide the service, this amount would cover the costs of services provided to process the applications, as well as recover the City's costs to prepare and revise the AMC to allow such uses.

ATTACHMENTS:

1. Ordinance 553
2. Resolution 16-69
3. Amended Table of Contents
4. Amended Chapter 17.80 (Special Use Standards)
5. Amended Appendix A
6. Planning Commission Staff Report

ORDINANCE NO. 553

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA,
AMENDING SECTION 17.80.080 OF THE ADELANTO MUNICIPAL
CODE REGARDING MEDICAL CANNABIS CULTIVATION AND
SECTION 17.80.090 REGARDING MEDICAL CANNABIS
MANUFACTURING, REPEALING SECTION 17.80.050 REGARDING
MEDICAL CANNABIS DISPENSARIES, AND ADDING SECTION
17.80.120 REGARDING MEDICAL CANNABIS DISPENSARIES**

WHEREAS, on October 9, 2015, Governor Brown approved the Medical Marijuana Regulation and Safety Act (“MMRSA”), effective January 1, 2016, which establishes a comprehensive State licensing and regulatory framework for the cultivation, manufacturing, testing, distribution, transportation, dispensing, and delivery of medical cannabis, and which recognizes the authority of local jurisdictions to prohibit or impose additional restrictions on any such medical cannabis activity.

WHEREAS, on June 27, 2016, Governor Brown approved Senate Bill number 837 (“SB 837”), effective immediately, which amends the MMRSA and renames it the Medical Cannabis Regulation and Safety Act (“MCRSA”).

WHEREAS, the City of Adelanto (“City”) has previously adopted Adelanto Municipal Code (“AMC”) sections 17.80.080 and 17.80.090 to regulate medical cannabis cultivation and manufacturing, respectively, in the City.

WHEREAS, the City now wishes to amend AMC sections 17.80.080 and 17.80.090 to reflect SB 837’s changes to the MCRSA.

WHEREAS, the City also wishes to repeal AMC section 17.80.050, which prohibits medical cannabis dispensaries in the City, to comply with California law and allow for the dispensing and delivery of medical cannabis in accordance with applicable State laws.

WHEREAS, it is the purpose and intent of the City to regulate medical cannabis dispensing and delivery in a manner that is consistent with State law and promotes the health, safety, and general welfare of the residents and businesses within the City, while limiting the negative impacts associated with such medical cannabis dispensing and delivery.

WHEREAS, the City intends to be on the forefront of ground breaking research, science, innovation, and development of treatment for symptoms and cures in the field of medical cannabis, as scientific research, studies, and data have established that cannabis can help patients with a vast array of medical conditions that affect human beings.

WHEREAS, nothing in this Ordinance shall be construed to allow persons to engage in conduct that violates the law, endangers others, causes a public nuisance, allows the use or diversion of cannabis for nonmedical purposes, or allows any activity relating to cannabis that is otherwise illegal under California law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ADELANTO DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2. AMC section 17.80.080 (Cultivation of Medical Marijuana) is hereby amended, and is to read in its entirety as follows:

17.80.080 Medical Cannabis Cultivation

- (a) **Purpose.** The purpose and intent of this Section is to regulate the cultivation of medical cannabis that is grown in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City is authorized to regulate this activity pursuant to the MCRSA.
- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
- (1) “Cultivation” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.
 - (2) “Cultivation Permit” means a City permit to operate an indoor medical cannabis cultivation facility pursuant to the terms and conditions of this Section and the conditions of approval for the permit.
 - (3) “Cultivation Permittee” means an applicant who has applied for and has been issued a Cultivation Permit by the City pursuant to the terms and conditions of this Section.
 - (4) “CUP” means a Conditional Use Permit issued by the City in accordance with this Code.
 - (5) “Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.
 - (6) “Indoors” means within a fully enclosed and secure structure.
 - (7) “MCRSA” means the California Medical Cannabis Regulation and Safety Act.
 - (8) “Medical cannabis” also means “medical marijuana” and shall be defined in accordance with the MCRSA, Business and Professions Code section

19300.5, Health and Safety Code section 11018, and other applicable State laws.

(9) “MMRSA” means the California Medical Marijuana Regulation and Safety Act.

(10) “Outdoors” means any location within the City that is not within a fully enclosed and secure structure.

(c) **Cannabis Cultivation Prohibited.** All cannabis cultivation within the City is prohibited except as expressly permitted by this Section.

(d) **Indoor Medical Cannabis Cultivation Conditionally Permitted.** Indoor medical cannabis cultivation is conditionally permitted in the City only as expressly specified in this Section.

(1) Indoor Medical Cannabis Cultivation Standards. Indoor medical cannabis cultivation, within the City, shall be in conformance with the following standards:

A. Indoor medical cannabis cultivation shall only be allowed upon application and approval of a Cultivation Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.

B. Indoor medical cannabis cultivation is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (“Cultivation Zone”).

C. No cannabis cultivation shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the indoor medical cannabis cultivation is, or will be located, to the nearest property line of those uses described in this Subsection.

D. An indoor medical cannabis cultivation facility may not be located within the same unit as a cannabis manufacturing facility, distribution facility, transportation facility, testing facility, or dispensary.

E. Subject to the further requirements of this Section, only the following State cultivator license classification types specified in the MCRSA and Business and Professions Code sections 19300.7

and 19332 will be allowed to operate in the City: 1A, 1B, 2A, 2B, 3A, 3B, and 4.

- F. Indoor medical cannabis cultivation is allowed only within a fully enclosed and secure structure that is inaccessible to minors.
- G. Indoor medical cannabis cultivation shall not exceed the square footage authorized pursuant to the CUP.
- H. From any public right-of-way, there shall be no visible exterior evidence of any indoor medical cannabis cultivation activity.
- I. Indoor medical cannabis cultivation activity may include growing cannabis plants, harvesting cannabis plants, and drying cannabis flowers, but shall not include any extraction procedures to produce concentrated THC.
- J. Indoor medical cannabis cultivation shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.
- K. Each indoor medical cannabis cultivation facility shall fully comply with all of the applicable restrictions and mandates set forth in State law. An indoor medical cannabis cultivation facility shall comply with all size requirements for such facility as imposed by State law. An indoor medical cannabis cultivation facility shall not engage in any activities not allowed by an indoor medical cannabis cultivation facility pursuant to State law. An indoor medical cannabis cultivation facility shall comply with all horticultural, labeling, processing, and other standards required by State law.
- L. There is no set restriction on the hours of operation of an indoor medical cannabis cultivation facility; however, restricted hours of operation may be established as a condition of approval of the Cultivation Permit or the applicable CUP.
- M. All medical cannabis shall be kept in a secured manner during all business and nonbusiness hours.
- N. An indoor medical cannabis cultivation facility shall operate within a legal structure that is compliant with all applicable State and local laws.

- O. An indoor medical cannabis cultivation facility must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- P. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of an indoor medical cannabis cultivation facility. The term “premises” as used in this Subsection includes the actual indoor medical cannabis cultivation building, as well as any accessory structures and parking areas. The indoor medical cannabis cultivation facility building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis or alcohol on the premises or in the vicinity of the facility is prohibited.
- Q. Signage for an indoor medical cannabis cultivation facility shall be limited to name of business only, shall be in compliance with the City’s sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.
- R. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. An indoor medical cannabis cultivation facility shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any indoor medical cannabis cultivation facility.
- S. Physician services shall not be provided on the premises. “Physician services” does not include social services, including counseling, help with housing and meals, hospice, and other care referrals which may be provided on site.
- T. The building in which any indoor medical cannabis cultivation facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City’s business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MCRSA. Compliance with all requirements of State law pertaining to indoor cannabis cultivation is also required.
- U. An indoor medical cannabis cultivation facility shall not manufacture, process, distribute, transport, sell, dispense, or administer cannabis from the facility, unless expressly and affirmatively authorized by State law. An indoor medical cannabis cultivation facility shall not be operated as a cannabis

manufacturing, distribution, transportation, or testing facility, or as a cannabis dispensary, unless expressly and affirmatively authorized by State law.

- V. The operators of an indoor medical cannabis cultivation facility shall provide the City Manager or the City Manager's designee with the name, phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are any operational problems associated with the indoor medical cannabis cultivation facility. An indoor medical cannabis cultivation facility shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.
- W. An indoor medical cannabis cultivation facility shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the indoor medical cannabis cultivation activities occur.
- X. An indoor medical cannabis cultivation facility shall have a security plan including the following measures:
 - 1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, cultivation areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.
 - 2. The indoor medical cannabis cultivation facility shall be alarmed with an alarm system that is operated and monitored by a reputable security company.
 - 3. Entrance to the cultivation area, and all storage areas, shall be locked at all times, and under the control of the indoor medical cannabis cultivation facility's staff.

4. The entrances and all window areas shall be illuminated during evening hours. The facility shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.
 5. All windows on the building that houses the indoor medical cannabis cultivation facility shall be appropriately secured and all cannabis securely stored.
- Y. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, the City's Code Enforcement Manager, and law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.
- Z. The City Manager, the City Manager's designee, the City's Code Enforcement Manager, and law enforcement shall have the right to enter the indoor medical cannabis cultivation facility at any time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
- AA. All batches of final cultivated cannabis must be inspected and quality tested by a qualified third party distributor and testing facility prior to distribution to a dispensary as required by the MCRSA, Business and Professions Code sections 19326 and 19342, the Department of Food and Agriculture regulations, and the State Department of Public Health regulations.
- (2) Cultivation Permit Applications. All applicants wishing to obtain a Cultivation Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Cultivation Permit Application Fee as established by the City. An application for a Cultivation Permit shall include at least the following information:
- A. An estimate of the size of the proposed indoor medical cannabis cultivation facility.
 - B. The address of the location for which the Cultivation Permit is sought. Only one Cultivation Permit will be issued per location.
 - C. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, cultivation areas, lighting, signage, etcetera.

- D. A proposed security plan in compliance with the Indoor Medical Cannabis Cultivation Standards.
- E. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the indoor medical cannabis cultivation facility. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- F. The name and address of the owner and lessor of the real property upon which the indoor medical cannabis cultivation activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that an indoor medical cannabis cultivation facility will be operated on the property.
- G. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
- H. Evidence that the indoor medical cannabis cultivation facility will be located in a legal structure that is compliant with all applicable State and local laws.
- I. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.
- J. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.
- K. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Cultivation Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the indoor medical cannabis cultivation facility ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.
- L. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level of service and opportunities for residents of the City based on the

requirements of this Section and the following criteria (“Merit List”):

1. The operational plan for the facility.
2. The security plan for the facility.
3. The experience of the operators of the facility.
4. The adequacy of capitalization for the facility and its operations.
5. The employment of City residents and other public benefits to the City.

(3) Cultivation Permit. The following conditions apply to each Cultivation Permit:

- A. A Cultivation Permit will not be awarded to an applicant if:
 1. The applicant or the Applicant’s Agents made one or more false or misleading statements or omissions in the application or during the application process.
 2. The proposed indoor medical cannabis cultivation facility is not allowed by State or local law.
 3. The applicant is not a legal representative of the indoor medical cannabis cultivation facility.
 4. The applicant or the Applicant’s Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or any such similar activity related to controlled substances, with the exception of cannabis related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
 5. The applicant or the Applicant’s Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
 6. The applicant has not satisfied each and every requirement of this Section.

- B. A Cultivation Permit shall be awarded by the City to eligible Cultivation Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Cultivation Permits shall be limited to those that may be reasonably accommodated within the Cultivation Zone as determined by the City Manager or the City Manager's designee.
- C. Before a Cultivation Permit can be issued to an applicant, Cultivation Permit fees must be paid to offset all related costs to the City, and the proposed indoor medical cannabis cultivation facility location must pass all applicable inspections.
- D. Only one Cultivation Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
- E. A Cultivation Permit is subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the indoor medical cannabis cultivation activity occurs.
- F. A Cultivation Permits is subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the activity and protect the public.
- G. All cultivation activities shall be subject to an excise tax to be established by the City and the voters.
- H. A Cultivation Permittee may not hold or use any other cannabis activity permits or licenses that would otherwise be a violation of this Section, the MCRSA, or Business and Professions Code section 19328.
- I. A Cultivation Permittee shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Cultivation Permit and the indoor medical cannabis cultivation activity.
- J. A Cultivation Permittee shall:
 - 1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
 - 2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities

associated with the Cultivation Permit, the Cultivation Permittee's cannabis related activities, and any action taken by the Cultivation Permittee pursuant to this Section.

3. Agree to defend the City, at the Cultivation Permittee's sole expense, in any action against the City or its agents, officers, or employees associated with the Cultivation Permit, the Cultivation Permittee's cannabis related activities, or any action taken by the Cultivation Permittee pursuant to this Section.
 4. Agree to reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Cultivation Permit, the Cultivation Permittee's cannabis related activities, or any action taken by the Cultivation Permittee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.
- K. A Cultivation Permittee shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the indoor medical cannabis cultivation facility at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- L. A Cultivation Permittee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Cultivation Permittee at the indoor medical cannabis cultivation facility shall be residents of the City. A Cultivation Permittee shall use good faith efforts to comply with this subsection and shall report the residential composition of its workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.
- M. A Cultivation Permit issued pursuant to this Section is not transferable to any third parties under any circumstances.
- N. A Cultivation Permits shall expire and be null and void 12 months after issuance to the Cultivation Permittee unless properly renewed. Upon payment of the applicable Cultivation Permit fees and passing the requisite Cultivation Permit inspections, a Cultivation Permittee that has maintained compliance with all City, State, and

other applicable cannabis and business related laws shall be entitled to renew its Cultivation Permit subject to all prevailing laws at the time of renewal.

O. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any medical cannabis cultivation activities or for the activities of any indoor medical cannabis cultivation facility.

(4) Conditional Use Permit. All parcels of real property in the Cultivation Zone upon which indoor medical cannabis cultivation activities may occur must obtain a CUP from the City for all such activities.

(5) Oversight Consultants. The City Manager or the City Manager's designee may establish an Oversight Consultant List to provide advice to City staff regarding the practical regulation of medical cannabis activities in the City on an as needed basis. The Oversight Consultant List will consist of experts and experienced participants in various disciplines related to commercial medical cannabis activities. The Oversight Consultants will not be a public body, will not meet on a regular schedule, and will not make or influence policy decisions by City staff. Rather specific individuals from the Oversight Consultant List will be contacted as necessary to provide specific advice based on their experience and expertise as a resource for City staff. The Oversight Consultants, as private citizens, may also proactively monitor medical cannabis activities in the City and report findings as necessary to City staff.

(e) **Enforcement.**

(1) Any cannabis cultivation within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.

(2) Any party who engages in a violation of this Section, or who owns, possesses, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.

(3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.

(4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense.

(5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense.

- (6) Any violation of this Section or any other City or State cannabis law by a Cultivation Permittee or a Cultivation Permittee's agent is grounds for revoking the Cultivation Permittee's Cultivation Permit. In addition, the City Manager or the City Manager's designee may revoke a Cultivation Permit if any of the following occur:
 - A. The City Manager or the City Manager's designee determines that the indoor medical cannabis cultivation facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.
 - B. The indoor medical cannabis cultivation operations cease for more than 90 calendar days.
 - C. Ownership of the indoor medical cannabis cultivation facility is changed or transferred to a third party.
 - D. The indoor medical cannabis cultivation facility fails to maintain 120 hours of security recordings.
 - E. The indoor medical cannabis cultivation facility fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, the Code Enforcement Manager, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.
- (7) Any decision regarding the revocation of a Cultivation Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Cultivation Permit was improperly revoked. The Hearing Officer's decision shall be final and binding upon the City and the appellant.
- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

SECTION 3. AMC section 17.80.090 (Manufacturing of Medical Marijuana) is hereby amended, and is to read in its entirety as follows:

17.80.090 Medical Cannabis Manufacturing

- (a) **Purpose.** The purpose and intent of this Section is to regulate the manufacturing of medical cannabis that is processed in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and

businesses within the City. The City intends to be on the forefront of medical cannabis research and manufacturing. The City is authorized to regulate this activity pursuant to the MCRSA.

- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
- (1) “CUP” means a Conditional Use Permit issued by the City in accordance with this Code.
 - (2) “Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.
 - (3) “Manufacturer” and “manufacturing” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.
 - (4) “Manufacturing Permit” means a City permit to operate a medical cannabis manufacturing facility pursuant to the terms and conditions of this Section and the conditions of approval for the permit.
 - (5) “Manufacturing Permittee” means an applicant who has applied for and has been issued a Manufacturing Permit by the City pursuant to the terms and conditions of this Section.
 - (6) “MCRSA” means the California Medical Cannabis Regulation and Safety Act.
 - (7) “Medical cannabis” also means “medical marijuana” and shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.
 - (8) “MMRSA” means the California Medical Marijuana Regulation and Safety Act.
- (c) **Cannabis Manufacturing Prohibited.** All cannabis manufacturing within the City is prohibited except as expressly permitted by this Section.
- (d) **Medical Cannabis Manufacturing Conditionally Permitted.** Medical cannabis manufacturing is conditionally permitted in the City only as expressly specified in this Section.

- (1) Medical Cannabis Manufacturing Standards. Medical cannabis manufacturing, within the City, shall be in conformance with the following standards:
 - A. Medical cannabis manufacturing shall only be allowed upon application and approval of a Manufacturing Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.
 - B. Medical cannabis manufacturing is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (“Manufacturing Zone”).
 - C. No cannabis manufacturing shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the medical cannabis manufacturing is, or will be located, to the nearest property line of those uses described in this Subsection.
 - D. A medical cannabis manufacturing facility may not be located within the same unit a cannabis indoor cultivation facility, distribution facility, transportation facility, or dispensary.
 - E. Subject to the further requirements of this Section, only State manufacturer license classification type 6 level 1 will be allowed to operate in the City using nonvolatile solvents in accordance with the MCRSA and Business and Professions Code sections 19300.7 and 19341.
 - F. Medical cannabis manufacturing is allowed only within fully enclosed and secure structures that are inaccessible to minors.
 - G. Medical cannabis manufacturing shall not exceed the square footage authorized pursuant to the CUP.
 - H. From any public right-of-way, there shall be no visible exterior evidence of any medical cannabis manufacturing activity.
 - I. Medical cannabis manufacturing shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.

- J. Each medical cannabis manufacturing facility shall fully comply with all of the applicable restrictions and mandates set forth in State law. A medical cannabis manufacturing facility shall comply with all size requirements for such facility as imposed by State law. A medical cannabis manufacturing facility shall not engage in any activities not allowed by a medical cannabis manufacturing facility pursuant to State law. A medical cannabis manufacturing facility shall comply with all horticultural, labeling, processing, and other standards required by State law.
- K. There is no set restriction on the hours of operation of a medical cannabis manufacturing facility; however, restricted hours of operation may be established as a condition of approval of the Manufacturing Permit or the applicable CUP.
- L. All medical cannabis shall be kept in a secured manner during all business and nonbusiness hours.
- M. A medical cannabis manufacturing facility shall operate within a legal structure that is compliant with all applicable State and local laws.
- N. A medical cannabis manufacturing facility must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- O. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of a medical cannabis manufacturing facility. The term “premises” as used in this Subsection includes the actual medical cannabis manufacturing building, as well as any accessory structures and parking areas. The medical cannabis manufacturing facility building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis or alcohol on the premises or in the vicinity of the facility is prohibited.
- P. Signage for a medical cannabis manufacturing facility shall be limited to name of business only, shall be in compliance with the City’s sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.
- Q. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A Medical cannabis manufacturing facility shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcoholic beverages shall not be provided, stored, kept,

located, sold, dispensed, or used on the premises of any medical cannabis manufacturing facility.

- R. Physician services shall not be provided on the premises. “Physician services” does not include social services, including counseling, help with housing and meals, hospice, and other care referrals which may be provided on site.
- S. The building in which any medical cannabis manufacturing facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City’s business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MCRSA. Compliance with all requirements of State law pertaining to medical cannabis manufacturing is also required.
- T. A medical cannabis manufacturing facility shall not grow, cultivate, distribute, transport, sell, dispense, or administer cannabis from the facility, unless expressly and affirmatively authorized by State law. A medical cannabis manufacturing facility shall not be operated as a cannabis cultivation, distribution, transportation, or testing facility, or as a cannabis dispensary, unless expressly and affirmatively authorized by State law.
- U. The operators of a medical cannabis manufacturing facility shall provide the City Manager or the City Manager’s designee with the name, phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are any operational problems associated with the medical cannabis manufacturing facility. A medical cannabis manufacturing facility shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.
- V. A medical cannabis manufacturing facility shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the medical cannabis manufacturing activities occur.
- W. A medical cannabis manufacturing facility shall have a security plan including the following measures:
 - 1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a

format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, manufacturing areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.

2. The medical cannabis manufacturing facility shall be alarmed with an alarm system that is operated and monitored by a reputable security company.
 3. Entrance to the manufacturing area, and all storage areas, shall be locked at all times, and under the control of the medical cannabis manufacturing facility's staff.
 4. The entrances and all window areas shall be illuminated during evening hours. The facility shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.
 5. All windows on the building that houses the medical cannabis manufacturing facility shall be appropriately secured and all cannabis securely stored.
- X. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, or law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.
- Y. The City Manager, the City Manager's designee, and law enforcement shall have the right to enter the medical cannabis manufacturing facility at any time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
- Z. A medical cannabis manufacturing facility must employ full time quality control personnel. The Manufacturing Permittee must establish Standard Operating Procedures and Batch Records that comply with current Good Manufacturing Practices and the

MCRSA for all food products, as outlined by the State Department of Public Health and the Food and Drug Administration.

- AA. All finished products produced by a medical cannabis manufacturing facility must be labeled in compliance with the MCRSA, Business and Profession Code section 19347, and the labeling requirements outlined by the State Department of Public Health.
- BB. All finished products produced by a medical cannabis manufacturing facility must be packaged in child resistant containers prior to leaving the facility or becoming commercially available in accordance with the MCRSA, Business and Profession Code section 19347, the State Department of Public Health regulations, and other applicable State laws.
- CC. All batches of final cannabis products must be inspected and quality tested by a qualified third party distributor and testing facility prior to distribution to a dispensary as required by the MCRSA, Business and Professions Code sections 19326 and 19342, the Department of Food and Agriculture regulations, and the State Department of Public Health regulations.
- DD. A medical cannabis manufacturing facility shall only use nonvolatile solvents that have been approved by the State Department of Public Health for medical cannabis level 1 manufacturing. Until such time as any such nonvolatile solvents are approved by the State Department of Public Health for medical cannabis level 1 manufacturing, a medical cannabis manufacturing facility shall only use nonvolatile solvents that have been approved by the Food and Drug Administration for the processing and preparation of botanical dietary supplements or food grade products.
- EE. All processing and analytical testing devices used by a medical cannabis manufacturing facility must be UL listed, or otherwise approved for the intended use by the City's Building Official or the Fire Department. Any processing devices using only non-pressurized water are exempt from such approval.
- FF. Unless otherwise prohibited, all processing devices used by a medical cannabis manufacturing facility that utilize hydrocarbons or otherwise flammable solvents must operate in a closed loop, or in such a way that all solvent material is recovered in the process. All hazardous material must be disposed of in a manner which is compliant with all local, State, and federal guidelines for the disposal of hazardous materials.

- (2) Manufacturing Permit Applications. All applicants wishing to obtain a Manufacturing Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Manufacturing Permit Application Fee as established by the City. An application for a Manufacturing Permit shall include at least the following information:
- A. An estimate of the size of the proposed medical cannabis manufacturing facility.
 - B. The address of the location for which the Manufacturing Permit is sought. Only one Manufacturing Permit will be issued per location.
 - C. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, manufacturing areas, lighting, signage, etcetera.
 - D. A proposed security plan in compliance with the Medical Cannabis Manufacturing Standards.
 - E. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the medical cannabis manufacturing facility. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
 - F. The name and address of the owner and lessor of the real property upon which the medical cannabis manufacturing activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical cannabis manufacturing facility will be operated on the property.
 - G. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
 - H. Evidence that the medical cannabis manufacturing facility will be located in a legal structure that is compliant with all applicable State and local laws.
 - I. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.

- J. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.
- K. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Manufacturing Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the medical cannabis manufacturing facility ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.
- L. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level of service and opportunities for residents of the City based on the requirements of this Section and the following criteria ("Merit List"):
 - 1. The operational plan for the facility.
 - 2. The security plan for the facility.
 - 3. The experience of the operators of the facility.
 - 4. The adequacy of capitalization for the facility and its operations.
 - 5. The employment of City residents and other public benefits to the City.

(3) Manufacturing Permit. The following conditions apply to each Manufacturing Permit:

- A. A Manufacturing Permit will not be awarded to an applicant if:
 - 1. The applicant or the Applicant's Agents made one or more false or misleading statements or omissions in the application or during the application process.
 - 2. The proposed medical cannabis manufacturing facility is not allowed by State or local law.
 - 3. The applicant is not a legal representative of the medical cannabis manufacturing facility.

4. The applicant or the Applicant's Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or any such similar activity related to controlled substances, with the exception of cannabis related offenses for which the conviction occurred prior to passage of the Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
 5. The applicant or the Applicant's Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
 6. The applicant has not satisfied each and every requirement of this Section.
- B. A Manufacturing Permit shall be awarded by the City to eligible Manufacturing Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Manufacturing Permits shall be limited to those that may be reasonably accommodated within the Manufacturing Zone as determined by the City Manager or the City Manager's designee.
 - C. Before a Manufacturing Permit can be issued to an applicant, Manufacturing Permit fees must be paid to offset all related costs to the City, and the proposed medical cannabis manufacturing facility location must pass all applicable inspections.
 - D. Only one Manufacturing Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
 - E. A Manufacturing Permit is subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the medical cannabis manufacturing activity occurs.
 - F. A Manufacturing Permit is subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the activity and protect the public.
 - G. All manufacturing activities shall be subject to an excise tax to be established by the City and the voters.

- H. A Manufacturing Permittee may not hold or use any other cannabis activity permits or licenses that would otherwise be a violation of the MCRSA or Business and Professions Code section 19328.
- I. A Manufacturing Permittee shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Manufacturing Permit and the medical cannabis manufacturing activity.
- J. A Manufacturing Permittee shall:
 - 1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
 - 2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Manufacturing Permit, the Manufacturing Permittee's cannabis related activities, and any action taken by the Manufacturing Permittee pursuant to this Section.
 - 3. Agree to defend the City, at the Manufacturing Permittee's sole expense, in any action against the City or its agents, officers, or employees associated with the Manufacturing Permit, the Manufacturing Permittee's cannabis related activities, or any action taken by the Manufacturing Permittee pursuant to this Section.
 - 4. Agree to reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Manufacturing Permit, the Manufacturing Permittee's cannabis related activities, or any action taken by the Manufacturing Permittee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.
- K. A Manufacturing Permittee shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the medical cannabis manufacturing facility at all times. Relevant criminal histories shall include any drug-

related or felony convictions, the nature of such offenses, and the sentences received for such convictions.

L. A Manufacturing Permittee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Manufacturing Permittee at the medical cannabis manufacturing facility shall be residents of the City. A Manufacturing Permittee shall use good faith efforts to comply with this subsection and shall report the residential composition of its workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.

M. A Manufacturing Permit issued pursuant to this Section is not transferable to any third parties under any circumstances.

N. A Manufacturing Permit shall expire and be null and void 12 months after issuance to the Manufacturing Permittee unless properly renewed. Upon payment of the applicable Manufacturing Permit fees and passing the requisite Manufacturing Permit inspections, a Manufacturing Permittee that has maintained compliance with all City, State, and other applicable cannabis and business related laws shall be entitled to renew its Manufacturing Permit subject to all prevailing laws at the time of renewal.

O. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any medical cannabis manufacturing activities or for the activities of any medical cannabis manufacturing facility.

(4) Conditional Use Permit. All parcels of real property in the Manufacturing Zone upon which medical cannabis manufacturing activities may occur must obtain a CUP from the City for all such activities.

(e) **Enforcement.**

(1) Any cannabis manufacturing within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.

(2) Any party who engages in a violation of this Section, or who owns, possess, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.

(3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.

- (4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense.
- (5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense.
- (6) Any violation of this Section or any other City or State cannabis law by a Manufacturing Permittee or a Manufacturing Permittee's agent is grounds for revoking the Manufacturing Permittee's Manufacturing Permit. In addition, the City Manager or the City Manager's designee may revoke a Manufacturing Permit if any of the following occur:
 - A. The City Manager or the City Manager's designee determines that the medical cannabis manufacturing facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.
 - B. The medical cannabis manufacturing operations cease for more than 90 calendar days.
 - C. Ownership of the medical cannabis manufacturing facility is changed or transferred to a third party.
 - D. The medical cannabis manufacturing facility fails to maintain 120 hours of security recordings.
 - E. The medical cannabis manufacturing facility fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, the Code Enforcement Manager, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.
- (7) Any decision regarding the revocation of a Manufacturing Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Manufacturing Permit was improperly revoked. The Hearing Officer's decision shall be final and binding upon the City and the appellant.
- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

SECTION 4. AMC section 17.80.050 (Medical Marijuana Dispensaries) is hereby repealed in its entirety.

SECTION 5. AMC section 17.80.120 (Medical Cannabis Dispensaries) is hereby added, and is to read in its entirety as follows:

17.80.120 Medical Cannabis Dispensaries

- (a) **Purpose.** The purpose and intent of this Section is to regulate the dispensing and delivery of medical cannabis that is sold in accordance with State law in order to promote the health, safety, and general welfare of the residents and businesses within the City. The City is authorized to regulate this activity pursuant to the MCRSA.
- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
 - (1) “CUP” means a Conditional Use Permit issued by the City in accordance with this Code.
 - (2) “Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.
 - (3) “Deliver,” “Delivering,” and “Delivery” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.
 - (4) “Dispensary,” “Dispense,” and “Dispensing” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws. Dispensing shall include the acts of advertising, offering for sale, selling, providing, giving away, and delivering any medical cannabis products to any individual, customer, qualified patient, primary care provider, or end user.
 - (5) “Dispensary Permit” means a City permit to dispense and deliver medical cannabis in accordance with the terms and conditions of this Section and the conditions of approval for the permit.
 - (6) “Dispensary Permittee” means a person or entity that has been issued a Dispensary Permit by the City pursuant to the terms and conditions of this Section.
 - (7) “MCRSA” means the California Medical Cannabis Regulation and Safety Act.

- (8) “Medical cannabis” also means “medical marijuana” and shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.
 - (9) “Medical Cannabis Permittee” means a person or entity that has been issued a permit by the City, or another city in the State of California in accordance with the MCRSA or other applicable State laws, to participate in a commercial medical cannabis activity, such as cultivation, manufacturing, distribution, transportation, testing, or dispensing.
 - (10) “MMRSA” means the California Medical Marijuana Regulation and Safety Act.
- (c) **Cannabis Dispensing and Delivery Prohibited.** All cannabis dispensing and delivery within the City is prohibited except as expressly permitted by this Section.
- (d) **Dispensing and Delivery of Medical Cannabis Conditionally Permitted.** Dispensing and delivery of medical cannabis is conditionally permitted in the City only as expressly specified in this Section.
- (1) Medical Cannabis Dispensary Standards. Medical cannabis dispensing and delivery within the City shall be in conformance with the following standards:
- A. Medical cannabis dispensing and delivery shall only be allowed upon application and approval of a Dispensary Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.
 - B. Medical cannabis dispensing and delivery is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (“Dispensary Zone”).
 - C. Medical cannabis dispensing activities may only include the selling of medical cannabis from a dispensary and the delivery of medical cannabis from a dispensary to a qualified patient or primary caregiver.
 - D. No cannabis dispensing or delivery shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the cannabis dispensing or delivery activity is,

or will be, located to the nearest property line of those uses described in this Subsection.

- E. Cannabis dispensaries may not be located within the same unit of a building or structure as an indoor cannabis cultivation, manufacturing, distribution, transportation, or testing facility.
- F. Medical cannabis dispensing and delivery is allowed only within fully enclosed and secure structures that are inaccessible to minors.
- G. Medical cannabis dispensing and delivery activities shall not exceed the square footage authorized pursuant to the applicable CUP.
- H. From any public right-of-way, there shall be no visible exterior evidence of any cannabis dispensing or delivery activity.
- I. Cannabis dispensing and delivery shall not adversely affect the health or safety of any nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.
- J. Each cannabis dispensary shall fully comply with all of the applicable restrictions and mandates set forth in State law. Each cannabis dispensary shall comply with all size requirements for such facility as imposed by State law. A cannabis dispensary shall not engage in any activities not allowed by a medical cannabis dispensary pursuant to State law. A cannabis dispensary shall comply with all horticultural, labeling, processing, and other standards required by State law.
- K. Medical cannabis dispensaries shall only be operated between the hours of 6:00 a.m. and 9:00 p.m. or as otherwise established as a condition of approval of the Dispensary Permit or the applicable CUP.
- L. All cannabis shall be kept in a secured manner during all business and nonbusiness hours.
- M. Each cannabis dispensary shall operate within a legal structure that is compliant with all applicable State and local laws.
- N. Each cannabis dispensary must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- O. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of all cannabis dispensaries

except for medical cannabis used by qualified patients in well ventilated private lounges that are partitioned off from access to all other areas of the dispensary, are designed to prevent the flow of smoke to any other area, and are otherwise operated in compliance with Labor Code section 6404.5 and other applicable State laws for “private smokers’ lounges.” The term “premises” as used in this Subsection includes the actual cannabis dispensary building, as well as any accessory structures and parking areas. The cannabis dispensary building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis or alcohol on the premises, or in the vicinity of the dispensary, is prohibited except in designated lounges that comply with the mandates of this Subsection.

- P. Signage for each cannabis dispensary shall be limited to name of the business only, shall be in compliance with the City’s sign code, and shall contain no advertising of any other companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.
- Q. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A cannabis dispensary shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any cannabis dispensary.
- R. Physician services and medical cannabis recommendations shall not be provided on the cannabis dispensary premises.
- S. The building in which any dispensary is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City’s business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MCRSA. Compliance with all requirements of State law pertaining to medical cannabis dispensing and delivery is also required.
- T. A cannabis dispensary shall not grow, cultivate, manufacture, or process cannabis from the dispensary, unless expressly and affirmatively authorized by State law. A cannabis dispensary shall not be operated as a cannabis cultivation, manufacturing, distribution, transportation, or testing facility, unless expressly and affirmatively authorized by State law.

- U. The operators of a cannabis dispensary shall provide the City Manager or the City Manager's designee with the name, cell phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are any operational problems associated with the cannabis dispensary. Each cannabis dispensary shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.
- V. A cannabis dispensary shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the cannabis dispensing or delivery activities occur.
- W. Dispensary Permittees shall implement sufficient security measures to both deter and prevent unauthorized entrance into areas containing medical cannabis products and theft of medical cannabis products from the dispensary.
- X. A cannabis dispensary shall have a security plan including the following measures:
 - 1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, seven days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, dispensing areas, delivery areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager, the Code Enforcement Manager, and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.
 - 2. The cannabis dispensary shall be secured with an alarm system that is operated and monitored by a reputable security company.
 - 3. Entrance to the dispensing or delivery areas, and all storage areas, shall be locked at all times, and under the control of the medical cannabis dispensary's staff.

4. All medical cannabis shall be stored in a secured and locked room, safe, or vault, and in a manner as to prevent diversion, theft, or loss.
 5. The entrances and all window areas shall be illuminated during evening hours. The dispensary shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.
 6. All windows on the building that houses the cannabis dispensary shall be appropriately secured.
 7. No loitering—individuals shall not be allowed to remain on the premises of the dispensary unless they are engaging in activity expressly related to the operations of the dispensary.
- Y. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, the City's Code Enforcement Manager, and law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.
- Z. The City Manager, the City Manager's designee, the City's Code Enforcement Manager, and law enforcement shall have the right to enter the cannabis dispensary at any time, unannounced, for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
- AA. A Dispensary Permittee shall notify the City Manager or the City Manager's designee within 24 hours of discovering any of the following:
1. Significant discrepancies identified during inventory. The level of significance shall be determined by the City Manager or the City Manager's designee.
 2. Diversion, theft, loss, or any criminal activity involving the dispensary or any agent or employee of the dispensary.
 3. The loss or unauthorized alteration of records related to medical cannabis, registered qualifying patients, primary caregivers, or dispensary agents or employees.
 4. Any other breach of security.

- BB. A Dispensary Permittee shall not dispense or deliver medical cannabis to any person without a physician's recommendation.
- CC. A Dispensary Permittee shall only dispense or deliver medical cannabis to individuals who provide government-issued identification and adequate documentation demonstrating qualification to purchase, obtain, or possess medical cannabis.
- DD. Physician's recommendations shall be verified by a Dispensary Permittee prior to dispensing or delivering any medical cannabis to a qualified patient or primary caregiver, and at least every six months thereafter.
- EE. A dispensary may not employ or enter into any agreements with any physicians who recommend medical cannabis.
- FF. A Dispensary Permittee shall inspect all cannabis and cannabis products received for quality assurance prior to dispensing or delivering to any person.
- GG. Each dispensary shall dispense and deliver medical cannabis products only after those medical cannabis products have been inspected and quality tested by a qualified third party testing facility as required by the MCRSA, Business and Professions Code sections 19326 and 19342, the Department of Food and Agriculture regulations, and the State Department of Public Health regulations.
- HH. Each dispensary shall do regular monthly inventories, and shall record the total quantity of cannabis on the premises. These records shall be maintained for three years from the date created and shall be open to inspection by the City Manager, the City Manager's Designee, Code Enforcement, and law enforcement.
- II. A Dispensary Permittee shall register with the City each location where cannabis is stored for purposes of dispensing or delivery.
- JJ. A dispensary shall maintain patient records in a secure location within the City, available for inspection upon demand by the City Manager, the City Manager's designee, Code Enforcement, or law enforcement. Such records shall include, without limitation, a copy of the physician's recommendation and, if using a primary caregiver, a notarized written authorization from the patient to be represented by such primary caregiver.
- KK. During the delivery of medical cannabis, each vehicle driver shall carry a copy of the Dispensary Permit, a copy of the delivery

request, a form of government-issued identification, and all other information required by State law. The driver shall present these documents upon the request of law enforcement, Code Enforcement, the City Manager, or the City Manager's designee.

LL. Prior to sale at a dispensary or delivery, cannabis products shall be labeled and placed in a tamper-evident package. Labels and packages of medical cannabis products shall, at minimum, meet the requirements specified under Business and Professions Code section 19347 and other applicable State laws.

MM. All cannabis delivery vehicles shall:

1. Be equipped with, and utilize, a vehicle alarm system.
2. Have and utilize a direct communication system with the dispensary.
3. Keep all cannabis in a secure and locked container.
4. Have an internal partition between the driver and all passengers from the cannabis storage containers that prevents access by the driver and passengers to all cannabis products from inside the vehicle.
5. Not carry more cannabis than allowed by State law and required to fulfill all immediate delivery requests.

(2) Dispensary Permit Applications. All applicants wishing to obtain a Dispensary Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Dispensary Permit Application Fee as established by the City. An application for a Dispensary Permit shall include at least the following information:

- A. The address of the applicant's headquarters.
- B. An estimate of the size of the proposed medical cannabis dispensary.
- C. The address of the location for which the Dispensary Permit is sought. Only one Dispensary Permit will be issued per location.
- D. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, dispensing and delivery areas, lighting, signage, etcetera.
- E. A proposed security plan in compliance with the Medical Cannabis Dispensary Standards.

