BILL NO. B-66

ORDINANCE NO. 2018-68

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADDING ARTICLE 33 TO CHAPTER 9 OF THE FRESNO MUNICIPAL CODE RELATING TO ADULT USE AND MEDICINAL CANNABIS RETAIL BUSINESS AND COMMERCIAL CANNABIS BUSINESS

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Article 33 is added to Chapter 9 of the Fresno Municipal Code to read:

ARTICLE 33

CANNABIS RETAIL BUSINESS AND COMMERCIAL CANNABIS BUSINESS

Section 9-3301.	Purpose and Intent.
9-3302.	Commercial Cannabis Activity Prohibited Unless Specifically Authorized by this Article.
9-3303.	Compliance with Laws.
9-3304.	Definitions.
9-3305.	Commercial Cannabis Business Permit Required to Engage in Commercial Cannabis Activity.
9-3306.	Maximum Number of Authorized Cannabis Retail Businesses and Commercial Cannabis Businesses Permitted.
9-3307.	Location and Design of Retail Cannabis Businesses.
9-3308.	Location and Design of Commercial Cannabis Businesses.
9-3309.	Operating Requirements for All Commercial Cannabis Activity.
9-3310.	Operating Requirements for a Cannabis Retail Business.
9-3311.	Operating Requirements for a Distributor.
9-3312.	Operating Requirements for a Cultivator.
9-3313.	Operating Requirements for a Testing Laboratory.
9-3314.	Operating Requirements for a Manufacturer.
9-3315.	Other Operational Requirements.
9-3316.	Initial Application Procedure.
9-3317.	Permittee Selection Process.
9-3318.	Persons Prohibited from Holding a Commercial Cannabis Business Permit or Employee Work Permit.
9-3319.	Employee Work Permit Required.
9-3320.	Expiration of Commercial Cannabis Business Permits.

9-3321. Revocation of Permits.
9-3322. Renewal Applications.
9-3323. Appeals.
9-3324. Effect of State License Suspension, Revocation, or Termination.
9-3325. Change in location or ownership requires re-application.
9-3326. City Business License.
9-3327. Building Permits and Inspection.
9-3328. Cannabis Conditional Use Permit.
9-3329. Right to Occupy and to Use Property.
9-3330. Promulgation of Regulations, Standards and Other Legal Duties.
9-3331. Records and Recordkeeping.
9-3332. Fees and Charges.
9-3333. Limitations on City's Liability.
9-3334. Permit Holder Responsible for Violations.
9-3335. Inspection and Enforcement.
9-3336. Violations declared a public nuisance.
9-3337. Each violation a separate offense.
9-3338. Criminal Penalties.
9-3339. Remedies cumulative and not exclusive.
9-3340. Severability.
9-3341. No Vested Rights.
9-3342. Yearly Review.

SECTION 9-3301. PURPOSE AND INTENT. It is the purpose and intent of this Article to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") to accommodate the needs of medically-ill persons in need of and provide access to cannabis for medicinal purposes as recommended by their health care provider(s), as well as provide access to adult use cannabis, while imposing sensible regulations on the use of land to protect the city's residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this Article to regulate the cultivation, processing, manufacturing, testing, sale, delivery, distribution, and transportation of cannabis, cannabis products, medicinal cannabis, and medicinal cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the city and to enforce rules and regulations consistent with state law. The provisions of this Article are in addition to any other permits, licenses, and approvals which may be required to conduct business in the city, and are in addition to any permits, licenses, and approvals required under state, city, or other law.

SECTION 9-3302. COMMERCIAL CANNABIS ACTIVITY PROHIBITED UNLESS SPECIFICALLY AUTHORIZED BY THIS ARTICLE. Except as specifically authorized in this Article, the commercial cultivation, manufacture, processing, storing,

laboratory testing, labeling, sale, delivery, distribution or transportation (other than as provided under Bus. & Prof. Code section 26090(e)), of cannabis or cannabis product and medicinal cannabis or medicinal cannabis product is expressly prohibited in the city.

SECTION 9-3303. COMPLIANCE WITH LAWS. This Article is intended to implement state law. Every cannabis retail business and commercial cannabis business must comply with all applicable state and local laws.

SECTION 9-3304. DEFINITIONS. When used in this Article, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

(a) "Applicant" means an owner applying for a state license pursuant to this division.

(b) "Bureau" means the Bureau of Cannabis Control within the Department of Consumer Affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation.

(c) "Cannabis" means all parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. It also means the separated resin, whether crude or purified, obtained from cannabis. It includes medicinal cannabis, 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, by a medicinal cannabis patient in California who possesses a physician's recommendation. It 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, the sterilized seed of the plant which is incapable of germination, or "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

(d) "Cannabis Innovation Hub" is defined as an area of land which has many cannabis related businesses grouped together which must be no less than three (3) contiguous acres and no more than one hundred (100) contiguous acres. No more than four (4) are permitted within the city. Each individual business would be clearly defined, with a unique entrance and immovable physical barriers between every premises.

(e) "Cannabis Innovation Zone" is the area bounded by State Route 41, Golden State Blvd., Church Ave., East Ave., and Parallel Ave.

(f) "Cannabis products" has the same meaning as in Section 11018.1 of the Health and Safety Code.

(g) "Cannabis retail business" means a business where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale, and where the operator holds a valid commercial cannabis business permit from the city authorizing the operation of a retailer, and a valid state A-license or M-License as required by state law to operate a retailer.

(h) "Canopy" means the designated area(s) at a licensed premise, except nurseries, that will contain mature plants at any point in time. (1) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries; (2) Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds or garden plots; and if mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

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

(j) "Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis or cannabis products by an operator who has a license issued by the state.

(k) "Commercial cannabis business" means any business or operation which engages in commercial cannabis activity, except for delivery or sales of cannabis, with a license issued by the state. It does not include a cannabis retail business or medicinal cannabis retail business.

(l) "Commercial cannabis business permit" means a regulatory permit issued by the city pursuant to this Article to a commercial cannabis business or cannabis retail business, and is required before any commercial cannabis activity may be conducted in the city. The initial permit and annual renewal of a commercial cannabis business permit is made expressly contingent upon the business' ongoing compliance with all of the requirements of this Article and any regulations adopted by the city governing the commercial cannabis activity at issue.

(m) "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(n) "Cultivation site" means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

(o) "Cultivator" means a person holding a valid commercial cannabis business permit for cultivation issued by the city, and, a valid state license for cultivation.

(p) "Customer" means a natural person 21 year of age or over or a natural person 18 year of age or older who possesses a physician's recommendation.

(q) "Day care center" has the same meaning as in Section 1596.76 of the Health and Safety Code.

(r) "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. It also includes the use by a retailer of any technology platform owned and controlled by the retailer. Delivery must be part of a store-front retailer.

(s) "Dispensing" means any activity involving the retail sale of cannabis or cannabis products from a retailer.

(t) "Distribution" means the procurement, sale, and transport of cannabis and cannabis products between licensees.

(u) "Distributor" means a person holding a valid commercial cannabis business permit for distribution issued by the city, and, a valid state license for distribution, required by state law to engage in the business of purchasing cannabis from a licensed cultivator, or cannabis products from a licensed manufacturer, for sale to a licensed retailer.

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

(w) "Greenhouse" means a fully enclosed permanent structure that is clad in transparent material with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that uses a combination of natural and supplemental lighting for cultivation.

(x) "Harvest batch" means a specifically identified quantity of dried flower or trim, leaves, and other cannabis plant matter that is uniform in strain, harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals and harvested at the same time.

(y) "Labeling" means any label or other written, printed, or graphic matter upon a cannabis product, upon its container.

(z) "License" means a license issued by the state to engage in commercial cannabis activity, and includes both an A-license and an M-license, as well as a testing laboratory license.

(aa) "Licensee" means any person holding a state license, regardless of whether the license held is an A-license or an M-license, and includes the holder of a testing laboratory license.

(bb) "Limited-access area" means an area in which cannabis is stored or held and is only accessible to some licensee and authorized personnel.

(cc) "Live plants" means living cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.

(dd) "M-license" means a state license issued under this division for commercial cannabis activity involving medicinal cannabis.

(ee) "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

(ff) "Manufacturer" means a licensee with a valid commercial cannabis business permit that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or container.

(gg) "Nonvolatile solvent" means any solvent used in the extraction process that is not a volatile solvent. For purposes of this division, a nonvolatile solvent includes carbon dioxide (CO2) used for extraction and ethanol used for extraction or post-extraction processing.

(hh) "Microbusiness" means the cultivation of cannabis on an area less than 10,000 square feet, by an entity authorized to act as a licensed distributor, Level 1 manufacturer, and retailer under state law, provided such licensee can demonstrate compliance with all requirements imposed by state law on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities. Microbusiness licenses that authorize cultivation of cannabis shall include the license conditions described in subdivision (b) of Section 26060.1 of the Business and Professions Code.

