

ORDINANCE NO. 602

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO, CALIFORNIA, AMENDING SECTIONS 17.80.080 (CANNABIS CULTIVATION), 17.80.090 (CANNABIS MANUFACTURING), 17.80.100 (CANNABIS DISTRIBUTION), 17.80.101 (CANNABIS MANUFACTURING), 17.80.101 (CANNABIS TRANSPORTATION), 17.80.110 (CANNABIS TESTING), 17.80.120 (CANNABIS DISPENSARIES) OF THE ADELANTO MUNICIPAL CODE

WHEREAS, on November 8, 2016, California voters passed Proposition 64 (Adult Use of Marijuana Act (“AUMA”)) and decriminalized certain uses of cannabis by adults 21 years of age and older; and

WHEREAS, on June 27, 2017, Governor Brown signed into law Senate Bill 94, which repealed the Medical Cannabis Regulation and Safety Act (“MCRSA”), included certain provisions of MCRSA in the licensing provisions of AUMA, and created a single regulatory scheme for both medical and non-medical cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”). MAUCRSA retains the provisions in the MCRSA and the AUMA that granted local jurisdictions control over whether non-commercial and commercial cannabis activities could occur in a particular jurisdiction; and

WHEREAS, California Business and Professions Code section 26200 provides that MAUCRSA shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances that completely prohibit the establishment or operation of one or more businesses licensed under the state licensing authority shall not approve an application for a state license for a business to engage in commercial cannabis activity if approval by the state license will violate the provisions of any local ordinance or regulation; and

WHEREAS, the City of Adelanto, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City adopted ordinances to regulate all cannabis activities in the City to protect the health, safety, and welfare of its citizens and to reduce the potential for negative secondary effects of cannabis activities in the City; and

WHEREAS, the City Council held a workshop on February 5, 2019 to discuss and consider potential changes to the City’s local cannabis regulations; and

WHEREAS, the City Council desires to update the Municipal Code to amend its local cannabis regulations.

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

Section 1. Incorporation of Recitals. The recitals set forth above are hereby incorporated by this reference as if set forth in full herein.

Section 2. Adelanto Municipal Code section 17.80.080, subdivision (d)(1)(X)(1) shall be amended and restated as follows:

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, the City Manager's designee, the Manager of Code Enforcement, and the Chief of Police law enforcement 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~~.

Section 3. Adelanto Municipal Code section 17.80.080, subdivision (d)(1)(Z) shall be amended and restated as follows:

Z. ~~Upon reasonable notice to the Cultivation Permittee which shall be no less than 12 hours, †The City Manager, or the City Manager's designee, or the Code Enforcement Manager~~ shall have the right to enter the adult-use and/or cannabis cultivation facility for the purpose of making reasonable inspections to observe and enforcement compliance with this Section and all laws of the City and the State. The City Manager, ~~or the City Manager's designee, or the Code Enforcement Manager~~ must approve all inspections in advance and shall maintain a log tracking the time and date of all inspections, the individuals requesting the inspection, and the result of each inspection. Individuals participating in any such inspection must take precautions and comply with standard safeguards and procedures in place at the facility regarding security, clean room/clean access and anti-contamination measures.

Section 4. Adelanto Municipal Code section 17.80.080, subdivision (e)(6) shall be amended and restated as follows:

(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 subject to a reasonable opportunity for the permittee to cure the deficiency during a period of no more than ~~60~~30 days:

A. The City Manager or the City Manager's designee determines that the indoor adult-use and/or 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 adult-use and/or medical cannabis cultivation operations cease for more than 90 calendar days.

C. Ownership of the indoor adult-use and/or medical cannabis cultivation facility is changed or transferred to a third party, without prior City approval.

D. The indoor adult-use and/or medical cannabis cultivation facility fails to maintain 120 hours of security recordings.

E. The indoor adult-use and/or 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 law enforcement~~, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.

Section 5. Adelanto Municipal Code section 17.80.090, subdivision (d)(1)(W)(1) shall be amended and restated as follows:

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, the City Manager's designee, the Code Enforcement Manager, and ~~the Chief of Police-law enforcement~~ 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~~.

Section 6. Adelanto Municipal Code section 17.80.090, subdivision (d)(1)(Y) shall be amended and restated as follows:

Y. ~~Upon reasonable notice to the Manufacturing Permittee which shall be no less than 12 hours,~~ The City Manager, or the City Manager's designee, or the Code Enforcement Manager shall have the right to enter the adult-use and/or cannabis manufacturing facility for the purpose of making reasonable inspections to observe and enforcement compliance with this Section and all laws of the City and the State. The City Manager, ~~or the City Manager's designee, or the Code Enforcement Manager~~ must approve all inspections in advance and shall maintain a log tracking the time and date of all inspections, the individuals requesting the inspection, and the result of each inspection. Individuals participating in any such inspection

must take precautions and comply with standard safeguards and procedures in place at the facility regarding security, clean room/clean access and anti-contamination measures.