- F. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the dispensary. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- G. The name and address of the owner and lessor of the real property upon which the medical cannabis dispensary activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical cannabis dispensary may be operated on the property.
- H. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
- I. Evidence that the medical cannabis dispensary will be located in a legal structure that is compliant with all applicable State and local laws.
- J. Evidence that the medical cannabis dispensary has registered with the City all locations where medical cannabis will be stored for purposes of dispensing or delivery.
- K. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.
- L. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.
- M. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Dispensary Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the medical cannabis dispensary ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.

N. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level of service and opportunities for residents of the City based on the requirements of this Section and the following criteria ("Merit List"):

1. The operational plan for the dispensary.
2. The security plan for the dispensary.
3. The experience of the operators of the dispensary.
4. The adequacy of capitalization for the dispensary and its operations.
5. The employment of City residents and other public benefits to the City.

(3) Dispensary Permit. The following conditions apply to each Dispensary Permit:

A. A Dispensary Permit will not be awarded to an applicant if:

1. The applicant or the Applicant's Agents made one or more false or misleading statements or omissions in the application or during the application process.
2. The proposed medical cannabis dispensary is not allowed by State or local law.
3. The applicant is not a legal representative of the medical cannabis dispensary.
4. The applicant or the Applicant's Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, distribution, transportation, or any such similar activity related to controlled substances, with the exception of cannabis related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
5. The applicant or the Applicant's Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

6. The applicant has not satisfied each and every requirement of this Section.
- B. A Dispensary Permit shall be awarded by the City to eligible Dispensary Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Dispensary Permits shall be limited to those that may be reasonably accommodated within the Dispensary Zone as determined by the City Manager or the City Manager's designee.
- C. Only one Dispensary Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
- D. A Dispensary Permit is subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the medical cannabis dispensing or delivery activity occurs.
- E. A Dispensary Permit is subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the cannabis dispensing or delivery activities and to protect the public.
- F. A Dispensary Permittee may not hold or use any other cannabis related permits or licenses that would otherwise be a violation of this Code, the MCRSA, or Business and Professions Code section 19328.
- G. Before a Dispensary Permit will be issued to an applicant, Dispensary Permit fees must be paid to offset all foreseeable costs to the City for all dispensary related operations. Dispensary Permittees shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Dispensary Permit and the cannabis dispensing and delivery activity no collected at the time the Dispensary Permit is issued.
- H. A Dispensary Permittee shall:
 1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
 2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Dispensary Permit, the Dispensary

Permitee's cannabis related activities, and any action taken by the Dispensary Permitee pursuant to this Section.

3. Defend the City, at the Dispensary Permitee's sole expense, in any action against the City or its agents, officers, or employees associated with the Dispensary Permit, the Dispensary Permitee's cannabis related activities, or any action taken by the Dispensary Permitee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Dispensary Permitee of its indemnification and reimbursement obligations.
 4. Reimburse the City for all costs, expenses, fees, and attorneys' fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Dispensary Permit, the Dispensary Permitee's cannabis related activities, or any action taken by the Dispensary Permitee pursuant to this Section.
- I. Each Dispensary Permitee shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the medical cannabis dispensary at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of any such offenses, and the sentences received for such convictions.
 - J. A Dispensary Permitee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50 percent of all employees employed by the Dispensary Permitee at the medical cannabis dispensary shall be residents of the City. A Dispensary Permitee shall use good faith efforts to comply with this Subsection and shall report the residential composition of its workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.
 - K. A Dispensary Permit issued pursuant to this Section is not transferable to any third parties under any circumstances.
 - L. A Dispensary Permit shall expire and be null and void 12 months after issuance to the Dispensary Permitee unless properly renewed. Upon payment of the applicable Dispensary Permit fees, and passing the requisite Dispensary Permit inspections, a Dispensary Permitee that has maintained compliance with all City, State, and other applicable cannabis and business related laws shall be

entitled to renew its Dispensary Permit subject to all prevailing laws at the time of renewal.

M. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any cannabis dispensing or delivery activities, or for the activities of any cannabis dispensary.

(4) Conditional Use Permit. All parcels of real property in the Dispensary Zone, upon which cannabis dispensing or delivery activities may occur, must obtain a CUP from the City for all such activities.

(e) **Enforcement.**

(1) Any cannabis dispensing or delivery activities within the City in violation of this Section are hereby declared to be unlawful and a public nuisance.

(2) Any party who engages in any violation of this Section, or who owns, possesses, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.

(3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.

(4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense per day.

(5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense per day.

(6) Any violation of this Section or any other City or State cannabis law by a Dispensary Permittee, or a Dispensary Permittee's agent, is grounds for revoking the relevant Dispensary Permit. In addition, the City Manager or the City Manager's designee may revoke a Dispensary Permit if any of the following occur:

A. The City Manager or the City Manager's designee determines that the cannabis dispensary has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.

B. The medical cannabis dispensing or delivery operations cease for more than 90 calendar days.

C. Ownership of the medical cannabis dispensary is changed or transferred to a third party.

- D. The medical cannabis dispensary fails to maintain 120 hours of security recordings.
 - E. The medical cannabis dispensary fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, the Code Enforcement Manager, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.
- (7) Any decision regarding the revocation of a Dispensary Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision to revoke the Dispensary Permit. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Dispensary Permit was improperly revoked. The Hearing Officer's decision shall be final and binding upon the City and the appellant.
- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

SECTION 6. Recognizing that there is a potential conflict between federal and State law, it is the City Council's intention that this Ordinance shall be deemed to comply with California law as established by the MCRSA.

SECTION 7. The City Council determines that it is in the best interest of the residents of the City to allow dispensaries that comply with the MCRSA to be established and operated as permitted uses within certain areas of the City subject to the regulations and restrictions provided in this Ordinance. It is the City Council's intention that nothing in this Ordinance shall be construed to:

1. Allow persons to engage in conduct that endangers others or causes a public nuisance.
2. Allow the use of cannabis for nonmedical purposes of any kind.
3. Allow any activity relating to cannabis that is otherwise not permitted under State law.

SECTION 8. The City Council finds that these amendments to the Zoning Code are consistent with the goals, policies, and objectives of the City's General Plan, and that they will not adversely affect properties surrounding the Dispensary Zone, which is the exact same area as the pre-existing cannabis Cultivation, Manufacturing, Distribution/Transportation, and Testing Zones.

SECTION 9. The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) and

15305 of the Guidelines, in that the Ordinance alone does not have the potential for causing a significant effect on the environment. Further permits and approvals will be required before any activity that will affect the environment will be permitted.

SECTION 10. No use, business, or activity of any kind that dispensed or delivered medical cannabis prior to the enactment of this Ordinance shall be deemed to have been a legally established use, and any such use shall not be entitled to claim legal nonconforming status.

SECTION 11. If any section or provision of this Ordinance is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Ordinance shall remain in full force and effect.

SECTION 12. By regulating medical cannabis dispensaries, the City is only undertaking to preserve the general welfare through implementing the MCRSA. The City Council is not assuming, nor is it imposing on its officers and employees, an obligation for which a breach thereof would expose the City to liability in money damages to any person who claims that such breach proximately caused injury. To the fullest extent permitted by law, the City shall assume no liability whatsoever, and expressly does not waive sovereign immunity, with respect to any provision of this Ordinance or for the activities of any medical cannabis dispensary. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this Ordinance shall not become a personal liability of any public officer or employee of the City. Nothing in this Ordinance shall be deemed or considered in any respects to constitute authorization to violate any law.

SECTION 13. The Mayor shall sign and the City Clerk shall certify passage and adoption of this Ordinance, and the City Clerk shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect 30 days after its final passage.

PASSED, APPROVED, and ADOPTED this 9th day of November, 2016.

Rich Kerr, *Mayor*

Cynthia M. Herrera, MMC, *City Manager/
City Clerk*

APPROVED AS TO FORM:

Curtis R. Wright, *City Attorney*

I, Cindy Herrera, City Manager/City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Ordinance No. 553 was duly introduced for first reading on October 26, 2016 and regularly adopted at a regular meeting of the City Council of the City of Adelanto on November 9, 2016 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 9th day of November, 2016.

Cynthia M. Herrera, MMC, *City Manager/
City Clerk*

SEAL

RESOLUTION 16-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA, ADOPTING MEDICAL CANNABIS DISPENSARY PERMIT APPLICATION FEES AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, the City of Adelanto (“City”) has adopted Ordinance 553.

WHEREAS, Ordinance 553 requires an application fee be established by the City.

WHEREAS, Chapter 17.80 of the Adelanto Municipal Code (“AMC”) has been amended to allow dispensaries for the medical cannabis industry.

WHEREAS, the proposed fees are in compliance with California Government Code section 66000 et sequentes regarding “Reasonable Relationship.”

WHEREAS, fees have been proposed for the Medical Cannabis Dispensary Permits.

WHEREAS, the project has been found environmentally exempt under Section 15273 (a) (1) of the California Environmental Quality Act (“CEQA”).

WHEREAS, a duly noticed public hearing was held before the City Council on October 26, 2016 to hear public testimony and consider the proposals.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ADELANTO DOES RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. The City Council has reviewed and considered the information included in Ordinance 553 and Staff Report for the public hearing and public testimony prior to taking action on the proposed Resolution. This information is on file and available at the City Clerk’s Office at the City Hall of the City of Adelanto.

SECTION 3. The City Council finds and determines that the adoption of Resolution 16-69 is exempt from CEQA pursuant to Section 15273 (a) (1) (Rates, Tolls, Fares and Charges) as the respective Medical Cannabis Permit Application Fees cover the costs of services provided to process the applications, as well as recover the City’s costs to prepare and revise the AMC to allow such uses, and a notice of exemption has been prepared and the City Council’s determinations reflect the independent judgment of the City Council.

SECTION 4. The City Council finds and determines that the proposed amendments are consistent with the goals, policies, and objectives of the General Plan, and that the proposed changes will not adversely affect surrounding properties.

SECTION 5. The City Council hereby further finds and determines that the City has followed the procedures for Resolutions as set forth in Sections 65850 through 65863.13 of the California Government Code.

SECTION 6. The City Council hereby adopts Resolution 16-69, establishing Medical Cannabis-related use Permit Application Fees as follows:

1) Medical Cannabis Dispensary Permit Application Fee \$7,000

SECTION 7. The Mayor shall sign and the City Clerk shall certify passage and adoption of this Resolution, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Resolution shall take effect within 60 days.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Adelanto on this 26th day of October, 2016.

Rich Kerr, *Mayor*

Cindy M. Herrera, MMC,
City Manager/City Clerk

I, Cindy M. Herrera, City Manager/City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Resolution 16-69 was duly and regularly adopted at a regular meeting of the City Council of the City of Adelanto on this 26th day of October, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 26th day of October, 2016.

Cindy M. Herrera, MMC,
City Manager/City Clerk

SEAL

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APPENDICES

Appendix A: Regulation of Uses by Zoning District

CHAPTER 17.80

SPECIAL USE STANDARDS

- 17.80.010 Intent and Purpose
- 17.80.020 Antennas and Cellular Telephone Towers
- 17.80.030 Churches, Temples, religious institutions, non-profits and other similar institutions
- 17.80.040 Restrictions on Sales of Tobacco Products
- ~~17.80.050 Medical Marijuana Dispensaries~~
- 17.80.060 Wind Energy Conversion Systems (WECS)
- 17.80.070 Solar Energy Conversion Systems (SECS)
- 17.80.080 Medical Cannabis Cultivation
- 17.80.090 Medical Cannabis Manufacturing
- 17.80.100 Medical Cannabis Distribution/Transportation
- 17.80.110 Medical Cannabis Testing
- 17.80.120 Medical Cannabis Dispensaries

17.80.010 Intent and Purpose

Certain uses, although permitted in specific zoning districts, require additional development standards beyond those specified for the applicable zone. Additional standards are required to ensure that such uses are operated in a manner that does not adversely impact surrounding uses. The purpose of this Chapter is to provide additional development standards and conditions for certain uses to ensure their compatibility with surrounding uses.

17.80.020 Antennas and Cellular Telephone Towers

(a) Exempt Antennas

Common skeletal-type radio and television antenna in standard configurations used to receive UHF, VHF, AM, and FM signals of off-air broadcasts from radio and television stations are exempt from the requirements of this Section.

Solid dish-type antennas with a diameter of less than two feet (2') which are designed to receive broadcast signals directly from orbiting satellites are also exempt from the following requirements, with the exception that this type of antenna may not be placed in a front yard area or in any other location visible from the street at the front of the home or building which the antenna serves.

(b) Location of Antennas in Residential Districts

Antennas and satellite dishes (hereafter referred to as “antennas”) located in the residential zones of the City shall conform to the following standards:

- (1) All antennas shall be required to maintain their supporting structures at least five feet (5') from any property line and ten feet (10') from any other structure.

- (2) All ground-mounted antennas shall be screened by walls, fences, or landscaping at least six feet (6') in height obscuring visibility of the antenna from adjacent properties at the same elevation. Landscaping shall be of a type and variety and installed at sufficient size to be capable of growing within one year to a landscape screen which obscures the visibility of the antenna.
- (3) All antennas and their supporting structures shall be located in the rear yard.
- (4) No antenna shall be higher than thirty-five feet (35') above grade level, except dish-type satellite receiving antennas, which shall not exceed fifteen feet (15') in height. Antennas exceeding thirty-five feet (35') may be approved provided the antenna is retractable to below the thirty-five foot (35') height limit, and the applicant executes a use agreement providing that the antenna will only be extended during actual use of said antenna.
- (5) A maximum of two (2) antennas, including exempt antennas, shall be allowed per lot.
- (6) All roof-mounted antennas, with the exception of exempt antennas, are prohibited.

(c) Location of Antennas in Non-Residential Districts

Antennas located in non-residential zoning districts shall conform to the following standards:

- (1) All ground-mounted antennas shall be required to maintain their supporting structures at least five feet (5') from any property line and ten feet (10') from any other structure.
- (2) All ground-mounted antennas shall be screened by walls, fences, or landscaping at least six feet (6') in height obscuring visibility of the antenna from adjacent properties at the same elevation. Landscaping shall be of a type and variety capable of growing within one year to a landscape screen which obscures the visibility of the antenna.
- (3) All antennas and their supporting structures shall be located in the rear yard or any side yard, except a street side yard.
- (4) No antenna or its supporting structure shall be located in the area between the front property line and the main structure or building.
- (5) No antenna shall be higher than the maximum height permitted in the zone, measured from grade level, except satellite antennas, which shall not exceed fifteen feet (15') in height.
- (6) A maximum of two (2) antennas, including exempt antennas, shall be allowed per lot.

(7) No antenna shall be roof-mounted except on a flat portion of the roof structure with parapets, and/or architecturally matching screening plan.

(d) Location of Antennas in Public Utility, Open Space and Greenbelt Corridor Districts

(1) All ground-mounted antennas shall be required to maintain their supporting structures at least five feet (5') from any property line and ten feet (10') from any other structure.

(2) All ground-mounted antennas shall be screened by walls, fences or landscaping at least six feet (6') in height obscuring visibility of the antenna. Landscaping shall be of a type and variety capable of growing within one year to a landscape screen which obscures the visibility of the antenna.

(3) All antennas and their supporting structures shall be located in the rear yard or any side yard, except a street side yard.

(4) No antenna or its supporting structure shall be located in the area between the front property line and the main structure or building.

(5) No antenna shall be higher than the maximum height permitted in the zone measures from grade level, except satellite antennas which shall not exceed fifteen feet (15') in height.

(6) A maximum of two (2) antennas, including exempt antennas, shall be allowed per lot.

(7) No antenna shall be roof-mounted except on a flat portion of the roof structure with parapets, and/or architecturally matching screening plan.

(e) Wireless Communication Facilities

The following regulations shall govern the placement of wireless communication facilities, antennas, and similar installations:

(1) All cellular phone installations shall require Conditional Use Permit Approval, pursuant to the requirements of Chapter 17.130 of this Code.

(2) Cellular Telephone Towers shall be permitted within all Business and Manufacturing (BP, LM, MI and ADD), Open Space, Public Land, Schools, Greenbelt Corridors (OS, DE, UE) and Public Utilities and Public Facilities (PU and PF) zoning districts.

(3) Cellular Telephone Towers shall not be located in Residential Districts.

(4) Design Standards

- A. Cellular Telephone Towers shall be “Stealth Facilities”, which means that any Wireless Telecommunications Facility shall be disguised to appear as another natural or artificial object that exists in the surrounding environment or which is architecturally integrated into a building or other structure. They may include, but are not limited to:
1. Co-location on existing electrical transmission towers within Power Easements.
 2. Architecturally screened roof mounted antenna.
 3. Wall or façade-mounted antenna as design features, clock towers, flagpoles, church crosses, “tree” poles (monopalms, monopines, or similar).
 4. Wall Mounted means a Wireless Telecommunication Facility that is mounted on any vertical surface or nearly vertical surface of a building or other existing structure that is not specifically constructed for the purpose of supporting an antenna, such as exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign such that the highest point of the Facility is at an elevation equal to or lower than the highest point of the surface on which it is mounted.
 5. Exceptions to this may be granted through the Conditional Use Permit Process, provided that it can be demonstrated that the proposed installation would not be unduly intrusive, such as they are located in proximity to similar existing towers for major electrical transmission lines.
- B. Cellular phone towers, antennas, and similar structures are limited to the maximum height allowed within the Zoning District in which it is located, unless an RF report prepared by a qualified RF Engineer and reviewed by the City, demonstrates that: 1) an antenna built at the Zoning District limit would obstruct the antenna’s reception window or otherwise excessively interfere with reception and such obstruction or interference involves factors beyond the applicant’s control; and 2) there are no other locations within the City available to the cellular phone provider that would enable the cellular phone provider to construct an antenna within the limits of the Zoning Code without limiting cell phone coverage and reception. In such cases, a maximum height of one hundred feet (100') may be allowed, unless a lower height is required by a local Airport Land Use Commission (ALUC).

- C. Setback requirements for cellular phone installations shall be developed on a case-by-case basis as part of the Conditional Use Permit Approval.

(f) Antennas Used for Transmission Purposes

The following regulations shall apply to the establishment, installation, and operation of antennas used to transmit signals of any type for commercial purposes.

- (1) Except as provided in subsection (2) below, prior to the approval by the City of the installation of any non-exempt antenna, the applicant must submit a written statement that the antenna will not be used for transmission purposes; or, that the use of the antennas for transmission purposes will not exceed EIRP levels of 80 dBW.
- (2) Antennas used for transmission purposes which exceed EIRP levels of 80 dBW may be approved by the Planning Commission, subject to the imposition of reasonable conditions to protect the applicant and the public health and safety. Reasonable conditions shall include, but not be limited to, fencing, screening, warning signs, partial submersion below ground level, and other like conditions.
- (3) Antennas used for transmission purposes shall be subject to the same screening requirements as antennas used for receiving signals. Transceiver antennas shall be considered to be transmitting antennas for the purposes of this Chapter.
- (4) Any applicant aggrieved by a decision of or condition imposed by the City may appeal that decision or condition pursuant to Section 2.04.080 et seq. of this Code.

(g) Required Criteria and Performance Standards

The following regulations shall apply to the establishment, installation, and operation of antennas in all zoning districts:

- (1) Antennas shall be installed and maintained in compliance with the requirements of the Building Code. Antenna installers shall obtain a building permit prior to installation.
- (2) No advertising material shall be allowed on any antenna.
- (3) All electrical wiring associated with any antenna shall be buried underground or hidden in a manner acceptable to the Building Official.
- (4) No portion of an antenna array shall extend beyond the property lines or into any front yard area. Guy wires shall not be anchored within any front yard area but may be attached to the building.

- (5) The antenna, including guy wires, supporting structures, and accessory equipment, shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets. The materials used in constructing the antenna shall not be unnecessarily bright, shiny, garish, or reflective.
- (6) Every antenna must be adequately grounded for protection against a direct strike of lightning with an adequate ground wire. Ground wires shall be of the type approved by the latest edition of the National Electrical Code, as adopted by the City, for grounding masts and lightning arresters and shall be installed in a mechanical manner, with as few bends as possible, maintaining a clearance of at least two (2) inches from combustible materials. Lightning arresters shall be used which are approved as safe by the Underwriter's Laboratories, Inc., and both sides of the line must be adequately protected with proper arresters to remove static charges accumulated on the line. When lead-in conductors of polyethylene ribbon-type are used, lightning arresters must be installed in each conductor. When coaxial cable or shielded twin lead is used for lead-in, suitable protection may be provided without lightning arresters by grounding the exterior metal sheath.
- (7) A wind velocity test shall be required if deemed necessary by the Building Official.

(h) Variances

Pursuant to the procedures of Chapter 17.140 et seq. of this Zoning Code, any person may seek a variance from the provisions of this Chapter pertaining to antennas and satellite dish antennas. A fee shall be charged to an applicant for a variance that is required solely for the purposes of complying with the antenna and/or satellite dish antenna regulations of this Chapter. Any variance so granted is revocable for failure by the applicant or property owner to comply with the conditions imposed. A variance shall be issued for an antenna if it meets the following standards:

- (1) Locating the antenna in conformance with the specifications of this Chapter would obstruct the antenna's reception window or otherwise excessively interfere with reception, and such obstruction or interference involves factors beyond the applicant's control; or the cost of meeting the specifications of this Section is excessive, given the cost of the proposed antenna.
- (2) The variance application includes a certification that the proposed installation is in conformance with applicable City Building Code regulations. Furthermore, the application must contain written documentation of such conformance, including load distributions within the building's support structure, and must be certified by a registered engineer.
- (3) If it is proposed that the antenna will be located on the roof, where possible, the antenna shall be located on the rear portion of the roof and be

consistent with neighboring improvements, uses, and architectural character.

(i) Nonconforming Antennas

All antennas, in any zone, lawfully constructed and erected prior to the effective date of this Chapter, which do not conform to the requirements of the provisions of this Chapter for the particular zoning district in which they are located, shall be accepted as non-conforming uses for a period of one (1) year from the date of adoption of this Chapter. Thereafter, the antennas shall be subject to abatement as set forth below via removal, modification, or relocation to comply with the standards of this Chapter. Any antenna constructed or erected in violation of this Chapter or any prior law, ordinance, or regulation shall be subject to immediate abatement.

(j) Notice of Nonconforming Antennas

(1) Upon the determination of the Planning Director that the provisions of this Chapter apply to a given parcel of land on which an antenna is located, the Planning Director or his/her designee shall send a notice thereof by United States certified mail, return receipt requested, to the owner thereof as shown on the last equalized assessment roll and shall cause such property to be posted with a similar notice.

(2) The notice provided for in this Section shall state that the property and antenna in question is a nonconformity, shall state the date of abatement established in Section 17.80.020(i), shall state that an administrative hearing will be held before the Planning Commission and shall state the date of such hearing.

(k) Hearing; Decision and Order; Appeal; Recordation of Order

(1) Within sixty (60) days after the issuance of the notice prescribed in Section 17.80.020(j), the Planning Commission shall hold an administrative hearing to determine whether the nonconformity should be abated or whether a time extension should be granted as provided in subsection (7) below.

(2) The Planning Commission shall receive written and oral testimony at such hearing in regard to the abatement.

(3) At the close of the hearing, the Planning Commission shall find and determine whether the nonconformity should be abated and all facts in support thereof, whether the owner of the property can amortize his/her investment in the term for abatement provided in Section 17.80.020(i), and if not, what term for abatement should be provided as specified in Section 17.80.020(j).

(4) The Planning Commission shall also find and determine whether the structure encompassing the nonconforming use can be used economically

in its present condition or can be modified successfully for a purpose permitted in the zoning district in which it is located.

- (5) The decision of the Planning Commission and the findings in support thereof shall be in the form of a written order and shall be served upon the property owner personally or by United States certified mail, return receipt requested, within ten (10) days after the decision is rendered.
- (6) The decision of the Planning Commission may be appealed to the City Council.
- (7) After the conclusion of all appeals, notice of the decision and order of the Planning Commission or the City Council shall be recorded with the City Clerk.

(l) Extension of Time

- (1) The Planning Commission or City Council on appeal, shall grant an extension of the time for abatement of nonconformity where it finds that an unreasonable hardship would otherwise be imposed on the property owner.
- (2) The Planning Commission or City Council on appeal, shall consider the following factors, among others, in determining whether to grant an extension of time and the length of the term:
 - A. The nature of the use.
 - B. The amount of the owner's investment in improvements.
 - C. The convertibility of improvements to permitted uses.
 - D. The character of the neighborhood.
 - E. The detriment, if any, caused to the neighborhood by continuance of the nonconforming use.
 - F. The amount of time needed to amortize the investment.

(m) Proof of Amortization

The Planning Commission, or City Council on appeal, shall base its decision as to the length of the permitted amortization period on any competent evidence presented, including, but not limited to, the depreciation schedule attached to the owner's latest federal income tax return.

(n) Relocation

Where the Planning Commission finds that a nonconforming antenna, either in its present condition or as modified, can be used in compliance with the standards set forth in this Chapter for the zoning district in which it is located, the nonconforming antenna may be granted an extension sufficient to permit it to relocate on the site wherein such use is permitted and which has substantially equivalent utility for the use. In no event shall such extension be more than two (2) years.

(o) Antennas Used for Transmission Purposes

(1) Except as provided in subsection (2) below, prior to the approval by the City for the installation of any non-exempt antenna, the applicant must submit a written statement that the antenna will not be used for transmission purposes; or that the use of the antennas for transmission purposes will not exceed EIRP levels of 80 dBW.

(2) Antennas used for transmission purposes which exceed EIRP levels of 80 dBW may be approved by the Planning Commission subject to the imposition of reasonable conditions to protect the applicant and the public health and safety. Reasonable conditions shall include, but not be limited to, fencing, screening, warning signs, partial submersion below ground level, and other like conditions.

(3) Any applicant aggrieved by a decision of or condition imposed by the Planning Commission may appeal that decision or condition to the City Council, pursuant to Section 2.04.080 et seq of this Code.

17.80.030 Churches, Temples, religious institutions, non-profits and other similar institutions

(a) All churches, temples, religious institutions, non-profits and other similar institutions shall require a Location and Development Plan approval and Conditional Use Permit approval, as indicated in Appendix A.

(b) All buildings, structures, setbacks, building height and landscaping shall be developed in a manner harmonious and compatible with development on surrounding properties.

(c) Off-street parking spaces shall be required as per Chapter 17.65 and 17.15 of this Zoning Code. The number of parking spaces shall be determined in Table 65-2 of the aforementioned code section. Exterior parking areas shall be screened with landscaping to be compatible with and an enhancement to surrounding land uses.

(d) All exterior lighting shall be designed, oriented, and constructed to shield adjacent properties from adverse glare effects.

(e) Establishment of a church does not automatically permit any school, day nursery, kindergarten, or any congregation of persons for purposes other than religious instruction, worship, or guidance. Any such additional uses shall be subject to the use requirements of the zoning district in which they are located.

- (f) Churches, Temples, religious institutions, non-profit and other similar institutions proposed to be located in residential zones shall only be allowed if vehicular access is from a Major Street/Boulevard, Collector Street, Activity Street or Loop Street-One Way, as identified in the Circulation Element of the General Plan

17.80.040 Restrictions on Sales of Tobacco Products

- (a) Definitions

The following words and phrases, whenever used in this article, shall have the meanings defined in this section unless the context clearly requires otherwise:

Tobacco Product means any product(s) that is used to consume tobacco or any product that contains any tobacco leaf, including but not limited to: cigarettes, cigars, cigarillos, blunts, snuff, dipping/chewing tobacco, flavored tobacco, tobacco water, tobacco paste, gutka, kretek, shisha, roll-your-own cigarettes, cigarette or cigar rolling papers, or pipes.

Tobacco Retailer means any person, retail establishment, or any other legal entity who knowingly sells, donates, distributes, or delivers to any person(s), for any form of consideration, tobacco products.

- (b) Zoning Regulations.

It is hereby declared that the sense and policy of this section is that no tobacco retailer shall be permitted to sell, donate, distribute, or deliver to any person(s), for any form of consideration, tobacco products within 1,000 feet of any playground, church, public library, school, or any childcare facility or similar entity providing structured, organized care for youth.

- (c) How Distance Measured.

The 1,000 foot distance provided for in Section 14.80.040 shall be measured as a person walks, using the sidewalk, from the nearest point of the property line of the playground, church, public library, school, or childcare facility or similar entity providing structured, organized care for youth, to the nearest of the property line of the tobacco retailer.

- (d) Nonconforming Uses

The City's nonconforming use rules, contained in Chapter 17.165 apply to this section. If a tobacco retailer has an interruption of the continuity of business for a period in excess of six months, in order to reopen for business, the requirements set forth above must be complied with.

- (e) Enforcement.

Enforcement of this chapter shall be the responsibility of the Community Development Director or his designee. In addition, any peace officer or code enforcement official also may enforce this chapter.

~~17.80.050 — Medical Marijuana Dispensaries~~

~~A medical marijuana dispensary, as defined in Section 17.200.140 of this Title, is not an allowable use within any zone in the City of Adelanto and is expressly prohibited in all zones. No other definition or term utilized herein shall be interpreted to allow such use. Each individual zone in the City of Adelanto is hereby updated to prohibit medical marijuana dispensaries.~~

17.80.060 Wind Energy Conversion Systems (WECS)

- (a) Wind Energy Conversion Systems shall be classified into three (3) categories.
 - (1) Category One, consist of large WECS that have one or more units producing power for sale. This category generates power in excess of 500 Kw and does not provide power for onsite use. These systems require the approval of a Conditional Use Permit and Location and Development Plan and are allowed in the Manufacturing/Industrial (MI), Airport Development District (ADD), Public Utilities (PU) and Open Space, Public Land and Schools (OS) zones.
 - (2) Category Two, consist of medium WECS that provide power for existing onsite structures. These systems may have more than one unit but produce 500 Kw or less. These systems require the approval of a Minor Conditional Use Permit and Site Plan and are allowed in all zoning districts except Single Family Residential (R-S1, R1, R1-.5, R-S5) and Desert Living (DL-9, DL-5, DL-2.5).
 - (3) Category Three, consist of WECS that provide power for existing onsite single family residential structures. These systems may have more than one unit but produce 25 Kw or less. These systems require the approval of a site plan and can be pole/tower or roof mounted.
- (b) WECS installed in the DL zone may be 75' in height. All others shall comply with height limitations for the zoning district they are installed in.
- (c) All ground mounted pole/tower WECS shall be set back from property lines a distance that equals the total height of the system and shall have a locked anti-climb device installed or be un-climbable by design for the first 12 feet.
- (d) All pole mounted WECS shall be of the self supporting monopole type. WECS requiring the use of guyed wires are only permitted in the DL zone.
- (e) No WECS shall emit sounds which exceed 65 decibels at any time as measured from the property line.
- (f) All on-site wiring for WECS shall be installed underground.
- (g) All WECS shall be installed and operated so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized.

17.80.070 Solar Energy Conversion Systems (SECS)

(a) Solar Energy Conversion Systems shall be classified into three (3) categories.

- (1) Category One, consist of large SECS that have one or more units producing power for sale. This category generates power in excess of 500 Kw and does not provide power for onsite use. These systems require the approval of a Conditional Use Permit and Location and Development Plan and are allowed in the Manufacturing/Industrial (MI) and Airport Development District (ADD) zones.
- (2) Category Two, consist of medium SECS that provide power for existing onsite structures. These systems may have multiple panels but produce 500 Kw or less. These systems require the approval of a Minor Conditional Use Permit and Site Plan and are allowed in all zoning districts except Single Family Residential (R1), (R1-.5) and Desert Living (DL).
- (3) Category Three, consist of SECS that provide power for existing onsite single family residential structures. These systems may have multiple panels but produce 25 Kw or less. These systems require the approval of a site plan and can be ground or roof mounted.

- (b) All SECS shall comply with height limitations and setbacks for the zoning district they are installed in.
- (c) No SECS shall emit sounds which exceed 65 decibels at any time as measured from the property line.
- (d) All on-site wiring for SECS shall be installed underground.
- (e) All SECS shall be installed and operated so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized.

17.80.080 Medical Cannabis Cultivation

- (a) **Purpose.** The purpose and intent of this Section is to regulate the cultivation of medical cannabis that is grown in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City is authorized to regulate this activity pursuant to the MCRSA.
- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
 - (1) “Cultivation” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.
 - (2) “Cultivation Permit” means a City permit to operate an indoor medical cannabis cultivation facility pursuant to the terms and

conditions of this Section and the conditions of approval for the permit.

- (3) “Cultivation Permittee” means an applicant who has applied for and has been issued a Cultivation Permit by the City pursuant to the terms and conditions of this Section.
 - (4) “CUP” means a Conditional Use Permit issued by the City in accordance with this Code.
 - (5) “Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.
 - (6) “Indoors” means within a fully enclosed and secure structure.
 - (7) “MCRSA” means the California Medical Cannabis Regulation and Safety Act.
 - (8) “Medical cannabis” also means “medical marijuana” and shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.
 - (9) “MMRSA” means the California Medical Marijuana Regulation and Safety Act.
 - (10) “Outdoors” means any location within the City that is not within a fully enclosed and secure structure.
- (c) **Cannabis Cultivation Prohibited.** All cannabis cultivation within the City is prohibited except as expressly permitted by this Section.
- (d) **Indoor Medical Cannabis Cultivation Conditionally Permitted.** Indoor medical cannabis cultivation is conditionally permitted in the City only as expressly specified in this Section.
- (1) Indoor Medical Cannabis Cultivation Standards. Indoor medical cannabis cultivation, within the City, shall be in conformance with the following standards:
 - A. Indoor medical cannabis cultivation shall only be allowed upon application and approval of a Cultivation Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.

- B. Indoor medical cannabis cultivation is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (“Cultivation Zone”).
- C. No cannabis cultivation shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the indoor medical cannabis cultivation is, or will be located, to the nearest property line of those uses described in this Subsection.
- D. An indoor medical cannabis cultivation facility may not be located within the same unit as a cannabis manufacturing facility, distribution facility, transportation facility, testing facility, or dispensary.
- E. Subject to the further requirements of this Section, only the following State cultivator license classification types specified in the MCRSA and Business and Professions Code sections 19300.7 and 19332 will be allowed to operate in the City: 1A, 1B, 2A, 2B, 3A, 3B, and 4.
- F. Indoor medical cannabis cultivation is allowed only within a fully enclosed and secure structure that is inaccessible to minors.
- G. Indoor medical cannabis cultivation shall not exceed the square footage authorized pursuant to the CUP.
- H. From any public right-of-way, there shall be no visible exterior evidence of any indoor medical cannabis cultivation activity.
- I. Indoor medical cannabis cultivation activity may include growing cannabis plants, harvesting cannabis plants, and drying cannabis flowers, but shall not include any extraction procedures to produce concentrated THC.
- J. Indoor medical cannabis cultivation shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.

- K. Each indoor medical cannabis cultivation facility shall fully comply with all of the applicable restrictions and mandates set forth in State law. An indoor medical cannabis cultivation facility shall comply with all size requirements for such facility as imposed by State law. An indoor medical cannabis cultivation facility shall not engage in any activities not allowed by an indoor medical cannabis cultivation facility pursuant to State law. An indoor medical cannabis cultivation facility shall comply with all horticultural, labeling, processing, and other standards required by State law.
- L. There is no set restriction on the hours of operation of an indoor medical cannabis cultivation facility; however, restricted hours of operation may be established as a condition of approval of the Cultivation Permit or the applicable CUP.
- M. All medical cannabis shall be kept in a secured manner during all business and nonbusiness hours.
- N. An indoor medical cannabis cultivation facility shall operate within a legal structure that is compliant with all applicable State and local laws.
- O. An indoor medical cannabis cultivation facility must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- P. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of an indoor medical cannabis cultivation facility. The term “premises” as used in this Subsection includes the actual indoor medical cannabis cultivation building, as well as any accessory structures and parking areas. The indoor medical cannabis cultivation facility building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis or alcohol on the premises or in the vicinity of the facility is prohibited.
- Q. Signage for an indoor medical cannabis cultivation facility shall be limited to name of business only, shall be in compliance with the City’s sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.

- R. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. An indoor medical cannabis cultivation facility shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any indoor medical cannabis cultivation facility.
- S. Physician services shall not be provided on the premises. “Physician services” does not include social services, including counseling, help with housing and meals, hospice, and other care referrals which may be provided on site.
- T. The building in which any indoor medical cannabis cultivation facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City’s business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MCRSA. Compliance with all requirements of State law pertaining to indoor cannabis cultivation is also required.
- U. An indoor medical cannabis cultivation facility shall not manufacture, process, distribute, transport, sell, dispense, or administer cannabis from the facility, unless expressly and affirmatively authorized by State law. An indoor medical cannabis cultivation facility shall not be operated as a cannabis manufacturing, distribution, transportation, or testing facility, or as a cannabis dispensary, unless expressly and affirmatively authorized by State law.
- V. The operators of an indoor medical cannabis cultivation facility shall provide the City Manager or the City Manager’s designee with the name, phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are any operational problems associated with the indoor medical cannabis cultivation facility. An indoor medical cannabis cultivation facility shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.
- W. An indoor medical cannabis cultivation facility shall be operated in accordance with the conditions of approval

associated with the applicable CUP for the parcel of real property upon which the indoor medical cannabis cultivation activities occur.

- X. An indoor medical cannabis cultivation facility shall have a security plan including the following measures:
1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, cultivation areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.
 2. The indoor medical cannabis cultivation facility shall be alarmed with an alarm system that is operated and monitored by a reputable security company.
 3. Entrance to the cultivation area, and all storage areas, shall be locked at all times, and under the control of the indoor medical cannabis cultivation facility's staff.
 4. The entrances and all window areas shall be illuminated during evening hours. The facility shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.
 5. All windows on the building that houses the indoor medical cannabis cultivation facility shall be appropriately secured and all cannabis securely stored.

- Y. Recordings made by the security cameras shall be made available to the City Manager, the City Manager’s designee, the City’s Code Enforcement Manager, and law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.
 - Z. The City Manager, the City Manager’s designee, the City’s Code Enforcement Manager, and law enforcement shall have the right to enter the indoor medical cannabis cultivation facility at any time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
 - AA. All batches of final cultivated cannabis must be inspected and quality tested by a qualified third party distributor and testing facility prior to distribution to a dispensary as required by the MCRSA, Business and Professions Code sections 19326 and 19342, the Department of Food and Agriculture regulations, and the State Department of Public Health regulations.
- (2) Cultivation Permit Applications. All applicants wishing to obtain a Cultivation Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Cultivation Permit Application Fee as established by the City. An application for a Cultivation Permit shall include at least the following information:
- A. An estimate of the size of the proposed indoor medical cannabis cultivation facility.
 - B. The address of the location for which the Cultivation Permit is sought. Only one Cultivation Permit will be issued per location.
 - C. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, cultivation areas, lighting, signage, etcetera.
 - D. A proposed security plan in compliance with the Indoor Medical Cannabis Cultivation Standards.
 - E. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the indoor medical cannabis cultivation facility. Relevant criminal histories shall include any drug-related or

felony convictions, the nature of such offenses, and the sentences received for such convictions.