(ii) "Operation" means any act for which licensure is required under the provisions of this division or any commercial transfer of cannabis or cannabis products.

(jj) "Owner" means any of the following:

(1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.

(2) The Manager of a nonprofit or other entity.

(3) A member of the board of directors of a nonprofit.

(4) An individual who will be participating in the direction,

control, or management of the person applying for a license or who has a financial interest in the business other than a fixed lease of real property

(kk) "Patient" or "qualified patient" shall have the same definition as California Health and Safety Code Section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California Health & Safety Code Section 11362.5.

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

(mm) "Physician's recommendation" means a recommendation by a physician and surgeon that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.

(nn) "Premises" means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee unless the operator is granted an M-License and an A-License for the same type of activity and such operation is lawful under state and local laws, rules and regulations.

(oo) "Sell," "sale," and "to sell" include any transaction whereby, for any consideration, title to cannabis or cannabis products are transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.

(pp) "Testing laboratory" means a laboratory, facility, or entity with a commercial cannabis business permit that offers or performs tests of cannabis or cannabis products and that is both of the following:

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

(2) Licensed by the bureau.

(qq) "Transport" means the transfer of cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized by MAUCRSA which may be amended or repealed by any subsequent State of California legislation regarding the same.

(rr) "Youth center" means any public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades where 10 or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or similar amusement park facilities. It shall also include a park, playground or recreational area specifically designed to be used by children which may have play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on city, county or state parks. This definition shall not include any private martial arts, yoga, ballet, music or similar studio of this nature nor shall it include any private athletic training facility, pizza parlor, dentist office or doctor's office primarily serving children.

(ss) "Volatile solvent" means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

SECTION 9-3305. COMMERCIAL CANNABIS BUSINESS PERMIT REQUIRED TO ENGAGE IN COMMERCIAL CANNABIS ACTIVITY. No person may engage in any commercial cannabis activity within the city unless the person (1) has a valid commercial cannabis business permit from the city; (2) has a valid state license; (3) has a valid Cannabis Conditional Use Permit; (4) is currently in compliance with all applicable state and local laws; and (5) has a Cannabis Business License Tax certificate.

SECTION 9-3306. MAXIMUM NUMBER OF AUTHORIZED CANNABIS RETAIL BUSINESSES AND COMMERCIAL CANNABIS BUSINESSES PERMITTED.

(a) The number of cannabis retail businesses shall not exceed a total of fourteen (14) within the city. Up to seven (7) more may be authorized by Council Resolution.

(b) Up to seven (7) cannabis retail businesses with an M-license from the state may be approved within the first year this Article is effective. One year from the effective date of this Article, seven (7) more cannabis retail businesses may be approved if the City Manager and Police Department determine that the city can accommodate more applications.

(c) Up to a total of sixteen (16) cultivators, distributors, or manufacturers may be issued a commercial cannabis business permit. No specific number of each type of business is required so long as the total number of commercial cannabis business permits issued for all three business types does not exceed a total of sixteen (16).

(d) There is no limit on the number of testing laboratories which may be issued a commercial cannabis business permit.

(e) The City Manager has discretion to limit the number of commercial cannabis business permits to less than what is allowed in this Article. Nothing in this Article creates a mandate that the City Manager must issue any or all of the commercial cannabis business permits.

(f) Each year following the City Manager's initial award of permits, if any, or at any time in the City Manager's discretion, the City Manager may reassess the number of commercial cannabis business permits which are authorized for issuance.

SECTION 9-3307. LOCATION AND DESIGN OF RETAIL CANNABIS BUSINESSES.

(a) All cannabis retail businesses must be located on property zoned DTN (Downtown Neighborhood), DTG (Downtown General), CMS (Commercial Main Street), CC (Commercial Community), CR (Commercial Regional), CG (Commercial General), CH (Commercial Highway) and must meet all of the requirements for development in these zones.

(b) No more than two cannabis retail businesses may be located in any one Council District. If more than fourteen (14) are ever authorized by Council, they shall be dispersed evenly by Council District.

(c) All properties in which the cannabis retail business is located shall be no closer than eight hundred (800) feet from any parcel containing any of the following, measured in accordance with section 15-304 of this Code:

(1) A cannabis retail business.

(2) A school providing instruction for any grades pre-school through 12 (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12).

(3) A day care center licensed by the state Department of Social Services that is in existence at the time a complete commercial cannabis business permit application is submitted.

(4) A youth center that is in existence at the time a complete commercial cannabis business permit application is submitted.

(d) Each proposed cannabis retail business shall:

(1) Be within a fully enclosed building and cannabis must not be visible from the public right-of-way.

(2) Conform with the General Plan, any applicable specific plans, master plans, and design requirements.

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

(4) Be constructed in a manner that prevents odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties. Odors from the cannabis

retail business shall not be detectable from outside the premises. Best available odor control technology shall be utilized.

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

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

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

(8) Each applicant shall provide a neighborhood responsibility plan so the review authority may find that the proposed use and its operating characteristics are not detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and will not result in the creation of a nuisance.

(e) Each proposed cannabis retail business shall meet the following design guidelines:

(1) Demonstrate compatibility with the surrounding character of the neighborhood and blend in with existing buildings. The establishment should look like any other similarly situated building.

(2) Comply with all applicable zoning and related development standards, including, but not limited to, parking, lighting, building materials, and colors.

(3) Signage, as described below, shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered.

SECTION 9-3308. LOCATION AND DESIGN OF COMMERCIAL CANNABIS BUSINESSES.

(a) Laboratory testing may take place in a Commercial, Employment, or Downtown District.

(b) There shall be permitted eight (8) cultivators, distributors, or manufacturers located within the Cannabis Innovation Zone.

(c) There shall be permitted eight (8) cultivators, distributors, or manufacturers located inside a Cannabis Innovation Hub or within one-half (1/2) mile of State Route 99 between Shaw Ave. and Clinton Ave., one (1) mile of State Route 99 north of Shaw Ave. or south of Clinton Ave., or within one (1) mile of State Route 180 west of State Route 99, and must be zoned either IL (Light Industrial) or IH (Heavy Industrial), and must meet all of the requirements for development in these zones. The cultivator, distributor, or manufacturer shall be

located no closer than one thousand (1,000) feet from any parcel containing any of the following, measured in accordance with section 15-304 of this Code:

(1) Any residentially zoned parcel in the city, including any legal non-conforming residential uses as of the date a complete commercial cannabis business permit application is submitted.

(2) A school providing instruction for any grades pre-school through 12 (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12).

(3) A day care center licensed by the state Department of Social Services that is in existence at the time a complete commercial cannabis business permit application is submitted.

(4) A youth center that is in existence at the time a complete commercial cannabis business permit application is submitted.

(d) All Cannabis Innovation Hubs must be located within one-half (1/2) mile of State Route 99 between Shaw Ave. and Clinton Ave., one (1) mile of State Route 99 north of Shaw Ave. or south of Clinton Ave., or within one (1) mile of State Route 180 west of State Route 99, and must be zoned either IL (Light Industrial) or IH (Heavy Industrial), and must meet all of the requirements for development in these zones. All Cannabis Innovation Hubs shall be located no closer than one thousand (1,000) feet from any parcel containing any of the following, measured in accordance with section 15-304 of this Code:

(1) Any residentially zoned parcel in the city, including any legal non-conforming residential uses as of the date a complete commercial cannabis business permit application is submitted.

(2) A school providing instruction for any grades pre-school through 12 (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12).

(3) A day care center licensed by the state Department of Social Services that is in existence at the time a complete commercial cannabis business permit application is submitted.

(4) A youth center that is in existence at the time a complete commercial cannabis business permit application is submitted.

(e) Each proposed commercial cannabis business shall:

(1) Be within a fully enclosed building and must not be visible from the public right-of-way.

(2) Conform to the General Plan, any applicable specific plans, master plans, and design requirements.

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

(4) Be constructed in a manner that prevents odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties. Odors from the commercial cannabis business shall not be detectable from outside the premises. Best available odor control technology shall be utilized

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

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

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

(8) Each applicant shall provide a neighborhood responsibility plan so the review authority may find that the proposed use and its operating characteristics are not detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and will not result in the creation of a nuisance

(f) Each proposed commercial cannabis business shall meet the following design guidelines:

(1) Demonstrate compatibility with the surrounding character of the neighborhood and blend in with existing buildings. The establishment should look like any other similarly situated building.

(2) Comply with all applicable zoning and related development standards including, but not limited to, parking, lighting, materials, and colors.

(3) Signage, as described below, shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered.

SECTION 9-3309. OPERATING REQUIREMENTS FOR ALL COMMERCIAL CANNABIS ACTIVITY.

