

ORDINANCE NO. 615

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO ADDING SECTION 17.80.130 OF CHAPTER 17.80 (SPECIAL USE STANDARDS) OF TITLE XVII (ADELANTO ZONING ORDINANCE) TO THE ADELANTO MUNICIPAL CODE TO REGULATE AND PERMIT EXCLUSIVELY NON-STOREFRONT RETAIL DELIVERY SALES FROM BUSINESS LICENSED IN THE CITY OF ADELANTO TO OTHER LOCATIONS AS OTHERWISE PERMITTED UNDER STATE AND LOCAL LAW

WHEREAS, the City of Adelanto ("City") has enacted several amendments to the Adelanto Municipal Code ("AMC") to regulate the cultivation, manufacturing, distribution, transportation, testing and distribution of cannabis.

WHEREAS, the City seeks to further regulate cannabis retailing done exclusively by delivery not involving a storefront.

NOT, THEREFORE, THE CITY COUNCIL OF THE CITY OF ADELANTO DOES ORDAIN AS FOLLOWS:

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

SECTION 2. Section 17.80.130 (Non-Storefront Cannabis Retailer) of Chapter 17.80 (Special Use Standards) of Title 17 (Adelanto Zoning Ordinance) of the Adelanto Municipal Code is hereby added to state the following:

17.80.130 Non-Storefront Cannabis Retailer

(a) **Purpose.** The purpose and intent of this Section is to regulate non-storefront retail of adult-use and medical cannabis that is sold in accordance with California 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 MAUCRSA.

(b) **Definitions.** For purposes of this Section, the following definitions shall apply unless the context clearly indicates otherwise:

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

(2) "CUP" means a Conditional Use Permit issued by the City in accordance with this Code.

(3) "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.

(4) "Deliver," "Delivering," and "Delivery" shall be defined in accordance with the MAUCRSA, Business and Professions Code Section 26001, and other applicable State laws.

(5) "Non-Storefront Retailer Permit" means a City permit to conduct retail sales of adult-use and/or medical cannabis exclusively via means of delivery in accordance with the terms and conditions of this Section and the conditions of approval for the permit.

(6) "Non-Storefront Retailer Permittee" means a person or entity that has been issued a Non-Storefront Retailer Permit by the City pursuant to the terms and conditions of this Section.

(7) "MAUCRSA" means the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). (Bus. & Prof. Code, section 26000 et seq.)

(8) "Medicinal cannabis" or "medicinal cannabis product" means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code and other applicable State laws, by a medicinal cannabis patient in California who possesses a physician's recommendation. For purposes of this definition, "medical cannabis" also means "medical marijuana."

(9) "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 MAUCRSA or other applicable State laws, to participate in a commercial adult-use and/or medical cannabis activity, such as cultivation, manufacturing, distribution, transportation, testing, or dispensing.

(10) "Premises" means and pertains to a physical place of business, building, facility, office, or warehouse owned or operated by a Non-Storefront Retailer Permittee falling within the jurisdiction of the City of Adelanto.

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

(d) **Delivery of Cannabis Conditionally Permitted.** Dispensing and delivery of adult-use and/or medical cannabis is conditionally permitted in the City only as expressly specified in this Section.

(1) Cannabis Non-Storefront Retailer Standards. Adult-use and/or medical cannabis delivery within the City shall be in conformance with the following standards:

A. Non-Storefront Retail of adult-use and/or medical cannabis is only permitted upon application and approval of a Non-Storefront Retailer Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.

B. Adult-use and/or medical cannabis non-storefront delivery activities may only include the selling of adult-use cannabis from a non-storefront premises to an individual

over the age of 21 or a qualified patient in compliance with State and local regulations within the State of California.

C. No cannabis non-storefront premises shall be established, developed, or operated within 600 feet of a school, public playground or park, child care or day care facility, youth center, or church, nor within 500 feet of a residential property. 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 Non-Storefront Retailer is, or will be located, to the nearest property line of those uses described in this Subsection.