- F. The name and address of the owner and lessor of the real property upon which the indoor medical cannabis cultivation activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that an indoor medical cannabis cultivation facility will be operated on the property.
- G. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
- H. Evidence that the indoor medical cannabis cultivation facility will be located in a legal structure that is compliant with all applicable State and local laws.
- I. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.
- J. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.
- K. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Cultivation Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the indoor medical cannabis cultivation facility ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.
- L. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level of service and opportunities for residents of the City based on the requirements of this Section and the following criteria ("Merit List"):
 - 1. The operational plan for the facility.
 - 2. The security plan for the facility.

3. The experience of the operators of the facility.
4. The adequacy of capitalization for the facility and its operations.
5. The employment of City residents and other public benefits to the City.

(3) Cultivation Permit. The following conditions apply to each Cultivation Permit:

A. A Cultivation Permit will not be awarded to an applicant if:

1. The applicant or the Applicant's Agents made one or more false or misleading statements or omissions in the application or during the application process.
2. The proposed indoor medical cannabis cultivation facility is not allowed by State or local law.
3. The applicant is not a legal representative of the indoor medical cannabis cultivation facility.
4. The applicant or the Applicant's Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or any such similar activity related to controlled substances, with the exception of cannabis related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
5. The applicant or the Applicant's Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
6. The applicant has not satisfied each and every requirement of this Section.

B. A Cultivation Permit shall be awarded by the City to eligible Cultivation Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Cultivation Permits shall be limited to those that may be reasonably accommodated

within the Cultivation Zone as determined by the City Manager or the City Manager's designee.

- C. Before a Cultivation Permit can be issued to an applicant, Cultivation Permit fees must be paid to offset all related costs to the City, and the proposed indoor medical cannabis cultivation facility location must pass all applicable inspections.
- D. Only one Cultivation Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
- E. A Cultivation Permit is subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the indoor medical cannabis cultivation activity occurs.
- F. A Cultivation Permits is subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the activity and protect the public.
- G. All cultivation activities shall be subject to an excise tax to be established by the City and the voters.
- H. A Cultivation Permittee may not hold or use any other cannabis activity permits or licenses that would otherwise be a violation of this Section, the MCRSA, or Business and Professions Code section 19328.
- I. A Cultivation Permittee shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Cultivation Permit and the indoor medical cannabis cultivation activity.
- J. A Cultivation Permittee shall:
 - 1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
 - 2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Cultivation Permit, the

Cultivation Permittee's cannabis related activities, and any action taken by the Cultivation Permittee pursuant to this Section.

3. Agree to defend the City, at the Cultivation Permittee's sole expense, in any action against the City or its agents, officers, or employees associated with the Cultivation Permit, the Cultivation Permittee's cannabis related activities, or any action taken by the Cultivation Permittee pursuant to this Section.
 4. Agree to reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Cultivation Permit, the Cultivation Permittee's cannabis related activities, or any action taken by the Cultivation Permittee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.
- K. A Cultivation Permittee shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the indoor medical cannabis cultivation facility at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- L. A Cultivation Permittee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Cultivation Permittee at the indoor medical cannabis cultivation facility shall be residents of the City. A Cultivation Permittee shall use good faith efforts to comply with this subsection and shall report the residential composition of its workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.
- M. A Cultivation Permit issued pursuant to this Section is not transferable to any third parties under any circumstances.

- N. A Cultivation Permits shall expire and be null and void 12 months after issuance to the Cultivation Permittee unless properly renewed. Upon payment of the applicable Cultivation Permit fees and passing the requisite Cultivation Permit inspections, a Cultivation Permittee that has maintained compliance with all City, State, and other applicable cannabis and business related laws shall be entitled to renew its Cultivation Permit subject to all prevailing laws at the time of renewal.
 - O. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any medical cannabis cultivation activities or for the activities of any indoor medical cannabis cultivation facility.
- (4) Conditional Use Permit. All parcels of real property in the Cultivation Zone upon which indoor medical cannabis cultivation activities may occur must obtain a CUP from the City for all such activities.
 - (5) Oversight Consultants. The City Manager or the City Manager’s designee may establish an Oversight Consultant List to provide advice to City staff regarding the practical regulation of medical cannabis activities in the City on an as needed basis. The Oversight Consultant List will consist of experts and experienced participants in various disciplines related to commercial medical cannabis activities. The Oversight Consultants will not be a public body, will not meet on a regular schedule, and will not make or influence policy decisions by City staff. Rather specific individuals from the Oversight Consultant List will be contacted as necessary to provide specific advice based on their experience and expertise as a resource for City staff. The Oversight Consultants, as private citizens, may also proactively monitor medical cannabis activities in the City and report findings as necessary to City staff.

(e) **Enforcement.**

- (1) Any cannabis cultivation within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.
- (2) Any party who engages in a violation of this Section, or who owns, possesses, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.

- (3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.
- (4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense.
- (5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense.
- (6) Any violation of this Section or any other City or State cannabis law by a Cultivation Permittee or a Cultivation Permittee's agent is grounds for revoking the Cultivation Permittee's Cultivation Permit. In addition, the City Manager or the City Manager's designee may revoke a Cultivation Permit if any of the following occur:
 - A. The City Manager or the City Manager's designee determines that the indoor medical cannabis cultivation facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.
 - B. The indoor medical cannabis cultivation operations cease for more than 90 calendar days.
 - C. Ownership of the indoor medical cannabis cultivation facility is changed or transferred to a third party.
 - D. The indoor medical cannabis cultivation facility fails to maintain 120 hours of security recordings.
 - E. The indoor medical cannabis cultivation facility fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, the Code Enforcement Manager, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.
- (7) Any decision regarding the revocation of a Cultivation Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Cultivation Permit was improperly revoked. The Hearing Officer's decision shall be final and binding upon the City and the appellant.

- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

17.80.090 Medical Cannabis Manufacturing

- (a) **Purpose.** The purpose and intent of this Section is to regulate the manufacturing of medical cannabis that is processed in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City intends to be on the forefront of medical cannabis research and manufacturing. The City is authorized to regulate this activity pursuant to the MCRSA.
- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
 - (1) “CUP” means a Conditional Use Permit issued by the City in accordance with this Code.
 - (2) “Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.
 - (3) “Manufacturer” and “manufacturing” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.
 - (4) “Manufacturing Permit” means a City permit to operate a medical cannabis manufacturing facility pursuant to the terms and conditions of this Section and the conditions of approval for the permit.
 - (5) “Manufacturing Permittee” means an applicant who has applied for and has been issued a Manufacturing Permit by the City pursuant to the terms and conditions of this Section.
 - (6) “MCRSA” means the California Medical Cannabis Regulation and Safety Act.
 - (7) “Medical cannabis” also means “medical marijuana” and shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.
 - (8) “MMRSA” means the California Medical Marijuana Regulation and Safety Act.

- (c) **Cannabis Manufacturing Prohibited.** All cannabis manufacturing within the City is prohibited except as expressly permitted by this Section.
- (d) **Medical Cannabis Manufacturing Conditionally Permitted.** Medical cannabis manufacturing is conditionally permitted in the City only as expressly specified in this Section.
 - (1) Medical Cannabis Manufacturing Standards. Medical cannabis manufacturing, within the City, shall be in conformance with the following standards:
 - A. Medical cannabis manufacturing shall only be allowed upon application and approval of a Manufacturing Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.
 - B. Medical cannabis manufacturing is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (“Manufacturing Zone”).
 - C. No cannabis manufacturing shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the medical cannabis manufacturing is, or will be located, to the nearest property line of those uses described in this Subsection.
 - D. A medical cannabis manufacturing facility may not be located within the same unit a cannabis indoor cultivation facility, distribution facility, transportation facility, or dispensary.
 - E. Subject to the further requirements of this Section, only State manufacturer license classification type 6 level 1 will be allowed to operate in the City using nonvolatile solvents in accordance with the MCRSA and Business and Professions Code sections 19300.7 and 19341.
 - F. Medical cannabis manufacturing is allowed only within fully enclosed and secure structures that are inaccessible to minors.
 - G. Medical cannabis manufacturing shall not exceed the square footage authorized pursuant to the CUP.

- H. From any public right-of-way, there shall be no visible exterior evidence of any medical cannabis manufacturing activity.
- I. Medical cannabis manufacturing shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.
- J. Each medical cannabis manufacturing facility shall fully comply with all of the applicable restrictions and mandates set forth in State law. A medical cannabis manufacturing facility shall comply with all size requirements for such facility as imposed by State law. A medical cannabis manufacturing facility shall not engage in any activities not allowed by a medical cannabis manufacturing facility pursuant to State law. A medical cannabis manufacturing facility shall comply with all horticultural, labeling, processing, and other standards required by State law.
- K. There is no set restriction on the hours of operation of a medical cannabis manufacturing facility; however, restricted hours of operation may be established as a condition of approval of the Manufacturing Permit or the applicable CUP.
- L. All medical cannabis shall be kept in a secured manner during all business and nonbusiness hours.
- M. A medical cannabis manufacturing facility shall operate within a legal structure that is compliant with all applicable State and local laws.
- N. A medical cannabis manufacturing facility must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- O. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of a medical cannabis manufacturing facility. The term “premises” as used in this Subsection includes the actual medical cannabis manufacturing building, as well as any accessory structures and parking areas. The medical cannabis manufacturing facility building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or

consuming cannabis or alcohol on the premises or in the vicinity of the facility is prohibited.

- P. Signage for a medical cannabis manufacturing facility shall be limited to name of business only, shall be in compliance with the City's sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.
- Q. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A Medical cannabis manufacturing facility shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcoholic beverages shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any medical cannabis manufacturing facility.
- R. Physician services shall not be provided on the premises. "Physician services" does not include social services, including counseling, help with housing and meals, hospice, and other care referrals which may be provided on site.
- S. The building in which any medical cannabis manufacturing facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MCRSA. Compliance with all requirements of State law pertaining to medical cannabis manufacturing is also required.
- T. A medical cannabis manufacturing facility shall not grow, cultivate, distribute, transport, sell, dispense, or administer cannabis from the facility, unless expressly and affirmatively authorized by State law. A medical cannabis manufacturing facility shall not be operated as a cannabis cultivation, distribution, transportation, or testing facility, or as a cannabis dispensary, unless expressly and affirmatively authorized by State law.
- U. The operators of a medical cannabis manufacturing facility shall provide the City Manager or the City Manager's designee with the name, phone number, facsimile number, and email address of an on-site representative to whom the

City and the public can provide notice if there are any operational problems associated with the medical cannabis manufacturing facility. A medical cannabis manufacturing facility shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.

- V. A medical cannabis manufacturing facility shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the medical cannabis manufacturing activities occur.
- W. A medical cannabis manufacturing facility shall have a security plan including the following measures:
 - 1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, manufacturing areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.
 - 2. The medical cannabis manufacturing facility shall be alarmed with an alarm system that is operated and monitored by a reputable security company.
 - 3. Entrance to the manufacturing area, and all storage areas, shall be locked at all times, and under the control of the medical cannabis manufacturing facility's staff.
 - 4. The entrances and all window areas shall be illuminated during evening hours. The facility shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding,

etcetera, and shall secure the necessary lighting approvals and permits as needed.

5. All windows on the building that houses the medical cannabis manufacturing facility shall be appropriately secured and all cannabis securely stored.
- X. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, or law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.
- Y. The City Manager, the City Manager's designee, and law enforcement shall have the right to enter the medical cannabis manufacturing facility at any time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
- Z. A medical cannabis manufacturing facility must employ full time quality control personnel. The Manufacturing Permittee must establish Standard Operating Procedures and Batch Records that comply with current Good Manufacturing Practices and the MCRSA for all food products, as outlined by the State Department of Public Health and the Food and Drug Administration.
- AA. All finished products produced by a medical cannabis manufacturing facility must be labeled in compliance with the MCRSA, Business and Profession Code section 19347, and the labeling requirements outlined by the State Department of Public Health.
- BB. All finished products produced by a medical cannabis manufacturing facility must be packaged in child resistant containers prior to leaving the facility or becoming commercially available in accordance with the MCRSA, Business and Profession Code section 19347, the State Department of Public Health regulations, and other applicable State laws.
- CC. All batches of final cannabis products must be inspected and quality tested by a qualified third party distributor and testing facility prior to distribution to a dispensary as required by the MCRSA, Business and Professions Code sections 19326 and 19342, the Department of Food and

Agriculture regulations, and the State Department of Public Health regulations.

- DD. A medical cannabis manufacturing facility shall only use nonvolatile solvents that have been approved by the State Department of Public Health for medical cannabis level 1 manufacturing. Until such time as any such nonvolatile solvents are approved by the State Department of Public Health for medical cannabis level 1 manufacturing, a medical cannabis manufacturing facility shall only use nonvolatile solvents that have been approved by the Food and Drug Administration for the processing and preparation of botanical dietary supplements or food grade products.
- EE. All processing and analytical testing devices used by a medical cannabis manufacturing facility must be UL listed, or otherwise approved for the intended use by the City's Building Official or the Fire Department. Any processing devices using only non-pressurized water are exempt from such approval.
- FF. Unless otherwise prohibited, all processing devices used by a medical cannabis manufacturing facility that utilize hydrocarbons or otherwise flammable solvents must operate in a closed loop, or in such a way that all solvent material is recovered in the process. All hazardous material must be disposed of in a manner which is compliant with all local, State, and federal guidelines for the disposal of hazardous materials.

(2) Manufacturing Permit Applications. All applicants wishing to obtain a Manufacturing Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Manufacturing Permit Application Fee as established by the City. An application for a Manufacturing Permit shall include at least the following information:

- A. An estimate of the size of the proposed medical cannabis manufacturing facility.
- B. The address of the location for which the Manufacturing Permit is sought. Only one Manufacturing Permit will be issued per location.
- C. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, manufacturing areas, lighting, signage, etcetera.

- D. A proposed security plan in compliance with the Medical Cannabis Manufacturing Standards.
- E. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the medical cannabis manufacturing facility. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- F. The name and address of the owner and lessor of the real property upon which the medical cannabis manufacturing activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical cannabis manufacturing facility will be operated on the property.
- G. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
- H. Evidence that the medical cannabis manufacturing facility will be located in a legal structure that is compliant with all applicable State and local laws.
- I. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.
- J. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.
- K. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Manufacturing Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the medical cannabis manufacturing facility ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.
- L. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level

of service and opportunities for residents of the City based on the requirements of this Section and the following criteria (“Merit List”):

1. The operational plan for the facility.
2. The security plan for the facility.
3. The experience of the operators of the facility.
4. The adequacy of capitalization for the facility and its operations.
5. The employment of City residents and other public benefits to the City.

(3) Manufacturing Permit. The following conditions apply to each Manufacturing Permit:

A. A Manufacturing Permit will not be awarded to an applicant if:

1. The applicant or the Applicant’s Agents made one or more false or misleading statements or omissions in the application or during the application process.
2. The proposed medical cannabis manufacturing facility is not allowed by State or local law.
3. The applicant is not a legal representative of the medical cannabis manufacturing facility.
4. The applicant or the Applicant’s Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or any such similar activity related to controlled substances, with the exception of cannabis related offenses for which the conviction occurred prior to passage of the Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
5. The applicant or the Applicant’s Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

6. The applicant has not satisfied each and every requirement of this Section.
- B. A Manufacturing Permit shall be awarded by the City to eligible Manufacturing Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Manufacturing Permits shall be limited to those that may be reasonably accommodated within the Manufacturing Zone as determined by the City Manager or the City Manager's designee.
- C. Before a Manufacturing Permit can be issued to an applicant, Manufacturing Permit fees must be paid to offset all related costs to the City, and the proposed medical cannabis manufacturing facility location must pass all applicable inspections.
- D. Only one Manufacturing Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
- E. A Manufacturing Permit is subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the medical cannabis manufacturing activity occurs.
- F. A Manufacturing Permit is subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the activity and protect the public.
- G. All manufacturing activities shall be subject to an excise tax to be established by the City and the voters.
- H. A Manufacturing Permittee may not hold or use any other cannabis activity permits or licenses that would otherwise be a violation of the MCRSA or Business and Professions Code section 19328.
- I. A Manufacturing Permittee shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Manufacturing Permit and the medical cannabis manufacturing activity.

- J. A Manufacturing Permittee shall:
1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
 2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Manufacturing Permit, the Manufacturing Permittee's cannabis related activities, and any action taken by the Manufacturing Permittee pursuant to this Section.
 3. Agree to defend the City, at the Manufacturing Permittee's sole expense, in any action against the City or its agents, officers, or employees associated with the Manufacturing Permit, the Manufacturing Permittee's cannabis related activities, or any action taken by the Manufacturing Permittee pursuant to this Section.
 4. Agree to reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Manufacturing Permit, the Manufacturing Permittee's cannabis related activities, or any action taken by the Manufacturing Permittee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.
- K. A Manufacturing Permittee shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the medical cannabis manufacturing facility at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- L. A Manufacturing Permittee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Manufacturing Permittee at the medical

cannabis manufacturing facility shall be residents of the City. A Manufacturing Permittee shall use good faith efforts to comply with this subsection and shall report the residential composition of its workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.

- M. A Manufacturing Permit issued pursuant to this Section is not transferable to any third parties under any circumstances.
- N. A Manufacturing Permit shall expire and be null and void 12 months after issuance to the Manufacturing Permittee unless properly renewed. Upon payment of the applicable Manufacturing Permit fees and passing the requisite Manufacturing Permit inspections, a Manufacturing Permittee that has maintained compliance with all City, State, and other applicable cannabis and business related laws shall be entitled to renew its Manufacturing Permit subject to all prevailing laws at the time of renewal.
- O. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any medical cannabis manufacturing activities or for the activities of any medical cannabis manufacturing facility.

(4) Conditional Use Permit. All parcels of real property in the Manufacturing Zone upon which medical cannabis manufacturing activities may occur must obtain a CUP from the City for all such activities.

(e) **Enforcement.**

- (1) Any cannabis manufacturing within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.
- (2) Any party who engages in a violation of this Section, or who owns, possess, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.
- (3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.
- (4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense.

- (5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense.
- (6) Any violation of this Section or any other City or State cannabis law by a Manufacturing Permittee or a Manufacturing Permittee's agent is grounds for revoking the Manufacturing Permittee's Manufacturing Permit. In addition, the City Manager or the City Manager's designee may revoke a Manufacturing Permit if any of the following occur:
 - A. The City Manager or the City Manager's designee determines that the medical cannabis manufacturing facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.
 - B. The medical cannabis manufacturing operations cease for more than 90 calendar days.
 - C. Ownership of the medical cannabis manufacturing facility is changed or transferred to a third party.
 - D. The medical cannabis manufacturing facility fails to maintain 120 hours of security recordings.
 - E. The medical cannabis manufacturing facility fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, the Code Enforcement Manager, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.
- (7) Any decision regarding the revocation of a Manufacturing Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Manufacturing Permit was improperly revoked. The Hearing Officer's decision shall be final and binding upon the City and the appellant.
- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

17.80.100 Medical Cannabis Distribution/Transportation

- (a) **Purpose.** The purpose and intent of this Section is to regulate the distribution and transportation of medical cannabis between Medical Cannabis Permittees in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City is authorized to regulate this activity pursuant to the MCRSA.

- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
 - (1) “City” means the City of Adelanto, California.
 - (2) “City Manager” means the individual duly appointed by a majority of the City Council to serve in the capacity as executive officer of the City on a permanent or interim basis.
 - (3) “CUP” means a Conditional Use Permit issued by the City in accordance with this Code.
 - (4) “Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.
 - (5) “Distribute,” “Distribution,” and “Distributor” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws. Distribution shall include the commercial acts of shipping, storing, and warehousing medical cannabis.
 - (6) “Distribution/Transportation Permit” means a City permit to distribute or transport medical cannabis between Medical Cannabis Permittees in accordance with the terms and conditions of this Section and the conditions of approval for the permit.
 - (7) “Distribution/Transportation Permittee” means a person or entity that has been issued a Distribution/Transportation Permit by the City pursuant to the terms and conditions of this Section.
 - (8) “Medical cannabis” also means “medical marijuana” and shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.

- (9) “Medical Cannabis Permittee” means a person or entity that has been issued a permit by the City, or another city in the State of California in accordance with the MCRSA or other applicable State laws, to participate in a commercial medical cannabis activity, such as cultivation, manufacturing, distribution, transportation, testing, dispensing, or delivering.
- (10) “MCRSA” means the California Medical Cannabis Regulation and Safety Act.
- (11) “MMRSA” means the California Medical Marijuana Regulation and Safety Act.
- (12) “Transport,” “Transporter,” and “Transportation” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.

(c) **Cannabis Distribution and Transportation Prohibited.** All cannabis distribution and transportation within the City is prohibited except as expressly permitted by this Section.

(d) **Distribution and Transportation of Medical Cannabis Conditionally Permitted.** Distribution and transportation of medical cannabis is conditionally permitted in the City only as expressly specified in this Section.

(1) Medical Cannabis Distribution/Transportation Standards. Medical cannabis distribution and transportation within the City shall be in conformance with the following standards:

- A. Medical cannabis distribution and transportation shall only be allowed upon application and approval of a Distribution/Transportation Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.
- B. Medical cannabis distribution and transportation is a conditionally permitted use only on properties within the Manufacturing/ Industrial (MI) zoning designation in the Industrial Park (“Distribution/Transportation Zone”).
- C. Medical cannabis distribution and transportation activities may include the receiving and releasing of cannabis plants, flowers, and products for inspection, testing, and quality assurance.
- D. No cannabis distribution or transportation shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care

facility, youth center, or church, except for shipping activities, which must follow to established commercial trucking routes. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the cannabis distribution or transportation activity is, or will be, located to the nearest property line of those uses describe in this Subsection.

- E. Cannabis distribution and transportation may not be located within the same unit of a building or structure as an indoor cannabis cultivation facility, manufacturing facility, testing facility, or dispensary.
- F. Subject to the further requirements of this Section, only State distributor license classification type 11, and State transporter license classification type 12, will be allowed to operate in the City in accordance with the MCRSA and Business and Professions Code sections 19300.7 and 19334.
- G. Medical cannabis distribution and transportation is allowed only within fully enclosed and secure structures that are inaccessible to minors.
- H. Except for commercial shipping operations, medical cannabis distribution and transportation activities shall not exceed the square footage authorized pursuant to the applicable CUP.
- I. From any public right-of-way, there shall be no visible exterior evidence of any cannabis distribution or transportation activity.
- J. Cannabis distribution and transportation shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.
- K. All cannabis distribution and transportation facilities shall fully comply with all of the applicable restrictions and mandates set forth in State law. All cannabis distribution and transportation facilities shall comply with all size requirements for such facilities as imposed by State law. Cannabis distribution and transportation facilities shall not engage in any activities not allowed by medical cannabis distribution or transportation facilities pursuant to State law.

All cannabis distribution and transportation facilities shall comply with all horticultural, labeling, processing, and other standards required by State law.

- L. There is no set restriction on the hours of operation of medical cannabis distribution and transportation facilities; however, restricted hours of operation may be established as a condition of approval of the Distribution/Transportation Permit or the applicable CUP.
- M. All cannabis shall be kept in a secured manner during all business and nonbusiness hours.
- N. All cannabis distribution and transportation facilities shall operate within a legal structure that is compliant with all applicable State and local laws.
- O. All cannabis distribution and transportation facilities must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- P. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of all cannabis distribution and transportation facilities. The term “premises” as used in this Subsection includes the actual cannabis distribution or transportation building, as well as any accessory structures and parking areas. The cannabis distribution or transportation facility building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis or alcohol on the premises, or in the vicinity of the facility, is prohibited.
- Q. Signage for all cannabis distribution and transportation facilities shall be limited to name of business only, shall be in compliance with the City’s sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.
- R. `Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. Cannabis distribution and transportation facilities shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on

the premises of any cannabis distribution or transportation facility.

- S. Physician services shall not be provided on the cannabis distribution or transportation premises.
- T. The building in which any cannabis distribution or transportation facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MCRSA. Compliance with all requirements of State law pertaining to medical cannabis distribution and transportation is also required.
- U. Cannabis distribution and transportation facilities shall not grow, cultivate, manufacture, process, dispense, or administer cannabis from the facility unless expressly and affirmatively authorized by State law. Cannabis distribution and transportation facilities shall not be operated as cannabis cultivation, manufacturing, or testing facilities, or as cannabis dispensaries, unless expressly and affirmatively authorized by State law.
- V. The operators of all cannabis distribution and transportation facilities shall provide the City Manager, or the City Manager's designee, with the name, phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are any operational problems associated with the cannabis distribution or transportation facility. All cannabis distribution and transportation facilities shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.
- W. All cannabis distribution and transportation facilities shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the cannabis distribution or transportation activities occur.

- X. All cannabis distribution and transportation facilities shall have a security plan including the following measures:
1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, seven days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, distribution areas, transportation areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager, the Code Enforcement Manager, and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.
 2. The cannabis distribution and transportation facility shall be secured with an alarm system that is operated and monitored by a reputable security company.
 3. Entrance to the distribution or transportation area, and all storage areas, shall be locked at all times, and under the control of the medical cannabis distribution or transportation facility's staff.
 4. The entrances and all window areas shall be illuminated during evening hours. The facility shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.
 5. All windows on the building that houses the cannabis distribution or transportation facility shall be appropriately secured and all cannabis securely stored.
- Y. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, or law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.

- Z. The City Manager, the City Manager’s designee, and law enforcement shall have the right to enter the cannabis distribution or transportation facility at any time, unannounced, for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
 - AA. A Distribution/Transportation Permittee shall only distribute or transport medical cannabis between the business locations of Medical Cannabis Permittees.
 - BB. A Distribution/Transportation Permittee shall inspect all cannabis and cannabis products received for quality assurance prior to distributing or transporting to any Medical Cannabis Permittee.
 - CC. A Distribution/Transportation Permittee shall register with the City each location where cannabis is stored for purposes of distribution or transportation.
 - DD. A Distribution/Transportation Permittee shall distribute and transport batches of cultivated cannabis and cannabis products to dispensaries only after those batches have been inspected and quality tested by a qualified third party testing facility as required by the MCRSA, Business and Professions Code sections 19326 and 19342, the Department of Food and Agriculture regulations, and the State Department of Public Health regulations.
 - EE. A Distribution/Transportation Permittee may hold a Type 11 Distributor State license, and a Type 12 Transporter State license, but may not hold or use any other State or City cannabis activity permits or licenses that would otherwise be a violation of the MCRSA or Business and Professions Code section 19328.
- (2) Distribution/Transportation Permit Applications. All applicants wishing to obtain a Distribution/Transportation Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Distribution/Transportation Permit Application Fee as established by the City. An application for a Distribution/Transportation Permit shall include at least the following information:
- A. The address of the applicant’s headquarters.
 - B. An estimate of the size of the proposed medical cannabis distribution or transportation facility.

- C. The address of the location for which the Distribution/Transportation Permit is sought. Only one Distribution/Transportation Permit will be issued per location.
- D. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, distribution and transportation areas, lighting, signage, etcetera.
- E. A proposed security plan in compliance with the Medical Cannabis Distribution/Transportation Standards.
- F. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the distribution or transportation facility. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- G. The name and address of the owner and lessor of the real property upon which the medical cannabis distribution or transportation activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical cannabis distribution or transportation facility will be operated on the property.
- H. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
- I. Evidence that the medical cannabis distribution or transportation facility will be located in a legal structure that is compliant with all applicable State and local laws.
- J. Evidence that the medical cannabis distribution or transportation facility has registered with the City all locations where medical cannabis will be stored for purposes of distribution or transportation.
- K. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.
- L. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.

- M. The City Manager or the City Manager’s designee shall conduct a background check of any applicant seeking a Distribution/ Transportation Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the medical cannabis distribution or transportation facility (“Applicant’s Agents”), and shall prepare a report on the acceptability of the applicant and the Applicant’s Agents and the suitability of the proposed location.

- N. The City Manager or the City Manager’s designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level of service and opportunities for residents of the City based on the requirements of this Section and the following criteria (“Merit List”):
 - 1. The operational plan for the facility.
 - 2. The security plan for the facility.
 - 3. The experience of the operators of the facility.
 - 4. The adequacy of capitalization for the facility and its operations.
 - 5. The employment of City residents and other public benefits to the City.

(3) Distribution/Transportation Permit. The following conditions apply to each Distribution/Transportation Permit:

- A A Distribution/Transportation Permit will not be awarded to an applicant if:
 - 1. The applicant or the Applicant’s Agents made one or more false or misleading statements or omissions in the application or during the application process.
 - 2. The proposed medical cannabis distribution or transportation facility is not allowed by State or local law.
 - 3. The applicant is not a legal representative of the medical cannabis distribution or transportation facility.
 - 4. The applicant or the Applicant’s Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession,

distribution, transportation, or any such similar activity related to controlled substances, with the exception of cannabis related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

5. The applicant or the Applicant's Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
 6. The applicant has not satisfied each and every requirement of this Section.
- B. A Distribution/Transportation Permit shall be awarded by the City to eligible Distribution/Distribution Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Distribution/Transportation Permits shall be limited to those that may be reasonably accommodated within the Distribution/Transportation Zone as determined by the City Manager or the City Manager's designee.
- C. Before a Distribution/Transportation Permit can be issued to an applicant, Distribution/Transportation Permit fees must be paid to offset all related costs to the City, and the proposed medical cannabis distribution or transportation facility location must pass all applicable inspections.
- D. Only one Distribution/Transportation Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
- E. Each Distribution/Transportation Permit is subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the medical cannabis distribution or transportation activity occurs.
- F. Each Distribution/Transportation Permit is subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the cannabis distribution or transportation activities and to protect the public.

- G. All distribution and transportation activities shall be subject to an excise tax to be established by the City and the voters.
- H. Each Distribution/Transportation Permittee shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Distribution/Transportation Permit and the cannabis distribution and transportation activity.
- I. Each Distribution/Transportation Permittee shall:
 - 1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
 - 2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Distribution/Transportation Permit, the Distribution/Transportation Permittee's cannabis related activities, and any action taken by the Distribution/Transportation Permittee pursuant to this Section.
 - 3. Defend the City, at the Distribution/Transportation Permittee's sole expense, in any action against the City or its agents, officers, or employees associated with the Distribution/Transportation Permit, the Distribution/Transportation Permittee's cannabis related activities, or any action taken by the Distribution/Transportation Permittee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Distribution/Transportation Permittee of its indemnification and reimbursement obligations.
 - 4. Reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Distribution/Transportation Permit, the Distribution/Transportation Permittee's cannabis related activities, or any action taken by the

Distribution/Transportation Permittee pursuant to this Section.

- J. A Distribution/Transportation Permittee shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the medical cannabis distribution or transportation facility at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- K. A Distribution/Transportation Permittee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Distribution/Transportation Permittee at the medical cannabis distribution or transportation facility shall be residents of the City. A Distribution/Transportation Permittee shall use good faith efforts to comply with this Subsection and shall report the residential composition of its workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.
- L. A Distribution/Transportation Permit issued pursuant to this Section is not transferable to any third parties under any circumstances.
- M. A Distribution/Transportation Permit shall expire and be null and void 12 months after issuance to the Distribution/Transportation Permittee unless properly renewed. Upon payment of the applicable Distribution/Transportation Permit fees, and passing the requisite Distribution/Transportation Permit inspections, a Distribution/Transportation Permittee that has maintained compliance with all City, State, and other applicable cannabis and business related laws shall be entitled to renew its Distribution/Transportation Permit subject to all prevailing laws at the time of renewal.
- N. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any cannabis distribution or transportation activities, or for the activities of any cannabis distribution or transportation facility.

(4) Conditional Use Permit. All parcels of real property in the Distribution/ Transportation Zone, upon which cannabis distribution or transportation activities may occur, must obtain a CUP from the City for all such activities.

(e) **Enforcement.**

(1) Any cannabis distribution or transportation within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.

(2) Any party who engages in a violation of this Section, or who owns, possesses, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.

(3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.

(4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense.

(5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense.

(6) Any violation of this Section or any other City or State cannabis law by a Distribution/Transportation Permittee, or a Distribution/Transportation Permittee's agent, is grounds for revoking the relevant Distribution/ Transportation Permit. In addition, the City Manager or the City Manager's designee may revoke a Distribution/Transportation Permit if any of the following occur:

A. The City Manager or the City Manager's designee determines that the cannabis distribution or transportation facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.

B. The medical cannabis distribution or transportation operations cease for more than 90 calendar days.

C. Ownership of the medical cannabis distribution or transportation facility is changed or transferred to a third party.

- D. The medical cannabis distribution or transportation facility fails to maintain 120 hours of security recordings.
 - E. The medical cannabis distribution or transportation facility fails to provide remote access to the security cameras to the City Manager, the City Manager’s designee, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premise by authorized City officials.
- (7) Any decision regarding the revocation of a Distribution/Transportation Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager’s designee (“Hearing Officer”). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision to revoke the Distribution/Transportation Permit. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Distribution/Transportation Permit was improperly revoked. The Hearing Officer’s decision shall be final and binding upon the City and the appellant.
- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

17.80.110 Medical Cannabis Testing

- (a) **Purpose.** The purpose and intent of this Section is to regulate the testing of medical cannabis prior to manufacturing or dispensing to the public in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City intends to be on the forefront of medical cannabis research and testing. The City is authorized to regulate this activity pursuant to the MCRSA.
- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
 - (1) “City” means the City of Adelanto, California.
 - (2) “City Manager” means the individual duly appointed by a majority of the City Council to serve in the capacity as executive officer of the City on a permanent or interim basis.
 - (3) “CUP” means a Conditional Use Permit issued by the City in accordance with this Code.
 - (4) “Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof

enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.

- (5) “Medical cannabis” also means “medical marijuana” and shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.
 - (6) “Medical Cannabis Permittee” means a person or entity that has been issued a permit by the City, or another city in the State of California in accordance with the MCRSA or other applicable State laws, to participate in a commercial medical cannabis activity, such as cultivation, manufacturing, distribution, transportation, testing, dispensing, or delivering.
 - (7) “MCRSA” means the California Medical Cannabis Regulation and Safety Act.
 - (8) “MMRSA” means the California Medical Marijuana Regulation and Safety Act.
 - (9) “Testing” and “Testing Facility” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.
 - (10) “Testing Permit” means a City permit to test the quality of medical cannabis produced by cultivation and manufacturing permittees pursuant to the terms and conditions of this Section and the conditions of approval for the permit.
 - (11) “Testing Permittee” means an applicant who has applied for and has been issued a Testing Permit by the City pursuant to the terms and conditions of this Section.
- (c) **Cannabis Testing Prohibited.** All commercial cannabis testing within the City is prohibited except as expressly permitted by this Section.
- (d) **Medical Cannabis Testing Conditionally Permitted.** Commercial medical cannabis testing is conditionally permitted in the City only as expressly specified in this Section.

- (1) Medical Cannabis Testing Standards. Commercial medical cannabis testing, within the City, shall be in conformance with the following standards:
- A. Commercial medical cannabis testing shall only be allowed upon application and approval of a Testing Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.
 - B. Commercial medical cannabis testing is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (“Testing Zone”).
 - C. No commercial cannabis testing facility shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the commercial medical cannabis testing is, or will be, located to the nearest property line of those uses described in this Subsection.
 - D. A commercial cannabis testing facility may not be located within the same unit as an indoor cannabis cultivation facility, manufacturing facility, distribution facility, transportation facility, or dispensary.
 - E. Subject to the further requirements of this Section, only Type 8 State testing licenses, as specified in the MCRSA and Business and Professions Code section 19300.7, will be allowed to operate in the City.
 - F. Commercial medical cannabis testing is allowed only within fully enclosed and secure structures that are inaccessible to minors.
 - G. Commercial medical cannabis testing shall not exceed the square footage authorized pursuant to the applicable CUP.
 - H. From any public right-of-way, there shall be no visible exterior evidence of any cannabis testing activity.
 - I. Cannabis testing shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall

not be hazardous due to use or storage of materials, processes, products, or wastes.

- J. Each commercial cannabis testing facility shall fully comply with all of the applicable restrictions and mandates set forth in State law. A commercial cannabis testing facility shall comply with all size requirements for such facility as imposed by State law. A cannabis testing facility shall not engage in any activities not allowed by a medical cannabis testing facility pursuant to State law. A cannabis testing facility shall comply with all horticultural, labeling, processing, and other standards required by State law.
- K. There is no set restriction on the hours of operation of a commercial medical cannabis testing facility; however, restricted hours of operation may be established as a condition of approval of the Testing Permit or the applicable CUP.
- L. All cannabis shall be kept in a secured manner during all business and nonbusiness hours.
- M. A cannabis testing facility shall operate within a legal structure that is compliant with all applicable State and local laws.
- N. A cannabis testing facility must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- O. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of a cannabis testing facility. The term “premises” as used in this Subsection includes the actual cannabis testing building, as well as any accessory structures and parking areas. The cannabis testing facility building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis or alcohol on the premises or in the vicinity of the facility is prohibited.
- P. Signage for a medical cannabis testing facility shall be limited to name of business only, shall be in compliance with the City’s sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.
- Q. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A cannabis testing facility shall not hold or maintain a license from the State Department of

Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcoholic beverages shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any cannabis testing facility.

- R. Physician services shall not be provided on the cannabis testing facility premises.
- S. The building in which any cannabis testing facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MCRSA. Compliance with all requirements of State law pertaining to medical cannabis testing is also required.
- T. A cannabis testing facility shall not grow, cultivate, process, distribute, transport, sell, dispense, or administer cannabis from the facility to the public. A cannabis testing facility shall not be operated as a cannabis dispensary.
- U. The operators of a cannabis testing facility shall provide the City Manager, or the City Manager's designee, with the name, phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are any operational problems associated with the cannabis testing facility. A cannabis testing facility shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.
- V. Each cannabis testing facility shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the cannabis testing activities occur.
- W. Each cannabis testing facility shall have a security plan including the following measures:
 - 1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The

cameras shall be in use 24 hours per day, seven days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, testing areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager, the Code Enforcement Manager, and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.

2. The cannabis testing facility shall be secured with an alarm system that is operated and monitored by a reputable security company.
 3. Entrance to the cannabis testing area, and all storage areas, shall be locked at all times, and under the control of the medical cannabis testing facility's staff.
 4. The entrances, and all window areas, shall be illuminated during evening hours. The cannabis testing facility shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.
 5. All windows on the building that houses the cannabis testing facility shall be appropriately secured and all cannabis securely stored.
- X. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, or law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.
- Y. The City Manager, the City Manager's designee, and law enforcement shall have the right to enter any cannabis testing facility at any time, unannounced, for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
- Z. Each cannabis testing facility must employ full time quality control personnel.