(a) Cannabis shall not be consumed by any person on the premises of any cannabis retail business or commercial cannabis business.

(b) No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the commercial cannabis business or cannabis retail business.

(c) No person shall cause or permit the sale of tobacco products on or about the premises of the commercial cannabis business or cannabis retail business.

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

(e) Cannabis retail businesses and commercial cannabis businesses shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the city. Cannabis retail businesses and commercial cannabis businesses shall ensure that such information is compatible with the city's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be approved and authorized by the City Manager or his/her designee(s) prior to being used by the permittee.

(f) All cannabis and cannabis products sold, distributed, or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with state and local laws.

(g) Emergency Contact. Cannabis retail businesses and commercial cannabis businesses shall provide the City Manager or his/her designee(s) with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.

(h) Signage and Notices.

(1) Business identification signage shall conform to the requirements of Chapter 15, Article 26 of this Code, including, but not limited to, seeking the issuance of a city sign permit.

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

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

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

(5) Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards or other prohibited signs may be used at any time.

(6) In accordance with state law and regulations, holders of a commercial cannabis business permit shall agree that, as an express and ongoing condition of permit issuance and subsequent renewal, the holder of the permit shall be prohibited from advertising any commercial cannabis business or cannabis retail business located in the city utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising, anywhere in the state. This paragraph is not intended to place limitations on the ability of a commercial cannabis business or cannabis retail business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways. In addition, any cannabis advertising, including such advertising that is not connected to a cannabis business operating in the city, using any means described above, is strictly prohibited within the city limits.

(i) Minors.

(1) Except as provided below, persons under the age of twenty-one (21) years shall not be allowed on the premises of a cannabis retail business or a commercial cannabis business and shall not be allowed to serve as a driver for a delivery service. It shall be unlawful and a violation of this Article for any person to employ any person who is not at least twenty-one (21) years of age.

(2) The entrance to a commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the commercial cannabis business.

(3) Persons at least eighteen (18) years old shall be allowed on the premises of a medicinal cannabis retail business to purchase medicinal cannabis or medicinal cannabis products. The entrance to a medicinal cannabis retail business shall be clearly and legibly posted with a notice that no person under the age of eighteen (18) is permitted to enter upon the premises of the medicinal cannabis retail business.

(j) Best available odor control technology and devices shall be incorporated in a cannabis retail business and a commercial cannabis business to ensure that odors from cannabis are not detectable off-site. A sufficient odor absorbing ventilation and exhaust system shall be provided so that odor generated inside the premises that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the

cannabis retail business or commercial cannabis business. The following equipment, or any other equipment which the Development and Resource Management Director or his/her designee(s) determine is a more effective method or technology, must be installed and maintained:

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

(2) An air system that creates negative air pressure between the premises' interior and exterior, so that the odors generated inside the premises are not detectable outside the premises.

(k) The original copy of the commercial cannabis business permit issued by the city pursuant to this Article and the city issued business license shall be posted inside the cannabis retail business or a commercial cannabis business in a location readily-visible to the public.

(l) The owner and/or operator of a cannabis retail business or a commercial cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.

(m) Community Relations.

(1) Each commercial cannabis business or cannabis retail business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the business can be provided. Each commercial cannabis business or cannabis retail business shall also provide the above information to all businesses and residences located within one hundred (100) feet of the commercial cannabis business.

(2) During the first year of operation pursuant to this Article, the owner, manager, and community relations representative from commercial cannabis business or cannabis retail business shall attend meetings with the City Manager or his/her designee(s), and other interested parties as deemed appropriate by the City Manager or his/her designee(s), to discuss costs, benefits, and other community issues arising as a result of implementation of this Article. After the first year of operation, the owner, manager, and community relations representative from each commercial cannabis business or cannabis retail business shall meet with the City Manager or his/her designee(s) when and as requested by the City Manager or his/her designee(s).

(3) Each commercial cannabis business or cannabis retail business shall develop a city approved public outreach and educational program for youth organizations and educational institutions that outlines the risks of youth use of cannabis, and that identifies resources available to youth related to drugs and drug addiction.

(n) The cannabis retail business or commercial cannabis business shall continually maintain the premises and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of employees, patrons, surrounding properties, and the general public. The premises shall not be maintained in a manner that causes a public or private nuisance. Litter must be removed daily from the premises, including adjacent public sidewalks and all parking lots under the control of the cannabis retail business or commercial cannabis business; these areas must be swept or cleaned, either mechanically or manually, on a weekly basis to control debris; upkeep and operating characteristics must be compatible with abutting properties and the surrounding neighborhood.

SECTION 9-3310. OPERATING REQUIREMENTS FOR A CANNABIS RETAIL BUSINESS.

(a) General.

(1) Cannabis retail businesses, including delivery of cannabis, may operate between the hours of 6am and 10pm. Other non-sales related activities germane to the business may take place on premises after hours.

(2) There shall not be a physician located on the premises at any time for the purpose of evaluating patients for the issuance of a cannabis recommendation or card where applicable.

(3) Prior to dispensing cannabis or cannabis products to any person, the cannabis retail business shall verify the age of each customer.

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

(5) A cannabis retail business may have only that quantity of cannabis and cannabis products readily available to meet the daily demand for sale on-site in the retail sales area of the premises.

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

(7) Delivery vehicles shall be unmarked vehicles with no indication that the vehicles are transporting cannabis or cannabis products.

(b) Security Measures.

(1) A permitted cannabis retail business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to

deter and prevent the theft of cannabis or cannabis products at the cannabis retail business. Except as may otherwise be determined by the City Manager or his/her designee(s), these security measures shall include, but shall not be limited to, all of the following:

(i) Premises contain a secured lobby/trap room, where a customer first enters and awaits verification by the cannabis retail business that the customer is a qualified to purchase cannabis.

(ii) Premises contain only one entrance which members of the public enter and exit.

(iii) Premises shall have a professionally installed, maintained, and monitored real-time alarm system by a security company licensed by the State of California Bureau of Security and Investigative Services.

(iv) Premises shall have perimeter security and lighting, including motion sensors, as approved by the Chief of Police.

(v) Prevent individuals from remaining on the premises and nearby vicinity if they are not engaging in an activity directly related to the permitted operations of the cannabis retail business.

(vi) Establish limited access areas accessible only to authorized cannabis retail business personnel.

(vii) All cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products shall be kept in a manner as to prevent diversion, theft, and loss.

(viii) Install 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the cannabis retail business which are open and accessible to the public, all interior spaces where cannabis, cash, or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weather-proof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. The cannabis retail business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the City Manager or his/her designee(s), and that it is compatible with the city's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the City Manager or his/her

designee(s). Video recordings shall be maintained for a minimum of ninety (90) days and shall be made available to the City Manager or his/her designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the cannabis retail business, and shall be capable of enlargement via projection or other means. Internet Protocol address information shall be provided to the Fresno Police Department by the cannabis retail business, to facilitate remote monitoring of security cameras by the Fresno Police Department or its designee.

(ix) Sensors shall be installed to detect entry and exit from all secure areas, and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.

(x) Panic buttons shall be installed with direct notification to Fresno Police Department dispatch, and shall be configured to immediately alert dispatch for the Fresno Police Department.

(xi) Any bars installed on the windows or the doors shall be installed only on the interior of the building.

(xii) Armed security personnel shall be on-site during operating hours. If armed security personnel are not on-site when the cannabis retail business is closed, a verified response security patrol shall be utilized. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the City Manager or his/her designee(s), with such approval not to be unreasonably withheld. Firearms shall be carried by security personnel at all times that they are on duty, except as otherwise authorized by the Chief of Police.

(xiii) Premises shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(xiv) Entrance areas are to be locked at all times and under the control of a designated responsible party that is either; (a) an employee of the cannabis retail business; or (b) a licensed security professional.

(xv) The interior must have at least one camera placed to focus on each transaction, to include the clerk as well as the customer waiting area. At least one camera should be focused on the entrance, and the camera view should clearly show an image of a color-coded height tape installed on the inside of the door jamb.

(xvi) An accounting software system in place to provide point of sale data as well as audit trails of both product and cash, where applicable.

(xvii) Demonstrate to the Chief of Police, City Manager or their designees, compliance with the state's track and trace system for cannabis and cannabis products.

(xviii) State of the art network security protocols in place to protect computer information and all digital data.

(xix) Exterior vegetation shall be planted, altered, and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

(2) Each cannabis retail business shall identify a designated security representative/liaison to the city, who shall be reasonably available to meet with the City Manager or his/her designee(s) regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the cannabis retail business, annually prepare and submit to the District Commander of the Fresno Police Department a security plan for approval and maintain a copy of the current security plan on the premises, to present to a peace officer immediately upon request that meets the following requirements:

(i) Confirms that a designated Manager will be on duty during business hours and will be responsible for monitoring the behavior of patrons.