D. Subject to the further requirements of this Section, only "M" or "A" Type 10 State testing licenses, as specified in the MAUCRSA and Business and Professions Code section 26050, will be allowed to operate in the City.

E. Adult-use and/or medical cannabis non-storefront retailer activities are allowed only within fully enclosed and secure structures that are inaccessible to minors.

F. Adult-use and/or medical cannabis non-storefront retailer activities shall not exceed the square footage authorized pursuant to the applicable CUP.

G. From any public right-of-way, there shall be no visible exterior evidence of any cannabis dispensing or delivery activity.

H. 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.

I. Each cannabis non-storefront retailer shall fully comply with all of the applicable restrictions and mandates set forth in State law. Each cannabis Non-Storefront Retailer shall comply with all size requirements for such facility as imposed by State law.

J. For qualification purposes all non-storefront retailer applicants must currently hold a minimum of 2 active cannabis licenses in the City of Adelanto.

K. Adult-use and/or medical cannabis non-storefront retailer shall only engage in sales and deliveries between the hours of 6:00 a.m. and 10:00 p.m.

L. All cannabis shall be kept in a secured manner during all business and nonbusiness hours.

M. Each non-storefront retailer shall operate within a legal structure that is compliant with all applicable State and local laws.

N. Each non-storefront retailer must pay all applicable sales taxes pursuant to all federal, State, and local laws. Each non-storefront retailer shall pay the City's Cannabis Excise Tax provided for retailers in AMC Chapter 3.60.

O. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises. The term "premises" as used in this Subsection includes the actual cannabis Non-Storefront Retailer building, as well as any accessory structures and parking areas. The cannabis Non-Storefront Retailer 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 Non-Storefront Retailer, is prohibited.

P. Signage for each cannabis Non-Storefront Retailer premises 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 Non-Storefront Retailer 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 Non-Storefront Retailer.

R. Physician services and medical cannabis recommendations shall not be provided on the cannabis non-storefront Retail premises.

S. The building and premises in which any Cannabis business 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 MAUCRSA. Compliance with all requirements of State law pertaining to adult-use and/or medical cannabis dispensing and delivery is also required.

T. A cannabis non-storefront retailer shall not grow, cultivate, manufacture, or process cannabis, unless expressly and affirmatively authorized by State and local law. A cannabis non-storefront retailer shall not be operated as a cannabis cultivation, manufacturing, distribution, transportation, or testing facility, unless expressly and affirmatively authorized by State and local law.

U. The operators of a cannabis non-storefront retailer 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 non-storefront retailer. Each cannabis non-storefront retailer 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 non-storefront retailer 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 non-storefront retail activities occur.

W. Non-Storefront Retail Permittees shall implement sufficient security measures to both deter and prevent unauthorized entrance into areas containing adult-use and/or medical cannabis products and theft of adult-use and/or medical cannabis products from the Non-Storefront Retail premises.

X. A cannabis non-Storefront Retail 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, 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, and 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.

2. The cannabis non-storefront retail location shall be secured with an alarm system that is operated and monitored by a reputable security company.

3. Entrance to the delivery areas, and all storage areas, shall be locked at all times, and under the control of the adult-use and/or medical cannabis Non-Storefront Retailer's staff.

4. All adult-use and/or medical cannabis shall be stored in a secured and locked space, and in a manner as to prevent diversion, theft, or loss.

5. All windows on the building that houses the cannabis Non-Storefront Retailer shall be appropriately secured.

6. No loitering—individuals shall not be allowed to remain on the premises unless they are engaging in activity expressly related to the operations of the Non-Storefront Retailer.

Y. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, 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, shall have the right to enter the adult-use and/or cannabis Non-Storefront Retailer facility for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State. The City Manager, the City Manager's designee, 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 area access and anti-contamination measures.

AA. A Non-Storefront Retailer 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 Non-Storefront Retailer or any agent or employee of the Non-Storefront Retailer.

3. The loss or unauthorized alteration of records related to medical cannabis, registered qualifying patients, primary caregivers, or Non-Storefront Retailer agents or employees.