- AA. All cultivated cannabis, and manufactured cannabis products, must be properly tested prior to being dispensed to the public as required by the MCRSA, Business and Professions Code sections 19326 and 19342, and the State Department of Public Health regulations.
- BB. Each Testing Permittee shall be independent from all other persons and entities involved in the cannabis industry including, but not limited to, cannabis cultivators, manufacturers, distributors, transporters, and dispensaries.
- CC. A cannabis testing facility shall not acquire or receive cannabis or cannabis products except from a Medical Cannabis Permittee. A Testing Permittee shall not cultivate, manufacture, distribute, transport, deliver, or dispense cannabis or cannabis products.
- DD. A cannabis testing facility must adopt a standard operating procedure using methods consistent with general requirements for the competence of testing and calibration activities, including sampling. A Testing Permittee must use testing standards and methods established specifically for medical cannabis testing by the State.
- EE. A cannabis testing facility must establish standard operating procedures that provide for adequate chain of custody controls for samples transferred to the cannabis testing facility for testing.
- FF. A Testing Permittee must obtain testing samples according to a statistically valid sampling method. All testing samples must be picked independently and at random by the Testing Permittee. Testing samples cannot be pre-selected by outside persons or entities involved in the cultivation, manufacturing, distribution, transportation, delivery, or dispensing of cannabis.
- GG. Cannabis from dried flower must, at minimum, be tested for concentration, pesticides, mold, and other contaminants. Cannabis extracts must, at minimum, be tested for concentration and purity of the product.
- HH. A cannabis testing facility must analyze samples according to either the most current version of the cannabis inflorescence monograph (“Monograph”) published by the American Herbal Pharmacopoeia or other scientifically

valid methodology that is equal or superior to the Monograph.

- II. If a test result falls outside the specifications authorized by law or regulation, the cannabis testing facility shall follow a standard operating procedure to confirm or refute the original result.
- JJ. A cannabis testing facility must destroy the remains of any sample of cannabis or cannabis product upon completion of the testing analysis.
- KK. A cannabis testing facility must destroy cannabis batches whose testing samples indicate noncompliance with health and safety standards promulgated by the State Department of Public Health, unless remedial measures can bring the cannabis into compliance.
- LL. A Testing Permittee shall issue a certificate of analysis for each sample tested to report whether the chemical profile of the sample conforms to the specifications for the sample for compounds. Compounds tested include, but are not limited to, the compounds listed under Business and Professions Code section 19344.
- MM. A Testing Permittee shall issue a certificate of analysis for each sample tested to report whether the presence of contaminants in the sample does or does not exceed the levels that are the lesser of either the most current version of the Monograph or those set by the State Department of Public Health. Contaminants tested include, but are not limited to, the contaminants listed under Business and Professions Code section 19344.
- NN. Each cannabis testing facility must analyze whether residual levels of volatile organic compounds in each sample tested are below the lesser of either the specifications set by the United States Pharmacopeia (U.S.P. Chapter 467) or those set by the State Department of Public Health.
- OO. All testing devices used by a cannabis testing facility must be UL listed, or otherwise approved for the intended use by the City's Building Official or the Fire Department. Any testing devices using only non-pressurized water are exempt from such approval.
- PP. Unless otherwise prohibited, all testing devices used by a cannabis testing facility that utilize hydrocarbons or

otherwise flammable solvents must operate in a closed loop, or in such a way that all solvent material is recovered in the process. All hazardous material must be disposed of in a manner that is compliant with all local, State, and federal guidelines for the disposal of hazardous materials.

QQ. Each cannabis testing facility must notify the State Department of Public Health and the City Manager, or the City Manager's designee, within one business day after the receipt of notice of any kind that its accreditation has been denied, suspended, or revoked.

(2) Testing Permit Applications. All applicants wishing to obtain a Testing Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Testing Permit Application Fee as established by the City. An application for a Testing Permit shall include at least the following information:

- A. An estimate of the size of the proposed medical cannabis testing facility.
- B. The address of the location for which the Testing Permit is sought. Only one Testing Permit will be issued per location.
- C. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, testing areas, lighting, signage, etcetera.
- D. A proposed security plan in compliance with the Medical Cannabis Testing Standards.
- E. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the medical cannabis testing facility. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- F. The name and address of the owner and lessor of the real property upon which the medical cannabis testing activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical cannabis testing facility will be operated on the property.
- G. Evidence that the medical cannabis testing facility is independent from all other persons and entities involved in

the cannabis industry, as required by Business and Professions Code section 19343.

- H. Evidence that the medical cannabis testing facility follows the methodologies, ranges, and parameters that are contained in the scope of the accreditation for testing medical cannabis and medical cannabis products. The medical cannabis testing facility shall also comply with any other requirements specified by the State Department of Public Health.
- I. Authorization for the City Manager or the City Manager’s designee to seek verification of the information contained within the application.
- J. Evidence that the medical cannabis testing facility will be located in a legal structure that is compliant with all applicable State and local laws.
- K. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.
- L. Any such additional and further information as is deemed necessary by the City Manager or the City Manager’s designee to administer this Section.
- M. The City Manager or the City Manager’s designee shall conduct a background check of any applicant seeking a Testing Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the cannabis testing facility (“Applicant’s Agents”), and shall prepare a report on the acceptability of the applicant and the Applicant’s Agents and the suitability of the proposed location.
- N. The City Manager, or the City Manager’s designee, shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level of service and opportunities for residents of the City based on the requirements of this Section and the following criteria (“Merit List”):
 - 1. The operational plan for the facility.
 - 2. The security plan for the facility.
 - 3. The experience of the operators of the facility.

4. The adequacy of capitalization for the facility and its operations.
 5. The employment of City residents and other public benefits to the City.
- (3) Testing Permit. The following conditions apply to each Testing Permit:
- A. A Testing Permit will not be awarded to an applicant if:
 1. The applicant or the Applicant's Agents made one or more false or misleading statements or omissions in the application or during the application process.
 2. The proposed medical cannabis testing facility is not allowed by State or local law.
 3. The applicant is not a legal representative of the medical cannabis testing facility.
 4. The applicant or the Applicant's Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, distribution, transportation, or any such similar activity related to controlled substances, with the exception of cannabis related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
 5. The applicant or the Applicant's Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
 6. The applicant has not satisfied each and every requirement of this Section.
 - B. A Testing Permit shall be awarded by the City to eligible Testing Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Testing Permits shall be limited to those that may be reasonably accommodated within the Testing Zone as determined by the City Manager or the City Manager's designee.

- C. Before a Testing Permit can be issued to an applicant, Testing Permit fees must be paid to offset all related costs to the City, and the proposed medical cannabis testing facility location must pass all applicable inspections.
- D. Only one Testing Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
- E. A Testing Permit is subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the cannabis testing activity occurs.
- F. A Testing Permit is subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the cannabis testing activity and to protect the public.
- G. All cannabis testing activities shall be subject to an excise tax to be established by the City and the voters.
- H. A Testing Permittee may not hold or use any other cannabis activity permits or licenses that would otherwise be a violation of this Section, the MCRSA, or Business and Professions Code section 19328.
- I. A Testing Permittee may not own or have an ownership interest in any activity or facility related to cannabis cultivation, manufacturing, distribution, transportation, delivery, or dispensing.
- J. A Testing Permittee shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Testing Permit and the cannabis testing activity.
- K. A Testing Permittee shall:
 - 1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
 - 2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Testing Permit, the Testing Permittee's cannabis related activities, and

any action taken by the Testing Permittee pursuant to this Section.

3. Defend the City, at the Testing Permittee's sole expense, in any action against the City or its agents, officers, or employees associated with the Testing Permit, the Testing Permittee's cannabis related activities, or any action taken by the Testing Permittee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Testing Permittee of its indemnification and reimbursement obligations.
 4. Reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Testing Permit, the Testing Permittee's cannabis related activities, or any action taken by the Testing Permittee pursuant to this Section.
- L. Each Testing Permittee shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the cannabis testing facility at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- M. Each Testing Permittee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Testing Permittee at the cannabis testing facility shall be residents of the City. A Testing Permittee shall use good faith efforts to comply with this subsection and shall report the residential composition of its workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.
- N. A Testing Permit issued pursuant to this Section is not transferable to any third parties under any circumstances.
- O. A Testing Permit shall expire and be null and void 12 months after issuance to the Testing Permittee unless properly renewed. Upon payment of the applicable Testing Permit fees and passing the requisite Testing Permit inspections, a

Testing Permittee that has maintained compliance with all City, State, and other applicable medical cannabis and business related laws shall be entitled to renew its Testing Permit subject to all prevailing laws at the time of renewal.

P. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any cannabis testing activities or for the activities of any cannabis testing facility.

(4) Conditional Use Permit. All parcels of real property in the Testing Zone upon which medical cannabis testing activities may occur must obtain a CUP from the City for all such activities.

(e) **Enforcement.**

(1) Any cannabis testing within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.

(2) Any party who engages in a violation of this Section, or who owns, possess, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.

(3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.

(4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense.

(5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense.

(6) Any violation of this Section or any other City or State cannabis law by a Testing Permittee or a Testing Permittee's agent is grounds for revoking the relevant Testing Permit. In addition, the City Manager or the City Manager's designee may revoke a Testing Permit if any of the following occur:

A. The City Manager or the City Manager's designee determines that the cannabis testing facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.

B. The medical cannabis testing operations cease for more than 90 calendar days.

- C. Ownership of the medical cannabis testing facility is changed or transferred to a third party.
 - D. The medical cannabis testing facility fails to maintain 120 hours of security recordings.
 - E. The medical cannabis testing facility fails to provide remote access to the security cameras to the City Manager, the City Manager’s designee, the Code Enforcement Manager, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.
- (7) Any decision regarding the revocation of a Testing Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager’s designee (“Hearing Officer”). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision to revoke the Testing Permit. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Testing Permit was improperly revoked. The Hearing Officer’s decision shall be final and binding upon the City and the appellant.
- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

17.80.120 Medical Cannabis Dispensaries

- (a) **Purpose.** The purpose and intent of this Section is to regulate the dispensing and delivery of medical cannabis that is sold in accordance with State law in order to promote the health, safety, and general welfare of the residents and businesses within the City. The City is authorized to regulate this activity pursuant to the MCRSA.
- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
 - (1) “CUP” means a Conditional Use Permit issued by the City in accordance with this Code.
 - (2) “Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.

- (3) “Deliver,” “Delivering,” and “Delivery” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.
 - (4) “Dispensary,” “Dispense,” and “Dispensing” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws. Dispensing shall include the acts of advertising, offering for sale, selling, providing, giving away, and delivering any medical cannabis products to any individual, customer, qualified patient, primary care provider, or end user.
 - (5) “Dispensary Permit” means a City permit to dispense and deliver medical cannabis in accordance with the terms and conditions of this Section and the conditions of approval for the permit.
 - (6) “Dispensary Permittee” means a person or entity that has been issued a Dispensary Permit by the City pursuant to the terms and conditions of this Section.
 - (7) “MCRSA” means the California Medical Cannabis Regulation and Safety Act.
 - (8) “Medical cannabis” also means “medical marijuana” and shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.
 - (9) “Medical Cannabis Permittee” means a person or entity that has been issued a permit by the City, or another city in the State of California in accordance with the MCRSA or other applicable State laws, to participate in a commercial medical cannabis activity, such as cultivation, manufacturing, distribution, transportation, testing, or dispensing.
 - (10) “MMRSA” means the California Medical Marijuana Regulation and Safety Act.
- (c) **Cannabis Dispensing and Delivery Prohibited.** All cannabis dispensing and delivery within the City is prohibited except as expressly permitted by this Section.
- (d) **Dispensing and Delivery of Medical Cannabis Conditionally Permitted.** Dispensing and delivery of medical cannabis is conditionally permitted in the City only as expressly specified in this Section.

- (1) Medical Cannabis Dispensary Standards. Medical cannabis dispensing and delivery within the City shall be in conformance with the following standards:
- A. Medical cannabis dispensing and delivery shall only be allowed upon application and approval of a Dispensary Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.
 - B. Medical cannabis dispensing and delivery is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (“Dispensary Zone”).
 - C. Medical cannabis dispensing activities may only include the selling of medical cannabis from a dispensary and the delivery of medical cannabis from a dispensary to a qualified patient or primary caregiver.
 - D. No cannabis dispensing or delivery shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the cannabis dispensing or delivery activity is, or will be, located to the nearest property line of those uses described in this Subsection.
 - E. Cannabis dispensaries may not be located within the same unit of a building or structure as an indoor cannabis cultivation, manufacturing, distribution, transportation, or testing facility.
 - F. Medical cannabis dispensing and delivery is allowed only within fully enclosed and secure structures that are inaccessible to minors.
 - G. Medical cannabis dispensing and delivery activities shall not exceed the square footage authorized pursuant to the applicable CUP.
 - H. From any public right-of-way, there shall be no visible exterior evidence of any cannabis dispensing or delivery activity.
 - I. Cannabis dispensing and delivery shall not adversely affect the health or safety of any nearby residents by creating dust,

glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.

- J. Each cannabis dispensary shall fully comply with all of the applicable restrictions and mandates set forth in State law. Each cannabis dispensary shall comply with all size requirements for such facility as imposed by State law. A cannabis dispensary shall not engage in any activities not allowed by a medical cannabis dispensary pursuant to State law. A cannabis dispensary shall comply with all horticultural, labeling, processing, and other standards required by State law.
- K. Medical cannabis dispensaries shall only be operated between the hours of 6:00 a.m. and 9:00 p.m. or as otherwise established as a condition of approval of the Dispensary Permit or the applicable CUP.
- L. All cannabis shall be kept in a secured manner during all business and nonbusiness hours.
- M. Each cannabis dispensary shall operate within a legal structure that is compliant with all applicable State and local laws.
- N. Each cannabis dispensary must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- O. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of all cannabis dispensaries except for medical cannabis used by qualified patients in well ventilated private lounges that are partitioned off from access to all other areas of the dispensary, are designed to prevent the flow of smoke to any other area, and are otherwise operated in compliance with Labor Code section 6404.5 and other applicable State laws for “private smokers’ lounges.” The term “premises” as used in this Subsection includes the actual cannabis dispensary building, as well as any accessory structures and parking areas. The cannabis dispensary building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis or alcohol on the premises, or in the vicinity of the dispensary, is prohibited except in designated lounges that comply with the mandates of this Subsection.

- P. Signage for each cannabis dispensary shall be limited to name of the business only, shall be in compliance with the City's sign code, and shall contain no advertising of any other companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.
- Q. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A cannabis dispensary shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any cannabis dispensary.
- R. Physician services and medical cannabis recommendations shall not be provided on the cannabis dispensary premises.
- S. The building in which any dispensary is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MCRSA. Compliance with all requirements of State law pertaining to medical cannabis dispensing and delivery is also required.
- T. A cannabis dispensary shall not grow, cultivate, manufacture, or process cannabis from the dispensary, unless expressly and affirmatively authorized by State law. A cannabis dispensary shall not be operated as a cannabis cultivation, manufacturing, distribution, transportation, or testing facility, unless expressly and affirmatively authorized by State law.
- U. The operators of a cannabis dispensary shall provide the City Manager or the City Manager's designee with the name, cell phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are any operational problems associated with the cannabis dispensary. Each cannabis dispensary shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.

- V. A cannabis dispensary shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the cannabis dispensing or delivery activities occur.
- W. Dispensary Permittees shall implement sufficient security measures to both deter and prevent unauthorized entrance into areas containing medical cannabis products and theft of medical cannabis products from the dispensary.
- X. A cannabis dispensary shall have a security plan including the following measures:
 - 1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, seven days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, dispensing areas, delivery areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager, the Code Enforcement Manager, and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.
 - 2. The cannabis dispensary shall be secured with an alarm system that is operated and monitored by a reputable security company.
 - 3. Entrance to the dispensing or delivery areas, and all storage areas, shall be locked at all times, and under the control of the medical cannabis dispensary's staff.
 - 4. All medical cannabis shall be stored in a secured and locked room, safe, or vault, and in a manner as to prevent diversion, theft, or loss.
 - 5. The entrances and all window areas shall be illuminated during evening hours. The dispensary

shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.

6. All windows on the building that houses the cannabis dispensary shall be appropriately secured.
 7. No loitering—individuals shall not be allowed to remain on the premises of the dispensary unless they are engaging in activity expressly related to the operations of the dispensary.
- Y. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, the City's Code Enforcement Manager, and law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.
- Z. The City Manager, the City Manager's designee, the City's Code Enforcement Manager, and law enforcement shall have the right to enter the cannabis dispensary at any time, unannounced, for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
- AA. A Dispensary Permittee shall notify the City Manager or the City Manager's designee within 24 hours of discovering any of the following:
1. Significant discrepancies identified during inventory. The level of significance shall be determined by the City Manager or the City Manager's designee.
 2. Diversion, theft, loss, or any criminal activity involving the dispensary or any agent or employee of the dispensary.
 3. The loss or unauthorized alteration of records related to medical cannabis, registered qualifying patients, primary caregivers, or dispensary agents or employees.
 4. Any other breach of security.

- BB. A Dispensary Permittee shall not dispense or deliver medical cannabis to any person without a physician's recommendation.
- CC. A Dispensary Permittee shall only dispense or deliver medical cannabis to individuals who provide government-issued identification and adequate documentation demonstrating qualification to purchase, obtain, or possess medical cannabis.
- DD. Physician's recommendations shall be verified by a Dispensary Permittee prior to dispensing or delivering any medical cannabis to a qualified patient or primary caregiver, and at least every six months thereafter.
- EE. A dispensary may not employ or enter into any agreements with any physicians who recommend medical cannabis.
- FF. A Dispensary Permittee shall inspect all cannabis and cannabis products received for quality assurance prior to dispensing or delivering to any person.
- GG. Each dispensary shall dispense and deliver medical cannabis products only after those medical cannabis products have been inspected and quality tested by a qualified third party testing facility as required by the MCRSA, Business and Professions Code sections 19326 and 19342, the Department of Food and Agriculture regulations, and the State Department of Public Health regulations.
- HH. Each dispensary shall do regular monthly inventories, and shall record the total quantity of cannabis on the premises. These records shall be maintained for three years from the date created and shall be open to inspection by the City Manager, the City Manager's Designee, Code Enforcement, and law enforcement.
- II. A Dispensary Permittee shall register with the City each location where cannabis is stored for purposes of dispensing or delivery.
- JJ. A dispensary shall maintain patient records in a secure location within the City, available for inspection upon demand by the City Manager, the City Manager's designee, Code Enforcement, or law enforcement. Such records shall include, without limitation, a copy of the physician's recommendation and, if using a primary caregiver, a

notarized written authorization from the patient to be represented by such primary caregiver.

KK. During the delivery of medical cannabis, each vehicle driver shall carry a copy of the Dispensary Permit, a copy of the delivery request, a form of government-issued identification, and all other information required by State law. The driver shall present these documents upon the request of law enforcement, Code Enforcement, the City Manager, or the City Manager's designee.

LL. Prior to sale at a dispensary or delivery, cannabis products shall be labeled and placed in a tamper-evident package. Labels and packages of medical cannabis products shall, at minimum, meet the requirements specified under Business and Professions Code section 19347 and other applicable State laws.

MM. All cannabis delivery vehicles shall:

1. Be equipped with, and utilize, a vehicle alarm system.
2. Have and utilize a direct communication system with the dispensary.
3. Keep all cannabis in a secure and locked container.
4. Have an internal partition between the driver and all passengers from the cannabis storage containers that prevents access by the driver and passengers to all cannabis products from inside the vehicle.
5. Not carry more cannabis than allowed by State law and required to fulfill all immediate delivery requests.

(2) Dispensary Permit Applications. All applicants wishing to obtain a Dispensary Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Dispensary Permit Application Fee as established by the City. An application for a Dispensary Permit shall include at least the following information:

- A. The address of the applicant's headquarters.
- B. An estimate of the size of the proposed medical cannabis dispensary.

- C. The address of the location for which the Dispensary Permit is sought. Only one Dispensary Permit will be issued per location.
- D. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, dispensing and delivery areas, lighting, signage, etcetera.
- E. A proposed security plan in compliance with the Medical Cannabis Dispensary Standards.
- F. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the dispensary. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- G. The name and address of the owner and lessor of the real property upon which the medical cannabis dispensary activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical cannabis dispensary may be operated on the property.
- H. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
- I. Evidence that the medical cannabis dispensary will be located in a legal structure that is compliant with all applicable State and local laws.
- J. Evidence that the medical cannabis dispensary has registered with the City all locations where medical cannabis will be stored for purposes of dispensing or delivery.
- K. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.
- L. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.

- M. The City Manager or the City Manager’s designee shall conduct a background check of any applicant seeking a Dispensary Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the medical cannabis dispensary (“Applicant’s Agents”), and shall prepare a report on the acceptability of the applicant and the Applicant’s Agents and the suitability of the proposed location.

- N. The City Manager or the City Manager’s designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level of service and opportunities for residents of the City based on the requirements of this Section and the following criteria (“Merit List”):
 - 1. The operational plan for the dispensary.
 - 2. The security plan for the dispensary.
 - 3. The experience of the operators of the dispensary.
 - 4. The adequacy of capitalization for the dispensary and its operations.
 - 5. The employment of City residents and other public benefits to the City.

(3) Dispensary Permit. The following conditions apply to each Dispensary Permit:

- A. A Dispensary Permit will not be awarded to an applicant if:
 - 1. The applicant or the Applicant’s Agents made one or more false or misleading statements or omissions in the application or during the application process.
 - 2. The proposed medical cannabis dispensary is not allowed by State or local law.
 - 3. The applicant is not a legal representative of the medical cannabis dispensary.
 - 4. The applicant or the Applicant’s Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, distribution, transportation, or any such similar

activity related to controlled substances, with the exception of cannabis related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

5. The applicant or the Applicant's Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
 6. The applicant has not satisfied each and every requirement of this Section.
- B. A Dispensary Permit shall be awarded by the City to eligible Dispensary Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Dispensary Permits shall be limited to those that may be reasonably accommodated within the Dispensary Zone as determined by the City Manager or the City Manager's designee.
 - C. Only one Dispensary Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
 - D. A Dispensary Permit is subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the medical cannabis dispensing or delivery activity occurs.
 - E. A Dispensary Permit is subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the cannabis dispensing or delivery activities and to protect the public.
 - F. A Dispensary Permittee may not hold or use any other cannabis related permits or licenses that would otherwise be a violation of this Code, the MCRSA, or Business and Professions Code section 19328.
 - G. Before a Dispensary Permit will be issued to an applicant, Dispensary Permit fees must be paid to offset all foreseeable costs to the City for all dispensary related operations. Dispensary Permittees shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs,

expenses, fees, and attorneys' fees incurred by the City related to the Dispensary Permit and the cannabis dispensing and delivery activity not collected at the time the Dispensary Permit is issued.

H. A Dispensary Permittee shall:

1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Dispensary Permit, the Dispensary Permittee's cannabis related activities, and any action taken by the Dispensary Permittee pursuant to this Section.
3. Defend the City, at the Dispensary Permittee's sole expense, in any action against the City or its agents, officers, or employees associated with the Dispensary Permit, the Dispensary Permittee's cannabis related activities, or any action taken by the Dispensary Permittee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Dispensary Permittee of its indemnification and reimbursement obligations.
4. Reimburse the City for all costs, expenses, fees, and attorneys' fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Dispensary Permit, the Dispensary Permittee's cannabis related activities, or any action taken by the Dispensary Permittee pursuant to this Section.

I. Each Dispensary Permittee shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the medical cannabis dispensary at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of any such offenses, and the sentences received for such convictions.

- J. A Dispensary Permittee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50 percent of all employees employed by the Dispensary Permittee at the medical cannabis dispensary shall be residents of the City. A Dispensary Permittee shall use good faith efforts to comply with this Subsection and shall report the residential composition of its workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.
- K. A Dispensary Permit issued pursuant to this Section is not transferable to any third parties under any circumstances.
- L. A Dispensary Permit shall expire and be null and void 12 months after issuance to the Dispensary Permittee unless properly renewed. Upon payment of the applicable Dispensary Permit fees, and passing the requisite Dispensary Permit inspections, a Dispensary Permittee that has maintained compliance with all City, State, and other applicable cannabis and business related laws shall be entitled to renew its Dispensary Permit subject to all prevailing laws at the time of renewal.
- M. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any cannabis dispensing or delivery activities, or for the activities of any cannabis dispensary.

(4) Conditional Use Permit. All parcels of real property in the Dispensary Zone, upon which cannabis dispensing or delivery activities may occur, must obtain a CUP from the City for all such activities.

(e) **Enforcement.**

- (1) Any cannabis dispensing or delivery activities within the City in violation of this Section are hereby declared to be unlawful and a public nuisance.
- (2) Any party who engages in any violation of this Section, or who owns, possesses, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.

- (3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.
- (4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense per day.
- (5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense per day.
- (6) Any violation of this Section or any other City or State cannabis law by a Dispensary Permittee, or a Dispensary Permittee's agent, is grounds for revoking the relevant Dispensary Permit. In addition, the City Manager or the City Manager's designee may revoke a Dispensary Permit if any of the following occur:
 - A. The City Manager or the City Manager's designee determines that the cannabis dispensary has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.
 - B. The medical cannabis dispensing or delivery operations cease for more than 90 calendar days.
 - C. Ownership of the medical cannabis dispensary is changed or transferred to a third party.
 - D. The medical cannabis dispensary fails to maintain 120 hours of security recordings.
 - E. The medical cannabis dispensary fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, the Code Enforcement Manager, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.
- (7) Any decision regarding the revocation of a Dispensary Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision to revoke the Dispensary Permit. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Dispensary Permit was improperly revoked. The Hearing Officer's decision shall be final and binding upon the City and the appellant.

- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

Appendix A: Regulation of Uses by Zoning District

KEY:

P = Use permitted by right with Location and Development Plan Approval (subject to all local, State, and other applicable Code requirements)

C = Use requires Conditional Use Permit (Chapter 17.30 Adelanto Zoning Code)

Cm = Use Requires a Minor Conditional Use Permit (Chapter 17.30 Adelanto Zoning Code)

A = Use permitted as accessory use only (when such use is directly related to the primary use)

T = Use permitted as temporary use only (see Chapter 17.75)

Residential Zoning Districts:	Commercial and Mixed Use Zoning Districts:	Business Park and Manufacturing Zoning Districts	Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts
DL-9 = Desert Living 1 unit/9 acres	C = General Commercial	LM = Light Manufacturing	PU=Public Utility
DL-5 = Desert Living 1 unit/5 acres	MU = Mixed Use	MI = Manufacturing Industrial	PF = Public Facility
DL-2.5 = Desert Living 1 unit/2.5 acres		ADD = Airport Development District	OS = Open Space
R-S1 = Single Family Residential		BP = Business Park	DE = Greenbelt Corridor: Drainage Easement
R1-.5 = Single Family Residential (1/2 Acre)			UE = Greenbelt Corridor: Utility Easement
R1 = Single Family Residential			
R-S5 = Single Family Residential			
R3-8 = Medium Density Residential			
R-M12 = Medium Density Residential			

Residential R3-30 =
High Density
Residential
AP = Airport Park

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
AGRICULTURAL PRODUCTION and ANIMAL SERVICES⁷																				
Animal Keeping (subject to provisions of Title 7- Animals) ¹¹	A	A	A	A	A	A	A	A	A											
Animal Shelter (on lots greater than 2.5 acres only)									Cm			C	C	C	C					
Feed and Grain Sales	C										P	P	P							
Horses (Boarding and Raising as a Business), Kennels (subject to provisions of Title 7- Animals on lots greater than 2.5 acres only)	C																			
Taxidermist												P	P	P						
Veterinarian/Veterinary Hospital/Pet Grooming	C									P	P	P	P	P	P					
Medical Cannabis Dispensary ¹²													C							
Medical Cannabis Cultivation ¹²													C							
Medical Cannabis Manufacturing ¹²													C							
Medical Cannabis Distribution and/or Transportation ¹²													C							
Medical Cannabis Testing Laboratory ¹²													C							
RESIDENTIAL																				
Bed and Breakfast	P					P	P		P	P	P									
Dwelling Unit, Multiple Family, Two-Family (Duplex), Condominium						P	P	P		P										
Dwelling Unit, Single-Family (detached)	P	P	P	P	P		P		P									P		
Dwelling Unit - Second Units/Dependent Housing/Granny Flats	P	P	P	P	P	P	P		P											
Day Care Center, Adult Day Health and	C		C		C	C	C	C		C	C				C	C	C			

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Child Care (Subject to California Department of Social Services:																				
Day Care Home, Large Family (14 or fewer children), (Subject to California Department of Social Services)	C	C	C	C	C	C	C	C												
Day Care Home, Small Family (8 or fewer children) (Subject to California Department of Social Services)	P	P	P	P	P	P	P	P		C										
Group Homes not licensed by the State with 2 or more residents	C	C	C	C	C															
Single Room Occupancy Facilities	P	P	P	P	P	P	P	P		P										
Transitional and Supportive Housing	P	P	P	P	P	P	P	P		P										
Emergency and Homeless Shelters	P											C	C	C						
Residential Care Facility (7 or more persons)	C	C	C	C	C	C	C													
Residential Care Facility for 6 or fewer persons (includes facilities licensed and/or controlled by California Department of Social Services)	P	P	P	P	P	P	P	P												
Home Occupation (Use allowed subject to Chapter 17.95)	A	A	A	A	A	A	A	A	A	A										
Fraternal/Sorority Hall, Rooming										P	P	C	C							
Manufactured Home, Mobile Home (includes individual unit placed in a residential subdivision)	P	P	P	P	P				P											
Manufactured/Mobile Home Parks	C																			
Mobile Homes Sales											P	P								
Model Home	T	T	T	T	T	T	T	T												
Game Courts (Badminton/Tennis/Racquetball/Other)	A	A	A	A	A	A	A	A												

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
and Swimming Pool, Private																				
INSTITUTIONAL																				
Educational																				
Education Institution (including private, commercial, and vocational schools, **card room related training only)									C1	C	C	C	C		P					
Education Institution, Public (Subject to LDP approval)	P	P	P	P	P	P	P			P	P			P	P	P				
Prisons/Correctional Facilities												C	C		C					
Medical																				
Chiropractic/Physical Therapy Office										P	P	P			P					
Hospitals and Clinics										P	C	C		C	P	C	C			
Medical/Dental Offices										P	P	P	P	P	P					
Laboratories, Medical and Dental											C	P	P	P	P					
Pharmacy (see also Drugstore) ^{2, 9}										P	P	P			P					
Convalescent Hospital, Skilled Nursing Facility	C	C	C	C	C	C	C	C			P									
Public																				
Conference or Convention Centers										P		C	C	C	C	P	C			
Parks, Plazas and Trails	P	P	P	P	P	P	P			P				P		P	P	P	P	
Visitor Centers										P	P									
Religious/Non-Profit																				
Churches, Temples, other religious institutions, non-profits (except administrative offices- see Offices). In residential zones, vehicular access shall be only from major arterial or major collector as designated in the General	C	C	C	C	C	C	C	C		C	P	P		C	C	C	C			

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Plan Circulation Element.																				
COMMERCIAL																				
Alcoholic Beverage Establishments																				
Alcoholic Beverage Onsite Sales in establishments open to persons over the legal drinking age exclusively, not allowed within 1,000 feet of any residential zoning district or residential use, churches, parks, and/or educational institutions ³										C										
Alcoholic Beverage Onsite Sales in establishments open to persons over the legal drinking age exclusively, more than 1,000 feet from any residential zoning district or residential use, churches, parks, and/or educational institutions ³										C	C	C	C	C	C	C				
Alcoholic Beverage Onsite Sales as part of a bona fide sit down (non-age-restricted) restaurant ³										P	P	P	P	P	P	P				
Alcoholic Beverage Offsite Sales within a supermarket or drug store ^{2,3,9}										P	P	P	P	P	P	P				
Alcoholic Beverage Offsite Sales in any store other than a supermarket or drug store ^{2,3,9}										C	C	C	C	C	C	C				
Wineries ³	C											P	P	P						
Automobile, Vehicle Rentals and Sales Related Uses																				
Automobile Auction												C	C	C						
Automobiles/Recreational Vehicles/Boats/Motorcycles/Trucks ⁴ , Sales- New & Used, and Rentals												P	P	P	P					
Service Station/Gas Station (Petroleum Products), including automobile service												C	P	P	P					

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
and Car Wash ^{4,9}																				
Parking Lot and Parking Garages, Public ⁴										C	P	P	P	P	C					
Automobile, Vehicle Service and Repair																				
Automobile Accessory Sales and Installation, including parts supply (No overnight outside storage or parking; body work prohibited) ^{4,6}											P	P	P	P						
Automobile Service (Lubrication, Tune-ups, emission tests, batteries, mufflers, etc. No use of impact wrenches or other equipment that could create noise impacts; No overnight outside storage or parking; Paint, body work, upholstery prohibited) ^{4,6}											C	P	P	P						
Automobile Minor Repair (Brakes, tires, radiators, electrical, etc. No overnight outside storage or parking; Paint, body work, upholstery prohibited) ^{4,6l}											C	P	P	P						
Automobile Paint, Body, and Upholstery Shops ^{4,6}												C	C	C						
Communications/Utilities Distribution and Transmission																				
Cellular, Microwave Antenna/Towers and related equipment buildings ⁸										C	C	C	C	C	C	C	C	C		C
Gas Distribution, Meter, and Control Station												P	P	P			P			C
Electricity Distribution & Transmission Substation (<5,000 SF)	C	C	C	C	C	C	C	C	C		P	P	P	P		P	P	C		C
Electricity Distribution & Transmission Substation (>5,000 SF)											C	C	C	C			C	C		C
Power Generating Facilities, Solar Energy and/or Wind Energy Conversion Systems >500 Kw ¹⁰												C	C	C				C		C

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Solar Energy and/or Wind Energy Conversion Systems <500 Kw						Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	C		Cm
Solar Energy and/or Wind Energy Conversion Systems <25 Kw	P	P	P	P	P	P	P	P	P	P								C		
Radio/Television Broadcasting Studios (including Recording Studios)										P	P	P	P	P	P	A	A			
Telephone Repeater Stations	C	C	C	C	C	C	C	C		C	P	P	P	C	C	P	C			C
Eating and Drinking Establishments																				
Bakery, Coffeehouse, Delicatessen, Ice Cream Parlor, and other similar eating establishments ²									C	P	P	P	P	P	P	P				
Catering Service									C	P	P	P	P	P	P					
Nightclubs/Taverns/Bars ^{3,9}										C	C	C			C					
Restaurant, No Alcohol Sales									C	P	P	P	P	P	P		P			
Restaurant, Drive-Thru ² , no alcohol sales									C		C	C	C	C						
Restaurant, with Alcohol Sales ³	See " Alcoholic Beverage Onsite Sales"																			
Entertainment/Recreation																				
Adult Business (subject to Adult Business Ordinance)													C							
Amusement Park, Entertainment Center (including Arcade, Live Theater, Bowling, Ice and Roller Skating, Indoor Soccer and Hockey Arena)										C	C	C	C			C				
Billiard/Pool Hall ⁹										C	C	C		C						
Batting Cages, Indoor or Outdoor											P	P	P	P		P				
Card Rooms ⁹										C	C									
Carnival, Circus, or Fair										T	T	T	T	T		T	T			
Club - Athletic, Health, or Recreation (including Dance Studios)										P	P	P	P	P	P	P				

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Dance Hall/Dance Club										C	C	C	C	C						
Game Courts, Commercial										P	P	P	P	P	P	P	P			C
Golf Course and Driving Range, Clubhouse, Country Club	C	C	C	C	C	C	C				C	C		C			C			C
Movie Theater										P	P									
Shooting Range, Indoor and Outdoor (outdoor ranges prohibited in the C and OS)											C	C	C					C		C
Stable, Public (Boarding/Riding) and Private - Boarding allowed as accessory use in DL	P								A									C		C
Food and Beverage Stores																				
Convenience Market, Health Food Store ^{2,3,9}									C	P	P	P				P				
Drug store ^{2,3,9}										P	P	P								
Grocery Store, Retail, Discount, and Club Stores ^{2,3,9}										P	P	P	P	P						
General Merchandise Stores																				
Department Store, Specialty Stores										P	P									
Discount Stores, Home Improvement Center										P	P	P								
Lodging																				
Hotel, Motel *(more than 50 rooms requires a CUP)										P	P*	P				P				
Recreational Vehicle Park and Campgrounds												C	C							C
Offices																				
Administrative, Professional, and Other Related Offices										P	P	P	A	A	P	A				
Financial Institutions (Banks, Credit										P	P	P	P	P	P					

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Unions, Check Cashing, Pay Advance, Money Transfer, etc.) ²																				
Business Services																				
Copy Services, Postal Services, and Parcel Delivery Service										P	P	P	P	P	P					
Personal Services⁷																				
Barber/Beauty Shop/Cosmetologist/Massage Parlor/Acupuncturist										P	P	P								
Cemetery/Mausoleums	C																			C
Dressmaker/Tailor Shop										P	P	P			P					
Dry Cleaner (Storefront Type); Laundry Service ²										P	P	P		P	P					
Funeral Parlor, Mortuary										C	C	P		P						
Repair and Maintenance Services⁷																				
Shoe and Watch Repair/Sales, Locksmith										P	P	P	P	P	P		A			
Janitorial Service, Pest Control Service										P	P	P	P	P	P					
Retail⁷																				
Temporary Uses and Structures (Subject to Section 17.75)	T									T	T	T	T	T	T	T	T			
General Retail Sales (including the following: Antiques, Appliance Sales/Repairs; Art Gallery/Supplies; Books/Music; Clothing/Accessories; Costumes; Coins/Collectables; Food Products; Glass Shops/Studios; Hardware; Hobby, Gift, and Floral Shops; Home Improvement Goods/Home Furnishings; Medical								C ¹	C ¹	P	P	P	P	P	C	A				

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Supplies; Newsstands; Nursery/Garden Equipment; Office Equipment/Supplies; Pet Shop; Photography Studio/Photofinishing; Sporting Goods; Toy Stores ⁹																				
Pawnshop, Secondhand Store										P	P	P								
INDUSTRIAL⁷																				
Ambulance Service												P	P							
Printing, Publishing, Bookbinding (including Lithographic and Newspaper Printing)										P		P	P	P	P					
Recreational Vehicle Repair, Supplies									C ¹			P	P	P						
Laboratories, Chemical, Research, and Testing												C	C	C	C					
Machine/Sheet Metal Shop, Metal Engraving, Silk Screen Shop									C ¹	C		P	P	P	P					
Industrial/Heavy Equipment, Sales, Service, and Rental (including, but not limited to Construction Equipment; Refrigeration; Vending Machines)												C	P	P						
Junk, Salvage, Vehicle Wrecking, and Impound Yard													C	C						
Outdoor Storage, as a Primary use												C	C	C						
Recycling Facilities, Commercial												C	C	C						
Recycling Facilities, Public (collection only)											P	C	C	C			C			
Sanitary Landfill, Waste Haulers, Material Recovery Facility													C							
Sewage Treatment Plant													P	P			C			C

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Upholstery Shop, Welding Shop									C ¹			P	P	P						
Construction⁷																				
Building Materials/Lumber/Plumbing Supply Yard												P	P	P						
Construction Office (on the same site as the construction activity)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			
Contractor Storage Yard, Machinery Storage Yard			T									C	C	C						
Horticultural (Landscape and Gardening) Services	C									P	P	P	P	P						
Manufacture and Wholesale⁷																				
Assembly, Manufacturing (Including food and beverage production and processing), Restoration of Goods; Except Tires									C ¹			P	P	P	C					
Batch plants, aggregate products and other similar manufacturing uses													C	C						
Dry Cleaning Plant, Large-Scale Commercial Type												P	P	P						
Oil Exploration, Drilling, and Production (Limited to areas w/minimum lot size)														C						
Sand and Gravel Pit, subject to Surface Materials and Reclamation Act (SMARA)													C	C						
Swap Meet ⁹										T	T	C	C	C		T	T			
Wholesale Businesses (Including Electrical, Mechanical, Carpentry, Cabinetry)									C ¹	C		P	P	P	C					
Warehouse/Distribution/Storage/Transportation⁷																				
Transfer, Moving, and Storage												C	C	C						
Truck Terminals (includes Freight to													C	C						

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Freight, Cross Dock, Parcel Delivery Terminals), Truck Parking																				
Truck and Trailer (and similar heavy transportation equipment) Sales, Repair (all repair to be conducted entirely within an enclosed building) ⁵									C ¹			C	C	C						
Mini-Warehouse/Storage Facilities/Recreational Vehicle Storage (in AP zone - Aviation hangar less than 10,000 square feet is a permitted use, over 10,000 square feet requires a CUP), may include one (1) caretaker unit.									C ¹			C	C	C						
Warehouse/Distribution, Cold Storage (in AP zone - Aviation hangar less than 10,000 square feet is a permitted use, over 10,000 square feet requires a CUP)									C ¹			P	P	P	C					

Note: Uses not shown above as Permitted, Conditionally Permitted, Accessory, or Temporary are prohibited in the zoning district as determined by the Director of Planning or their designee.