(ii) Identifies all Managers of the cannabis retail business and their contact phone numbers.

(iii) Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the Manager's office.

(iv) Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.

(v) Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the premises, the parking lot, and any adjacent property under the business' control.

(vi) Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these areas are: (a) free of individuals loitering or

causing a disturbance; (b) are cleared of patrons and their vehicles one-half hour after closing.

(3) Provide a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency. For delivery, include provisions relating to vehicle security and the protection of employees and product during loading and in transit.

(4) Cooperate with the city whenever the City Manager or his/her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this Article.

(5) Notify the City Manager or his/her designee(s) within twenty-four (24) hours after discovering any of the following:

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

(ii) Diversion, theft, loss, or any criminal activity involving the cannabis retail business or any agent or employee of the cannabis retail business.

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

(iv) Any other breach of security.

(6) Compliance with the foregoing requirements shall be verified by the Chief of Police prior to commencing business operations. The Chief of Police may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner.

SECTION 9-3311. OPERATING REQUIREMENTS FOR A DISTRIBUTOR.

(a) General.

(1) Distributor may operate 24 hours a day. Operations shall be subject to the provisions of the Noise Ordinance, Article 1 of Chapter 10 of this Code, as may be amended.

(2) Distributor vehicles shall be unmarked vehicles with no indication that the vehicles are transporting cannabis or cannabis products.

(3) Distributor shall comply with all applicable state standards and laws, including but not limited to, Section 26001(r) of the Business and Professions Code, as may be amended.

(b) Security Measures.

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

(i) Premises shall have a professionally installed, maintained, and monitored real-time alarm system by a security company licensed by the State of California Bureau of Security and Investigative Services.

(ii) Premises shall have perimeter security and lighting, including motion sensors, as approved by the Chief of Police.

(iii) Prevent individuals from remaining on the premises if they are not engaging in an activity directly related to the permitted operations of the distributor.

(iv) Establish limited access areas accessible only to authorized personnel.

(v) All cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis or cannabis products shall be kept in a manner as to prevent diversion, theft, and loss.

(vi) Install 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces which are open and accessible to the public, all interior spaces where cannabis, cannabis products, cash, or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weather-proof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. The distributor shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the City Manager or his/her designee(s), and that it is compatible with the city's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the City Manager or his/her designee(s). Video recordings shall be maintained for a minimum of ninety (90) days and shall be made available to the City Manager or his/her designee(s) upon request. Video shall be of sufficient quality for

effective prosecution of any crime found to have occurred on the site of the distributor, and shall be capable of enlargement via projection or other means. Internet Protocol address information shall be provided to the Fresno Police Department by the distributor, to facilitate remote monitoring of security cameras by the Department or its designee.

(vii) Sensors shall be installed to detect entry and exit from all secure areas, and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.

(viii) Panic buttons shall be installed with direct notification to Fresno Police Department dispatch, and shall be configured to immediately alert dispatch for the Fresno Police Department.

(ix) Any bars installed on the windows or the doors of the premises shall be installed only on the interior of the building.

(x) Armed security personnel shall be on-site during all hours of operation or alternative security as authorized by the City Manager or his/her designee(s). Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the City Manager or his/her designee(s), with such approval not to be unreasonably withheld. Firearms shall be carried by security personnel at all times that they are on duty, except as otherwise authorized by the Chief of Police.

(xi) Premises shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(xii) Entrance areas are to be locked at all times and under the control of a designated responsible party that is either; (a) an employee of the distributor; or (b) a licensed security professional.

(xiii) The interior must have at least one camera placed to focus on each transaction. At least one camera should be focused on the entrance, and the camera view should clearly show an image of a color-coded height tape installed on the inside of the door jamb.

(xiv) An accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.

(xv) Demonstrate to the Chief of Police, City Manager or their designees, compliance with the state's track and trace system for cannabis and cannabis products.

(xvi) Have state of the art network security protocols in place to protect computer information and all digital data.

(xvii) Exterior vegetation shall be planted, altered, and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

(xviii) Identify a designated security representative/liaison to the city, who shall be reasonably available to meet with the City Manager or his/her designee(s) regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the distributor, annually prepare and submit to the District Commander of the Fresno Police Department a security plan for approval and maintain a copy of the current security plan on the premises of the business, to present to a peace officer immediately upon request that meets the following requirements:

1. Confirms that a designated Manager will be on duty during business hours and will be responsible for monitoring the behavior of patrons.

2. Identifies all Managers and their contact phone numbers.

3. Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the Manager's office.

4. Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.

5. Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the commercial cannabis business, the parking lot, and any adjacent property under the business' control.

6. Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these areas are: (a) free of individuals loitering or causing a disturbance; (b) are cleared of patrons and their vehicles one-half hour after closing.

(2) As part of the application and permitting process each distributor shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency. The distributor shall stagger transportation times, vary routes from the premises, and take other security measures as requested by the Chief of Police.

(3) The distributor shall cooperate with the city whenever the City Manager or his/her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this Article.

(4) Notify the City Manager or his/her designee(s) within twenty-four (24) hours after discovering any of the following:

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

(ii) Diversion, theft, loss, or any criminal activity involving the distributor or any agent or employee of the distributor.

(iii) The loss or unauthorized alteration of records related to cannabis, or employees or agents of the commercial cannabis business.

(iv) Any other breach of security.

(5) Compliance with the foregoing requirements shall be verified by the Chief of Police prior to commencing business operations. The Chief of Police may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner.

SECTION 9-3312. OPERATING REQUIREMENTS FOR A CULTIVATOR.

(a) General.

(1) Cultivator may operate 24 hours a day. Operations shall be subject to the provisions of the Noise Ordinance, Article 1 of Chapter 10 of this Code, as may be amended.

(2) Outdoor Cultivation Prohibited. The cultivation of all cannabis must occur indoors. All outdoor cultivation, including outdoor greenhouse cultivation, is prohibited.

(3) Cannabis plants shall not be visible from a public or private road, sidewalk, park, or any common public viewing area.

(4) Cultivator shall only be allowed to cultivate the square feet of canopy space permitted by state law. Research and development area

shall be limited to ten percent (10%) of the total permitted canopy square footage.

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

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

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

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

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

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

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

(iv) Plan for addressing public nuisances that may derive from the cultivation site.

(b) Security Measures.

(1) A permitted cultivator shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products and to deter and prevent the theft of cannabis and cannabis products at the commercial cannabis

business. Except as may otherwise be determined by the City Manager or his/her designee(s), these security measures shall include, but shall not be limited to, all of the following:

(i) Premises shall have a professionally installed, maintained, and monitored real-time alarm system by a security company licensed by the State of California Bureau of Security and Investigative Services.

(ii) Premises shall have perimeter security and lighting, including motion sensors, as approved by the Chief of Police.

(iii) Prevent individuals from remaining on the premises and nearby vicinity if they are not engaging in an activity directly related to the permitted operations of the cultivator.

(iv) Establish limited access areas accessible only to authorized personnel.

(v) Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

(vi) Install 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the business which are open and accessible to the public, all interior spaces where cannabis, cannabis products, cash, or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weather-proof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. The cultivators shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the City Manager or his/her designee(s), and that it is compatible with the city's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the City Manager or his/her designee(s). Video recordings shall be maintained for a minimum of ninety (90) days and shall be made available to the City Manager or his/her designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have

occurred on the cultivation site business, and shall be capable of enlargement via projection or other means. Internet Protocol address information shall be provided to the Fresno Police Department by the cultivator, to facilitate remote monitoring of security cameras by the Fresno Police Department or its designee.

(vii) Sensors shall be installed to detect entry and exit from all secure areas, and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.

(viii) Panic buttons shall be installed with direct notification to Fresno Police Department dispatch, and shall be configured to immediately alert dispatch for the Fresno Police Department.

(ix) Any bars installed on the windows or the doors shall be installed only on the interior of the building.

(x) Armed security personnel shall be on-site during all hours of operation. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the City Manager or his/her designee(s), with such approval not to be unreasonably withheld. Firearms shall be carried by security personnel at all times that they are on duty, except as otherwise authorized by the Chief of Police.

(xi) Premises shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(xii) Entrance areas are to be locked at all times and under the control of a designated responsible party that is either; (a) an employee of the cultivator; or (b) a licensed security professional.

(xiii) The interior must have at least one camera placed to focus on each transaction. At least one camera should be focused on the entrance, and the camera view should clearly show an image of a color-coded height tape installed on the inside of the door jamb.

(xiv) An accounting software system in place to provide point of sale data as well as audit trails of both product and cash, where applicable.

(xv) Demonstrate to the Chief of Police, City Manager or their designees, compliance with the state's track and trace system for cannabis and cannabis products.

(xvi) State of the art network security protocols in place to protect computer information and all digital data.