4. Any other breach of security.

BB. A Non-Storefront Retailer Permittee shall not dispense or deliver medical cannabis to any person without a physician's recommendation.

CC. A Non-Storefront Retailer Permittee shall only deliver medical cannabis to individuals who provide government-issued identification and adequate documentation demonstrating qualification to purchase, obtain, or possess medical cannabis.

DD. A Non-Storefront Retailer Permittee shall only deliver adult-use cannabis to individuals who provide government-issued identification and adequate documentation demonstrating qualification to purchase, obtain, or possess adult-use cannabis.

EE. Physician's recommendations shall be verified by a Non-Storefront Retailer Permittee prior to dispensing or delivering any medical cannabis to a qualified patient or primary caregiver, and at least every six months thereafter.

FF. A Non-Storefront Retailer Permittee shall inspect all cannabis and cannabis products received for quality assurance prior to delivering to any person.

GG. Each Non-Storefront Retailer shall deliver adult-use and/or medical cannabis products only after those adult-use and/or medical cannabis products have been inspected and quality tested by a qualified third party testing facility as required by the MAUCRSA, Business and Professions Code section 26100, the Department of Food and Agriculture regulations, and the State Department of Public Health regulations.

HH. Each Non-Storefront Retailer shall do regular monthly inventories, and shall record and account for the total quantity of cannabis retained, sold, and delivered on or from 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, and law enforcement.

II. A Non-Storefront Retailer Permittee shall register with the City each location where cannabis is stored for purposes of delivery.

JJ. A Non-Storefront Retailer 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, 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 adult-use and/or medical cannabis, each vehicle driver shall carry a copy of the Non-Storefront Retailer 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, the City Manager, or the City Manager's designee.

LL. Prior to sale for a delivery, cannabis products shall be labeled and placed in a tamper-evident package. Labels and packages of adult-use and/or medical cannabis products shall, at minimum, meet the requirements specified under Business and Professions Code sections 26106 and 26120 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 Non-Storefront Retailer.
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.

NN. Non-Storefront retail operators must be compliant in the state mandated Seed-to-Sale Tracking system METRC.

(2) Non-Storefront Retailer Permit Applications. All applicants wishing to obtain a Non-Storefront Retailer Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Non-Storefront Retailer Permit Application Fee

as established by the City. An application for a Non-Storefront Retailer Permit shall include at least the following information:

- A. The address of the applicant's headquarters.
- B. The names, addresses, and relevant criminal histories of all potential employees, facility managers, drivers, and other relevant parties for the proposed Non-Storefront Retailer activities. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and sentences received for such convictions.
- C. An estimate of the size of the proposed adult-use and/or medical cannabis Non-Storefront Retailer operation and physical locations.
- D. The address of the location for which the Non-Storefront Retailer Permit is sought, and number of delivery vehicles employed in the retail delivery of cannabis.
- E. An applicant for a Non-Storefront Retailer Permit shall also provide at least the following information regarding its physical location:
 1. 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.
 2. A proposed security plan in compliance with the Adult-Use and Medical Cannabis Non-Storefront Retailer Standards.
 3. The name and address of the owner and lessor of the real property upon which the adult-use and/or medical cannabis Non-Storefront Retailer 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 adult-use and/or medical cannabis Non-Storefront Retailer may be operated on the property.
 4. Evidence that the Non-Storefront Retailer facility will be located in a legal structure that is compliant with all applicable State and local laws.
 5. Evidence that the adult-use and/or medical cannabis Non-Storefront Retailer has registered with the City all locations where adult-use and/or medical cannabis will be stored for purposes of dispensing or delivery.
- F. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.
- G. 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.
- H. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.
- I. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Non-Storefront Retailer Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the adult-use and/or medical cannabis Non-Storefront Retailer ("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.
- J. 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 Non-Storefront Retailer.
2. The security plan for the Non-Storefront Retailer.
3. The experience of the operators of the Non-Storefront Retailer.
4. The adequacy of capitalization for the Non-Storefront Retailer and its operations.