Footnotes:

1. Aviation/Aircraft related uses only in the AP zone
2. Drive-thru requires Conditional Use Permit (CUP). A minor Conditional Use Permit (CUPm) may be allowed under certain circumstances, see [Chapter 17.25](#).
3. Use allowed subject to [Chapter 17.25](#).
4. Light duty trucks, less than 2 ton carrying capacity.
5. Heavy duty trucks, greater than 2 tons carrying capacity.
6. All uses shall be conducted in a fully enclosed building.
7. Sales, storage, or use, of any materials classified as toxic or hazardous by either the federal or state government as a substantial part of the total use shall require a CUP, as shall the parking or storage of vehicles used to carry such materials.
8. Co-location and wall antennas require LDPm/CUPm when placed on existing structures per Code, all other proposals require review and approval of an LDP/CUP.
9. No tobacco retailer shall be permitted to sell, donate, distribute, or deliver to any person(s) tobacco products within 1,000 feet of any playground, church, public library, school, or any childcare facility or similar entity providing structured, organized care for youth; see Section [17.80.040](#).
10. Power Generating Facilities, Solar Energy and/or Wind Energy Conversion Systems >500 Kw are allowed in all zones west of Richardson Road and/or north of Calleja Avenue with approval of a LDP/CUP.
11. Until referenced to R3-30 is included in Title 7 of the Municipal Code, Animal Keeping shall be allowed in the R3-30- district the same as is allowed in the R3-8 district.
12. Only allowed in the Industrial Parks.



PLANNING COMMISSION AGENDA REPORT

ADELANTO GOVERNMENTAL CENTER | 11600 AIR EXPRESSWAY | ADELANTO, CALIFORNIA 92301

DATE: October 4, 2016

TO: Honorable Chairman and Members of the Planning Commission

FROM: Scott Priester, Acting Planning Director

SUBJECT: **Code Amendment 16-06** Proposed amendment to Title 17 of the Adelanto Municipal Code Chapter 17.80 (Special Use Standards) by removing Section 17.80.050 and adding Section 17.80.120 allowing Medical Cannabis Dispensaries, amending sections 17.80.080 and 17.80.090 relating to Medical Cannabis Cultivation and Manufacturing, amending the Table of Contents, Appendix A and other consistency changes.

STAFF RECOMMENDATION:

Adopt Resolution P-16-35 recommending to the City Council Approval of Code Amendment 16-06 in reference to the Draft Ordinance regulating Medical Cannabis Dispensaries, and revising Cultivation and Manufacturing regulations.

BACKGROUND:

Both federal and California laws generally prohibit the use, possession, cultivation, transportation, and furnishing of marijuana. The federal Controlled Substances Act (21 U.S.C. § 801 *et seq.*) prohibits, except for certain research purposes, the possession, distribution, and manufacture of marijuana. California law is similar. (Health and Safety Code, § 11357 *et seq.*)

However, California statutes such as the Compassionate Use Act of 1996 (Health and Safety Code, § 11362.5 added by Proposition 15) and the Medical Marijuana Program (Health and Safety Code § 11362.7 *et seq.*) have removed certain state law obstacles from the ability of qualified patients to obtain and use marijuana for legitimate medical purposes. The State's Medical Marijuana Regulation and Safety Act (MMRSA) of 2015, and the recent Medical Cannabis Regulation and Safety Act (MCRSA) of 2016 have further clarified the State's intent to allow access to such uses. On the federal level, there has likewise been an unwillingness to enforce federal laws pertaining to medical marijuana.

Staff would note that California law allows for medical marijuana dispensaries to operate, subject to local authority by cities/counties (*City of Riverside v. Inland Empire Patient Health and Wellness Center* (2013) 51 Cal.4th 729). Since 2010, Adelanto Municipal Code § 17.80.050 has prohibited medical marijuana dispensaries, and it has been the policy of the City to vigorously enforce the ban on

dispensaries within the City. This proposed Ordinance will, among other things, eliminate the prohibition of dispensaries, and allow them in certain areas of the City with approval of proper permits.

Prior City Council Agendized Discussions On Medical Marijuana

The City Council has had multiple Council meeting discussions pertaining to medical marijuana and has directed the preparation of ordinance revisions to the Adelanto Municipal Code to provide for the Medical Marijuana industry. In the past year, the Council has adopted ordinances allowing the Cultivation and Manufacturing of Medical Marijuana in the Industrial Parks in the Industrial Zone. These are codified in the City's Zoning Ordinance under Chapters 17.80.080 and 17.80.090, respectively. Ordinances for Transportation and Distribution, as well as Testing of Medical Marijuana, which are integral components to the Medical Marijuana industry were reviewed by the Planning Commission on September 13, 2016 and are pending final approval by the City Council (anticipated on October 12, 2016). The City Attorney has now drafted a proposed Ordinance Amendment that would accomplish three specific items, the most significant would remove the current prohibition for medical cannabis dispensaries under 17.80.050. The specific changes are noted as follows:

1. Dispensaries would be regulated by proposed Chapter 17.80.120 (Pages 25-39 of draft Ordinance). Similar to prior marijuana/cannabis facility regulations, such uses would be restricted to the "Cultivation Area" of the Manufacturing/Industrial (MI) zoning designation. Development and operational standards would have to comply with State law, including segregation of the uses by building space separation. The Conditional Use Permit (CUP) approval process through the Planning Commission would be the first level of regulations used to ensure compliance. A separate administrative Dispensary Permit would be the second level, which would have to be obtained after the CUP approval. As currently drafted, dispensaries would be limited to distribution for "Medical" purposes only.
2. The requirement for an Oversight Committee to review Cultivation uses would be changed from being mandatory to permissive. It would also be retitled to "Oversight Consultants" and the number of members would not be limited. This is reflected in Section 17.80.080(d)(5) (see page 12 of draft Ordinance). Compliance with the Ordinance would remain with the existing enforcement structure, and includes Planning Commission review and revocation of Conditional Use Permits. Therefore this eliminates a redundant administrative provision if it were maintained as mandatory.
3. Due to the State's recent passage of the MCRSA, references to "Marijuana" are now being replaced with "Cannabis." Consequently, staff is proposing revisions to the City's Cultivation and Manufacturing ordinances (Adelanto Municipal Code Chapters 17.80.080 and 17.80.090) to reflect this change in terminology (Pages 2-24 of draft Ordinance). This resulted in elimination of certain definitions in Subsection (b).

ENVIRONMENTAL IMPACT

The project is considered Exempt pursuant to Section 15061 (b) (3) of the California Environmental Quality Act as the project will not have a significant effect on the environment.

FISCAL IMPACT:

Permitting fees for each Dispensary are proposed to cover potential expenses incurred by the City. The

proposed \$7,000 permit fee per dispensary would be established by separate resolution of the City Council, after introduction of the Ordinance.

ATTACHMENTS:

1. Resolution P-16-35 w/ Attachments:
 - a. Draft Dispensary, and Cultivation and Manufacturing Ordinance No. 553
 - b. Draft Table of Contents
 - c. Draft Special Use Standards
 - d. Draft Appendix A

RESOLUTION NO. P-16-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ADELANTO, SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, FINDING THE APPROVAL OF CODE AMENDMENT 16-06 EXEMPT PURSUANT TO SECTION 15061(B)(3) REVIEW FOR EXEMPTIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS THE CODE AMENDMENT WILL NOT CAUSE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND RECOMMENDING TO THE CITY COUNCIL ADOPTION OF CODE AMENDMENT 16-06 TO AMEND TITLE 17, BY REMOVING SECTION 17.80.050 AND ADDING SECTION 17.80.120 ALLOWING MEDICAL CANNABIS DISPENSARIES, AMENDING SECTIONS 17.80.080 AND 17.80.090 RELATING TO MEDICAL CANNABIS CULTIVATION AND MANUFACTURING, AMENDING THE TABLE OF CONTENTS, APPENDIX A AND OTHER CONSISTENCY CHANGES.

WHEREAS, the City of Adelanto adopted Title 17 as part of the City of Adelanto Municipal Code, establishing among other things the regulation of Land Uses; and

WHEREAS, the City has a desire to amend current land use standards related to the medical marijuana/cannabis industry, specifically those involving dispensaries, as well as cultivation and manufacturing; and

WHEREAS, a duly noticed public hearing was held before the Planning Commission on the 4th day of October, 2016; to hear public testimony and consider the proposal; and

WHEREAS, the City has complied with the California Environmental Quality Act.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF ADELANTO HEREBY RESOLVES AS FOLLOWS:

Section 1. The above recitals are all true and correct.

Section 2. The Planning Commission has reviewed and considered the information included in the General Plan, staff reports for the public hearing, and public testimony prior to taking action on the proposed Code Amendment. This information is on file and available at the Community Development Department at the City Hall of the City of Adelanto.

Section 3. The Planning Commission finds and determines that the adoption of Code Amendment 16-06 exempt pursuant to Section 15061 (b) (3) Review for Exemptions of the California Environmental Quality Act because the Code Amendment will not cause a significant effect on the environment and the Planning Commission determinations reflect the independent judgment of the Planning Commission.

Section 4. The Planning Commission hereby further finds and determines that the City has followed the procedures for Ordinance Amendments as set forth in the California Government Code.

Section 5. The Planning Commission hereby finds and determines:

- a) That the proposed amendment is in the public interest, and that there will be a community benefit resulting from the amendment;

The amendment is in compliance with State Law and benefits Medical Cannabis patients and is in the public interest and will result in a community benefit.

- b) That the proposed amendment is consistent with the goals, policies, and objectives of the General Plan.

The amendment benefits the community which is consistent with the General Plan.

- c) That the proposed amendment will not conflict with provisions of the Zoning Code, subdivision regulations, or any applicable specific plan; and

The proposed amendment is consistent with the Zoning Code, subdivision regulations and any specific plan.

- d) In the event that the proposed amendment is a change to the land use policy map that the amendment will not adversely affect surrounding properties.

The proposed amendment does not change the land use policy map.

Section 6. The Planning Commission of the City of Adelanto hereby recommends to the City Council adoption of Code Amendment 16-06.

Attachments:

- Draft Ordinance
- Draft Table of Contents
- Draft Special Use Standards
- Draft Appendix A

PASSED, APPROVED AND ADOPTED this 4th day of October, 2016.

Chris Waggener
Chairman to the Planning Commission

Virginia Cervantes
Secretary to the Planning Commission

I, Virginia Cervantes, Planning Secretary for the Planning Commission of the City of Adelanto, California, do hereby certify that the foregoing Resolution No. P-16-35 was duly and regularly adopted at a regular meeting of the Planning Commission of the City of Adelanto on the 4th day of October, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on the 4th day of October, 2016.

Virginia Cervantes
Secretary to the Planning Commission

ORDINANCE NO. 553

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA,
AMENDING SECTION 17.80.080 OF THE ADELANTO MUNICIPAL
CODE REGARDING MEDICAL CANNABIS CULTIVATION AND
SECTION 17.80.090 REGARDING MEDICAL CANNABIS
MANUFACTURING, REPEALING SECTION 17.80.050 REGARDING
MEDICAL CANNABIS DISPENSARIES, AND ADDING SECTION
17.80.120 REGARDING MEDICAL CANNABIS DISPENSARIES**

WHEREAS, on October 9, 2015, Governor Brown approved the Medical Marijuana Regulation and Safety Act (“MMRSA”), effective January 1, 2016, which establishes a comprehensive State licensing and regulatory framework for the cultivation, manufacturing, testing, distribution, transportation, dispensing, and delivery of medical cannabis, and which recognizes the authority of local jurisdictions to prohibit or impose additional restrictions on any such medical cannabis activity.

WHEREAS, on June 27, 2016, Governor Brown approved Senate Bill number 837 (“SB 837”), effective immediately, which amends the MMRSA and renames it the Medical Cannabis Regulation and Safety Act (“MCRSA”).

WHEREAS, the City of Adelanto (“City”) has previously adopted Adelanto Municipal Code (“AMC”) sections 17.80.080 and 17.80.090 to regulate medical cannabis cultivation and manufacturing, respectively, in the City.

WHEREAS, the City now wishes to amend AMC sections 17.80.080 and 17.80.090 to reflect SB 837’s changes to the MCRSA.

WHEREAS, the City also wishes to repeal AMC section 17.80.050, which prohibits medical cannabis dispensaries in the City, to comply with California law and allow for the dispensing and delivery of medical cannabis in accordance with applicable State laws.

WHEREAS, it is the purpose and intent of the City to regulate medical cannabis dispensing and delivery in a manner that is consistent with State law and promotes the health, safety, and general welfare of the residents and businesses within the City, while limiting the negative impacts associated with such medical cannabis dispensing and delivery.

WHEREAS, the City intends to be on the forefront of ground breaking research, science, innovation, and development of treatment for symptoms and cures in the field of medical cannabis, as scientific research, studies, and data have established that cannabis can help patients with a vast array of medical conditions that affect human beings.

WHEREAS, nothing in this Ordinance shall be construed to allow persons to engage in conduct that violates the law, endangers others, causes a public nuisance, allows the use or diversion of cannabis for nonmedical purposes, or allows any activity relating to cannabis that is otherwise illegal under California law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ADELANTO DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2. AMC section 17.80.080 (Cultivation of Medical Marijuana) is hereby amended, and is to read in its entirety as follows:

17.80.080 Medical Cannabis Cultivation

- (a) **Purpose.** The purpose and intent of this Section is to regulate the cultivation of medical cannabis that is grown in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City is authorized to regulate this activity pursuant to the MCRSA.
- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
- (1) “Cultivation” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.
 - (2) “Cultivation Permit” means a City permit to operate an indoor medical cannabis cultivation facility pursuant to the terms and conditions of this Section and the conditions of approval for the permit.
 - (3) “Cultivation Permittee” means an applicant who has applied for and has been issued a Cultivation Permit by the City pursuant to the terms and conditions of this Section.
 - (4) “CUP” means a Conditional Use Permit issued by the City in accordance with this Code.
 - (5) “Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.
 - (6) “Indoors” means within a fully enclosed and secure structure.
 - (7) “MCRSA” means the California Medical Cannabis Regulation and Safety Act.
 - (8) “Medical cannabis” also means “medical marijuana” and shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.

- (9) “MMRSA” means the California Medical Marijuana Regulation and Safety Act.
- (10) “Outdoors” means any location within the City that is not within a fully enclosed and secure structure.
- (c) **Cannabis Cultivation Prohibited.** All cannabis cultivation within the City is prohibited except as expressly permitted by this Section.
- (d) **Indoor Medical Cannabis Cultivation Conditionally Permitted.** Indoor medical cannabis cultivation is conditionally permitted in the City only as expressly specified in this Section.
 - (1) Indoor Medical Cannabis Cultivation Standards. Indoor medical cannabis cultivation, within the City, shall be in conformance with the following standards:
 - A. Indoor medical cannabis cultivation shall only be allowed upon application and approval of a Cultivation Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.
 - B. Indoor medical cannabis cultivation is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (“Cultivation Zone”).
 - C. No cannabis cultivation shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the indoor medical cannabis cultivation is, or will be located, to the nearest property line of those uses described in this Subsection.
 - D. An indoor medical cannabis cultivation facility may not be located within the same unit as a cannabis manufacturing facility, distribution facility, transportation facility, testing facility, or dispensary.
 - E. Subject to the further requirements of this Section, only the following State cultivator license classification types specified in the MCRSA and Business and Professions Code sections 19300.7 and 19332 will be allowed to operate in the City: 1A, 1B, 2A, 2B, 3A, 3B, and 4.
 - F. Indoor medical cannabis cultivation is allowed only within a fully enclosed and secure structure that is inaccessible to minors.

- G. Indoor medical cannabis cultivation shall not exceed the square footage authorized pursuant to the CUP.
- H. From any public right-of-way, there shall be no visible exterior evidence of any indoor medical cannabis cultivation activity.
- I. Indoor medical cannabis cultivation activity may include growing cannabis plants, harvesting cannabis plants, and drying cannabis flowers, but shall not include any extraction procedures to produce concentrated THC.
- J. Indoor medical cannabis cultivation shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.
- K. Each indoor medical cannabis cultivation facility shall fully comply with all of the applicable restrictions and mandates set forth in State law. An indoor medical cannabis cultivation facility shall comply with all size requirements for such facility as imposed by State law. An indoor medical cannabis cultivation facility shall not engage in any activities not allowed by an indoor medical cannabis cultivation facility pursuant to State law. An indoor medical cannabis cultivation facility shall comply with all horticultural, labeling, processing, and other standards required by State law.
- L. There is no set restriction on the hours of operation of an indoor medical cannabis cultivation facility; however, restricted hours of operation may be established as a condition of approval of the Cultivation Permit or the applicable CUP.
- M. All medical cannabis shall be kept in a secured manner during all business and nonbusiness hours.
- N. An indoor medical cannabis cultivation facility shall operate within a legal structure that is compliant with all applicable State and local laws.
- O. An indoor medical cannabis cultivation facility must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- P. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of an indoor medical cannabis cultivation facility. The term “premises” as used in this Subsection includes the actual indoor medical cannabis cultivation building, as well as any accessory structures and parking areas. The indoor

medical cannabis cultivation facility building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis or alcohol on the premises or in the vicinity of the facility is prohibited.

- Q. Signage for an indoor medical cannabis cultivation facility shall be limited to name of business only, shall be in compliance with the City's sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.
- R. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. An indoor medical cannabis cultivation facility shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any indoor medical cannabis cultivation facility.
- S. Physician services shall not be provided on the premises. "Physician services" does not include social services, including counseling, help with housing and meals, hospice, and other care referrals which may be provided on site.
- T. The building in which any indoor medical cannabis cultivation facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MCRSA. Compliance with all requirements of State law pertaining to indoor cannabis cultivation is also required.
- U. An indoor medical cannabis cultivation facility shall not manufacture, process, distribute, transport, sell, dispense, or administer cannabis from the facility, unless expressly and affirmatively authorized by State law. An indoor medical cannabis cultivation facility shall not be operated as a cannabis manufacturing, distribution, transportation, or testing facility, or as a cannabis dispensary, unless expressly and affirmative authorized by State law.
- V. The operators of an indoor medical cannabis cultivation facility shall provide the City Manager or the City Manager's designee with the name, phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide

notice if there are any operational problems associated with the indoor medical cannabis cultivation facility. An indoor medical cannabis cultivation facility shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.

W. An indoor medical cannabis cultivation facility shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the indoor medical cannabis cultivation activities occur.

X. An indoor medical cannabis cultivation facility shall have a security plan including the following measures:

1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, cultivation areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.
2. The indoor medical cannabis cultivation facility shall be alarmed with an alarm system that is operated and monitored by a reputable security company.
3. Entrance to the cultivation area, and all storage areas, shall be locked at all times, and under the control of the indoor medical cannabis cultivation facility's staff.
4. The entrances and all window areas shall be illuminated during evening hours. The facility shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.
5. All windows on the building that houses the indoor medical cannabis cultivation facility shall be appropriately secured and all cannabis securely stored.

- Y. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, the City's Code Enforcement Manager, and law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.
- Z. The City Manager, the City Manager's designee, the City's Code Enforcement Manager, and law enforcement shall have the right to enter the indoor medical cannabis cultivation facility at any time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
- AA. All batches of final cultivated cannabis must be inspected and quality tested by a qualified third party distributor and testing facility prior to distribution to a dispensary as required by the MCRSA, Business and Professions Code sections 19326 and 19342, the Department of Food and Agriculture regulations, and the State Department of Public Health regulations.

(2) Cultivation Permit Applications. All applicants wishing to obtain a Cultivation Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Cultivation Permit Application Fee as established by the City. An application for a Cultivation Permit shall include at least the following information:

- A. An estimate of the size of the proposed indoor medical cannabis cultivation facility.
- B. The address of the location for which the Cultivation Permit is sought. Only one Cultivation Permit will be issued per location.
- C. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, cultivation areas, lighting, signage, etcetera.
- D. A proposed security plan in compliance with the Indoor Medical Cannabis Cultivation Standards.
- E. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the indoor medical cannabis cultivation facility. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.

- F. The name and address of the owner and lessor of the real property upon which the indoor medical cannabis cultivation activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that an indoor medical cannabis cultivation facility will be operated on the property.
- G. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
- H. Evidence that the indoor medical cannabis cultivation facility will be located in a legal structure that is compliant with all applicable State and local laws.
- I. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.
- J. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.
- K. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Cultivation Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the indoor medical cannabis cultivation facility ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.
- L. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level of service and opportunities for residents of the City based on the requirements of this Section and the following criteria ("Merit List"):
 - 1. The operational plan for the facility.
 - 2. The security plan for the facility.
 - 3. The experience of the operators of the facility.
 - 4. The adequacy of capitalization for the facility and its operations.

5. The employment of City residents and other public benefits to the City.

(3) Cultivation Permit. The following conditions apply to each Cultivation Permit:

- A. A Cultivation Permit will not be awarded to an applicant if:
 1. The applicant or the Applicant's Agents made one or more false or misleading statements or omissions in the application or during the application process.
 2. The proposed indoor medical cannabis cultivation facility is not allowed by State or local law.
 3. The applicant is not a legal representative of the indoor medical cannabis cultivation facility.
 4. The applicant or the Applicant's Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or any such similar activity related to controlled substances, with the exception of cannabis related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
 5. The applicant or the Applicant's Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
 6. The applicant has not satisfied each and every requirement of this Section.
- B. A Cultivation Permit shall be awarded by the City to eligible Cultivation Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Cultivation Permits shall be limited to those that may be reasonably accommodated within the Cultivation Zone as determined by the City Manager or the City Manager's designee.
- C. Before a Cultivation Permit can be issued to an applicant, Cultivation Permit fees must be paid to offset all related costs to the City, and the proposed indoor medical cannabis cultivation facility location must pass all applicable inspections.

- D. Only one Cultivation Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
- E. A Cultivation Permit is subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the indoor medical cannabis cultivation activity occurs.
- F. A Cultivation Permits is subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the activity and protect the public.
- G. All cultivation activities shall be subject to an excise tax to be established by the City and the voters.
- H. A Cultivation Permittee may not hold or use any other cannabis activity permits or licenses that would otherwise be a violation of this Section, the MCRSA, or Business and Professions Code section 19328.
- I. A Cultivation Permittee shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Cultivation Permit and the indoor medical cannabis cultivation activity.
- J. A Cultivation Permittee shall:
 - 1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
 - 2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Cultivation Permit, the Cultivation Permittee's cannabis related activities, and any action taken by the Cultivation Permittee pursuant to this Section.
 - 3. Agree to defend the City, at the Cultivation Permittee's sole expense, in any action against the City or its agents, officers, or employees associated with the Cultivation Permit, the Cultivation Permittee's cannabis related activities, or any action taken by the Cultivation Permittee pursuant to this Section.
 - 4. Agree to reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action

against the City or its agents, officers, or employees associated with the Cultivation Permit, the Cultivation Permittee's cannabis related activities, or any action taken by the Cultivation Permittee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

- K. A Cultivation Permittee shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the indoor medical cannabis cultivation facility at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
 - L. A Cultivation Permittee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Cultivation Permittee at the indoor medical cannabis cultivation facility shall be residents of the City. A Cultivation Permittee shall use good faith efforts to comply with this subsection and shall report the residential composition of its workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.
 - M. A Cultivation Permit issued pursuant to this Section is not transferable to any third parties under any circumstances.
 - N. A Cultivation Permits shall expire and be null and void 12 months after issuance to the Cultivation Permittee unless properly renewed. Upon payment of the applicable Cultivation Permit fees and passing the requisite Cultivation Permit inspections, a Cultivation Permittee that has maintained compliance with all City, State, and other applicable cannabis and business related laws shall be entitled to renew its Cultivation Permit subject to all prevailing laws at the time of renewal.
 - O. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any medical cannabis cultivation activities or for the activities of any indoor medical cannabis cultivation facility.
- (4) Conditional Use Permit. All parcels of real property in the Cultivation Zone upon which indoor medical cannabis cultivation activities may occur must obtain a CUP from the City for all such activities.

- (5) Oversight Consultants. The City Manager or the City Manager's designee may establish an Oversight Consultant List to provide advice to City staff regarding the practical regulation of medical cannabis activities in the City on an as needed basis. The Oversight Consultant List will consist of experts and experienced participants in various disciplines related to commercial medical cannabis activities. The Oversight Consultants will not be a public body, will not meet on a regular schedule, and will not make or influence policy decisions by City staff. Rather specific individuals from the Oversight Consultant List will be contacted as necessary to provide specific advice based on their experience and expertise as a resource for City staff. The Oversight Consultants, as private citizens, may also proactively monitor medical cannabis activities in the City and report findings as necessary to City staff.

(e) **Enforcement.**

- (1) Any cannabis cultivation within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.
- (2) Any party who engages in a violation of this Section, or who owns, possesses, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.
- (3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.
- (4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense.
- (5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense.
- (6) Any violation of this Section or any other City or State cannabis law by a Cultivation Permittee or a Cultivation Permittee's agent is grounds for revoking the Cultivation Permittee's Cultivation Permit. In addition, the City Manager or the City Manager's designee may revoke a Cultivation Permit if any of the following occur:
 - A. The City Manager or the City Manager's designee determines that the indoor medical cannabis cultivation facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.
 - B. The indoor medical cannabis cultivation operations cease for more than 90 calendar days.

- C. Ownership of the indoor medical cannabis cultivation facility is changed or transferred to a third party.
 - D. The indoor medical cannabis cultivation facility fails to maintain 120 hours of security recordings.
 - E. The indoor medical cannabis cultivation facility fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, the Code Enforcement Manager, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.
- (7) Any decision regarding the revocation of a Cultivation Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Cultivation Permit was improperly revoked. The Hearing Officer's decision shall be final and binding upon the City and the appellant.
- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

SECTION 3. AMC section 17.80.090 (Manufacturing of Medical Marijuana) is hereby amended, and is to read in its entirety as follows:

17.80.090 Medical Cannabis Manufacturing

- (a) **Purpose.** The purpose and intent of this Section is to regulate the manufacturing of medical cannabis that is processed in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City intends to be on the forefront of medical cannabis research and manufacturing. The City is authorized to regulate this activity pursuant to the MCRSA.
- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
- (1) "CUP" means a Conditional Use Permit issued by the City in accordance with this Code.
 - (2) "Fully enclosed and secure structure" means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening,

and which is accessible only through one or more lockable doors and is inaccessible to minors.

- (3) “Manufacturer” and “manufacturing” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.
 - (4) “Manufacturing Permit” means a City permit to operate a medical cannabis manufacturing facility pursuant to the terms and conditions of this Section and the conditions of approval for the permit.
 - (5) “Manufacturing Permittee” means an applicant who has applied for and has been issued a Manufacturing Permit by the City pursuant to the terms and conditions of this Section.
 - (6) “MCRSA” means the California Medical Cannabis Regulation and Safety Act.
 - (7) “Medical cannabis” also means “medical marijuana” and shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.
 - (8) “MMRSA” means the California Medical Marijuana Regulation and Safety Act.
- (c) **Cannabis Manufacturing Prohibited.** All cannabis manufacturing within the City is prohibited except as expressly permitted by this Section.
- (d) **Medical Cannabis Manufacturing Conditionally Permitted.** Medical cannabis manufacturing is conditionally permitted in the City only as expressly specified in this Section.
- (1) Medical Cannabis Manufacturing Standards. Medical cannabis manufacturing, within the City, shall be in conformance with the following standards:
 - A. Medical cannabis manufacturing shall only be allowed upon application and approval of a Manufacturing Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.
 - B. Medical cannabis manufacturing is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (“Manufacturing Zone”).
 - C. No cannabis manufacturing shall be established, developed, or operated within 2,500 feet of a school, public playground or park,

child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the medical cannabis manufacturing is, or will be located, to the nearest property line of those uses described in this Subsection.

- D. A medical cannabis manufacturing facility may not be located within the same unit a cannabis indoor cultivation facility, distribution facility, transportation facility, or dispensary.
- E. Subject to the further requirements of this Section, only State manufacturer license classification type 6 level 1 will be allowed to operate in the City using nonvolatile solvents in accordance with the MCRSA and Business and Professions Code sections 19300.7 and 19341.
- F. Medical cannabis manufacturing is allowed only within fully enclosed and secure structures that are inaccessible to minors.
- G. Medical cannabis manufacturing shall not exceed the square footage authorized pursuant to the CUP.
- H. From any public right-of-way, there shall be no visible exterior evidence of any medical cannabis manufacturing activity.
- I. Medical cannabis manufacturing shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.
- J. Each medical cannabis manufacturing facility shall fully comply with all of the applicable restrictions and mandates set forth in State law. A medical cannabis manufacturing facility shall comply with all size requirements for such facility as imposed by State law. A medical cannabis manufacturing facility shall not engage in any activities not allowed by a medical cannabis manufacturing facility pursuant to State law. A medical cannabis manufacturing facility shall comply with all horticultural, labeling, processing, and other standards required by State law.
- K. There is no set restriction on the hours of operation of a medical cannabis manufacturing facility; however, restricted hours of operation may be established as a condition of approval of the Manufacturing Permit or the applicable CUP.

- L. All medical cannabis shall be kept in a secured manner during all business and nonbusiness hours.
- M. A medical cannabis manufacturing facility shall operate within a legal structure that is compliant with all applicable State and local laws.
- N. A medical cannabis manufacturing facility must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- O. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of a medical cannabis manufacturing facility. The term “premises” as used in this Subsection includes the actual medical cannabis manufacturing building, as well as any accessory structures and parking areas. The medical cannabis manufacturing facility building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis or alcohol on the premises or in the vicinity of the facility is prohibited.
- P. Signage for a medical cannabis manufacturing facility shall be limited to name of business only, shall be in compliance with the City’s sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.
- Q. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A Medical cannabis manufacturing facility shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcoholic beverages shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any medical cannabis manufacturing facility.
- R. Physician services shall not be provided on the premises. “Physician services” does not include social services, including counseling, help with housing and meals, hospice, and other care referrals which may be provided on site.
- S. The building in which any medical cannabis manufacturing facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City’s business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MCRSA. Compliance with all

requirements of State law pertaining to medical cannabis manufacturing is also required.

- T. A medical cannabis manufacturing facility shall not grow, cultivate, distribute, transport, sell, dispense, or administer cannabis from the facility, unless expressly and affirmatively authorized by State law. A medical cannabis manufacturing facility shall not be operated as a cannabis cultivation, distribution, transportation, or testing facility, or as a cannabis dispensary, unless expressly and affirmatively authorized by State law.
- U. The operators of a medical cannabis manufacturing facility shall provide the City Manager or the City Manager's designee with the name, phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are any operational problems associated with the medical cannabis manufacturing facility. A medical cannabis manufacturing facility shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.
- V. A medical cannabis manufacturing facility shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the medical cannabis manufacturing activities occur.
- W. A medical cannabis manufacturing facility shall have a security plan including the following measures:
 - 1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, manufacturing areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.

2. The medical cannabis manufacturing facility shall be alarmed with an alarm system that is operated and monitored by a reputable security company.
 3. Entrance to the manufacturing area, and all storage areas, shall be locked at all times, and under the control of the medical cannabis manufacturing facility's staff.
 4. The entrances and all window areas shall be illuminated during evening hours. The facility shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.
 5. All windows on the building that houses the medical cannabis manufacturing facility shall be appropriately secured and all cannabis securely stored.
- X. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, or law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.
- Y. The City Manager, the City Manager's designee, and law enforcement shall have the right to enter the medical cannabis manufacturing facility at any time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
- Z. A medical cannabis manufacturing facility must employ full time quality control personnel. The Manufacturing Permittee must establish Standard Operating Procedures and Batch Records that comply with current Good Manufacturing Practices and the MCRSA for all food products, as outlined by the State Department of Public Health and the Food and Drug Administration.
- AA. All finished products produced by a medical cannabis manufacturing facility must be labeled in compliance with the MCRSA, Business and Profession Code section 19347, and the labeling requirements outlined by the State Department of Public Health.
- BB. All finished products produced by a medical cannabis manufacturing facility must be packaged in child resistant containers prior to leaving the facility or becoming commercially available in accordance with the MCRSA, Business and Profession

Code section 19347, the State Department of Public Health regulations, and other applicable State laws.

CC. All batches of final cannabis products must be inspected and quality tested by a qualified third party distributor and testing facility prior to distribution to a dispensary as required by the MCRSA, Business and Professions Code sections 19326 and 19342, the Department of Food and Agriculture regulations, and the State Department of Public Health regulations.

DD. A medical cannabis manufacturing facility shall only use nonvolatile solvents that have been approved by the State Department of Public Health for medical cannabis level 1 manufacturing. Until such time as any such nonvolatile solvents are approved by the State Department of Public Health for medical cannabis level 1 manufacturing, a medical cannabis manufacturing facility shall only use nonvolatile solvents that have been approved by the Food and Drug Administration for the processing and preparation of botanical dietary supplements or food grade products.

EE. All processing and analytical testing devices used by a medical cannabis manufacturing facility must be UL listed, or otherwise approved for the intended use by the City's Building Official or the Fire Department. Any processing devices using only non-pressurized water are exempt from such approval.

FF. Unless otherwise prohibited, all processing devices used by a medical cannabis manufacturing facility that utilize hydrocarbons or otherwise flammable solvents must operate in a closed loop, or in such a way that all solvent material is recovered in the process. All hazardous material must be disposed of in a manner which is compliant with all local, State, and federal guidelines for the disposal of hazardous materials.

(2) Manufacturing Permit Applications. All applicants wishing to obtain a Manufacturing Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Manufacturing Permit Application Fee as established by the City. An application for a Manufacturing Permit shall include at least the following information:

A. An estimate of the size of the proposed medical cannabis manufacturing facility.

B. The address of the location for which the Manufacturing Permit is sought. Only one Manufacturing Permit will be issued per location.

- C. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, manufacturing areas, lighting, signage, etcetera.
- D. A proposed security plan in compliance with the Medical Cannabis Manufacturing Standards.
- E. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the medical cannabis manufacturing facility. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- F. The name and address of the owner and lessor of the real property upon which the medical cannabis manufacturing activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical cannabis manufacturing facility will be operated on the property.
- G. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
- H. Evidence that the medical cannabis manufacturing facility will be located in a legal structure that is compliant with all applicable State and local laws.
- I. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.
- J. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.
- K. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Manufacturing Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the medical cannabis manufacturing facility ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.
- L. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the

requirements of this Section and provide the highest level of service and opportunities for residents of the City based on the requirements of this Section and the following criteria (“Merit List”):

1. The operational plan for the facility.
2. The security plan for the facility.
3. The experience of the operators of the facility.
4. The adequacy of capitalization for the facility and its operations.
5. The employment of City residents and other public benefits to the City.

(3) Manufacturing Permit. The following conditions apply to each Manufacturing Permit:

A. A Manufacturing Permit will not be awarded to an applicant if:

1. The applicant or the Applicant’s Agents made one or more false or misleading statements or omissions in the application or during the application process.
2. The proposed medical cannabis manufacturing facility is not allowed by State or local law.
3. The applicant is not a legal representative of the medical cannabis manufacturing facility.
4. The applicant or the Applicant’s Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or any such similar activity related to controlled substances, with the exception of cannabis related offenses for which the conviction occurred prior to passage of the Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
5. The applicant or the Applicant’s Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
6. The applicant has not satisfied each and every requirement of this Section.

- B. A Manufacturing Permit shall be awarded by the City to eligible Manufacturing Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Manufacturing Permits shall be limited to those that may be reasonably accommodated within the Manufacturing Zone as determined by the City Manager or the City Manager's designee.
- C. Before a Manufacturing Permit can be issued to an applicant, Manufacturing Permit fees must be paid to offset all related costs to the City, and the proposed medical cannabis manufacturing facility location must pass all applicable inspections.
- D. Only one Manufacturing Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
- E. A Manufacturing Permit is subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the medical cannabis manufacturing activity occurs.
- F. A Manufacturing Permit is subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the activity and protect the public.
- G. All manufacturing activities shall be subject to an excise tax to be established by the City and the voters.
- H. A Manufacturing Permittee may not hold or use any other cannabis activity permits or licenses that would otherwise be a violation of the MCRSA or Business and Professions Code section 19328.
- I. A Manufacturing Permittee shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Manufacturing Permit and the medical cannabis manufacturing activity.
- J. A Manufacturing Permittee shall:
 - 1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
 - 2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Manufacturing Permit, the Manufacturing

Permitee's cannabis related activities, and any action taken by the Manufacturing Permitee pursuant to this Section.

3. Agree to defend the City, at the Manufacturing Permitee's sole expense, in any action against the City or its agents, officers, or employees associated with the Manufacturing Permit, the Manufacturing Permitee's cannabis related activities, or any action taken by the Manufacturing Permitee pursuant to this Section.
 4. Agree to reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Manufacturing Permit, the Manufacturing Permitee's cannabis related activities, or any action taken by the Manufacturing Permitee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.
- K. A Manufacturing Permitee shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the medical cannabis manufacturing facility at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- L. A Manufacturing Permitee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Manufacturing Permitee at the medical cannabis manufacturing facility shall be residents of the City. A Manufacturing Permitee shall use good faith efforts to comply with this subsection and shall report the residential composition of its workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.
- M. A Manufacturing Permit issued pursuant to this Section is not transferable to any third parties under any circumstances.
- N. A Manufacturing Permit shall expire and be null and void 12 months after issuance to the Manufacturing Permitee unless properly renewed. Upon payment of the applicable Manufacturing Permit fees and passing the requisite Manufacturing Permit inspections, a Manufacturing Permitee that has maintained compliance with all City, State, and other applicable cannabis and business related laws

shall be entitled to renew its Manufacturing Permit subject to all prevailing laws at the time of renewal.

O. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any medical cannabis manufacturing activities or for the activities of any medical cannabis manufacturing facility.

(4) Conditional Use Permit. All parcels of real property in the Manufacturing Zone upon which medical cannabis manufacturing activities may occur must obtain a CUP from the City for all such activities.

(e) **Enforcement.**

(1) Any cannabis manufacturing within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.