(xvii) Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

(xviii) Each cultivator shall identify a designated security representative/liaison to the city, who shall be reasonably available to meet with the City Manager or his/her designee(s) regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the cultivator, annually prepare and submit to the District Commander of the Fresno Police Department a security plan for approval and maintain a copy of the current security plan on the premises, to present to a peace officer immediately upon request that meets the following requirements:

1. Confirms that a designated Manager will be on duty during business hours.

2. Identifies all Managers and their contact phone numbers.

3. Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the Manager's office.

4. Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.

5. Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the premises, the parking lot, and any adjacent property under the business' control.

6. Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these areas are: (a) free of individuals loitering or causing a disturbance; (b) are cleared of patrons and their vehicles one-half hour after closing.

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

(3) Cooperate with the city whenever the City Manager or his/her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this Article.

(4) Notify the City Manager or his/her designee(s) within twenty-four (24) hours after discovering any of the following:

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

(ii) Diversion, theft, loss, or any criminal activity involving the cultivator or any agent or employee of the cultivator.

(iii) The loss or unauthorized alteration of records related to cannabis, or employees or agents of the commercial cannabis business.

(iv) Any other breach of security.

(5) Compliance with the foregoing requirements shall be verified by the Chief of Police prior to commencing business operations. The Chief of Police may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner.

SECTION 9-3313. OPERATING REQUIREMENTS FOR A TESTING LABORATORY.

(a) General.

(1) Testing laboratories may operate 24 hours a day. Operations shall be subject to the provisions of the Noise Ordinance, Article 1 of Chapter 10 of this Code, as may be amended.

(2) Testing Laboratories shall comply with all applicable state standards and laws. Standard Operating Procedures, as recommended by the Bureau, must be followed.

(3) Testing laboratories shall be required to conduct all testing in a manner pursuant to Business and Professions Code 26100 and shall be subject to any additional or subsequent state and local law.

(b) Security Measures.

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

(i) Premises shall have a professionally installed, maintained, and monitored real-time alarm system by a security company licensed by the State of California Bureau of Security and Investigative Services.

(ii) Premises shall have perimeter security and lighting, including motion sensors, as approved by the Chief of Police.

(iii) Prevent individuals from remaining on the premises if they are not engaging in an activity directly related to the permitted operations of the testing laboratory.

(iv) Establish limited access areas accessible only to authorized personnel.

(v) All cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products shall be kept in a manner as to prevent diversion, theft, and loss.

(vi) Install 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces which cannabis, cannabis products, cash, or currency is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weather-proof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. The distributor shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the City Manager or his/her designee(s), and that it is compatible with the city's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the City Manager or his/her designee(s). Video recordings shall be maintained for a minimum of ninety (90) days and shall be made available to the City Manager or his/her designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the testing laboratory, and shall be capable of enlargement via projection or other means. Internet Protocol address information shall be provided to the Fresno Police Department by the testing laboratory, to facilitate remote monitoring of security cameras by the Department or its designee.

(vii) Sensors shall be installed to detect entry and exit from all secure areas, and shall be monitored in real time by a

security company licensed by the State of California Bureau of Security and Investigative Services.

(viii) Panic buttons shall be installed with direct notification to Fresno Police Department dispatch, and shall be configured to immediately alert dispatch for the Fresno Police Department.

(ix) Any bars installed on the windows or the doors of the premises shall be installed only on the interior of the building.

(x) Security personnel shall be on-site during all hours of operation or alternative security as authorized by the City Manager or his/her designee(s). Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the City Manager or his/her designee(s), with such approval not to be unreasonably withheld.

(xi) Premises shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(xii) Entrance areas are to be locked at all times and under the control of a designated responsible party that is either; (a) an employee of the testing laboratory; or (b) a licensed security professional.

(xiii) The interior must have at least one camera placed to focus on each transaction. At least one camera should be focused on the entrance, and the camera view should clearly show an image of a color-coded height tape installed on the inside of the door jamb.

(xiv) An accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.

(xv) Demonstrate to the Chief of Police, City Manager or their designees, compliance with the state's track and trace system for cannabis and cannabis products.

(xvi) Have state of the art network security protocols in place to protect computer information and all digital data.

(xvii) Exterior vegetation shall be planted, altered, and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

(xviii) Identify a designated security representative/liaison to the city, who shall be reasonably available to meet with the City

Manager or his/her designee(s) regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the testing laboratory, annually prepare and submit to the District Commander of the Fresno Police Department a security plan for approval and maintain a copy of the current security plan on the premises of the business, to present to a peace officer immediately upon request that meets the following requirements:

1. Confirms that a designated Manager will be on duty during business hours and will be responsible for monitoring the behavior of patrons.

2. Identifies all Managers and their contact phone numbers.

3. Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the Manager's office.

4. Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.

5. Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the testing laboratory, the parking lot, and any adjacent property under the business' control.

6. Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these areas are: (a) free of individuals loitering or causing a disturbance; (b) are cleared of patrons and their vehicles one-half hour after closing.

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

(3) The testing laboratory shall cooperate with the city whenever the City Manager or his/her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this Article.

(4) Notify the City Manager or his/her designee(s) within twenty-four (24) hours after discovering any of the following:

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

(ii) Diversion, theft, loss, or any criminal activity involving the testing laboratory or any agent or employee of the testing laboratory.

(iii) The loss or unauthorized alteration of records related to cannabis, or employees or agents of the commercial cannabis business.

(iv) Any other breach of security.

(5) Compliance with the foregoing requirements shall be verified by the Chief of Police prior to commencing business operations. The Chief of Police may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner.

SECTION 9-3314. OPERATING REQUIREMENTS FOR A MANUFACTURER.

(a) General.

(1) Manufacturers may operate 24 hours a day. Operations shall be subject to the provisions of the Noise Ordinance, Article 1 of Chapter 10 of this Code, as may be amended.

(2) Manufacturers must comply with the California Fire Code, California Building Code, and edible product manufacturing must comply with California Department of Public Health Food and Drug Branch regulations.

(3) The manufacture of cannabis products shall be conducted in a manner to ensure the operation does not pose a threat to the health, safety, and welfare of the public or to neighboring properties.

(4) Any compressed gases used in the manufacturing process shall not be stored on any property within the city in containers that exceeds the amount which is approved by the Fresno Fire Department and authorized by the commercial cannabis business permit. Each site or parcel subject to a commercial cannabis business permit shall be limited to a total number of tanks as authorized by the Fresno Fire Department on the property at any time.

(5) Manufacturers may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. Ethanol should be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.

(6) Manufacturers creating cannabis extracts must develop standard operating procedures, good manufacturing practices, and a

training plan prior to producing extracts for the marketplace. The extraction operation shall be approved by the Fresno Fire Department and shall be operated in accordance with all relevant state and local requirements.

(7) Manufacturers must disclose to the city the nature of the product being manufactured (i.e. baked goods, ointments, products derived from butane extraction, etc.).

(8) Manufacturers must comply with all applicable state standards and laws, including but not limited to, Section 19353 of the Business and Professions Code, and Sections 11362.775 and 11362.9 of the Health and Safety Code. Manufacturers must also comply with Federal FDA practices and Standard Operating Procedures.

(9) Any Manufacturer that changes the medium of extraction or solvent used in manufacturing from the type previously approved shall submit a report for approval by the Fresno Fire Department prior to the use of the equipment with said new medium or solvent. The technical report shall be revised at the cost of the Manufacturer.

(10) Manufacturer shall employ quality control personnel and establish standard operating procedures that comply with current good manufacturing practices, as outlined by the State Department of Public Health and the U.S. Food and Drug Administration.

(11) All Manufacturers have a continuous obligation to identify and/or evaluate known or reasonably foreseeable hazards and implement written preventive controls to significantly minimize or prevent manufactured cannabis products from becoming adulterated or misbranded.

(12) Vacuum ovens shall not be used to process volatile solvents or flammable/combustible liquids contained in cannabis concentrate unless said vacuum oven is rated to process the vapors of volatile solvents or flammable/combustible liquids, such as a vacuum oven that is rated with an explosion-proof classification.

(i) Manufacturers conducting extractions with a vacuum oven shall take adequate precautions to ensure that any cannabis concentrate introduced into said oven does not contain volatile solvents or flammable/combustible liquids.

(ii) All vacuum ovens used in the manufacture of cannabis products shall be listed by a Nationally Recognized Testing Laboratory (NRTL).

(13) Doors to any room where Manufacturers use volatile solvents, hazardous materials, or flammable/combustible liquids in the

manufacture of cannabis shall swing in the direction of egress, be self-closing and/or self-latching, and be provided with panic hardware.

(14) Volatile solvents, hazardous chemicals, and flammable/combustible liquids, including volatile solvents, hazardous chemicals, and flammable/combustible liquids contained in concentrated cannabis or cannabis goods, shall be stored in a refrigerator, refrigerated storage, or a freezer rated to store flammable liquids.