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

(3) Non-Storefront Retailer Permit. The following conditions apply to each Non-Storefront Retailer Permit:

A. A Non-Storefront Retailer 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 adult-use and/or medical cannabis Non-Storefront Retailer is not allowed by State or local law.

3. The applicant is not a legal representative of the adult-use and/or medical cannabis Non-Storefront Retailer.

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 Non-Storefront Retailer Permit shall be awarded by the City to eligible Non-Storefront Retailer Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee.

C. A Non-Storefront Retailer Permit is subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the adult-use and/or medical cannabis delivery activity occurs.

D. A Non-Storefront Retailer 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 delivery activities and to protect the public.

E. Before a Non-Storefront Retailer Permit will be issued to an applicant, Non-Storefront Retailer Permit fees must be paid to offset all foreseeable costs to the City for all Non-Storefront Retailer related operations.

F. A Non-Storefront Retailer 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 Non-Storefront Retailer Permit, the Non-Storefront Retailer Permittee's cannabis related activities, and any action taken by the Non-Storefront Retailer Permittee pursuant to this Section.

3. Defend the City, at the Non-Storefront Retailer Permittee's sole expense, in any action against the City or its agents, officers, or employees associated with the Non-

Storefront Retailer Permit, the Non-Storefront Retailer Permittee's cannabis related activities, or any action taken by the Non-Storefront Retailer 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 Non-Storefront Retailer 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 Non-Storefront Retailer Permit, the Non-Storefront Retailer Permittee's cannabis related activities, or any action taken by the Non-Storefront Retailer Permittee pursuant to this Section.

G. A Non-Storefront Retailer Permit issued pursuant to this Section may be transferred so long as the Permittee satisfies the City's Non-Storefront Retailer Permit application requirements and is in good standing with the City under the following circumstances:

1. The transfer results from the existing Permittee changing the corporation type or business type on file with the California Secretary of State,

2. The transfer is necessary to reflect the death or disability of an owner and/or the person on file with the City as being responsible for the permitted operations, or

3. To reflect a bona-fide transfer of the permit as part of a transfer of the permitted operation.

All Non-Storefront Retailer Permit transfers are subject to the City Manager's or his or her designee's prior approval, which shall not be unreasonably withheld.

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

I. 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 delivery activities, or for the activities of any cannabis Non-Storefront Retailer.

(4) Conditional Use Permit. All parcels of Non-Storefront Retailer delivery activities, must obtain a CUP from the City for all such activities.

(e) **Enforcement.**

(1) Any cannabis Non-Storefront Retailer 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 Non-Storefront Retailer Permittee, or a Non-Storefront Retailer Permittee's agent, is grounds for revoking the relevant Non-Storefront Retailer Permit. In addition, the City Manager or the City Manager's designee may revoke a Non-Storefront Retailer 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 30 days:

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

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

C. The adult-use and/or medical cannabis Non-Storefront Retailer fails to maintain 120 hours of security recordings.

D. The adult-use and/or medical cannabis Non-Storefront Retailer fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, or law enforcement, 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 Non-Storefront Retailer 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 Non-Storefront Retailer Permit. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Non-Storefront Retailer 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. Any provision of the Adelanto Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of his Ordinance.

SECTION 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 5. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days after adoption.

PASSED, APPROVED AND ADOPTED THIS 9TH DAY DECEMBER, 2020.



Gabriel Reyes, Mayor of the City of Adelanto



Brenda Lopez, City Clerk

APPROVED AS TO FORM:



Lloyd Pilchen, City Attorney

I, Brenda Lopez, City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Ordinance No. 615 was duly introduced for the first reading on the 28th day of October, 2020 and regularly adopted at a regular meeting of the City Council of the City of Adelanto on this 9th day of December, 2020, by the following vote, to-wit:

AYES: Council Member Evans, Jeannette, Ramos, and Mayor Reyes

NOES: None

ABSENT: Mayor Pro Tem Hernandez

ABSTAIN: None

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 9th day of December, 2020.


Brenda Lopez, City Clerk

SEAL