Section 7. Adelanto Municipal Code section 17.80.090, subdivision (e)(6) shall be amended and restated as follows:

(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, subject to a reasonable opportunity for the permittee to cure the deficiency during a period of no more than 6030 days:

A. The City Manager or the City Manager's designee determines that the adult-use and/or 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 adult-use and/or medical cannabis manufacturing operations cease for more than 90 calendar days.

C. Ownership of the adult-use and/or medical cannabis manufacturing facility is changed or transferred to a third party, without prior City approval.

D. The adult-use and/or medical cannabis manufacturing facility fails to maintain 120 hours of security recordings.

E. The adult-use and/or 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 law enforcement~~, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.

Section 8. Adelanto Municipal Code section 17.80.100, subdivision (d)(1)(W)(1) shall be amended and restated as follows:

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, 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 City Manager's Designee, the Code Enforcement Manager, and the Chief of Police law enforcement 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~~.

Section 9. Adelanto Municipal Code section 17.80.100, subdivision (d)(1)(Y) shall be amended and restated as follows:

Y. ~~Upon reasonable notice to the Distribution Permittee which shall be no less than 12 hours, t~~The City Manager, ~~or~~ the City Manager's designee, or the Code Enforcement Manager shall have the right to enter the adult-use and/or cannabis distribution facility for the purpose of making reasonable inspections to observe and enforcement compliance with this Section and all laws of the City and the State. The City Manager, ~~or~~ the City Manager's designee, or the Code Enforcement Manager ~~must approve all inspections in advance and~~ shall maintain a log tracking the time and date of all inspections, the individuals requesting the inspection, and the result of each inspection. Individuals participating in any such inspection must take precautions and comply with standard safeguards and procedures in place at the facility regarding security, clean room/clean access and anti-contamination measures.

Section 10. Adelanto Municipal Code section 17.80.100, subdivision (e)(6) shall be amended and restated as follows:

(6) Any violation of this Section or any other City or State cannabis law by a Distribution Permittee, or a Distribution Permittee's agent, is grounds for revoking the relevant Distribution Permit. In addition, the City Manager or the City Manager's designee may revoke a Distribution Permit if any of the following occur subject to a reasonable opportunity for the permittee to cure the deficiency during a period of no more than ~~60~~30 days:

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

B. The adult-use and/or medical cannabis distribution operations cease for more than 90 calendar days.

Section 11. Adelanto Municipal Code section 17.80.100, subdivision (e)(7) shall be amended and restated as follows:

(7) For Distribution Permits involving a Physical Location, the City Manager or the City Manager's designee may also revoke the Distribution Permit if any of the following occur:

A. Ownership of the Physical Location is changed or transferred to a third party, without prior City approval.

B. The Physical Location fails to maintain 120 hours of security recordings.

C. The Physical Location 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 law enforcement, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.

Section 12. Adelanto Municipal Code section 17.80.101, subdivision (d)(1)(X)(1) shall be amended and restated as follows:

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, 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 City Manager's designee, the Code Enforcement Manager, and the Chief of Police law enforcement 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~~.

Section 13. Adelanto Municipal Code section 17.80.101, subdivision (d)(1)(Z) shall be amended and restated as follows:

Z. ~~Upon reasonable notice to the Transportation Permittee which shall be no less than 12 hours, t~~The City Manager, ~~or the City Manager's designee, or the Code Enforcement Manager~~ shall have the right to enter the adult-use and/or cannabis transportation facility for the purpose of making reasonable inspections to observe and enforcement compliance with this Section and all laws of the City and the State. The City Manager, ~~or the City Manager's designee, or the Code Enforcement Manager~~ must approve all inspections in advance and shall maintain a log tracking the time and date of all inspections, the individuals requesting the inspection, and the result of each inspection. Individuals participating in any such inspection must take precautions and comply with standard safeguards and procedures in place at the facility regarding security, clean room/clean access and anti-contamination measures.

Section 14. Adelanto Municipal Code section 17.80.101, subdivision (e)(6) shall be amended and restated as follows:

(6) Any violation of this Section or any other City or State cannabis law by a Transportation Permittee, or a Transportation Permittee's agent, is grounds for revoking the relevant Transportation Permit. In addition, the

City Manager or the City Manager's designee may revoke a Transportation Permit if any of the following occur subject to a reasonable opportunity for the permittee to cure the deficiency during a period of no more than ~~60~~30 days:

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

B. The adult-use and/or medical cannabis transportation operations cease for more than 90 calendar days.

Section 15. Adelanto Municipal Code section 17.80.101, subdivision (e)(7) shall be amended and restated as follows:

(7) For Transportation Permits involving a Physical Location, the City Manager or the City Manager's designee may also revoke the Transportation Permit if any of the following occur:

A. Ownership of the Physical Location is changed or transferred to a third party, without prior City approval.

B. The Physical Location fails to maintain 120 hours of security recordings.

C. The Physical Location 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 law enforcement, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.