(i) Manufacturers shall store and process all volatile solvents or flammable/combustible liquids, including concentrated cannabis and manufactured cannabis that contains volatile solvents or flammable/combustible liquids, in refrigerators, refrigerated storage, or freezers rated to store flammable liquids which are, at a minimum, rated "Lab-Safe" or "Flammable Safe."

(15) Closed loop system required.

(i) Chemical extractions using carbon dioxide or a volatile solvent shall be conducted in a professional and commercially manufactured closed loop extraction system that has been certified by a California-licensed engineer.

(ii) No closed loop systems shall be utilized without prior inspection and approval of the Fresno Fire Department. It shall meet any required fire, safety, and building code requirements, including but not limited to, National Fire Protection Association (NFPA) standards, International Building Code (IBC), and International Fire Code (IFC).

(iii) Certification requirements.

1. Certifications from a California-licensed engineer of any closed loop system used by a Manufacturer shall be provided to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:

a. The American Society of Mechanical Engineers (ASME);

b. American National Standards Institute (ANSI);

c. Underwriters Laboratories (UL); or

d. The American Society for Testing and Materials (ASTM).

2. The certification document required pursuant this subsection shall contain the signature and stamp of the

professional engineer and serial number of the extraction unit being certified.

(iv) Closed loop systems for compressed gas extraction systems must be commercially manufactured and bear a permanently affixed and visible serial number. The carbon dioxide must be of at least ninety-nine percent purity.

(v) Any person using solvents or gases in a closed looped system to create cannabis extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.

(vi) Manufacturers shall control all sources of ignition where a flammable atmosphere is or may be present.

(16) Manufacturers may only use volatile solvents or gases approved by the Fresno Fire Department and state law for extractions. Manufacturers may use nonvolatile solvents or mechanical processes to create or refine extracts, if approved by the Fresno Fire Department.

(17) Manufacturers that use and generate hazardous materials or hazardous waste shall comply with all applicable hazardous material regulations for hazardous waste generators and hazardous material handling requirements.

(18) Edible cannabis products.

(i) The manufacture, distribution, and transportation of edible cannabis products shall be conducted in a manner that complies with all applicable food safety laws for the protection of humans consuming cannabis.

(ii) Cannabis facility requirements and limitations.

1. All products, storage facilities, utensils, equipment, and materials used for the manufacture of edible cannabis products shall be approved, used, managed, and handled in accordance to the provisions of all State and local laws regarding the preparation, distribution, labeling, and sale of food.

2. Any manufacturing site that proposes to prepare, store, dispense, and distribute edible cannabis products shall comply with the relevant provisions of all State and local laws regarding the preparation, distribution, labeling, and sale of food.

3. No food production shall be allowed in a facility where edible cannabis products are manufactured to avoid

the unintentional contamination of non-cannabis foods with cannabis.

4. Facilities where edible cannabis products are manufactured shall be constructed, permitted, operated, and inspected in accordance with the applicable building code and applicable food safety requirements.

(iii) All owners, employees, volunteers, or other individuals that participate in the production of edible cannabis products shall be State certified food handlers. The valid certificate number of each such owner, employee, volunteer, or other individual shall be on record at the permitted premises where said individual participates in the production of edible cannabis products.

(19) Accurate weights and measures.

(i) Manufacturers shall maintain all weighing devices in good working order, approved, tested, sealed, and registered in compliance with Division 5 ("Weights and Measures") of the California Business and Professions Code, any regulations implemented by the Manufactured Cannabis Safety Branch, and all other applicable local, state, and Federal laws.

(ii) Manufacturers are prohibited from using scales, weights, or measures that do not accurately conform to the standard of weights and measures of the State and county.

(b) Security Measures.

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

(i) Premises shall have a professionally installed, maintained, and monitored real-time alarm system by a security company licensed by the State of California Bureau of Security and Investigative Services.

(ii) Premises shall have perimeter security and lighting, including motion sensors, as approved by the Chief of Police.

(iii) Prevent individuals from remaining on the premises if they are not engaging in an activity directly related to the permitted operations of the manufacturer.

(iv) Establish limited access areas accessible only to authorized personnel.

(v) All cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products shall be kept in a manner as to prevent diversion, theft, and loss.

(vi) Install 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces which are open and accessible to the public, all interior spaces where cannabis, cannabis products, cash, or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weather-proof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. The manufacturer shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the city Manager or his/her designee(s), and that it is compatible with the city's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the City Manager or his/her designee(s). Video recordings shall be maintained for a minimum of ninety (90) days and shall be made available to the City Manager or his/her designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the manufacturer, and shall be capable of enlargement via projection or other means. Internet Protocol address information shall be provided to the Fresno Police Department by the testing laboratory, to facilitate remote monitoring of security cameras by the Department or its designee.

(vii) Sensors shall be installed to detect entry and exit from all secure areas, and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.

(viii) Panic buttons shall be installed with direct notification to Fresno Police Department dispatch, and shall be configured to immediately alert dispatch for the Fresno Police Department.

(ix) Any bars installed on the windows or the doors of the premises shall be installed only on the interior of the building.

(x) Armed security personnel shall be on-site during all hours of operation or alternative security as authorized by the City Manager or his/her designee(s). Security personnel must be licensed by the State of California Bureau of Security and

Investigative Services personnel and shall be subject to the prior review and approval of the City Manager or his/her designee(s), with such approval not to be unreasonably withheld. Firearms shall be carried by security personnel at all times that they are on duty, except as otherwise authorized by the Chief of Police.

(xi) Premises shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(xii) Entrance areas are to be locked at all times and under the control of a designated responsible party that is either; (a) an employee of the testing laboratory; or (b) a licensed security professional.

(xiii) The interior must have at least one camera placed to focus on each transaction. At least one camera should be focused on the entrance, and the camera view should clearly show an image of a color-coded height tape installed on the inside of the door jamb.

(xiv) An accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.

(xv) Demonstrate to the Chief of Police, City Manager or their designees, compliance with the state's track and trace system for cannabis and cannabis products.

(xvi) Have state of the art network security protocols in place to protect computer information and all digital data.

(xvii) Exterior vegetation shall be planted, altered, and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

(xviii) Identify a designated security representative/liaison to the city, who shall be reasonably available to meet with the City Manager or his/her designee(s) regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the manufacturer, annually prepare and submit to the District Commander of the Fresno Police Department a security plan for approval and maintain a copy of the current security plan on the premises of the business, to present to a peace officer immediately upon request that meets the following requirements:

1. Confirms that a designated Manager will be on duty during business hours and will be responsible for monitoring the behavior of patrons.

2. Identifies all Managers and their contact phone numbers.

3. Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the Manager's office.

4. Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.

5. Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the premises, the parking lot, and any adjacent property under the business' control.

6. Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these areas are: (a) free of individuals loitering or causing a disturbance; (b) are cleared of patrons and their vehicles one-half hour after closing.

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

(3) The manufacturer shall cooperate with the city whenever the City Manager or his/her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this Article.

(4) Notify the City Manager or his/her designee(s) within twenty-four (24) hours after discovering any of the following:

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

(ii) Diversion, theft, loss, or any criminal activity involving the manufacturer or any agent or employee of the manufacturer.

(iii) The loss or unauthorized alteration of records related to cannabis, or employees or agents of the commercial cannabis business.

(iv) Any other breach of security.

(5) Compliance with the foregoing requirements shall be verified by the Chief of Police prior to commencing business operations. The Chief of Police may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner.

SECTION 9-3315. OTHER OPERATIONAL REQUIREMENTS. The City Manager or his/her designee may develop other commercial cannabis activity operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare.

SECTION 9-3316. INITIAL APPLICATION PROCEDURE.

(a) The City Manager shall adopt the procedures to issue commercial cannabis business permits, which shall include or require the City Manager to provide detailed objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria. The City Manager or his/her designee(s) shall be authorized to prepare the necessary forms, adopt any necessary rules to the application, regulations and processes, solicit applications, and conduct initial evaluations of the applicants.

(b) At the time of filing, each applicant shall include a social equity element as part of the application. The contents of the social equity element are at the discretion of the applicant. The weight of the social equity portion of the application will be considered in the overall scoring of the application.

(c) At the time of filing, each applicant shall sign a statement, under penalty of perjury, that all information submitted is true and correct. If it is later discovered that any false information was provided by the applicant, the application shall be denied, and if a commercial cannabis business permit was granted, it shall be revoked with no opportunity for an appeal.

(d) At the time of filing, each applicant shall pay an application fee established by resolution of the City Council, to cover all costs incurred by the city in the application process.

(e) All applications must be submitted in a Portable Document Format (PDF), or comparable alternative as approved by the City Manager, and will be posted online on the city's website. All applications submitted are considered public documents for Public Records Act request purposes. Any application forms created by the city shall include this disclaimer.