(2) Any party who engages in a violation of this Section, or who owns, possess, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.

(3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.

(4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense.

(5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense.

(6) Any violation of this Section or any other City or State cannabis law by a Manufacturing Permittee or a Manufacturing Permittee's agent is grounds for revoking the Manufacturing Permittee's Manufacturing Permit. In addition, the City Manager or the City Manager's designee may revoke a Manufacturing Permit if any of the following occur:

A. The City Manager or the City Manager's designee determines that the medical cannabis manufacturing facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.

B. The medical cannabis manufacturing operations cease for more than 90 calendar days.

C. Ownership of the medical cannabis manufacturing facility is changed or transferred to a third party.

- D. The medical cannabis manufacturing facility fails to maintain 120 hours of security recordings.
 - E. The medical cannabis manufacturing facility fails to provide remote access to the security cameras to the City Manager, the City Manager’s designee, the Code Enforcement Manager, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.
- (7) Any decision regarding the revocation of a Manufacturing Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager’s designee (“Hearing Officer”). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Manufacturing Permit was improperly revoked. The Hearing Officer’s decision shall be final and binding upon the City and the appellant.
- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

SECTION 4. AMC section 17.80.050 (Medical Marijuana Dispensaries) is hereby repealed in its entirety.

SECTION 5. AMC section 17.80.120 (Medical Cannabis Dispensaries) is hereby added, and is to read in its entirety as follows:

17.80.120 Medical Cannabis Dispensaries

- (a) **Purpose.** The purpose and intent of this Section is to regulate the dispensing and delivery of medical cannabis that is sold in accordance with State law in order to promote the health, safety, and general welfare of the residents and businesses within the City. The City is authorized to regulate this activity pursuant to the MCRSA.
- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
 - (1) “CUP” means a Conditional Use Permit issued by the City in accordance with this Code.
 - (2) “Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.

- (3) “Deliver,” “Delivering,” and “Delivery” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.
 - (4) “Dispensary,” “Dispense,” and “Dispensing” shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws. Dispensing shall include the acts of advertising, offering for sale, selling, providing, giving away, and delivering any medical cannabis products to any individual, customer, qualified patient, primary care provider, or end user.
 - (5) “Dispensary Permit” means a City permit to dispense and deliver medical cannabis in accordance with the terms and conditions of this Section and the conditions of approval for the permit.
 - (6) “Dispensary Permittee” means a person or entity that has been issued a Dispensary Permit by the City pursuant to the terms and conditions of this Section.
 - (7) “MCRSA” means the California Medical Cannabis Regulation and Safety Act.
 - (8) “Medical cannabis” also means “medical marijuana” and shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.
 - (9) “Medical Cannabis Permittee” means a person or entity that has been issued a permit by the City, or another city in the State of California in accordance with the MCRSA or other applicable State laws, to participate in a commercial medical cannabis activity, such as cultivation, manufacturing, distribution, transportation, testing, or dispensing.
 - (10) “MMRSA” means the California Medical Marijuana Regulation and Safety Act.
- (c) **Cannabis Dispensing and Delivery Prohibited.** All cannabis dispensing and delivery within the City is prohibited except as expressly permitted by this Section.
- (d) **Dispensing and Delivery of Medical Cannabis Conditionally Permitted.** Dispensing and delivery of medical cannabis is conditionally permitted in the City only as expressly specified in this Section.

- (1) Medical Cannabis Dispensary Standards. Medical cannabis dispensing and delivery within the City shall be in conformance with the following standards:
 - A. Medical cannabis dispensing and delivery shall only be allowed upon application and approval of a Dispensary Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.
 - B. Medical cannabis dispensing and delivery is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (“Dispensary Zone”).
 - C. Medical cannabis dispensing activities may only include the selling of medical cannabis from a dispensary and the delivery of medical cannabis from a dispensary to a qualified patient or primary caregiver.
 - D. No cannabis dispensing or delivery shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the cannabis dispensing or delivery activity is, or will be, located to the nearest property line of those uses described in this Subsection.
 - E. Cannabis dispensaries may not be located within the same unit of a building or structure as an indoor cannabis cultivation, manufacturing, distribution, transportation, or testing facility.
 - F. Medical cannabis dispensing and delivery is allowed only within fully enclosed and secure structures that are inaccessible to minors.
 - G. Medical cannabis dispensing and delivery activities shall not exceed the square footage authorized pursuant to the applicable CUP.
 - H. From any public right-of-way, there shall be no visible exterior evidence of any cannabis dispensing or delivery activity.
 - I. Cannabis dispensing and delivery shall not adversely affect the health or safety of any nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.

- J. Each cannabis dispensary shall fully comply with all of the applicable restrictions and mandates set forth in State law. Each cannabis dispensary shall comply with all size requirements for such facility as imposed by State law. A cannabis dispensary shall not engage in any activities not allowed by a medical cannabis dispensary pursuant to State law. A cannabis dispensary shall comply with all horticultural, labeling, processing, and other standards required by State law.
- K. Medical cannabis dispensaries shall only be operated between the hours of 6:00 a.m. and 9:00 p.m. or as otherwise established as a condition of approval of the Dispensary Permit or the applicable CUP.
- L. All cannabis shall be kept in a secured manner during all business and nonbusiness hours.
- M. Each cannabis dispensary shall operate within a legal structure that is compliant with all applicable State and local laws.
- N. Each cannabis dispensary must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- O. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of all cannabis dispensaries except for medical cannabis used by qualified patients in well ventilated private lounges that are partitioned off from access to all other areas of the dispensary, are designed to prevent the flow of smoke to any other area, and are otherwise operated in compliance with Labor Code section 6404.5 and other applicable State laws for “private smokers’ lounges.” The term “premises” as used in this Subsection includes the actual cannabis dispensary building, as well as any accessory structures and parking areas. The cannabis dispensary building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis or alcohol on the premises, or in the vicinity of the dispensary, is prohibited except in designated lounges that comply with the mandates of this Subsection.
- P. Signage for each cannabis dispensary shall be limited to name of the business only, shall be in compliance with the City’s sign code, and shall contain no advertising of any other companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.
- Q. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A cannabis dispensary shall not hold or

maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any cannabis dispensary.

- R. Physician services and medical cannabis recommendations shall not be provided on the cannabis dispensary premises.
- S. The building in which any dispensary is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MCRSA. Compliance with all requirements of State law pertaining to medical cannabis dispensing and delivery is also required.
- T. A cannabis dispensary shall not grow, cultivate, manufacture, or process cannabis from the dispensary, unless expressly and affirmatively authorized by State law. A cannabis dispensary shall not be operated as a cannabis cultivation, manufacturing, distribution, transportation, or testing facility, unless expressly and affirmatively authorized by State law.
- U. The operators of a cannabis dispensary shall provide the City Manager or the City Manager's designee with the name, cell phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are any operational problems associated with the cannabis dispensary. Each cannabis dispensary shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.
- V. A cannabis dispensary shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the cannabis dispensing or delivery activities occur.
- W. Dispensary Permittees shall implement sufficient security measures to both deter and prevent unauthorized entrance into areas containing medical cannabis products and theft of medical cannabis products from the dispensary.

- X. A cannabis dispensary shall have a security plan including the following measures:
1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, seven days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, dispensing areas, delivery areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager, the Code Enforcement Manager, and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.
 2. The cannabis dispensary shall be secured with an alarm system that is operated and monitored by a reputable security company.
 3. Entrance to the dispensing or delivery areas, and all storage areas, shall be locked at all times, and under the control of the medical cannabis dispensary's staff.
 4. All medical cannabis shall be stored in a secured and locked room, safe, or vault, and in a manner as to prevent diversion, theft, or loss.
 5. The entrances and all window areas shall be illuminated during evening hours. The dispensary shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.
 6. All windows on the building that houses the cannabis dispensary shall be appropriately secured.
 7. No loitering—individuals shall not be allowed to remain on the premises of the dispensary unless they are engaging in activity expressly related to the operations of the dispensary.
- Y. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, the City's Code Enforcement Manager, and law enforcement upon verbal request—

no search warrant or subpoena shall be needed to view the recorded materials.

- Z. The City Manager, the City Manager's designee, the City's Code Enforcement Manager, and law enforcement shall have the right to enter the cannabis dispensary at any time, unannounced, for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
- AA. A Dispensary Permittee shall notify the City Manager or the City Manager's designee within 24 hours of discovering any of the following:
 - 1. Significant discrepancies identified during inventory. The level of significance shall be determined by the City Manager or the City Manager's designee.
 - 2. Diversion, theft, loss, or any criminal activity involving the dispensary or any agent or employee of the dispensary.
 - 3. The loss or unauthorized alteration of records related to medical cannabis, registered qualifying patients, primary caregivers, or dispensary agents or employees.
 - 4. Any other breach of security.
- BB. A Dispensary Permittee shall not dispense or deliver medical cannabis to any person without a physician's recommendation.
- CC. A Dispensary Permittee shall only dispense or deliver medical cannabis to individuals who provide government-issued identification and adequate documentation demonstrating qualification to purchase, obtain, or possess medical cannabis.
- DD. Physician's recommendations shall be verified by a Dispensary Permittee prior to dispensing or delivering any medical cannabis to a qualified patient or primary caregiver, and at least every six months thereafter.
- EE. A dispensary may not employ or enter into any agreements with any physicians who recommend medical cannabis.
- FF. A Dispensary Permittee shall inspect all cannabis and cannabis products received for quality assurance prior to dispensing or delivering to any person.
- GG. Each dispensary shall dispense and deliver medical cannabis products only after those medical cannabis products have been

inspected and quality tested by a qualified third party testing facility as required by the MCRSA, Business and Professions Code sections 19326 and 19342, the Department of Food and Agriculture regulations, and the State Department of Public Health regulations.

- HH. Each dispensary shall do regular monthly inventories, and shall record the total quantity of cannabis on the premises. These records shall be maintained for three years from the date created and shall be open to inspection by the City Manager, the City Manager's Designee, Code Enforcement, and law enforcement.
- II. A Dispensary Permittee shall register with the City each location where cannabis is stored for purposes of dispensing or delivery.
- JJ. A dispensary shall maintain patient records in a secure location within the City, available for inspection upon demand by the City Manager, the City Manager's designee, Code Enforcement, or law enforcement. Such records shall include, without limitation, a copy of the physician's recommendation and, if using a primary caregiver, a notarized written authorization from the patient to be represented by such primary caregiver.
- KK. During the delivery of medical cannabis, each vehicle driver shall carry a copy of the Dispensary Permit, a copy of the delivery request, a form of government-issued identification, and all other information required by State law. The driver shall present these documents upon the request of law enforcement, Code Enforcement, the City Manager, or the City Manager's designee.
- LL. Prior to sale at a dispensary or delivery, cannabis products shall be labeled and placed in a tamper-evident package. Labels and packages of medical cannabis products shall, at minimum, meet the requirements specified under Business and Professions Code section 19347 and other applicable State laws.
- MM. All cannabis delivery vehicles shall:
 - 1. Be equipped with, and utilize, a vehicle alarm system.
 - 2. Have and utilize a direct communication system with the dispensary.
 - 3. Keep all cannabis in a secure and locked container.
 - 4. Have an internal partition between the driver and all passengers from the cannabis storage containers that

prevents access by the driver and passengers to all cannabis products from inside the vehicle.

5. Not carry more cannabis than allowed by State law and required to fulfill all immediate delivery requests.

(2) Dispensary Permit Applications. All applicants wishing to obtain a Dispensary Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Dispensary Permit Application Fee as established by the City. An application for a Dispensary Permit shall include at least the following information:

- A. The address of the applicant's headquarters.
- B. An estimate of the size of the proposed medical cannabis dispensary.
- C. The address of the location for which the Dispensary Permit is sought. Only one Dispensary Permit will be issued per location.
- D. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, dispensing and delivery areas, lighting, signage, etcetera.
- E. A proposed security plan in compliance with the Medical Cannabis Dispensary Standards.
- F. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the dispensary. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- G. The name and address of the owner and lessor of the real property upon which the medical cannabis dispensary activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical cannabis dispensary may be operated on the property.
- H. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
- I. Evidence that the medical cannabis dispensary will be located in a legal structure that is compliant with all applicable State and local laws.

- J. Evidence that the medical cannabis dispensary has registered with the City all locations where medical cannabis will be stored for purposes of dispensing or delivery.
- K. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.
- L. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.
- M. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Dispensary Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the medical cannabis dispensary ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.
- N. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level of service and opportunities for residents of the City based on the requirements of this Section and the following criteria ("Merit List"):
 - 1. The operational plan for the dispensary.
 - 2. The security plan for the dispensary.
 - 3. The experience of the operators of the dispensary.
 - 4. The adequacy of capitalization for the dispensary and its operations.
 - 5. The employment of City residents and other public benefits to the City.

(3) Dispensary Permit. The following conditions apply to each Dispensary Permit:

- A. A Dispensary Permit will not be awarded to an applicant if:
 - 1. The applicant or the Applicant's Agents made one or more false or misleading statements or omissions in the application or during the application process.

2. The proposed medical cannabis dispensary is not allowed by State or local law.
 3. The applicant is not a legal representative of the medical cannabis dispensary.
 4. The applicant or the Applicant's Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, distribution, transportation, or any such similar activity related to controlled substances, with the exception of cannabis related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
 5. The applicant or the Applicant's Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
 6. The applicant has not satisfied each and every requirement of this Section.
- B. A Dispensary Permit shall be awarded by the City to eligible Dispensary Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Dispensary Permits shall be limited to those that may be reasonably accommodated within the Dispensary Zone as determined by the City Manager or the City Manager's designee.
- C. Only one Dispensary Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
- D. A Dispensary Permit is subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the medical cannabis dispensing or delivery activity occurs.
- E. A Dispensary Permit is subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the cannabis dispensing or delivery activities and to protect the public.
- F. A Dispensary Permittee may not hold or use any other cannabis related permits or licenses that would otherwise be a violation of this Code, the MCRSA, or Business and Professions Code section 19328.

- G. Before a Dispensary Permit will be issued to an applicant, Dispensary Permit fees must be paid to offset all foreseeable costs to the City for all dispensary related operations. Dispensary Permittees shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Dispensary Permit and the cannabis dispensing and delivery activity no collected at the time the Dispensary Permit is issued.
- H. A Dispensary Permittee shall:
1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
 2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Dispensary Permit, the Dispensary Permittee's cannabis related activities, and any action taken by the Dispensary Permittee pursuant to this Section.
 3. Defend the City, at the Dispensary Permittee's sole expense, in any action against the City or its agents, officers, or employees associated with the Dispensary Permit, the Dispensary Permittee's cannabis related activities, or any action taken by the Dispensary Permittee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Dispensary Permittee of its indemnification and reimbursement obligations.
 4. Reimburse the City for all costs, expenses, fees, and attorneys' fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Dispensary Permit, the Dispensary Permittee's cannabis related activities, or any action taken by the Dispensary Permittee pursuant to this Section.
- I. Each Dispensary Permittee shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the medical cannabis dispensary at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of any such offenses, and the sentences received for such convictions.

- J. A Dispensary Permittee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50 percent of all employees employed by the Dispensary Permittee at the medical cannabis dispensary shall be residents of the City. A Dispensary Permittee shall use good faith efforts to comply with this Subsection and shall report the residential composition of its workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.
- K. A Dispensary Permit issued pursuant to this Section is not transferable to any third parties under any circumstances.
- L. A Dispensary Permit shall expire and be null and void 12 months after issuance to the Dispensary Permittee unless properly renewed. Upon payment of the applicable Dispensary Permit fees, and passing the requisite Dispensary Permit inspections, a Dispensary Permittee that has maintained compliance with all City, State, and other applicable cannabis and business related laws shall be entitled to renew its Dispensary Permit subject to all prevailing laws at the time of renewal.
- M. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any cannabis dispensing or delivery activities, or for the activities of any cannabis dispensary.

(4) Conditional Use Permit. All parcels of real property in the Dispensary Zone, upon which cannabis dispensing or delivery activities may occur, must obtain a CUP from the City for all such activities.

(e) **Enforcement.**

- (1) Any cannabis dispensing or delivery activities within the City in violation of this Section are hereby declared to be unlawful and a public nuisance.
- (2) Any party who engages in any violation of this Section, or who owns, possesses, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.
- (3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.
- (4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense per day.

- (5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense per day.
- (6) Any violation of this Section or any other City or State cannabis law by a Dispensary Permittee, or a Dispensary Permittee's agent, is grounds for revoking the relevant Dispensary Permit. In addition, the City Manager or the City Manager's designee may revoke a Dispensary Permit if any of the following occur:
 - A. The City Manager or the City Manager's designee determines that the cannabis dispensary has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.
 - B. The medical cannabis dispensing or delivery operations cease for more than 90 calendar days.
 - C. Ownership of the medical cannabis dispensary is changed or transferred to a third party.
 - D. The medical cannabis dispensary fails to maintain 120 hours of security recordings.
 - E. The medical cannabis dispensary fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, the Code Enforcement Manager, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.
- (7) Any decision regarding the revocation of a Dispensary Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision to revoke the Dispensary Permit. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Dispensary Permit was improperly revoked. The Hearing Officer's decision shall be final and binding upon the City and the appellant.
- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

SECTION 6. Recognizing that there is a potential conflict between federal and State law, it is the City Council's intention that this Ordinance shall be deemed to comply with California law as established by the MCRSA.

SECTION 7. The City Council determines that it is in the best interest of the residents of the City to allow dispensaries that comply with the MCRSA to be established and operated as permitted uses within certain areas of the City subject to the regulations and restrictions provided in this Ordinance. It is the City Council's intention that nothing in this Ordinance shall be construed to:

1. Allow persons to engage in conduct that endangers others or causes a public nuisance.
2. Allow the use of cannabis for nonmedical purposes of any kind.
3. Allow any activity relating to cannabis that is otherwise not permitted under State law.

SECTION 8. The City Council finds that these amendments to the Zoning Code are consistent with the goals, policies, and objectives of the City's General Plan, and that they will not adversely affect properties surrounding the Dispensary Zone, which is the exact same area as the pre-existing cannabis Cultivation, Manufacturing, Distribution/Transportation, and Testing Zones.

SECTION 9. The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) and 15305 of the Guidelines, in that the Ordinance alone does not have the potential for causing a significant effect on the environment. Further permits and approvals will be required before any activity that will affect the environment will be permitted.

SECTION 10. No use, business, or activity of any kind that dispensed or delivered medical cannabis prior to the enactment of this Ordinance shall be deemed to have been a legally established use, and any such use shall not be entitled to claim legal nonconforming status.

SECTION 11. If any section or provision of this Ordinance is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Ordinance shall remain in full force and effect.

SECTION 12. By regulating medical cannabis dispensaries, the City is only undertaking to preserve the general welfare through implementing the MCRSA. The City Council is not assuming, nor is it imposing on its officers and employees, an obligation for which a breach thereof would expose the City to liability in money damages to any person who claims that such breach proximately caused injury. To the fullest extent permitted by law, the City shall assume no liability whatsoever, and expressly does not waive sovereign immunity, with respect to any provision of this Ordinance or for the activities of any medical cannabis dispensary. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this Ordinance shall not become a personal liability of any public officer or employee of the City. Nothing in this Ordinance shall be deemed or considered in any respects to constitute authorization to violate any law.

SECTION 13. The Mayor shall sign and the City Clerk shall certify passage and adoption of this Ordinance, and the City Clerk shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect 30 days after its final passage.

PASSED, APPROVED, and ADOPTED this 26th day of October, 2016.

Rich Kerr, *Mayor*

Cynthia M. Herrera, MMC, *City Manager/
City Clerk*

APPROVED AS TO FORM:

Curtis R. Wright, *City Attorney*

I, Cindy Herrera, City Manager/City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Ordinance No. 16-553 was duly introduced for first reading on October 12, 2016 and regularly adopted at a regular meeting of the City Council of the City of Adelanto on October 26, 2016 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 26th day of October, 2016.

Cynthia M. Herrera, MMC, *City Manager/
City Clerk*

SEAL

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ADELANTO ZONING ORDINANCE

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CHAPTER 17.80

SPECIAL USE STANDARDS

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- 17.80.020 Antennas and Cellular Telephone Towers
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17.80.010 Intent and Purpose

Certain uses, although permitted in specific zoning districts, require additional development standards beyond those specified for the applicable zone. Additional standards are required to ensure that such uses are operated in a manner that does not adversely impact surrounding uses. The purpose of this Chapter is to provide additional development standards and conditions for certain uses to ensure their compatibility with surrounding uses.

17.80.020 Antennas and Cellular Telephone Towers

(a) Exempt Antennas

Common skeletal-type radio and television antenna in standard configurations used to receive UHF, VHF, AM, and FM signals of off-air broadcasts from radio and television stations are exempt from the requirements of this Section.

Solid dish-type antennas with a diameter of less than two feet (2') which are designed to receive broadcast signals directly from orbiting satellites are also exempt from the following requirements, with the exception that this type of antenna may not be placed in a front yard area or in any other location visible from the street at the front of the home or building which the antenna serves.

(b) Location of Antennas in Residential Districts

Antennas and satellite dishes (hereafter referred to as “antennas”) located in the residential zones of the City shall conform to the following standards:

- (1) All antennas shall be required to maintain their supporting structures at least five feet (5') from any property line and ten feet (10') from any other structure.

- (2) All ground-mounted antennas shall be screened by walls, fences, or landscaping at least six feet (6') in height obscuring visibility of the antenna from adjacent properties at the same elevation. Landscaping shall be of a type and variety and installed at sufficient size to be capable of growing within one year to a landscape screen which obscures the visibility of the antenna.
- (3) All antennas and their supporting structures shall be located in the rear yard.
- (4) No antenna shall be higher than thirty-five feet (35') above grade level, except dish-type satellite receiving antennas, which shall not exceed fifteen feet (15') in height. Antennas exceeding thirty-five feet (35') may be approved provided the antenna is retractable to below the thirty-five foot (35') height limit, and the applicant executes a use agreement providing that the antenna will only be extended during actual use of said antenna.
- (5) A maximum of two (2) antennas, including exempt antennas, shall be allowed per lot.
- (6) All roof-mounted antennas, with the exception of exempt antennas, are prohibited.

(c) Location of Antennas in Non-Residential Districts

Antennas located in non-residential zoning districts shall conform to the following standards:

- (1) All ground-mounted antennas shall be required to maintain their supporting structures at least five feet (5') from any property line and ten feet (10') from any other structure.
- (2) All ground-mounted antennas shall be screened by walls, fences, or landscaping at least six feet (6') in height obscuring visibility of the antenna from adjacent properties at the same elevation. Landscaping shall be of a type and variety capable of growing within one year to a landscape screen which obscures the visibility of the antenna.
- (3) All antennas and their supporting structures shall be located in the rear yard or any side yard, except a street side yard.
- (4) No antenna or its supporting structure shall be located in the area between the front property line and the main structure or building.
- (5) No antenna shall be higher than the maximum height permitted in the zone, measured from grade level, except satellite antennas, which shall not exceed fifteen feet (15') in height.
- (6) A maximum of two (2) antennas, including exempt antennas, shall be allowed per lot.

(7) No antenna shall be roof-mounted except on a flat portion of the roof structure with parapets, and/or architecturally matching screening plan.

(d) Location of Antennas in Public Utility, Open Space and Greenbelt Corridor Districts

(1) All ground-mounted antennas shall be required to maintain their supporting structures at least five feet (5') from any property line and ten feet (10') from any other structure.

(2) All ground-mounted antennas shall be screened by walls, fences or landscaping at least six feet (6') in height obscuring visibility of the antenna. Landscaping shall be of a type and variety capable of growing within one year to a landscape screen which obscures the visibility of the antenna.

(3) All antennas and their supporting structures shall be located in the rear yard or any side yard, except a street side yard.

(4) No antenna or its supporting structure shall be located in the area between the front property line and the main structure or building.

(5) No antenna shall be higher than the maximum height permitted in the zone measures from grade level, except satellite antennas which shall not exceed fifteen feet (15') in height.

(6) A maximum of two (2) antennas, including exempt antennas, shall be allowed per lot.

(7) No antenna shall be roof-mounted except on a flat portion of the roof structure with parapets, and/or architecturally matching screening plan.

(e) Wireless Communication Facilities

The following regulations shall govern the placement of wireless communication facilities, antennas, and similar installations:

(1) All cellular phone installations shall require Conditional Use Permit Approval, pursuant to the requirements of Chapter 17.130 of this Code.

(2) Cellular Telephone Towers shall be permitted within all Business and Manufacturing (BP, LM, MI and ADD), Open Space, Public Land, Schools, Greenbelt Corridors (OS, DE, UE) and Public Utilities and Public Facilities (PU and PF) zoning districts.

(3) Cellular Telephone Towers shall not be located in Residential Districts.

(4) Design Standards

- A. Cellular Telephone Towers shall be “Stealth Facilities”, which means that any Wireless Telecommunications Facility shall be disguised to appear as another natural or artificial object that exists in the surrounding environment or which is architecturally integrated into a building or other structure. They may include, but are not limited to:
1. Co-location on existing electrical transmission towers within Power Easements.
 2. Architecturally screened roof mounted antenna.
 3. Wall or façade-mounted antenna as design features, clock towers, flagpoles, church crosses, “tree” poles (monopalms, monopines, or similar).
 4. Wall Mounted means a Wireless Telecommunication Facility that is mounted on any vertical surface or nearly vertical surface of a building or other existing structure that is not specifically constructed for the purpose of supporting an antenna, such as exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign such that the highest point of the Facility is at an elevation equal to or lower than the highest point of the surface on which it is mounted.
 5. Exceptions to this may be granted through the Conditional Use Permit Process, provided that it can be demonstrated that the proposed installation would not be unduly intrusive, such as they are located in proximity to similar existing towers for major electrical transmission lines.
- B. Cellular phone towers, antennas, and similar structures are limited to the maximum height allowed within the Zoning District in which it is located, unless an RF report prepared by a qualified RF Engineer and reviewed by the City, demonstrates that: 1) an antenna built at the Zoning District limit would obstruct the antenna’s reception window or otherwise excessively interfere with reception and such obstruction or interference involves factors beyond the applicant’s control; and 2) there are no other locations within the City available to the cellular phone provider that would enable the cellular phone provider to construct an antenna within the limits of the Zoning Code without limiting cell phone coverage and reception. In such cases, a maximum height of one hundred feet (100') may be allowed, unless a lower height is required by a local Airport Land Use Commission (ALUC).

- C. Setback requirements for cellular phone installations shall be developed on a case-by-case basis as part of the Conditional Use Permit Approval.

(f) Antennas Used for Transmission Purposes

The following regulations shall apply to the establishment, installation, and operation of antennas used to transmit signals of any type for commercial purposes.

- (1) Except as provided in subsection (2) below, prior to the approval by the City of the installation of any non-exempt antenna, the applicant must submit a written statement that the antenna will not be used for transmission purposes; or, that the use of the antennas for transmission purposes will not exceed EIRP levels of 80 dBW.
- (2) Antennas used for transmission purposes which exceed EIRP levels of 80 dBW may be approved by the Planning Commission, subject to the imposition of reasonable conditions to protect the applicant and the public health and safety. Reasonable conditions shall include, but not be limited to, fencing, screening, warning signs, partial submersion below ground level, and other like conditions.
- (3) Antennas used for transmission purposes shall be subject to the same screening requirements as antennas used for receiving signals. Transceiver antennas shall be considered to be transmitting antennas for the purposes of this Chapter.
- (4) Any applicant aggrieved by a decision of or condition imposed by the City may appeal that decision or condition pursuant to Section 2.04.080 et seq. of this Code.

(g) Required Criteria and Performance Standards

The following regulations shall apply to the establishment, installation, and operation of antennas in all zoning districts:

- (1) Antennas shall be installed and maintained in compliance with the requirements of the Building Code. Antenna installers shall obtain a building permit prior to installation.
- (2) No advertising material shall be allowed on any antenna.
- (3) All electrical wiring associated with any antenna shall be buried underground or hidden in a manner acceptable to the Building Official.
- (4) No portion of an antenna array shall extend beyond the property lines or into any front yard area. Guy wires shall not be anchored within any front yard area but may be attached to the building.

- (5) The antenna, including guy wires, supporting structures, and accessory equipment, shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets. The materials used in constructing the antenna shall not be unnecessarily bright, shiny, garish, or reflective.
- (6) Every antenna must be adequately grounded for protection against a direct strike of lightning with an adequate ground wire. Ground wires shall be of the type approved by the latest edition of the National Electrical Code, as adopted by the City, for grounding masts and lightning arresters and shall be installed in a mechanical manner, with as few bends as possible, maintaining a clearance of at least two (2) inches from combustible materials. Lightning arresters shall be used which are approved as safe by the Underwriter's Laboratories, Inc., and both sides of the line must be adequately protected with proper arresters to remove static charges accumulated on the line. When lead-in conductors of polyethylene ribbon-type are used, lightning arresters must be installed in each conductor. When coaxial cable or shielded twin lead is used for lead-in, suitable protection may be provided without lightning arresters by grounding the exterior metal sheath.
- (7) A wind velocity test shall be required if deemed necessary by the Building Official.

(h) Variances

Pursuant to the procedures of Chapter 17.140 et seq. of this Zoning Code, any person may seek a variance from the provisions of this Chapter pertaining to antennas and satellite dish antennas. A fee shall be charged to an applicant for a variance that is required solely for the purposes of complying with the antenna and/or satellite dish antenna regulations of this Chapter. Any variance so granted is revocable for failure by the applicant or property owner to comply with the conditions imposed. A variance shall be issued for an antenna if it meets the following standards:

- (1) Locating the antenna in conformance with the specifications of this Chapter would obstruct the antenna's reception window or otherwise excessively interfere with reception, and such obstruction or interference involves factors beyond the applicant's control; or the cost of meeting the specifications of this Section is excessive, given the cost of the proposed antenna.
- (2) The variance application includes a certification that the proposed installation is in conformance with applicable City Building Code regulations. Furthermore, the application must contain written documentation of such conformance, including load distributions within the building's support structure, and must be certified by a registered engineer.
- (3) If it is proposed that the antenna will be located on the roof, where possible, the antenna shall be located on the rear portion of the roof and be

consistent with neighboring improvements, uses, and architectural character.

(i) Nonconforming Antennas

All antennas, in any zone, lawfully constructed and erected prior to the effective date of this Chapter, which do not conform to the requirements of the provisions of this Chapter for the particular zoning district in which they are located, shall be accepted as non-conforming uses for a period of one (1) year from the date of adoption of this Chapter. Thereafter, the antennas shall be subject to abatement as set forth below via removal, modification, or relocation to comply with the standards of this Chapter. Any antenna constructed or erected in violation of this Chapter or any prior law, ordinance, or regulation shall be subject to immediate abatement.

(j) Notice of Nonconforming Antennas

(1) Upon the determination of the Planning Director that the provisions of this Chapter apply to a given parcel of land on which an antenna is located, the Planning Director or his/her designee shall send a notice thereof by United States certified mail, return receipt requested, to the owner thereof as shown on the last equalized assessment roll and shall cause such property to be posted with a similar notice.

(2) The notice provided for in this Section shall state that the property and antenna in question is a nonconformity, shall state the date of abatement established in Section 17.80.020(i), shall state that an administrative hearing will be held before the Planning Commission and shall state the date of such hearing.

(k) Hearing; Decision and Order; Appeal; Recordation of Order

(1) Within sixty (60) days after the issuance of the notice prescribed in Section 17.80.020(j), the Planning Commission shall hold an administrative hearing to determine whether the nonconformity should be abated or whether a time extension should be granted as provided in subsection (7) below.

(2) The Planning Commission shall receive written and oral testimony at such hearing in regard to the abatement.

(3) At the close of the hearing, the Planning Commission shall find and determine whether the nonconformity should be abated and all facts in support thereof, whether the owner of the property can amortize his/her investment in the term for abatement provided in Section 17.80.020(i), and if not, what term for abatement should be provided as specified in Section 17.80.020(j).

- (4) The Planning Commission shall also find and determine whether the structure encompassing the nonconforming use can be used economically in its present condition or can be modified successfully for a purpose permitted in the zoning district in which it is located.
- (5) The decision of the Planning Commission and the findings in support thereof shall be in the form of a written order and shall be served upon the property owner personally or by United States certified mail, return receipt requested, within ten (10) days after the decision is rendered.
- (6) The decision of the Planning Commission may be appealed to the City Council.
- (7) After the conclusion of all appeals, notice of the decision and order of the Planning Commission or the City Council shall be recorded with the City Clerk.

(l) Extension of Time

- (1) The Planning Commission or City Council on appeal, shall grant an extension of the time for abatement of nonconformity where it finds that an unreasonable hardship would otherwise be imposed on the property owner.
- (2) The Planning Commission or City Council on appeal, shall consider the following factors, among others, in determining whether to grant an extension of time and the length of the term:
 - A. The nature of the use.
 - B. The amount of the owner's investment in improvements.
 - C. The convertibility of improvements to permitted uses.
 - D. The character of the neighborhood.
 - E. The detriment, if any, caused to the neighborhood by continuance of the nonconforming use.
 - F. The amount of time needed to amortize the investment.

(m) Proof of Amortization

The Planning Commission, or City Council on appeal, shall base its decision as to the length of the permitted amortization period on any competent evidence presented, including, but not limited to, the depreciation schedule attached to the owner's latest federal income tax return.

(n) Relocation

Where the Planning Commission finds that a nonconforming antenna, either in its present condition or as modified, can be used in compliance with the standards set forth in this Chapter for the zoning district in which it is located, the nonconforming antenna may be granted an extension sufficient to permit it to relocate on the site wherein such use is permitted and which has substantially equivalent utility for the use. In no event shall such extension be more than two (2) years.

(o) Antennas Used for Transmission Purposes

- (1) Except as provided in subsection (2) below, prior to the approval by the City for the installation of any non-exempt antenna, the applicant must submit a written statement that the antenna will not be used for transmission purposes; or that the use of the antennas for transmission purposes will not exceed EIRP levels of 80 dBW.
- (2) Antennas used for transmission purposes which exceed EIRP levels of 80 dBW may be approved by the Planning Commission subject to the imposition of reasonable conditions to protect the applicant and the public health and safety. Reasonable conditions shall include, but not be limited to, fencing, screening, warning signs, partial submersion below ground level, and other like conditions.
- (3) Any applicant aggrieved by a decision of or condition imposed by the Planning Commission may appeal that decision or condition to the City Council, pursuant to Section 2.04.080 et seq of this Code.

17.80.030 Churches, Temples, religious institutions, non-profits and other similar institutions

- (a) All churches, temples, religious institutions, non-profits and other similar institutions shall require a Location and Development Plan approval and Conditional Use Permit approval, as indicated in Appendix A.
- (b) All buildings, structures, setbacks, building height and landscaping shall be developed in a manner harmonious and compatible with development on surrounding properties.
- (c) Off-street parking spaces shall be required as per Chapter 17.65 and 17.15 of this Zoning Code. The number of parking spaces shall be determined in Table 65-2 of the aforementioned code section. Exterior parking areas shall be screened with landscaping to be compatible with and an enhancement to surrounding land uses.
- (d) All exterior lighting shall be designed, oriented, and constructed to shield adjacent properties from adverse glare effects.
- (e) Establishment of a church does not automatically permit any school, day nursery, kindergarten, or any congregation of persons for purposes other than religious instruction, worship, or guidance. Any such additional uses shall be subject to the use requirements of the zoning district in which they are located.

- (f) Churches, Temples, religious institutions, non-profit and other similar institutions proposed to be located in residential zones shall only be allowed if vehicular access is from a Major Street/Boulevard, Collector Street, Activity Street or Loop Street-One Way, as identified in the Circulation Element of the General Plan

17.80.040 Restrictions on Sales of Tobacco Products

- (a) Definitions

The following words and phrases, whenever used in this article, shall have the meanings defined in this section unless the context clearly requires otherwise:

Tobacco Product means any product(s) that is used to consume tobacco or any product that contains any tobacco leaf, including but not limited to: cigarettes, cigars, cigarillos, blunts, snuff, dipping/chewing tobacco, flavored tobacco, tobacco water, tobacco paste, gutka, kretek, shisha, roll-your-own cigarettes, cigarette or cigar rolling papers, or pipes.

Tobacco Retailer means any person, retail establishment, or any other legal entity who knowingly sells, donates, distributes, or delivers to any person(s), for any form of consideration, tobacco products.

- (b) Zoning Regulations.

It is hereby declared that the sense and policy of this section is that no tobacco retailer shall be permitted to sell, donate, distribute, or deliver to any person(s), for any form of consideration, tobacco products within 1,000 feet of any playground, church, public library, school, or any childcare facility or similar entity providing structured, organized care for youth.

- (c) How Distance Measured.

The 1,000 foot distance provided for in Section 14.80.040 shall be measured as a person walks, using the sidewalk, from the nearest point of the property line of the playground, church, public library, school, or childcare facility or similar entity providing structured, organized care for youth, to the nearest of the property line of the tobacco retailer.

- (d) Nonconforming Uses

The City's nonconforming use rules, contained in Chapter 17.165 apply to this section. If a tobacco retailer has an interruption of the continuity of business for a period in excess of six months, in order to reopen for business, the requirements set forth above must be complied with.

- (e) Enforcement.

Enforcement of this chapter shall be the responsibility of the Community Development Director or his designee. In addition, any peace officer or code enforcement official also may enforce this chapter.

~~17.80.050 — Medical Marijuana Dispensaries~~

~~A medical marijuana dispensary, as defined in Section 17.200.140 of this Title, is not an allowable use within any zone in the City of Adelanto and is expressly prohibited in all zones. No other definition or term utilized herein shall be interpreted to allow such use. Each individual zone in the City of Adelanto is hereby updated to prohibit medical marijuana dispensaries.~~

17.80.060 Wind Energy Conversion Systems (WECS)

- (a) Wind Energy Conversion Systems shall be classified into three (3) categories.
 - (1) Category One, consist of large WECS that have one or more units producing power for sale. This category generates power in excess of 500 Kw and does not provide power for onsite use. These systems require the approval of a Conditional Use Permit and Location and Development Plan and are allowed in the Manufacturing/Industrial (MI), Airport Development District (ADD), Public Utilities (PU) and Open Space, Public Land and Schools (OS) zones.
 - (2) Category Two, consist of medium WECS that provide power for existing onsite structures. These systems may have more than one unit but produce 500 Kw or less. These systems require the approval of a Minor Conditional Use Permit and Site Plan and are allowed in all zoning districts except Single Family Residential (R-S1, R1, R1-.5, R-S5) and Desert Living (DL-9, DL-5, DL-2.5).
 - (3) Category Three, consist of WECS that provide power for existing onsite single family residential structures. These systems may have more than one unit but produce 25 Kw or less. These systems require the approval of a site plan and can be pole/tower or roof mounted.
- (b) WECS installed in the DL zone may be 75' in height. All others shall comply with height limitations for the zoning district they are installed in.
- (c) All ground mounted pole/tower WECS shall be set back from property lines a distance that equals the total height of the system and shall have a locked anti-climb device installed or be un-climbable by design for the first 12 feet.
- (d) All pole mounted WECS shall be of the self supporting monopole type. WECS requiring the use of guyed wires are only permitted in the DL zone.
- (e) No WECS shall emit sounds which exceed 65 decibels at any time as measured from the property line.
- (f) All on-site wiring for WECS shall be installed underground.
- (g) All WECS shall be installed and operated so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized.