Section 16. Adelanto Municipal Code section 17.80.110, subdivision (d)(1)(W)(1) shall be amended and restated as follows:

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 City Manager's designee, the Code Enforcement Manager, and the Chief of Police law enforcement 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.~~

Section 17. Adelanto Municipal Code section 17.80.110, subdivision (d)(1)(Y) shall be amended and restated as follows:

Y. ~~Upon reasonable notice to the Testing Permittee which shall be no less than 12 hours, †The City Manager, †or the City Manager's designee, or the Code Enforcement Manager shall have the right to enter the adult-use and/or cannabis testing facility for the purpose of making reasonable inspections to observe and enforcement compliance with this Section and all laws of the City and the State. The City Manager, †or the City Manager's designee, or the Code Enforcement Manager must approve all inspections in advance and shall maintain a log tracking the time and date of all inspections, the individuals requesting the inspection, and the result of each inspection. Individuals participating in any such inspection must take precautions and comply with standard safeguards and procedures in place at the facility regarding security, clean room/clean access and anti-contamination measures.~~

Section 18. Adelanto Municipal Code section 17.80.110, subdivision (e)(6) shall be amended and restated as follows:

(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 subject to a reasonable opportunity for the permittee to cure the deficiency during a period of no more than ~~60~~30 days:

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 cannabis testing operations cease for more than 90 calendar days.

C. Ownership of the cannabis testing facility is changed or transferred to a third party, without prior City approval.

D. The cannabis testing facility fails to maintain 120 hours of security recordings.

E. The 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 law enforcement,~~ or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.

Section 19. Adelanto Municipal Code section 17.80.120, subdivision (d)(1)(Z)(1) shall be amended and restated as follows:

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 City Manager's designee, the Code Enforcement Manager, and the Chief of Police law enforcement 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~~.

Section 20. Adelanto Municipal Code section 17.80.120, subdivision (d)(1)(BB) shall be amended and restated as follows:

BB. ~~Upon reasonable notice to the Dispensary Permittee which shall be no less than 12 hours, the City Manager, or the City Manager's designee, or Code Enforcement Manager shall have the right to enter the adult-use and/or cannabis dispensary facility for the purpose of making reasonable inspections to observe and enforcement compliance with this Section and all laws of the City and the State. The City Manager, or the City Manager's designee, or the Code Enforcement Manager must approve all inspections in advance and shall maintain a log tracking the time and date of all inspections, the individuals requesting the inspection, and the result of each inspection. Individuals participating in any such inspection must take precautions and comply with standard safeguards and procedures in place at the facility regarding security, clean room/clean access and anti-contamination measures.~~

Section 21. Adelanto Municipal Code section 17.80.120, subdivision (e)(6) shall be amended and restated as follows:

(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 subject to a reasonable opportunity for the permittee to cure the deficiency during a period of no more than ~~60~~30 days:

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 adult-use and/or medical cannabis dispensing or delivery operations cease for more than 90 calendar days.

C. Ownership of the adult-use and/or medical cannabis dispensary is changed or transferred to a third party, without prior City approval.

D. The adult-use and/or medical cannabis dispensary fails to maintain 120 hours of security recordings.

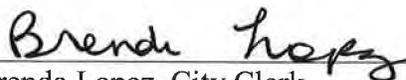
E. The adult-use and/or medical cannabis dispensary fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, the Code Enforcement Manager, ~~or the Chief of Police,~~ or law enforcement, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.

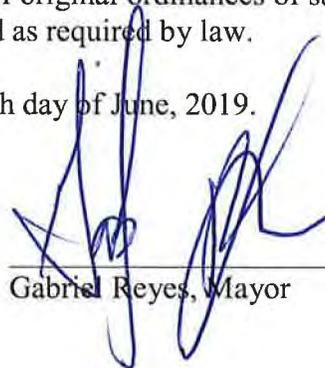
Section 22. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage.

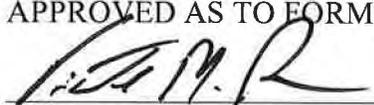
Section 23. Severability. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 24. Certification/Summary. Following the City Clerk's certification that the citizens of Adelanto have approved this Ordinance, the Mayor shall sign this Ordinance and the City Clerk shall cause the same to be entered in the book of original ordinances of said City; and shall cause the same, or a summary thereof, to be published as required by law.

PASSED, APPROVED AND ADOPTED this 12th day of June, 2019.


Brenda Lopez, City Clerk


Gabriel Reyes, Mayor

APPROVED AS TO FORM:

Victor Ponto, City Attorney

I, Brenda Lopez, City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Ordinance No.602 was duly introduced for the first reading on the 22nd day of May, 2019 and regularly adopted at a regular meeting of the City Council of the City of Adelanto on this 12th day of June, 2019 by the following vote, to-wit:

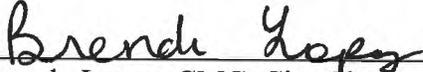
AYES: Council Members Camargo, Hernandez, Jeannette, Mayor Pro Tem Evans, and Mayor Reyes

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 12th day of June, 2019.


Brenda Lopez, CMC, City Clerk

SEAL