(f) At the time of filing, the applicant shall become subject to Chapter 4, Article 6 of this Code, limiting communication between the applicant and Elected Officials. For the purposes of this section, the applicant shall be considered a "bidder" as defined in Chapter 4, Article 6.

(g) At the time of filing a complete application, the City Manager shall notify the Councilmember of the district in which the applicant seeks to be located through electronic mail and confirming that it was received.

(h) After the initial review, ranking, and scoring, the City Manager or his/her designee(s) will make a final determination in accordance with this section.

(i) THE CITY'S RESERVATION OF RIGHTS: The city reserves the right to reject any or all applications. Prior to permit issuance, the city may also modify, postpone, or cancel any request for applications, or the entire program under this Article, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California state law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Article, may be cancelled at any time prior to permit issuance. The city further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to any other justification provided a failure to comply with other requirements in this Article, an application RISKS BEING REJECTED for any of the following reasons:

(1) Proposal received after designated time and date.

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

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

SECTION 9-3317. PERMITTEE SELECTION PROCESS.

(a) The City Manager shall adopt a procedure guideline and Review Criteria by which the top applicants in each category of each commercial cannabis activity shall be evaluated with a final determination made by the City Manager.

(b) Within ten (10) days of the City Manager making a determination to issue a commercial cannabis business permit, notice of the determination shall be sent to all property owners located within one thousand (1000) feet of the business location.

(c) Official issuance of the commercial cannabis business permit(s), is conditioned upon the prevailing candidate(s) obtaining all required land use approvals and a Cannabis Business License Tax certificate. Following the City Manager's selection, the prevailing candidate(s) shall apply to the city's Development and Resource Management Department to obtain all required land use approvals or entitlements for the permittee's location. Land use applications shall be reviewed by all active Council District Project Review Committees. Land use approvals shall include compliance with all applicable provisions of CEQA. The City Manager or his/her designee(s) shall formally issue the commercial cannabis business permit(s) once the Development and Resource Management Director or his/her designee(s) affirms that all of the required land use approvals

have been obtained and the City Controller affirms that a Cannabis Business License Tax certificate has been obtained.

(d) The City Manager's decision as to the selection of the prevailing candidates shall be final. The City Manager's decision to deny a commercial cannabis business permit may be appealed to the Administrative Hearing Officer.

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

(f) Notwithstanding anything in this Article to the contrary, the City Manager reserves the right to reject any or all applications if he/she determines it would be in the best interest of the city, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a commercial cannabis business permit. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the City Manager may terminate or delay the program created under this Article.

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

(h) Each person granted a commercial cannabis business permit shall be required to pay the permit fee established by resolution of the City Council, to cover the costs of administering the commercial cannabis business permit program created in this Article.

(i) As soon as reasonably practicable after the City Manager makes a decision to grant a commercial cannabis business permit, the City Manager shall report that decision to the Mayor and the Councilmember of the district in which the business is located, by sending the report by electronic mail and confirming that each received it.

SECTION 9-3318. PERSONS PROHIBITED FROM HOLDING A COMMERCIAL CANNABIS BUSINESS PERMIT OR EMPLOYEE WORK PERMIT.

(a) Any person, including but not limited to any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular in which any of the following actions or notices have been issued in non-compliance, shall be prohibited from holding a commercial cannabis business permit or employee work permit in the city. In addition, the following shall be grounds for denial of a commercial cannabis business permit or employee work permit:

(1) The applicant has had a cannabis license or permit suspended or revoked by any city, county, city and county, or any other state cannabis licensing authority within five years of the date of the application;

(2) Evidence that the applicant was in non-compliance of properly paying federal, state, or local taxes and/or fees when notified by the appropriate agencies;

(3) As of the date of application submittal, applicant was conducting commercial cannabis activity in the city in violation of local and state law.

(4) The applicant was convicted of illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

(5) The applicant has been convicted of a violent felony, a crime involving moral turpitude, a crime involving lotteries, gambling, bookmaking, larceny, perjury, bribery, extortion, fraud, theft, or embezzlement, or has been convicted of prostitution, pimping, human trafficking, or pandering, or has been convicted of any crime substantially related to service or entertainment business;

(6) The applicant has been convicted of a crime involving dishonesty, fraud, or deceit with the intent to substantially benefit the applicant or benefit another, or substantially injure another;

(7) The applicant has violated any provisions of this Article;

(8) The applicant has knowingly made a false statement in his or her application or to any city officer, employee, or agent;

(9) The applicant has been noticed, charged, cited, or convicted of violating any law or ordinance relating to the operation of a commercial cannabis activity.

(b) No person shall be issued a commercial cannabis permit to operate who enters into an agreement to lease, sublease or any other agreement, regardless of whether it is verbally or in writing to any terms of use of the premises from a property owner, commercial broker or any third party, unless that property is leased at fair market value and such lease, sublease, or agreement does not have any terms or conditions for the cannabis permit licensee to pay the property owner, commercial broker, or any third party a percentage of gross receipts, royalties, equity, or other unreasonable compensation as determined by the city. In addition, all leases, subleases, or other agreements must be based a monthly rate.

SECTION 9-3319. EMPLOYEE WORK PERMIT REQUIRED.

(a) Any person who is an employee or who otherwise works or volunteers within a commercial cannabis business or cannabis retail business must be legally authorized to do so under applicable state law.

(b) Any person who is an employee or who otherwise works or volunteers within a commercial cannabis business or cannabis retail business must obtain an employee work permit from the city prior to performing any work.

(c) Applications for an employee work permit shall be developed, made available, and processed by the City Manager or his/her designee(s), and shall include, but not be limited to, the following information:

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

(2) A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at least twenty-one (21) years of age must be submitted with the application;

(3) Name and address of the commercial cannabis business or cannabis retail business where the person will be employed, and the name of the primary manager of that business;

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

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

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

(d) The City Manager or his/her designee(s) shall review the application for completeness, shall conduct a background check, and shall not issue an employee work permit if any grounds for denial of an employee work permit listed in Section 9-3318 are found.

(e) The City Manager or his/her designee(s) shall issue the employee work permit or a written denial to the applicant within thirty (30) days of the date the application was deemed complete. In the event the employee work permit cannot be issued within this time period, the City Manager or his/her designee(s) may issue a temporary employee work permit upon completing a preliminary background check and if the business can demonstrate to the City Manager or his/her designee(s) that the employee is necessary for the operation of the business. The temporary employee work permit may be immediately revoked by the City Manager or his/her designee(s) upon determination that the applicant

has failed the background check or upon the issuance of the permanent employee work permit.

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

(g) In the event a person changes employment from one commercial cannabis business or cannabis retail business in the city to another, the employee work permit holder shall notify the City Manager or his/her designee(s) in writing of the change within ten (10) days, or the work permit shall be suspended or revoked, and such person shall not be permitted to work at any commercial cannabis business or cannabis retail business in the city.

(h) The city may immediately revoke the employee work permit should the permit holder be convicted of a crime listed in Section 9-3318 above or if facts become known to the City Manager or his/her designee(s) that the employee work permit holder has engaged in activities showing that he or she is dishonest.

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

(j) The applicant may appeal the denial or revocation of an employee work permit by filing a notice of appeal with the City Clerk within ten (10) days of the date the applicant received the notice of denial; such appeal shall be conducted as set forth in Chapter 1, Article 4 of this Code.

(k) The City Manager or his/her designee(s) shall issue an employee work permit in the form of a personal identification card that can be worn in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.

SECTION 9-3320. EXPIRATION OF COMMERCIAL CANNABIS BUSINESS PERMITS. Each commercial cannabis business permit issued pursuant to this Article shall expire twelve (12) months after the date of its issuance. Commercial cannabis permits may be renewed as provided in Section 9-3322.

SECTION 9-3321. REVOCATION OF PERMITS. Commercial cannabis business permits may be revoked for any violation of any law, rule, regulation and/or standard adopted or if an application contained false information.

SECTION 9-3322. RENEWAL APPLICATIONS.

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

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

(c) The applicant shall pay a fee in an amount to be set by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the city to administer the program created under this Article.

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

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

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

(3) The commercial cannabis business or cannabis retail business has not been in regular and continuous operation in the four (4) months prior to the renewal application.

(4) The commercial cannabis business or cannabis retail business has failed to conform to the requirements of this Article, or of any regulations adopted pursuant to this Article.

(5) The commercial cannabis business or cannabis retail business fails or is unable to renew its state license.

(6) If the city or state has determined, based on substantial evidence, that the commercial cannabis business or cannabis retail business is in violation of the requirements of this Article, of any city Ordinance, or of state rules and regulations, and the city has determined that the violation is grounds for termination or revocation of the commercial cannabis business permit.

(e) The City Manager or his/her designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the City Manager or his/her designee(s) is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the City Manager or his/her designee(s) shall be handled pursuant to Section 9-3323.