17.80.070 Solar Energy Conversion Systems (SECS)

(a) Solar Energy Conversion Systems shall be classified into three (3) categories.

- (1) Category One, consist of large SECS that have one or more units producing power for sale. This category generates power in excess of 500 Kw and does not provide power for onsite use. These systems require the approval of a Conditional Use Permit and Location and Development Plan and are allowed in the Manufacturing/Industrial (MI) and Airport Development District (ADD) zones.
- (2) Category Two, consist of medium SECS that provide power for existing onsite structures. These systems may have multiple panels but produce 500 Kw or less. These systems require the approval of a Minor Conditional Use Permit and Site Plan and are allowed in all zoning districts except Single Family Residential (R1), (R1-.5) and Desert Living (DL).
- (3) Category Three, consist of SECS that provide power for existing onsite single family residential structures. These systems may have multiple panels but produce 25 Kw or less. These systems require the approval of a site plan and can be ground or roof mounted.

- (b) All SECS shall comply with height limitations and setbacks for the zoning district they are installed in.
- (c) No SECS shall emit sounds which exceed 65 decibels at any time as measured from the property line.
- (d) All on-site wiring for SECS shall be installed underground.
- (e) All SECS shall be installed and operated so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized.

17.80.080 Medical Cannabis Cultivation (see Ordinance 553 for section changes)

- (a) **Purpose.** The purpose and intent of this Section is to regulate the cultivation of medical marijuana that is grown in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City is authorized to regulate this activity pursuant to the MMRSA.
- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
 - (1) “City” means the City of Adelanto, California, a Charter Law City.
 - (2) “City Manager” means the individual duly appointed by a majority of the City Council of the City to serve in the capacity as executive officer of the City on a permanent or interim basis.

- (3) “Cultivation” shall be defined in accordance with the MMRSA, Business and Professions Code section 19300.5, and other applicable State laws.
 - (4) “Cultivation Permit” means a City permit to operate an indoor medical marijuana cultivation facility pursuant to the terms and conditions of this Section and the conditions of approval for the permit.
 - (5) “Cultivation Permittee” means an applicant who has applied for and has been issued a Cultivation Permit by the City pursuant to the terms and conditions of this Section.
 - (6) “CUP” means a Conditional Use Permit issued by the City in accordance with this Code.
 - (7) “Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.
 - (8) “Indoors” means within a fully enclosed and secure structure.
 - (9) “Medical marijuana” also means “medical cannabis” and shall be defined in accordance with the MMRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.
 - (10) “MMRSA” means the State Medical Marijuana Regulation and Safety Act.
 - (11) “Outdoors” means any location within the City that is not within a fully enclosed and secure structure.
- (c) **Marijuana Cultivation Prohibited.** All marijuana cultivation within the City is prohibited except as expressly permitted by this Section.
- (d) **Indoor Medical Marijuana Cultivation Conditionally Permitted.** Indoor medical marijuana cultivation is conditionally permitted in the City only as expressly specified in this Section.
- (1) Indoor Medical Marijuana Cultivation Standards. Indoor medical marijuana cultivation, within the City, shall be in conformance with the following standards:

- A. Indoor medical marijuana cultivation shall only be allowed upon application and approval of a Cultivation Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.
- B. Indoor medical marijuana cultivation is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (“Cultivation Zone”).
- C. No marijuana cultivation shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the indoor medical marijuana cultivation is, or will be located, to the nearest property line of those uses describe in this Subsection.
- D. Indoor medical marijuana cultivation facilities may be located within the same building or structure as a medical marijuana manufacturing facility only if the indoor medical marijuana cultivation facility is located in separate rooms of the building or structure, and only if the indoor medical marijuana cultivation facility has its own separate entrance into the building or structure.
- E. Subject to the further requirements of this Section, only the following State cultivator license classification types specified in the MMRSA and Business and Professions Code sections 19300.7 and 19332 will be allowed to operate in the City: 1A, 1B, 2A, 2B, 3A, 3B, and 4.
- F. Indoor medical marijuana cultivation is allowed only within fully enclosed and secure structures that are inaccessible to minors.
- G. Indoor medical marijuana cultivation shall not exceed the square footage authorized pursuant to the CUP.
- H. From any public right-of-way, there shall be no visible exterior evidence of any indoor medical marijuana cultivation activity.
- I. Indoor medical marijuana cultivation activity may include growing marijuana plants, harvesting marijuana plants, and drying marijuana flowers, but shall not include any extraction procedures to produce concentrated THC.

- J. Indoor medical marijuana cultivation shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.
- K. All indoor medical marijuana cultivation facilities shall fully comply with all of the applicable restrictions and mandates set forth in State law. All indoor medical marijuana cultivation facilities shall comply with all size requirements for such facilities as imposed by State law. Indoor medical marijuana cultivation facilities shall not engage in any activities not allowed by indoor medical marijuana cultivation facilities pursuant to State law. All indoor medical marijuana cultivation facilities shall comply with all horticultural, labeling, processing, and other standards required by State law.
- L. There is no set restriction on the hours of operation of indoor medical marijuana cultivation facilities; however, restricted hours of operation may be established as a condition of approval of the Cultivation Permit or the applicable CUP.
- M. All medical marijuana shall be kept in a secured manner during all business and nonbusiness hours.
- N. All indoor medical marijuana cultivation facilities shall operate within a legal structure that is compliant with all applicable State and local laws.
- O. All indoor medical marijuana cultivation facilities must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- P. On-site smoking, ingestion, or consumption of marijuana or alcohol shall be prohibited on the premises of all indoor medical marijuana cultivation facilities. The term “premises” as used in this Subsection includes the actual indoor medical marijuana cultivation building, as well as any accessory structures and parking areas. The indoor medical marijuana cultivation facility building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming marijuana or alcohol on the premises or in the vicinity of the facility is prohibited.
- Q. Signage for all indoor medical marijuana cultivation facilities shall be limited to name of business only, shall be

in compliance with the City's sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.

- R. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. Indoor medical marijuana cultivation facilities shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any indoor medical marijuana cultivation facility.
- S. Physician services shall not be provided on the premises. "Physician services" does not include social services, including counseling, help with housing and meals, hospice and other care referrals which may be provided on site.
- T. The building in which any indoor medical marijuana cultivation facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MMRSA. Compliance with all requirements of State law pertaining to indoor marijuana cultivation is also required.
- U. Indoor medical marijuana cultivation facilities shall not distribute, sell, dispense, or administer marijuana from the facility to the public. Indoor medical marijuana cultivation facilities shall not be operated as medical marijuana dispensaries.
- V. The operators of all indoor medical marijuana cultivation facilities shall provide the City Manager or the City Manager's designee with the name, phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are any operational problems associated with the indoor medical marijuana cultivation facility. All indoor medical marijuana cultivation facilities shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.

- W. All indoor medical marijuana cultivation facilities shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the indoor medical marijuana cultivation activities occur.
- X. All indoor medical marijuana cultivation facilities shall have a security plan including the following measures:
1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, cultivation areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.
 2. The indoor medical marijuana cultivation facility shall be alarmed with an alarm system that is operated and monitored by a reputable security company.
 3. Entrance to the cultivation area, and all storage areas, shall be locked at all times, and under the control the indoor medical marijuana cultivation facility's staff.
 4. The entrances and all window areas shall be illuminated during evening hours. The facility shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.
 5. All windows on the building that houses the indoor medical marijuana cultivation facility shall be appropriately secured and all marijuana securely stored.

- Y. Recordings made by the security cameras shall be made available to the City Manager, the City Manager’s designee, or law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.
 - Z. The City Manager, the City Manager’s designee, and law enforcement shall have the right to enter the indoor medical marijuana cultivation facility at any time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
 - AA. All batches of final cultivated marijuana must be inspected and quality tested by a qualified third party distributor and testing facility prior to distribution to a dispensary as required by the MMRSA, Business and Professions Code sections 19326 and 19342, the Department of Food and Agriculture regulations, and the State Department of Public Health regulations.
- (2) Cultivation Permit Applications. All applicants wishing to obtain a Cultivation Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Cultivation Permit Application Fee as established by the City. An application for a Cultivation Permit shall include at least the following information:
- A. An estimate of the size of the proposed indoor medical marijuana cultivation facility.
 - B. The address of the location for which the Cultivation Permit is sought. Only one Cultivation Permit will be issued per location.
 - C. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, cultivation areas, lighting, signage, etcetera.
 - D. A proposed security plan in compliance with the Indoor Medical Marijuana Cultivation Standards.
 - E. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the indoor medical marijuana cultivation facility. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.

- F. The name and address of the owner and lessor of the real property upon which the indoor medical marijuana cultivation activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that an indoor medical marijuana cultivation facility will be operated on the property.
- G. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
- H. Evidence that the indoor medical marijuana cultivation facility will be located in a legal structure that is compliant with all applicable State and local laws.
- I. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.
- J. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.
- K. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Cultivation Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the indoor medical marijuana cultivation facility ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.
- L. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level of service and opportunities for residents of the City based on the requirements of this Section and the following criteria ("Merit List"):
 - 1. The operational plan for the facility.
 - 2. The security plan for the facility.
 - 3. The experience of the operators of the facility.

4. The adequacy of capitalization for the facility and its operations.
 5. The employment of City residents and other public benefits to the City.
- (3) Cultivation Permit. The following conditions apply to all Cultivation Permits:
- A. Cultivation Permit will not be awarded to an applicant if:
 1. The applicant or the Applicant's Agents made one or more false or misleading statements or omissions in the application or during the application process.
 2. The proposed indoor medical marijuana cultivation facility is not allowed by State or local law.
 3. The applicant is not a legal representative of the indoor medical marijuana cultivation facility.
 4. The applicant or the Applicant's Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or any such similar activity related to controlled substances, with the exception of marijuana related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
 5. The applicant or the Applicant's Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
 6. The applicant has not satisfied each and every requirement of this Section.
 - B. Cultivation Permits shall be awarded by the City to eligible Cultivation Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Cultivation Permits shall be limited to those that may be reasonably accommodated within the Cultivation Zone.

- C. Before a Cultivation Permit can be issued to an applicant, Cultivation Permit fees must be paid to offset all related costs to the City, and the proposed indoor medical marijuana cultivation facility location must pass all applicable inspections.
- D. Only one Cultivation Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
- E. All Cultivation Permits are subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the indoor medical marijuana cultivation activity occurs.
- F. All Cultivation Permits are subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the activity and protect the public.
- G. All cultivation activities shall be subject to an excise tax to be established by the City and the voters.
- H. Cultivation Permittees may not hold or use any other marijuana activity permits or licenses that would otherwise be a violation of the MMRSA or Business and Professions Code section 19328.
- I. All Cultivation Permittees shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Cultivation Permit and the indoor medical marijuana cultivation activity.
- J. All Cultivation Permittees shall:
 - 1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
 - 2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Cultivation Permit, the Cultivation Permittee's marijuana related activities, and any action taken by the Cultivation Permittee pursuant to this Section.

3. Agree to defend the City, at the Cultivation Permittee's sole expense, in any action against the City or its agents, officers, or employees associated with the Cultivation Permit, the Cultivation Permittee's marijuana related activities, or any action taken by the Cultivation Permittee pursuant to this Section.
 4. Agree to reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Cultivation Permit, the Cultivation Permittee's marijuana related activities, or any action taken by the Cultivation Permittee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.
- K. All Cultivation Permittees shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the indoor medical marijuana cultivation facility at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- L. All Cultivation Permittees shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Cultivation Permittee at the indoor medical marijuana cultivation facility shall be residents of the City. All Cultivation Permittees shall use good faith efforts to comply with this subsection and shall report the residential composition of their workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.
- M. Cultivation Permits issued pursuant to this Section are not transferable to any third parties under any circumstances.
- N. All Cultivation Permits shall expire and be null and void 12 months after issuance to the Cultivation Permittee unless properly renewed. Upon payment of the applicable Cultivation Permit fees and passing the requisite Cultivation Permit inspections, Cultivation Permittees that have

maintained compliance with all City, State, and other applicable marijuana and business related laws shall be entitled to renew their Cultivation Permit subject to all prevailing laws at the time of renewal.

O. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any medical marijuana cultivation activities or for the activities of any indoor medical marijuana cultivation facility.

(4) Conditional Use Permit. All parcels of real property in the Cultivation Zone upon which indoor medical marijuana cultivation activities may occur must obtain a CUP from the City for all such activities.

(5) Oversight Committee. The City shall create an Oversight Committee to oversee activities of the Cultivation Permittees to ensure that all applicable local, State, and federal laws are complied with, and that all provisions of this Section are enforced, and that no illegal activity is conducted on the indoor medical marijuana cultivation properties. The Oversight Committee shall have full authority to review all proposed applications, applicants, business proposals, financial resources, Merit Lists, and overall business plans when deciding which entities will receive Cultivation Permits as outlined herein. The Oversight Committee shall be appointed by the City Council and shall consist of five total members with one member from code enforcement, one member from planning, and three at-large appointments.

(e) **Enforcement.**

(1) Any marijuana cultivation within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.

(2) Any party who engages in a violation of this Section, or who owns, possess, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.

(3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.

(4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense.

- (5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense.
- (6) Any violation of this Section or any other City or State marijuana law by a Cultivation Permittee or a Cultivation Permittee's agent is grounds for revoking the Cultivation Permittee's Cultivation Permit. In addition, the City Manager or the City Manager's designee may revoke a Cultivation Permit if any of the following occur:
 - A. The City Manager or the City Manager's designee determines that the indoor medical marijuana cultivation facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.
 - B. The indoor medical marijuana cultivation operations cease for more than 90 calendar days.
 - C. Ownership of the indoor medical marijuana cultivation facility is changed or transferred to third party.
 - D. The indoor medical marijuana cultivation facility fails to maintain 120 hours of security recordings.
 - E. The indoor medical marijuana cultivation facility fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premise by authorized City officials.
- (7) Any decision regarding the revocation of a Cultivation Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Cultivation Permit was improperly revoked. The Hearing Officer's decision shall be final and binding upon the City and the appellant.
- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

17.80.090 Medical Cannabis Manufacturing (see Ordinance 553 for section changes)

- (a) **Purpose.** The purpose and intent of this Section is to regulate the manufacturing of medical marijuana that is processed in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City intends to be on the forefront of medical marijuana research and manufacturing. The City is authorized to regulate this activity pursuant to the MMRSA.
- (b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:
- (1) “City” means the City of Adelanto, California, a Charter Law City.
 - (2) “City Manager” means the individual duly appointed by a majority of the City Council of the City to serve in the capacity as executive officer of the City on a permanent or interim basis.
 - (3) “CUP” means a Conditional Use Permit issued by the City in accordance with this Code.
 - (4) “Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.
 - (5) “Manufacturer” and “manufacturing” shall be defined in accordance with the MMRSA, Business and Professions Code section 19300.5, and other applicable State laws.
 - (6) “Manufacturing Permit” means a City permit to operate a medical marijuana manufacturing facility pursuant to the terms and conditions of this Section and the conditions of approval for the permit.
 - (7) “Manufacturing Permittee” means an applicant who has applied for and has been issued a Manufacturing Permit by the City pursuant to the terms and conditions of this Section.
 - (8) “Medical marijuana” also means “medical cannabis” and shall be defined in accordance with the MMRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.
 - (9) “MMRSA” means the State Medical Marijuana Regulation and Safety Act.

- (c) **Marijuana Manufacturing Prohibited.** All marijuana manufacturing within the City is prohibited except as expressly permitted by this Section.
- (d) **Medical Marijuana Manufacturing Conditionally Permitted.** Medical marijuana manufacturing is conditionally permitted in the City only as expressly specified in this Section.
 - (1) Medical Marijuana Manufacturing Standards. Medical marijuana manufacturing, within the City, shall be in conformance with the following standards:
 - A. Medical marijuana manufacturing shall only be allowed upon application and approval of a Manufacturing Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.
 - B. Medical marijuana manufacturing is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (“Manufacturing Zone”).
 - C. No marijuana manufacturing shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the medical marijuana manufacturing is, or will be located, to the nearest property line of those uses describe in this Subsection.
 - D. Medical marijuana manufacturing facilities may be located within the same building or structure as an indoor medical marijuana cultivation facility only if the medical marijuana manufacturing facility is located in separate rooms of the building or structure, and only if the medical marijuana manufacturing facility has its own separate entrance into the building or structure.
 - E. Subject to the further requirements of this Section, only State manufacturer license classification type 6 level 1 will be allowed to operate in the City using nonvolatile solvents in accordance with the MMRSA and Business and Professions Code sections 19300.7 and 19341.
 - F. Medical marijuana manufacturing is allowed only within fully enclosed and secure structures that are inaccessible to minors.

- G. Medical marijuana manufacturing shall not exceed the square footage authorized pursuant to the CUP.
- H. From any public right-of-way, there shall be no visible exterior evidence of any medical marijuana manufacturing activity.
- I. Medical marijuana manufacturing shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.
- J. All medical marijuana manufacturing facilities shall fully comply with all of the applicable restrictions and mandates set forth in State law. All medical marijuana manufacturing facilities shall comply with all size requirements for such facilities as imposed by State law. Medical marijuana manufacturing facilities shall not engage in any activities not allowed by medical marijuana manufacturing facilities pursuant to State law. All medical marijuana manufacturing facilities shall comply with all horticultural, labeling, processing, and other standards required by State law.
- K. There is no set restriction on the hours of operation of medical marijuana manufacturing facilities; however, restricted hours of operation may be established as a condition of approval of the Manufacturing Permit or the applicable CUP.
- L. All medical marijuana shall be kept in a secured manner during all business and nonbusiness hours.
- M. All medical marijuana manufacturing facilities shall operate within a legal structure that is compliant with all applicable State and local laws.
- N. All medical marijuana manufacturing facilities must pay all applicable sales taxes pursuant to all federal, State, and local laws.
- O. On-site smoking, ingestion, or consumption of marijuana or alcohol shall be prohibited on the premises of all medical marijuana manufacturing facilities. The term “premises” as used in this Subsection includes the actual medical marijuana manufacturing building, as well as any accessory structures and parking areas. The medical marijuana manufacturing facility building entrance shall be clearly and

legibly posted with a notice indicating that smoking, ingesting, or consuming marijuana or alcohol on the premises or in the vicinity of the facility is prohibited.

- P. Signage for all medical marijuana manufacturing facilities shall be limited to name of business only, shall be in compliance with the City's sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.
- Q. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. Medical marijuana manufacturing facilities shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcoholic beverages shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any medical marijuana manufacturing facility.
- R. Physician services shall not be provided on the premises. "Physician services" does not include social services, including counseling, help with housing and meals, hospice and other care referrals which may be provided on site.
- S. The building in which any medical marijuana manufacturing facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MMRSA. Compliance with all requirements of State law pertaining to medical marijuana manufacturing is also required.
- T. Medical marijuana manufacturing facilities shall not distribute, sell, dispense, or administer marijuana from the facility to the public. Medical marijuana manufacturing facilities shall not be operated as medical marijuana dispensaries.
- U. The operators of all medical marijuana manufacturing facilities shall provide the City Manager or the City Manager's designee with the name, phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are

any operational problems associated with the medical marijuana manufacturing facility. All medical marijuana manufacturing facilities shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.

V. All medical marijuana manufacturing facilities shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the medical marijuana manufacturing activities occur.

W. All medical marijuana manufacturing facilities shall have a security plan including the following measures:

1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, manufacturing areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.
2. The medical marijuana manufacturing facility shall be alarmed with an alarm system that is operated and monitored by a reputable security company.
3. Entrance to the manufacturing area, and all storage areas, shall be locked at all times, and under the control the medical marijuana manufacturing facility's staff.
4. The entrances and all window areas shall be illuminated during evening hours. The facility shall comply with the City's lighting standards regarding

fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.

5. All windows on the building that houses the medical marijuana manufacturing facility shall be appropriately secured and all marijuana securely stored.
- X. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, or law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.
- Y. The City Manager, the City Manager's designee, and law enforcement shall have the right to enter the medical marijuana manufacturing facility at any time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.
- Z. All medical marijuana manufacturing facilities must employ full time quality control personnel. The Manufacturing Permittee must establish Standard Operating Procedures and Batch Records that comply with current Good Manufacturing Practices and the MMRSA for all food products, as outlined by the State Department of Public Health and the Food and Drug Administration.
- AA. All finished products produced by a medical marijuana manufacturing facility must be labeled in compliance with the MMRSA, Business and Profession Code section 19347, and the labeling requirements outlined by the State Department of Public Health.
- BB. All finished products produced by a medical marijuana manufacturing facility must be packaged in child resistant containers prior to leaving the facility or becoming commercially available in accordance with the MMRSA, Business and Profession Code section 19347, the State Department of Public Health regulations, and other applicable State laws.
- CC. All batches of final marijuana products must be tested by a qualified third party testing facility prior to distribution to a dispensary as required by the MMRSA, Business and

Professions Code sections 19326, 19341, and 19342, and the State Department of Public Health regulations.

- DD. Medical marijuana manufacturing facilities shall only use nonvolatile solvents that have been approved by the State Department of Public Health for medical marijuana level 1 manufacturing. Until such time as any such nonvolatile solvents are approved by the State Department of Public Health for medical marijuana level 1 manufacturing, medical marijuana manufacturing facilities shall only use nonvolatile solvents that have been approved by the Food and Drug Administration for the processing and preparation of botanical dietary supplements or food grade products.
- EE. All processing and analytical testing devices used for medical marijuana manufacturing facilities must be UL listed, or otherwise approved for the intended use by the City's Building Official or the Fire Department. Any processing devices using only non-pressurized water are exempt from such approval.
- FF. Unless otherwise prohibited, all processing devices used by a medical marijuana manufacturing facility that utilize hydrocarbons or otherwise flammable solvents must operate in a closed loop, or in such a way that all solvent material is recovered in the process. All hazardous material must be disposed of in a manner which is compliant with all local, State, and federal guidelines for the disposal of hazardous materials.

(2) Manufacturing Permit Applications. All applicants wishing to obtain a Manufacturing Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Manufacturing Permit Application Fee as established by the City. An application for a Manufacturing Permit shall include at least the following information:

- A. An estimate of the size of the proposed medical marijuana manufacturing facility.
- B. The address of the location for which the Manufacturing Permit is sought. Only one Manufacturing Permit will be issued per location.
- C. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, manufacturing areas, lighting, signage, etcetera.

- D. A proposed security plan in compliance with the Medical Marijuana Manufacturing Standards.
- E. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the medical marijuana manufacturing facility. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- F. The name and address of the owner and lessor of the real property upon which the medical marijuana manufacturing activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical marijuana manufacturing facility will be operated on the property.
- G. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
- H. Evidence that the medical marijuana manufacturing facility will be located in a legal structure that is compliant with all applicable State and local laws.
- I. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.
- J. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.
- K. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Manufacturing Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the medical marijuana manufacturing facility ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.
- L. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level

of service and opportunities for residents of the City based on the requirements of this Section and the following criteria (“Merit List”):

1. The operational plan for the facility.
2. The security plan for the facility.
3. The experience of the operators of the facility.
4. The adequacy of capitalization for the facility and its operations.
5. The employment of City residents and other public benefits to the City.

(3) Manufacturing Permit. The following conditions apply to all Manufacturing Permits:

A Manufacturing Permit will not be awarded to an applicant if:

1. The applicant or the Applicant’s Agents made one or more false or misleading statements or omissions in the application or during the application process.
2. The proposed medical marijuana manufacturing facility is not allowed by State or local law.
3. The applicant is not a legal representative of the medical marijuana manufacturing facility.
4. The applicant or the Applicant’s Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or any such similar activity related to controlled substances, with the exception of marijuana related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
5. The applicant or the Applicant’s Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

6. The applicant has not satisfied each and every requirement of this Section.
- B. Manufacturing Permits shall be awarded by the City to eligible Manufacturing Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Manufacturing Permits shall be limited to those that may be reasonably accommodated within the Manufacturing Zone.
- C. Before a Manufacturing Permit can be issued to an applicant, Manufacturing Permit fees must be paid to offset all related costs to the City, and the proposed medical marijuana manufacturing facility location must pass all applicable inspections.
- D. Only one Manufacturing Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.
- E. All Manufacturing Permits are subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the medical marijuana manufacturing activity occurs.
- F. All Manufacturing Permits are subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the activity and protect the public.
- G. All manufacturing activities shall be subject to an excise tax to be established by the City and the voters.
- H. Manufacturing Permittees may not hold or use any other marijuana activity permits or licenses that would otherwise be a violation of the MMRSA or Business and Professions Code section 19328.
- I. All Manufacturing Permittees shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Manufacturing Permit and the medical marijuana manufacturing activity.
- J. All Manufacturing Permittees shall:

1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.
 2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Manufacturing Permit, the Manufacturing Permittee's marijuana related activities, and any action taken by the Manufacturing Permittee pursuant to this Section.
 3. Agree to defend the City, at the Manufacturing Permittee's sole expense, in any action against the City or its agents, officers, or employees associated with the Manufacturing Permit, the Manufacturing Permittee's marijuana related activities, or any action taken by the Manufacturing Permittee pursuant to this Section.
 4. Agree to reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Manufacturing Permit, the Manufacturing Permittee's marijuana related activities, or any action taken by the Manufacturing Permittee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.
- K. All Manufacturing Permittees shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the medical marijuana manufacturing facility at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.
- L. All Manufacturing Permittees shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Manufacturing Permittee at the medical marijuana manufacturing facility shall be residents of the City. All Manufacturing Permittees shall use good faith

efforts to comply with this subsection and shall report the residential composition of their workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.

- M. Manufacturing Permits issued pursuant to this Section are not transferable to any third parties under any circumstances.
- N. All Manufacturing Permits shall expire and be null and void 12 months after issuance to the Manufacturing Permittee unless properly renewed. Upon payment of the applicable Manufacturing Permit fees and passing the requisite Manufacturing Permit inspections, Manufacturing Permittees that have maintained compliance with all City, State, and other applicable marijuana and business related laws shall be entitled to renew their Manufacturing Permit subject to all prevailing laws at the time of renewal.
- O. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any medical marijuana manufacturing activities or for the activities of any medical marijuana manufacturing facility.

(4) Conditional Use Permit. All parcels of real property in the Manufacturing Zone upon which medical marijuana manufacturing activities may occur must obtain a CUP from the City for all such activities.

(e) **Enforcement.**

- (1) Any marijuana manufacturing within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.
- (2) Any party who engages in a violation of this Section, or who owns, possess, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.
- (3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.
- (4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense.
- (5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a \$1,000 per offense.

- (6) Any violation of this Section or any other City or State marijuana law by a Manufacturing Permittee or a Manufacturing Permittee’s agent is grounds for revoking the Manufacturing Permittee’s Manufacturing Permit. In addition, the City Manager or the City Manager’s designee may revoke a Manufacturing Permit if any of the following occur:
- A. The City Manager or the City Manager’s designee determines that the medical marijuana manufacturing facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.
 - B. The medical marijuana manufacturing operations cease for more than 90 calendar days.
 - C. Ownership of the medical marijuana manufacturing facility is changed or transferred to third party.
 - D. The medical marijuana manufacturing facility fails to maintain 120 hours of security recordings.
 - E. The medical marijuana manufacturing facility fails to provide remote access to the security cameras to the City Manager, the City Manager’s designee, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premise by authorized City officials.
- (7) Any decision regarding the revocation of a Manufacturing Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager’s designee (“Hearing Officer”). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Manufacturing Permit was improperly revoked. The Hearing Officer’s decision shall be final and binding upon the City and the appellant.
- (8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

17.80.100 Medical Cannabis Distribution/Transportation

17.80.110 Medical Cannabis Testing

(Both section pending insertion from Ordinance 548 after adoption on October 12, 2016)

17.80.120 Medical Cannabis Dispensaries

(Both section pending insertion from Ordinance 553 after adoption)

Appendix A: Regulation of Uses by Zoning District

KEY:

P = Use permitted by right with Location and Development Plan Approval (subject to all local, State, and other applicable Code requirements)

C = Use requires Conditional Use Permit (Chapter 17.30 Adelanto Zoning Code)

Cm = Use Requires a Minor Conditional Use Permit (Chapter 17.30 Adelanto Zoning Code)

A = Use permitted as accessory use only (when such use is directly related to the primary use)

T = Use permitted as temporary use only (see Chapter 17.75)

Residential Zoning Districts:	Commercial and Mixed Use Zoning Districts:	Business Park and Manufacturing Zoning Districts	Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts
DL-9 = Desert Living 1 unit/9 acres	C = General Commercial	LM = Light Manufacturing	PU=Public Utility
DL-5 = Desert Living 1 unit/5 acres	MU = Mixed Use	MI = Manufacturing Industrial	PF = Public Facility
DL-2.5 = Desert Living 1 unit/2.5 acres		ADD = Airport Development District	OS = Open Space
R-S1 = Single Family Residential		BP = Business Park	DE = Greenbelt Corridor: Drainage Easement
R1-.5 = Single Family Residential (1/2 Acre)			UE = Greenbelt Corridor: Utility Easement
R1 = Single Family Residential			
R-S5 = Single Family Residential			
R3-8 = Medium Density Residential			
R-M12 = Medium Density Residential			

Residential R3-30 =
High Density
Residential
AP = Airport Park

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
AGRICULTURAL PRODUCTION and ANIMAL SERVICES⁷																				
Animal Keeping (subject to provisions of Title 7- Animals) ¹¹	A	A	A	A	A	A	A	A	A											
Animal Shelter (on lots greater than 2.5 acres only)									Cm			C	C	C	C					
Feed and Grain Sales	C										P	P	P							
Horses (Boarding and Raising as a Business), Kennels (subject to provisions of Title 7- Animals on lots greater than 2.5 acres only)	C																			
Taxidermist												P	P	P						
Veterinarian/Veterinary Hospital/Pet Grooming	C									P	P	P	P	P	P					
Medical Cannabis Dispensary ¹²													C							
Medical Cannabis Cultivation ¹²													C							
Medical Cannabis Manufacturing ¹²													C							
Medical Cannabis Distribution and/or Transportation ¹²													C							
Medical Cannabis Testing Laboratory ¹²													C							
RESIDENTIAL																				
Bed and Breakfast	P					P	P		P	P	P									
Dwelling Unit, Multiple Family, Two-Family (Duplex), Condominium						P	P	P		P										
Dwelling Unit, Single-Family (detached)	P	P	P	P	P		P		P									P		
Dwelling Unit - Second Units/Dependent Housing/Granny Flats	P	P	P	P	P	P	P		P											
Day Care Center, Adult Day Health and	C		C		C	C	C	C		C	C				C	C	C			

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Child Care (Subject to California Department of Social Services:																				
Day Care Home, Large Family (14 or fewer children), (Subject to California Department of Social Services)	C	C	C	C	C	C	C	C												
Day Care Home, Small Family (8 or fewer children) (Subject to California Department of Social Services)	P	P	P	P	P	P	P	P		C										
Group Homes not licensed by the State with 2 or more residents	C	C	C	C	C															
Single Room Occupancy Facilities	P	P	P	P	P	P	P	P		P										
Transitional and Supportive Housing	P	P	P	P	P	P	P	P		P										
Emergency and Homeless Shelters	P											C	C	C						
Residential Care Facility (7 or more persons)	C	C	C	C	C	C	C													
Residential Care Facility for 6 or fewer persons (includes facilities licensed and/or controlled by California Department of Social Services)	P	P	P	P	P	P	P	P												
Home Occupation (Use allowed subject to Chapter 17.95)	A	A	A	A	A	A	A	A	A	A										
Fraternal/Sorority Hall, Rooming										P	P	C	C							
Manufactured Home, Mobile Home (includes individual unit placed in a residential subdivision)	P	P	P	P	P				P											
Manufactured/Mobile Home Parks	C																			
Mobile Homes Sales											P	P								
Model Home	T	T	T	T	T	T	T	T												
Game Courts (Badminton/Tennis/Racquetball/Other)	A	A	A	A	A	A	A	A												

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
and Swimming Pool, Private																				
INSTITUTIONAL																				
Educational																				
Education Institution (including private, commercial, and vocational schools, **card room related training only)									C1	C	C	C	C		P					
Education Institution, Public (Subject to LDP approval)	P	P	P	P	P	P	P			P	P			P	P	P				
Prisons/Correctional Facilities												C	C		C					
Medical																				
Chiropractic/Physical Therapy Office										P	P	P			P					
Hospitals and Clinics										P	C	C		C	P	C	C			
Medical/Dental Offices										P	P	P	P	P	P					
Laboratories, Medical and Dental											C	P	P	P	P					
Pharmacy (see also Drugstore) ^{2, 9}										P	P	P			P					
Convalescent Hospital, Skilled Nursing Facility	C	C	C	C	C	C	C	C			P									
Public																				
Conference or Convention Centers										P		C	C	C	C	P	C			
Parks, Plazas and Trails	P	P	P	P	P	P	P			P					P		P	P	P	P
Visitor Centers										P	P									
Religious/Non-Profit																				
Churches, Temples, other religious institutions, non-profits (except administrative offices- see Offices). In residential zones, vehicular access shall be only from major arterial or major collector as designated in the General	C	C	C	C	C	C	C	C			C	P	P		C	C	C	C		

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Plan Circulation Element.																				
COMMERCIAL																				
Alcoholic Beverage Establishments																				
Alcoholic Beverage Onsite Sales in establishments open to persons over the legal drinking age exclusively, not allowed within 1,000 feet of any residential zoning district or residential use, churches, parks, and/or educational institutions ³										C										
Alcoholic Beverage Onsite Sales in establishments open to persons over the legal drinking age exclusively, more than 1,000 feet from any residential zoning district or residential use, churches, parks, and/or educational institutions ³										C	C	C	C	C	C	C				
Alcoholic Beverage Onsite Sales as part of a bona fide sit down (non-age-restricted) restaurant ³										P	P	P	P	P	P	P				
Alcoholic Beverage Offsite Sales within a supermarket or drug store ^{2,3,9}										P	P	P	P	P	P	P				
Alcoholic Beverage Offsite Sales in any store other than a supermarket or drug store ^{2,3,9}										C	C	C	C	C	C	C				
Wineries ³	C											P	P	P						
Automobile, Vehicle Rentals and Sales Related Uses																				
Automobile Auction												C	C	C						
Automobiles/Recreational Vehicles/Boats/Motorcycles/Trucks ⁴ , Sales- New & Used, and Rentals												P	P	P	P					
Service Station/Gas Station (Petroleum Products), including automobile service												C	P	P	P					

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
and Car Wash ^{4,9}																				
Parking Lot and Parking Garages, Public ⁴										C	P	P	P	P	C					
Automobile, Vehicle Service and Repair																				
Automobile Accessory Sales and Installation, including parts supply (No overnight outside storage or parking; body work prohibited) ^{4,6}											P	P	P	P						
Automobile Service (Lubrication, Tune-ups, emission tests, batteries, mufflers, etc. No use of impact wrenches or other equipment that could create noise impacts; No overnight outside storage or parking; Paint, body work, upholstery prohibited) ^{4,6}											C	P	P	P						
Automobile Minor Repair (Brakes, tires, radiators, electrical, etc. No overnight outside storage or parking; Paint, body work, upholstery prohibited) ^{4,6l}											C	P	P	P						
Automobile Paint, Body, and Upholstery Shops ^{4,6}												C	C	C						
Communications/Utilities Distribution and Transmission																				
Cellular, Microwave Antenna/Towers and related equipment buildings ⁸										C	C	C	C	C	C	C	C	C		C
Gas Distribution, Meter, and Control Station												P	P	P			P			C
Electricity Distribution & Transmission Substation (<5,000 SF)	C	C	C	C	C	C	C	C	C		P	P	P	P		P	P	C		C
Electricity Distribution & Transmission Substation (>5,000 SF)											C	C	C	C			C	C		C
Power Generating Facilities, Solar Energy and/or Wind Energy Conversion Systems >500 Kw ¹⁰												C	C	C				C		C

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Solar Energy and/or Wind Energy Conversion Systems <500 Kw						Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	C		Cm
Solar Energy and/or Wind Energy Conversion Systems <25 Kw	P	P	P	P	P	P	P	P	P	P								C		
Radio/Television Broadcasting Studios (including Recording Studios)										P	P	P	P	P	P	A	A			
Telephone Repeater Stations	C	C	C	C	C	C	C	C		C	P	P	P	C	C	P	C			C
Eating and Drinking Establishments																				
Bakery, Coffeehouse, Delicatessen, Ice Cream Parlor, and other similar eating establishments ²									C	P	P	P	P	P	P	P				
Catering Service									C	P	P	P	P	P	P					
Nightclubs/Taverns/Bars ^{3,9}										C	C	C			C					
Restaurant, No Alcohol Sales									C	P	P	P	P	P	P		P			
Restaurant, Drive-Thru ² , no alcohol sales									C		C	C	C	C						
Restaurant, with Alcohol Sales ³	See " Alcoholic Beverage Onsite Sales"																			
Entertainment/Recreation																				
Adult Business (subject to Adult Business Ordinance)													C							
Amusement Park, Entertainment Center (including Arcade, Live Theater, Bowling, Ice and Roller Skating, Indoor Soccer and Hockey Arena)										C	C	C	C			C				
Billiard/Pool Hall ⁹										C	C	C		C						
Batting Cages, Indoor or Outdoor											P	P	P	P		P				
Card Rooms ⁹										C	C									
Carnival, Circus, or Fair										T	T	T	T	T		T	T			
Club - Athletic, Health, or Recreation (including Dance Studios)										P	P	P	P	P	P	P				

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Dance Hall/Dance Club										C	C	C	C	C						
Game Courts, Commercial										P	P	P	P	P	P	P	P			C
Golf Course and Driving Range, Clubhouse, Country Club	C	C	C	C	C	C	C				C	C		C			C			C
Movie Theater										P	P									
Shooting Range, Indoor and Outdoor (outdoor ranges prohibited in the C and OS)											C	C	C					C		C
Stable, Public (Boarding/Riding) and Private - Boarding allowed as accessory use in DL	P								A								C			C
Food and Beverage Stores																				
Convenience Market, Health Food Store ^{2,3,9}									C	P	P	P				P				
Drug store ^{2,3,9}										P	P	P								
Grocery Store, Retail, Discount, and Club Stores ^{2,3,9}										P	P	P	P	P						
General Merchandise Stores																				
Department Store, Specialty Stores										P	P									
Discount Stores, Home Improvement Center										P	P	P								
Lodging																				
Hotel, Motel *(more than 50 rooms requires a CUP)										P	P*	P				P				
Recreational Vehicle Park and Campgrounds												C	C							C
Offices																				
Administrative, Professional, and Other Related Offices										P	P	P	A	A	P	A				
Financial Institutions (Banks, Credit										P	P	P	P	P	P					

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Unions, Check Cashing, Pay Advance, Money Transfer, etc.) ²																				
Business Services																				
Copy Services, Postal Services, and Parcel Delivery Service										P	P	P	P	P	P					
Personal Services⁷																				
Barber/Beauty Shop/Cosmetologist/Massage Parlor/Acupuncturist										P	P	P								
Cemetery/Mausoleums	C																			C
Dressmaker/Tailor Shop										P	P	P			P					
Dry Cleaner (Storefront Type); Laundry Service ²										P	P	P		P	P					
Funeral Parlor, Mortuary										C	C	P		P						
Repair and Maintenance Services⁷																				
Shoe and Watch Repair/Sales, Locksmith										P	P	P	P	P	P		A			
Janitorial Service, Pest Control Service										P	P	P	P	P	P					
Retail⁷																				
Temporary Uses and Structures (Subject to Section 17.75)	T									T	T	T	T	T	T	T	T			
General Retail Sales (including the following: Antiques, Appliance Sales/Repairs; Art Gallery/Supplies; Books/Music; Clothing/Accessories; Costumes; Coins/Collectables; Food Products; Glass Shops/Studios; Hardware; Hobby, Gift, and Floral Shops; Home Improvement Goods/Home Furnishings; Medical								C ¹	C ¹	P	P	P	P	P	C	A				

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Supplies; Newsstands; Nursery/Garden Equipment; Office Equipment/Supplies; Pet Shop; Photography Studio/Photofinishing; Sporting Goods; Toy Stores ⁹																				
Pawnshop, Secondhand Store										P	P	P								
INDUSTRIAL⁷																				
Ambulance Service												P	P							
Printing, Publishing, Bookbinding (including Lithographic and Newspaper Printing)										P		P	P	P	P					
Recreational Vehicle Repair, Supplies									C ¹			P	P	P						
Laboratories, Chemical, Research, and Testing												C	C	C	C					
Machine/Sheet Metal Shop, Metal Engraving, Silk Screen Shop									C ¹	C		P	P	P	P					
Industrial/Heavy Equipment, Sales, Service, and Rental (including, but not limited to Construction Equipment; Refrigeration; Vending Machines)												C	P	P						
Junk, Salvage, Vehicle Wrecking, and Impound Yard													C	C						
Outdoor Storage, as a Primary use												C	C	C						
Recycling Facilities, Commercial												C	C	C						
Recycling Facilities, Public (collection only)											P	C	C	C			C			
Sanitary Landfill, Waste Haulers, Material Recovery Facility													C							
Sewage Treatment Plant													P	P			C			C

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Upholstery Shop, Welding Shop									C ¹			P	P	P						
Construction⁷																				
Building Materials/Lumber/Plumbing Supply Yard												P	P	P						
Construction Office (on the same site as the construction activity)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			
Contractor Storage Yard, Machinery Storage Yard			T									C	C	C						
Horticultural (Landscape and Gardening) Services	C									P	P	P	P	P						
Manufacture and Wholesale⁷																				
Assembly, Manufacturing (Including food and beverage production and processing), Restoration of Goods; Except Tires									C ¹			P	P	P	C					
Batch plants, aggregate products and other similar manufacturing uses													C	C						
Dry Cleaning Plant, Large-Scale Commercial Type												P	P	P						
Oil Exploration, Drilling, and Production (Limited to areas w/minimum lot size)														C						
Sand and Gravel Pit, subject to Surface Materials and Reclamation Act (SMARA)													C	C						
Swap Meet ⁹										T	T	C	C	C		T	T			
Wholesale Businesses (Including Electrical, Mechanical, Carpentry, Cabinetry)									C ¹	C		P	P	P	C					
Warehouse/Distribution/Storage/Transportation⁷																				
Transfer, Moving, and Storage												C	C	C						
Truck Terminals (includes Freight to													C	C						

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Freight, Cross Dock, Parcel Delivery Terminals), Truck Parking																				
Truck and Trailer (and similar heavy transportation equipment) Sales, Repair (all repair to be conducted entirely within an enclosed building) ⁵									C ¹			C	C	C						
Mini-Warehouse/Storage Facilities/Recreational Vehicle Storage (in AP zone - Aviation hangar less than 10,000 square feet is a permitted use, over 10,000 square feet requires a CUP), may include one (1) caretaker unit.									C ¹			C	C	C						
Warehouse/Distribution, Cold Storage (in AP zone - Aviation hangar less than 10,000 square feet is a permitted use, over 10,000 square feet requires a CUP)									C ¹			P	P	P	C					

Note: Uses not shown above as Permitted, Conditionally Permitted, Accessory, or Temporary are prohibited in the zoning district as determined by the Director of Planning or their designee.