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

SECTION 9-3323. APPEALS. Whenever an appeal is provided for in this Article from a decision of the City Manager or his/her designee(s), the appeal shall be conducted as prescribed in Chapter 1, Article 4 of this Code.

SECTION 9-3324. EFFECT OF STATE LICENSE SUSPENSION, REVOCATION, OR TERMINATION. Suspension of a license issued by the state shall immediately suspend the ability of a commercial cannabis business or cannabis retail business to operate within the city, until the state reinstates or reissues the license. Should the state revoke or terminate the license of a commercial cannabis business or cannabis retail business, such revocation or termination shall also revoke or terminate the ability of the commercial cannabis business or cannabis retail business to operate within the city.

SECTION 9-3325. CHANGE IN LOCATION OR OWNERSHIP REQUIRES RE-APPLICATION.

(a) Any time a commercial cannabis business or a cannabis retail business has a change in location or business ownership, the applicant shall re-apply with the City Manager or his/her designee(s). The process and the fees shall be the same as the process and fees set for an initial application.

(b) Within fifteen (15) calendar days of any other change in the information provided in the registration form or any change in status of compliance with the provisions of this Article, including any change in the management members, the applicant shall file an updated registration form with the City Manager or his/her designee(s) for review along with a registration amendment fee.

SECTION 9-3326. CITY BUSINESS LICENSE. Prior to commencing operations, a commercial cannabis business or cannabis retail business shall obtain a city business license.

SECTION 9-3327. BUILDING PERMITS AND INSPECTION. Prior to commencing operations, a commercial cannabis business or cannabis retail business shall be subject to a mandatory building inspection and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), the Fire Department approvals, Health Department approvals and other zoning and land use permit(s) and approvals.

SECTION 9-3328. CANNABIS CONDITIONAL USE PERMIT. Prior to commencing operations, a commercial cannabis business or cannabis retail business must obtain the appropriate land use entitlement from the Development and Resource Management Department.

SECTION 9-3329. RIGHT TO OCCUPY AND TO USE PROPERTY. As a condition precedent to the city's issuance of a commercial cannabis business permit pursuant to this Article, any person intending to operate a commercial cannabis business or cannabis retail business shall provide a signed and notarized statement, prepared by the City Attorney, demonstrating the legal right to occupy and to use the proposed location for commercial cannabis activity.

SECTION 9-3330. PROMULGATION OF REGULATIONS, STANDARDS AND OTHER LEGAL DUTIES.

(a) In addition to any regulations adopted by the City Council, the City Manager or his/her designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of commercial cannabis business permits, the ongoing operation of commercial cannabis businesses and the city s oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Article.

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

(c) Regulations promulgated by the City Manager shall become effective upon date of publication.

Section 9-3331. RECORDS AND RECORDKEEPING.

(a) Each owner and operator of a commercial cannabis business or cannabis retail business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a commercial cannabis business permit issued pursuant to this Article), or at any time upon reasonable request of the city, each commercial cannabis business or cannabis retail business shall file a sworn statement detailing the number of sales by the commercial cannabis business or cannabis retail business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator shall submit to the city a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the City Manager or his/her designee(s).

(b) Each owner and operator of a commercial cannabis business or cannabis retail business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the commercial cannabis business or cannabis retail business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the commercial cannabis business or cannabis retail business. The register required by this paragraph shall be provided to the City Manager or his/her designee(s) upon a reasonable request.

(c) All commercial cannabis businesses and cannabis retail businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or

manufacturing, laboratory testing, and distribution processes until purchase as set forth MAUCRSA.

(d) Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPAA) regulations, each commercial cannabis business or cannabis retail business shall allow the city to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the city's request, unless otherwise stipulated by the city. The city may require the materials to be submitted in an electronic format that is compatible with the city's software and hardware.

SECTION 9-3332. FEES AND CHARGES.

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

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

SECTION 9-3333. LIMITATIONS ON CITY'S LIABILITY. To the fullest extent permitted by law, the city shall not assume any liability whatsoever with respect to having issued a commercial cannabis business permit pursuant to this Article or otherwise approving the operation of any commercial cannabis business or cannabis retail business. As a condition to the approval of any commercial cannabis business permit, the applicant shall be required to meet all of the following conditions before they can receive the commercial cannabis business permit:

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

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

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

SECTION 9-3334. PERMIT HOLDER RESPONSIBLE FOR VIOLATIONS. The person to whom a commercial cannabis business permit is issued pursuant to this Article shall be responsible for violations of any laws, whether committed by the permittee or any employee or agent of the permittee, which occur in or about the premises of the commercial cannabis business or cannabis retail business.

SECTION 9-3335. INSPECTION AND ENFORCEMENT.

(a) The City Manager, or his/her designee(s) charged with enforcing the provisions of this Code, may enter the location of a commercial cannabis business or cannabis retail business at any time, without notice, and inspect the premises as well as any recordings and records required to be maintained pursuant to this Article or under applicable provisions of state law.

(b) It is unlawful for any person to impede, obstruct, interfere with, or otherwise not to allow, the city to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial cannabis business or cannabis retail business under this Article or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business or cannabis retail business under this Article or under state or local law.

(c) The City Manager, or his/her designee(s) charged with enforcing the provisions of this Article may enter the premises of a commercial cannabis business or cannabis retail business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the city shall be logged, recorded, and maintained in accordance with established procedures by the City Manager.

SECTION 9-3336. VIOLATIONS DECLARED A PUBLIC NUISANCE. Each and every violation of the provisions of this Article is hereby deemed unlawful and a public nuisance.

SECTION 9-3337. EACH VIOLATION A SEPARATE OFFENSE. Each and every violation of this Article shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the city. Additionally, as a nuisance per se, any violation of this Article shall be subject to injunctive relief, any permit issued pursuant to this Article being deemed null and void, disgorgement and

payment to the city for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The city may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial cannabis business or cannabis retail business or persons related to, or associated with, the commercial cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the City Manager, or his/her designee(s), may take immediate action to temporarily suspend a commercial cannabis business permit issued by the city.

SECTION 9-3338. CRIMINAL PENALTIES. Each and every violation of the provisions of this Article may in the discretion of the District Attorney or City Attorney be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars ($1,000) or imprisonment in the County jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

SECTION 9-3339. REMEDIES CUMULATIVE AND NOT EXCLUSIVE. The remedies provided herein are not to be construed as exclusive remedies. The city is authorized to pursue any proceedings or remedies provided by law.

SECTION 9-3340. SEVERABILITY. If any section, sentence, clause or phrase of this article 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 portion of this article. The Council hereby declares that it would have passed this ordinance and adopted this article and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 9-3341. NO VESTED RIGHTS. Neither this article, nor any other provision of this Code or action, failure to act, statement, representation, certificate, approval, or permit issued by the city or its departments, or their respective representatives, agents, employees, attorneys, or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding any commercial cannabis activity. Any benefit conferred by this ordinance shall expire permanently and in full on the effective date of the City Council's enactment of new cannabis legislation or upon repeal of this ordinance. Should the city repeal or amend this article, no claim for loss of property rights or due process of any kind shall be maintained against the city.

SECTION 9-3342. YEARLY REVIEW. The City Manager shall review the operation of this Article within twelve months of its effective date and report his/her findings and recommendations to Council. After the initial twelve month review, City Council shall annually review this Article and its effects on the community.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * * * * * * * * * * * *

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

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 13th day of December, 2018.

AYES : Baines, Caprioglio, Chavez, Olivier, Soria
NOES : Brandau, Bredefeld
ABSENT : None
ABSTAIN : None

Mayor Approval: N/A, 2018
Mayor Approval/No Return: December 24th, 2018
Mayor Veto: N/A, 2018
Council Override Vote: N/A, 2018

YVONNE SPENCE, MMC CRM
City Clerk

BY: Yvonne Spence
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: 12/28/18
Mary Raterman-Doidge Date
Senior Deputy City Attorney

December 14, 2018

RECD DEC 28 '18 AM 11:8
FRESNO CITY CLERK

Council Adoption: 12/13/18
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR LEE BRAND

FROM: YVONNE SPENCE, MMC
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the City Council meeting of 12/13/18, Council adopted the attached Ordinance No. 2018-68 entitled, **Adding Article 33 to Chapter 9 of the Fresno Municipal Code relating to Adult Use and Medicinal Cannabis Retail Business and Commercial Cannabis Business.** Item No. 1-T, File ID18-1572 by the following vote:

Ayes	:	Baines, Chavez, Caprioglio, Olivier, Soria
Noes	:	Brandau, Bredefeld
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before December 24, 2018. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval **********
Thank you.

APPROVED/NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

_____

_____

_____ Date: _____
Lee Brand, Mayor

COUNCIL OVERRIDE ACTION: Date: _____

Ayes :
Noes :
Absent :
Abstain :