Footnotes:

1. Aviation/Aircraft related uses only in the AP zone
2. Drive-thru requires Conditional Use Permit (CUP). A minor Conditional Use Permit (CUPm) may be allowed under certain circumstances, see [Chapter 17.25](#).
3. Use allowed subject to [Chapter 17.25](#).
4. Light duty trucks, less than 2 ton carrying capacity.
5. Heavy duty trucks, greater than 2 tons carrying capacity.
6. All uses shall be conducted in a fully enclosed building.
7. Sales, storage, or use, of any materials classified as toxic or hazardous by either the federal or state government as a substantial part of the total use shall require a CUP, as shall the parking or storage of vehicles used to carry such materials.
8. Co-location and wall antennas require LDPm/CUPm when placed on existing structures per Code, all other proposals require review and approval of an LDP/CUP.
9. No tobacco retailer shall be permitted to sell, donate, distribute, or deliver to any person(s) tobacco products within 1,000 feet of any playground, church, public library, school, or any childcare facility or similar entity providing structured, organized care for youth; see Section [17.80.040](#).
10. Power Generating Facilities, Solar Energy and/or Wind Energy Conversion Systems >500 Kw are allowed in all zones west of Richardson Road and/or north of Calleja Avenue with approval of a LDP/CUP.
11. Until referenced to R3-30 is included in Title 7 of the Municipal Code, Animal Keeping shall be allowed in the R3-30- district the same as is allowed in the R3-8 district.
12. Only allowed in the Industrial Parks.



CITY COUNCIL AGENDA REPORT

ADELANTO GOVERNMENTAL CENTER | 11600 AIR EXPRESSWAY | ADELANTO, CALIFORNIA 92301

DATE: October 26, 2016

TO: Honorable Mayor and City Council Members

FROM: Curtis R. Wright, *City Attorney*
Rene L. Farjeat, *Deputy City Attorney*

SUBJECT: ORDINANCE 555—URGENCY ORDINANCE ADDING CHAPTER 8.60 OF THE ADELANTO MUNICIPAL CODE REGARDING PERSONAL CULTIVATION AND PERSONAL USE OF CANNABIS

STAFF RECOMMENDATION

Adopt the attached Urgency Ordinance (“Ordinance 555”) adding Chapter 8.60 of the Adelanto Municipal Code regarding Personal Cultivation and Personal Use of non-medical cannabis in the City.

SUMMARY & BACKGROUND

On October 9, 2015, Governor Brown approved the Medical Marijuana Regulation and Safety Act (“MMRSA”), effective January 1, 2016, which establishes a comprehensive State licensing and regulatory framework for the cultivation, manufacturing, testing, distribution, transportation, dispensing, and delivery of medical cannabis, and which recognizes the authority of local jurisdictions to prohibit or impose additional restrictions on any such medical cannabis activity. Then on June 27, 2016, Governor Brown approved Senate Bill number 837 (“SB 837”), effective immediately, which amends the MMRSA and renames it the Medical Cannabis Regulation and Safety Act (“MCRSA”). Now at the November 8, 2016 General Election, California voters will decide whether to adopt Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”).

Currently in California the cultivation and use of non-medical cannabis are illegal and unregulated. The AUMA, if adopted, would legalize the personal cultivation and use of non-medical cannabis by individuals 21 years of age or older. The unregulated personal cultivation and use of non-medical cannabis is likely to create an environment that is detrimental to minors and dangerous to the health and safety of the community. The AUMA, if adopted, would authorize local governments to regulate many activities related to non-medical cannabis including, but not limited to, personal cultivation and use of non-medical cannabis and non-medical cannabis products.

The City of Adelanto (“City”) has previously adopted Adelanto Municipal Code (“AMC”) sections 17.80.080, 17.80.090, 17.80.100, and 17.80.110 to regulate medical cannabis cultivation, manufacturing, distribution/transportation, and testing, respectively, in the City. On October 26, 2016, the City will introduce for First Reading Ordinance 553, which proposes to add AMC section 17.80.120 to regulate medical cannabis dispensaries and deliveries in the City.

If the AUMA is adopted, the City also wishes to regulate personal cultivation and use of non-medical cannabis in a manner that is consistent with State law and promotes the health, safety, and general welfare of the residents and businesses within the City, while limiting the dangers accompanying personal cultivation and use of non-medical cannabis. Further, nothing in this

Ordinance shall be construed to allow persons to engage in conduct that violates the law, endangers others, causes a public nuisance, allows the use or diversion of cannabis for non-medical purposes by minors, or allows any activity relating to cannabis that is otherwise illegal under California law.

ENVIRONMENTAL IMPACT

The Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to California Code of Regulations, title 14, section 15268. If adopted, the AUMA will mandate Personal Cultivation and Personal Use of non-medical cannabis in the State. Therefore, the City is not exercising discretion in allowing Personal Cultivation and Personal Use of non-medical cannabis in the City, but rather merely seeks to reduce the effect of these activities on the environment.

FISCAL IMPACT

Permitting fees are proposed in an amount to be established by later Resolution of the City Council to offset the potential costs incurred by the City.

ATTACHMENT(S)

1. ORDINANCE NO. 555—AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA, ADDING CHAPTER 8.60 OF THE ADELANTO MUNICIPAL CODE REGARDING PERSONAL USE CULTIVATION AND PERSONAL USE OF CANNABIS

ORDINANCE NO. 555

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA,
ADDING CHAPTER 8.60 OF THE ADELANTO MUNICIPAL CODE
REGARDING PERSONAL CULTIVATION AND PERSONAL USE OF
CANNABIS**

WHEREAS, on October 9, 2015, Governor Brown approved the Medical Marijuana Regulation and Safety Act (“MMRSA”), effective January 1, 2016, which establishes a comprehensive State licensing and regulatory framework for the cultivation, manufacturing, testing, distribution, transportation, dispensing, and delivery of medical cannabis, and which recognizes the authority of local jurisdictions to prohibit or impose additional restrictions on any such medical cannabis activity.

WHEREAS, on June 27, 2016, Governor Brown approved Senate Bill number 837 (“SB 837”), effective immediately, which amends the MMRSA and renames it the Medical Cannabis Regulation and Safety Act (“MCRSA”).

WHEREAS, at the November 8, 2016 General Election, California voters will decide whether to adopt Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”).

WHEREAS, currently in California the cultivation and use of non-medical cannabis are illegal and unregulated.

WHEREAS, unregulated marijuana cultivation in California has created significant health and safety dangers to the community due to access to minors, criminal activity, and illegal building modifications, such as substandard structural, electrical, plumbing, and mechanical alterations.

WHEREAS, the AUMA, if adopted, would legalize the personal cultivation and use of non-medical cannabis by individuals 21 years of age or older.

WHEREAS, the unregulated personal cultivation and use of non-medical cannabis is likely to create an environment that is detrimental to minors and dangerous to the health and safety of the community.

WHEREAS, the AUMA, if adopted, would authorize local governments to regulate many activities related to non-medical cannabis including, but not limited to, personal cultivation and use of non-medical cannabis and non-medical cannabis products.

WHEREAS, the City of Adelanto (“City”) has previously adopted Adelanto Municipal Code (“AMC”) sections 17.80.080, 17.80.090, 17.80.100, and 17.80.110 to regulate medical cannabis cultivation, manufacturing, distribution/transportation, and testing, respectively, in the City.

WHEREAS, on October 26, 2016, the City will introduce for First Reading Ordinance 553, which proposes to add AMC section 17.80.120 to regulate medical cannabis dispensaries and deliveries in the City.

WHEREAS, if the AUMA is adopted, the City also wishes to regulate personal cultivation and use of non-medical cannabis in a manner that is consistent with State law and promotes the health, safety, and general welfare of the residents and businesses within the City, while limiting the dangers accompanying personal cultivation and use of non-medical cannabis.

WHEREAS, nothing in this Ordinance shall be construed to allow persons to engage in conduct that violates the law, endangers others, causes a public nuisance, allows the use or diversion of cannabis for non-medical purposes by minors, or allows any activity relating to cannabis that is otherwise illegal under California law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ADELANTO DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2. The City Council declares this Ordinance to be an urgency measure necessary for the immediate preservation of the health, safety, morals, and general welfare of the residents and businesses within the City because California voters will decide at the November 8, 2016 General Election whether to adopt the AUMA legalizing the personal cultivation and use of non-medical cannabis by all adults. The AUMA, if adopted, will make personal cultivation and use of non-medical cannabis legal and subject to regulation for the first time in the State of California. The normal time frame between the first reading of an ordinance and the effective date of an ordinance is approximately 45 days. However, there are only 14 days until the AUMA goes into effect (if adopted), so an urgency ordinance is necessary to allow the City to immediately regulate activities related to personal cultivation and use of non-medical cannabis that have never before been legal or regulated in the State in order to preserve the peace, health, and safety of the public.

SECTION 3. The effectiveness of this Ordinance will be contingent upon the adoption of the AUMA at the November 8, 2016 General Election. If the AUMA is adopted by California voters, then this Ordinance will go into immediate effect as an urgency ordinance pursuant to Government Code section 36937. If the AUMA fails, however, this Ordinance will immediately be moot and rescinded.

SECTION 4. AMC chapter 8.60 (Personal Cultivation and Use of Cannabis) is hereby added, and is to read in its entirety as follows:

Chapter 8.60

PERSONAL CULTIVATION AND USE OF CANNABIS

Sections:

8.60.010	Purpose
8.60.020	Definitions
8.60.030	Commercial Non-Medical Cannabis Activities Prohibited
8.60.040	Personal Cultivation and Personal Use Generally Prohibited
8.60.050	Personal Cultivation Restrictions
8.60.060	Personal Cultivation Permit Applications
8.60.070	Personal Cultivation Permits
8.60.080	Personal Use Restrictions
8.60.090	Enforcement

8.60.010 Purpose.

The purpose and intent of this Chapter is to regulate the personal cultivation and use of cannabis in the City in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City does not intend to infringe upon any right given to individuals by the State, but rather wishes to regulate these activities to protect the health and safety of the community due to the significant dangers posed by unregulated cultivation and use of cannabis in the City. The City is authorized to regulate these activities pursuant to the AUMA and Health and Safety Code section 11362.2.

8.60.020 Definitions.

For purposes of this Chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

A. "Accessory Structure" means any fully enclosed and secure structure on the same parcel as a primary residence, such as a greenhouse or a shed.

B. "AUMA" means the Control, Regulate and Tax Adult Use of Marijuana Act approved by California voters as Proposition 64 on November 8, 2016.

C. "Cannabis" also means "marijuana" and shall be defined in accordance with the AUMA, Health and Safety Code section 11018, and other applicable State laws.

D. "Cannabis products" also means "marijuana products" and shall be defined in accordance with the AUMA and other applicable State laws.

E. "Commercial non-medical cannabis activities" includes any non-medical cannabis activities (such as the cultivation, manufacturing, distribution, transportation,

testing, dispensing, delivery, sale, use, storage, marketing, processing, or packaging of non-medical cannabis and non-medical cannabis products) except for Personal Cultivation and Personal Use only as permitted by both the AUMA and this Code.

F. "Cultivation" shall be defined in accordance with the AUMA, the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.

G. "Cultivation Area" means a fully enclosed and secure area used for Personal Cultivation within a building, greenhouse, or other structure that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, is not accessible by minors, provides complete visual screening, and is accessible only through one or more lockable points of entry. Cultivation Areas may only exist inside of Private Residences and Accessory Structures.

H. "Indoors" means within a fully enclosed and secure structure.

I. "MCRSA" means the California Medical Cannabis Regulation and Safety Act.

J. "Medical cannabis" also means "medical marijuana" and shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.

K. "Minors" means anyone under the age of 21 or otherwise prohibited from possessing or using cannabis pursuant to the laws of the City or the State.

L. "MMRSA" means the California Medical Marijuana Regulation and Safety Act.

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

N. "Personal Cultivation" means the personal non-commercial cultivation of cannabis by an individual 21 years of age or older for Personal Use in a proper Cultivation Area. Personal Cultivation shall include the non-commercial actions of planting, growing, harvesting, drying, and processing cannabis for Personal Use. All Personal Cultivation shall be subject to the regulations imposed by the AUMA and this Code.

O. "Personal Cultivation Permit" means a City permit to cultivate cannabis for Personal Use pursuant to the terms and conditions of this Chapter and the conditions of approval for the permit.

P. "Personal Cultivation Permittee" means an applicant who has applied for and has been issued a Personal Cultivation Permit by the City pursuant to the terms and conditions of this Chapter.

Q. “Personal Use” means the smoking, consumption, or ingestion of cannabis or cannabis products by an individual 21 years of age or older. Personal Use includes cannabis consumption by means of vaporizers and electronic cigarettes.

R. “Private Residence” means a house, apartment unit, condominium, mobile home, or other similar dwelling.

S. “Smoke” and “Smoking” mean to inhale, exhale, burn, or carry a lighted or heated device or pipe, or any other lighted or heated cannabis or cannabis product intended for inhalation. Smoking includes the use of an electronic device that creates an aerosol or vapor.

8.60.030 Commercial Non-Medical Cannabis Activities Prohibited.

All commercial non-medical cannabis activities within the City are prohibited.

8.60.040 Personal Cultivation and Personal Use Generally Prohibited.

All Personal Cultivation and Personal Use of cannabis within the City is prohibited except as expressly permitted by this Chapter.

8.60.050 Personal Cultivation Restrictions.

Personal Cultivation of cannabis is conditionally permitted in the City only as expressly specified in this Chapter.

A. Personal Cultivation requires a Personal Cultivation Permit.

B. Personal Cultivation may only occur indoors within Private Residences and Accessory Structures. No Personal Cultivation of cannabis shall occur outdoors. There shall be no visible exterior evidence of any Personal Cultivation activity from any publicly accessible area or right-of-way.

C. Personal Cultivation is only allowed within a fully enclosed and secure area that is inaccessible to minors, regardless of whether the location is frequented or occupied by minors. Entrance to the Cultivation Area, and all cannabis storage areas, shall be locked at all times, and under the control of the Personal Cultivation Permittee.

D. All cannabis produced by Personal Cultivation, or available for Personal Use, shall be kept in a secured manner that is inaccessible to minors.

E. All cannabis products and paraphernalia shall be kept in a secured manner that is inaccessible to minors.

F. Personal Cultivation shall only include the non-commercial actions of planting, growing, harvesting, and dry-processing cannabis.

G. Personal Cultivation shall not include manufacturing, extractions, use of chemicals, or volatile processing.

H. All Personal Cultivation must occur in a single contiguous Cultivation Area per parcel of real property.

I. Any parcel of real property upon which Personal Cultivation occurs shall not contain more than six cannabis plants at any time, regardless of the maturity of the plants and the number of occupants, Private Residences, or Accessory Structures present on the parcel.

J. Cannabis plants inside of Private Residences shall not exceed five feet in height when measured from the floor to the top of the plant.

K. Cannabis plants inside of Accessory Structures shall not exceed seven feet in height when measured from the floor to the top of the plant.

L. Cannabis plants inside of Private Residences shall not occupy more than 12 square feet of contiguous floor space.

M. Cannabis plants inside of Accessory Structures shall not occupy more than 24 square feet of contiguous floor space.

N. All Cultivation Areas shall contain a readily accessible and operational fire extinguisher in the immediate area where the Personal Cultivation activities occur.

O. Personal Cultivation shall not occur in violation of any building code standards pursuant to State law, the Health and Safety Code, the California Building Standards Code, the California Code of Regulations, the Adelanto Municipal Code, or any other applicable codes.

P. Generators shall not be used to support any Personal Cultivation activities.

Q. Personal Cultivation shall not adversely affect the health or safety of the community or nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other nuisances, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.

R. Cannabis odor shall not be detectable outside of the Cultivation Area.

S. Personal Cultivation shall not involve the increase of natural environmental humidity to support plant growth unless done in sealed container so as to prevent mold growth.

T. Personal Cultivation shall not occur on City property or any other public lands. Personal Cultivation may only be conducted with the express written notarized permission of the owner of the land and the structure being used for Personal Cultivation.

U. Cannabis produced by Personal Cultivation may only be used or given away to persons 21 years of age or older, who are otherwise permitted by law to possess and use cannabis.

V. Cannabis produced by Personal Cultivation may only be given away to an individual in an amount of up to 28.5 grams of non-concentrated cannabis, or eight grams of concentrated cannabis, once per month.

W. Cannabis produced by Personal Cultivation may not be sold or given away for any compensation whatsoever.

X. All cannabis related waste shall be destroyed or disposed of in a secure manner in compliance with all State and local laws so as to prevent access by minors.

Y. The City Manager, the City Manager's designee, the City's Code Enforcement Manager, the City's Building Official, the Fire Department, and law enforcement shall have the right to enter and inspect the Cultivation Area at any time upon 24 hours' advance notice for the purpose of making reasonable inspections to observe and enforce compliance with this Chapter, the Health and Safety Code, the California Building Standards Code, and all other applicable laws of the City and the State.

8.60.060 Personal Cultivation Permit Applications.

All applicants wishing to obtain a Personal Cultivation Permit from the City must file an application to the City upon a form provided by the City. An application for a Personal Cultivation Permit shall include at least the following information:

A. The address of the location for which the Personal Cultivation Permit is sought. Only one Personal Cultivation Permit will be issued per location.

B. The names, ages, and addresses of all owners, lessors, and occupants of the parcel of real property for the proposed Personal Cultivation site.

C. Proof that the applicant is a lawful occupant of the parcel of real property for the proposed Personal Cultivation site.

D. The application must be accompanied by a certified grant deed to the parcel for the proposed Personal Cultivation site showing the name of the legal owner.

E. If the applicant is not the legal owner of the parcel for the proposed Personal Cultivation site, the application must also be accompanied by a notarized acknowledgement from the legal owner authorizing Personal Cultivation to occur on the parcel.

F. Evidence that the Cultivation Area will be located in a legal structure that is compliant with all applicable State and local laws.

G. Authorization for the City Manager, the City Manager's designee, the City's Code Enforcement Manager, the City's Building Official, the Fire Department, and law enforcement to enter and inspect the Cultivation Area at any time upon 24 hours' advance notice for the purpose of making reasonable inspections to observe and enforce compliance with this Chapter, the Health and Safety Code, the California Building Standards Code, and all other applicable laws of the City and the State.

H. Any such additional and further information as is deemed necessary by the City Manager's designee to administer this Chapter.

I. Authorization for the City Manager's designee to seek verification of the information contained in the application.

J. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.

8.60.070 Personal Cultivation Permits.

The following conditions apply to each Personal Cultivation Permit:

A. Except for individuals who qualify for an Indigent Waiver, each Personal Cultivation Permittee must pay a Personal Cultivation Permit Fee in an amount to be established by Resolution of the City Council to offset the cost to the City of administering this Chapter as a prerequisite to obtaining the Personal Cultivation Permit.

B. The City Manager's designee shall establish qualifications for an Indigent Waiver of the Personal Cultivation Permit Fee ("Indigent Waiver"). Qualifying individuals shall obtain the Indigent Waiver from the City Clerk. An Indigent Waiver shall entitle a qualifying individual for either a reduction or a complete waiver of the Personal Cultivation Permit Fee according to the criteria established by the City Manager's designee.

C. A Personal Cultivation Permit will not be awarded or renewed if:

1. The applicant made one or more false or misleading statements or omissions in the application or during the application process.
2. The proposed Personal Cultivation activity would violate State or local law.
3. The applicant does not have legal authority to engage in Personal Cultivation at the proposed Personal Cultivation site.
4. The applicant has not satisfied each and every requirement of this Chapter.
5. The applicant has had a previous Personal Cultivation Permit revoked.

6. The applicant has not maintained compliance with each and every requirement of this Chapter prior to renewal.

D. Only one Personal Cultivation Permit may be possessed or used by the same person.

E. Personal Cultivation Permits may only be issued for Private Residences and Accessory Structures, and only one Personal Cultivation Permit may be issued per parcel.

F. Personal Cultivation Permits are subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the activity and protect the public.

G. Within 90 day of obtaining a Personal Cultivation Permit, the Cultivation Area must be inspected and approved by the Building Official, the Fire Department, Code Enforcement, and law enforcement.

H. Personal Cultivation Permittees shall keep the City and law enforcement updated with the names, ages, and addresses of all occupants, lessors, and owners of the Personal Cultivation site.

I. Personal Cultivation Permits shall expire and become null and void 12 months after issuance unless properly renewed. Prior to renewal, all applicable Personal Cultivation Permit fees must be paid, and the Cultivation Area must be inspected and approved by the Building Official, the Fire Department, Code Enforcement, and law enforcement.

J. Personal Cultivation Permits issued pursuant to this Chapter are not transferable to any third parties under any circumstances.

8.60.080 Personal Use Restrictions.

Personal Use of cannabis is conditionally permitted in the City only as expressly specified in this Chapter.

A. Only individuals who are 21 years of age or older shall be permitted to possess, use, smoke, inhale, ingest, or consume cannabis or cannabis products. No individual under 21 years of age shall possess, use, smoke, inhale, ingest, or otherwise consume cannabis or cannabis products.

B. Only individuals who are 21 years of age or older shall be permitted to possess or use cannabis accessories and paraphernalia.

C. All cannabis, cannabis products, cannabis paraphernalia, and cannabis accessories must be stored in a secure location that is inaccessible to minors except during lawful Personal Use.

D. No person shall attempt to sell, offer to sell, sell, furnish, administer, distribute, dispense, or give away any cannabis or cannabis products for any compensation whatsoever unless done so pursuant to a valid commercial seller's permit issued by the City.

E. No person shall attempt to sell, offer to sell, sell, furnish, administer, distribute, dispense, or give away any cannabis or cannabis products to any person under 21 years of age under any circumstances.

F. Personal Use of cannabis shall only be permitted inside of Private Residences or in dedicated well-ventilated cannabis smoking lounges as approved by the City. Cannabis and cannabis products shall not be smoked, inhaled, ingested, consumed, or otherwise used in the presence of minors, outdoors, in any public place, at any place of business except dedicated well-ventilated cannabis smoking lounges as approved by the City, while trespassing on private lands, or in any location where smoking tobacco is prohibited.

G. Personal Use of cannabis shall not adversely affect the health or safety of the community or nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other nuisances, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.

H. No cannabis odor shall be detectable outside of permissible Personal Use areas.

I. No person shall operate a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation while using or under the influence of cannabis.

J. No person shall possess an open container or open package of cannabis or cannabis products while driving, operating, or riding in a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation.

K. No person shall possess more than 28.5 grams of non-concentrated cannabis, or eight grams of concentrated cannabis, on their person at any time unless done so pursuant to a valid permit issued by the City.

L. All cannabis, cannabis products, cannabis byproducts, and related waste shall be disposed of in a secure manner as to prevent access to minors in compliance with all State and local laws.

8.60.090 Enforcement.

A. The City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any Personal Cultivation or Personal Use activities.

B. Any cultivation or use of cannabis within the City in violation of this Chapter is hereby declared to be unlawful and a public nuisance.

C. Any party who engages in a violation of this Chapter, or who owns, possesses, controls, or has charge of any parcel of real property in the City upon which a violation of the Chapter is maintained, shall be subject to the penalties and remedies provided by this Chapter.

D. Any violation of this Chapter shall constitute a separate offense for each and every day the violation occurs or persists.

E. Any person in violation of any provision of this Chapter shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense per day.

F. Any person in violation of any provision of this Chapter shall be punishable by an administrative fine of up to \$1,000 per offense per day.

G. Each parent or legal guardian of any minor acting in violation of this Chapter shall be jointly and severally liable for said violation.

H. The City may levy a special assessment against any parcel of real property in violation of this Chapter to recover administrative fines and all related City costs including, but not limited to, staff costs, inspections costs, enforcement costs, administrative overhead, administrative hearing costs, attorneys' fees, prosecution costs, court costs, legal fees, and any other related costs. The special assessment may also be recorded against the nuisance property. If a tenant, as opposed to a property owner or landlord, is acting in violation of this Chapter, the owner or landlord shall be given notice of the violation and shall have a period of seven days to initiate eviction proceedings against the tenant. If the owner or landlord fails to initiate eviction proceedings within seven days, or fails to diligently prosecute the tenant's eviction, the owner or landlord shall become collaterally liable for any administrative fines, which may then be collected as a special assessment against the parcel of real property.

I. At the discretion of the City Manager's designee, any person issued an administrative fine for any violation of this Chapter may elect to participate in a voluntary community service diversion program ("Community Service Program") as an alternative to paying any administrative fines incurred. The Community Service Program shall be administered by the City Manager's designee. Any individual wishing to participate in the Community Service Program must first obtain the approval of the City Manager's designee before commencing participation. A participant in the Community Service Program shall be granted a credit of \$25 per hour worked (as verified by the City Manager's designee) toward the balance of their administrative fines owed to the City.

1. At the discretion of the City Manager's designee, a parent or legal guardian that has been issued an administrative fine based upon joint and several liability for any violation of this Chapter caused by their minor child may elect to require the minor to participate in the Community Service Program. In such circumstance, the parent or legal guardian shall participate in the Community Service Program along with the minor. Each parent or legal guardian shall be responsible for the safety of the minor

while participating in the Community Service Program. The parent or legal guardian and the minor shall each be granted a credit of \$25 per hour worked (as verified by the City Manager's designee) toward the balance of the administrative fines owed to the City.

J. Any violation of this Chapter, or any other City or State cannabis law, by a Personal Cultivation Permittee is grounds for revoking the Personal Cultivation Permittee's Personal Cultivation Permit.

1. Any decision regarding the revocation of a Personal Cultivation Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a written notice of appeal from the person appealing within 10 days from the date of the Personal Cultivation Permit revocation order. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Personal Cultivation Permit was improperly revoked.

2. Upon receipt of the appeal, the City shall schedule an administrative hearing to occur within 90 days. The City shall provide 10 days advance notice of the date, time, and location of the administrative hearing to the appellant. The Hearing Officer's decision shall be final and binding upon the City and the appellant.

3. The costs of the administrative hearing shall be borne by the non-prevailing party.

4. Failure to properly appeal the Personal Cultivation Permit revocation as required herein, or to appear at the properly noticed administrative hearing, shall constitute a waiver of the right to contest the permit revocation, a failure to exhaust the available administrative remedies, and a bar to any further appeals of the permit revocation.

K. These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

SECTION 5. Recognizing that there is a potential conflict between federal and State law, it is the City Council's intention that this Ordinance shall be deemed to comply with California law as established by the AUMA.

SECTION 6. It is the City Council's intention that nothing in this Ordinance shall be construed to: (1) allow persons to engage in conduct that endangers others or causes a public nuisance; (2) allow the use of non-medical cannabis by minors; or (3) allow any activity relating to cannabis that is otherwise not permitted under State law.

SECTION 7. No use, business, or activity of any kind related to the personal cultivation or use of non-medical cannabis prior to the enactment of this Ordinance shall be deemed to have been a legally established use, and any such use shall not be entitled to claim legal nonconforming status.

SECTION 8. By regulating the personal cultivation and use of non-medical cannabis, the City is only undertaking to preserve the general welfare through implementing the AUMA. The City Council is not assuming, nor is it imposing on its officers and employees, an obligation for which a breach thereof would expose the City to liability in money damages to any person who claims that such breach proximately caused any injury. To the fullest extent permitted by law, the City shall assume no liability whatsoever, and expressly does not waive sovereign immunity, with respect to any provision of this Ordinance or for the activities of any user or cultivator of non-medical cannabis. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this Ordinance shall not become a personal liability of any public officer or employee of the City. Nothing in this Ordinance shall be deemed or considered in any respects to constitute authorization to violate any law.

SECTION 9. The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act ("CEQA") pursuant to California Code of Regulations, title 14, section 15268. If adopted, the AUMA will mandate Personal Cultivation and Personal Use of non-medical cannabis in the State. Therefore, the City is not exercising discretion in allowing Personal Cultivation and Personal Use of non-medical cannabis in the City, but rather merely seeks to reduce the effect of these activities on the environment.

SECTION 10. If any section or provision of this Ordinance is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Ordinance shall remain in full force and effect.

SECTION 11. The Mayor shall sign and the City Clerk shall certify passage and adoption of this Ordinance, and the City Clerk shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect immediately upon passage by a four-fifths vote of the City Council.

PASSED, APPROVED, and ADOPTED this 26th day of October, 2016.

Rich Kerr, *Mayor*

Cynthia M. Herrera, MMC, *City Manager/
City Clerk*

APPROVED AS TO FORM:

Curtis R. Wright, *City Attorney*

I, Cindy Herrera, City Manager/City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Ordinance No. 555 was duly introduced and adopted as an Urgency Ordinance at a regular meeting of the City Council of the City of Adelanto on October 26, 2016 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 26th day of October, 2016.

Cynthia M. Herrera, MMC, *City Manager/
City Clerk*

SEAL



SUCCESSOR AGENCY BOARD AGENDA REPORT

ADELANTO GOVERNMENTAL CENTER | 11600 AIR EXPRESSWAY
| ADELANTO, CALIFORNIA 92301

DATE: October 26, 2016

TO: Successor Agency Board Chairman and Fellow Board Members

FROM: Curtis R. Wright, *City Attorney*
Rene L. Farjeat, *Deputy City Attorney*

SUBJECT: RESOLUTION OF THE BOARD OF THE SUCCESSOR AGENCY TO THE FORMER ADELANTO REDEVELOPMENT AGENCY TERMINATING DISPOSITION AND DEVELOPMENT AGREEMENT PROVISIONS REQUIRING THE ADELANTO REDEVELOPMENT AGENCY'S APPROVAL TO SELL ASSESSOR'S PARCEL NUMBER 3129-261-26

STAFF RECOMMENDATION

Adopt the attached Resolution terminating the provisions imposed by the Disposition and Development Agreement and Memorandum of Disposition and Development Agreement which require the Former Adelanto Redevelopment Agency's approval to sell parcel number 3129-261-26.

SUMMARY & BACKGROUND

The City Council of the City of Adelanto ("City") is the governing Board ("Board") of the Successor Agency to the Former Adelanto Redevelopment Agency ("Successor Agency"). The Former Adelanto Redevelopment Agency ("Redevelopment Agency") entered into a Disposition and Development Agreement ("DDA") with William S. Emery and Jane S. Emery, Trustees of the Emery Family Trust, dated October 25, 2004 ("Developer") on November 9, 2005 regarding the parcel of real property known as Assessor's Parcel Number ("APN") 3129-261-26 ("Property"). Pursuant to the DDA, the Redevelopment Agency conveyed the Property to the Developer. The Redevelopment Agency and the Developer also executed a Memorandum of Disposition and Development Agreement ("Memorandum") to provide constrictive notice to all third parties of the DDA. The Memorandum was recorded against the Property on January 31, 2006 as Instrument Number 2006-0068869.

The DDA and Memorandum contain provisions requiring approval of the Redevelopment Agency to sell the Property ("Sell Provisions"). The interests of the Redevelopment Agency have since been transferred to the Successor Agency. The Developer now wishes to terminate the Sell Provisions in order to sell the Property without requiring the approval of the Redevelopment Agency. The Successor Agency can terminate the Sell Provisions by Resolution which will then need to be approved by the Oversight Board of the Successor Agency ("Oversight Board").

ENVIRONMENTAL IMPACT

The Resolution will not have a significant effect on the environment, and is exempt from the requirements of an environmental impact analysis pursuant to California Environmental Quality Act ("CEQA") section 15061(b)(3).

FISCAL IMPACT

None.

ATTACHMENT(S)

1. RESOLUTION NO. 16-03 RESOLUTION OF THE BOARD OF THE SUCCESSOR AGENCY TO THE FORMER ADELANTO REDEVELOPMENT AGENCY TERMINATING DISPOSITION AND DEVELOPMENT AGREEMENT PROVISIONS REQUIRING THE ADELANTO REDEVELOPMENT AGENCY'S APPROVAL TO SELL ASSESSOR'S PARCEL NUMBER 3129-261-26

SUCCESSOR AGENCY RESOLUTION NO. 16-03

**A RESOLUTION OF THE BOARD OF THE SUCCESSOR AGENCY TO
THE FORMER ADELANTO REDEVELOPMENT AGENCY
TERMINATING DISPOSITION AND DEVELOPMENT AGREEMENT
PROVISIONS REQUIRING THE ADELANTO REDEVELOPMENT
AGENCY'S APPROVAL TO SELL ASSESSOR'S PARCEL NUMBER
3129-261-26**

WHEREAS, the City Council of the City of Adelanto ("City") is the governing Board ("Board") of the Successor Agency to the Former Adelanto Redevelopment Agency ("Successor Agency").

WHEREAS, the Former Adelanto Redevelopment Agency ("Redevelopment Agency") entered into a Disposition and Development Agreement ("DDA") with William S. Emery and Jane S. Emery, Trustees of the Emery Family Trust, dated October 25, 2004 ("Developer") on November 9, 2005 regarding the parcel of real property known as Assessor's Parcel Number ("APN") 3129-261-26 ("Property").

WHEREAS, pursuant to the DDA, the Redevelopment Agency conveyed the Property to the Developer.

WHEREAS, the Redevelopment Agency and the Developer also executed a Memorandum of Disposition and Development Agreement ("Memorandum") to provide constrictive notice to all third parties of the DDA.

WHEREAS, the Memorandum was recorded against the Property on January 31, 2006 as Instrument Number 2006-0068869.

WHEREAS, the DDA and Memorandum contain provisions requiring approval of the Redevelopment Agency to sell the Property ("Sell Provisions").

WHEREAS, the interests of the Redevelopment Agency have since been transferred to the Successor Agency.

WHEREAS, the Successor Agency and the Developer now wish to terminate the Sell Provisions.

NOW, THEREFORE, THE BOARD OF THE SUCCESSOR AGENCY TO THE FORMER ADELANTO REDEVELOPMENT AGENCY DOES RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2. The Board finds and determines that it is in the City's and the Developer's best interests to terminate the Sell Provisions imposed by the DDA and Memorandum.

SECTION 3. The Board hereby adopts this Resolution, terminating the Sell Provisions imposed by the DDA and Memorandum which require the Redevelopment Agency's approval to sell the Property.

SECTION 4. The Board determines, based on the entire record, that this does not have the potential to have a physical effect on the environment and that there is no possibility that this action will have a significant effect on the environment. Therefore, pursuant to the California Environmental Quality Act ("CEQA") and its implementing Guidelines (Pub. Resources Code, § 21065; Cal. Code Regs., tit. 14 §§ 15060(c)(2), 15378(a)) this activity is not subject to CEQA.

SECTION 5. The Board Chairman shall sign this Resolution, and the Board Executive Director shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED, AND ADOPTED by the Board of the Successor Agency to the Former Adelanto Redevelopment Agency on this 26th day of October, 2016.

Rich Kerr, *Chairman*

Cindy M. Herrera, MMC,
Executive Director/Secretary

APPROVED AS TO FORM:

Curtis R. Wright, *City Attorney*

I, Cindy M. Herrera, Executive Director/Secretary of the Successor Agency to the Former Adelanto Redevelopment Agency, do hereby certify that the foregoing Resolution No. 16-03 was duly adopted at a regular meeting of the Board of the Successor Agency to the Former Adelanto Redevelopment Agency held on the 26th day of October, 2016, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on the 26th day of October, 2016.

Cindy M. Herrera, MMC,
Executive Director/Secretary

SEAL