

CHAPTER 5.54. MEDICAL MARIJUANA DISPENSARY REGULATORY PROGRAM¹

Sec. 5.54.010. Purpose and intent.

- (a) The purpose of this chapter is to establish a comprehensive set of regulations with an attendant regulatory permit applicable to the operation of medical marijuana dispensaries. The regulations are intended to ensure such operations are consistent with the overall health, welfare and safety of the city and its populace, and that such operations are in compliance with California's Compassionate Use Act of 1996, California's Medical Marijuana Program Act of 2003 and California's Medical Marijuana Regulation and Safety Act of 2015.
- (b) The chapter is not intended to permit activities that are otherwise illegal under federal, state or local law. This chapter is not intended to conflict with federal or state law.
- (c) This chapter and its regulations shall be known as the "Medical Marijuana Dispensary Regulatory Program.
(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.020. Operation prohibited without permit.

It shall be unlawful to own, establish, operate, use, or permit the establishment or operation of a medical marijuana dispensary, or to participate with a medical marijuana dispensary as an employee, contractor, agent, volunteer, or in any manner or capacity, other than as provided in this chapter. The general prohibition contained in this section shall include renting, leasing, or otherwise permitting a medical marijuana dispensary to occupy or use a location, vehicle, or other mode of transportation.

(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.030. Definitions.

The following definitions shall apply to this chapter unless the context clearly denotes otherwise.

Applicant means a person who is required to file an application for a permit under this chapter.

Attending physician has the same definition as set forth in Health and Safety Code section 11362.7, and as may be amended, defined as "an individual who possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board of California or the Osteopathic Medical Board of California and who has taken responsibility for an aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient and who has conducted a medical examination of that patient before recording in the patient's medical record the physician's assessment of whether the patient has a serious medical condition and whether the medical use of marijuana is appropriate."

Attorney General Guidelines shall refer to the California Attorney General Guidelines for the Security and Non-diversion of Marijuana Grown for Medical Use, issued by the Attorney General's Office in August, 2008, as amended from time to time, which sets regulations intended to ensure the security and non-diversion of marijuana grown for medical use by qualified patients or primary caregivers.

¹Cross reference(s)—Marijuana tax, § 3.40.010 et seq.

Cannabis has the same definition as "marijuana" provided herein.

Community center means any facility open to the public at which classes, social activities, recreational activities, educational activities, support and/or public information are offered for all residents of the community.

Cultivation has the same definition as provided for in Bus. & Prof. Code § 19300.5(l), and as may be amended, defined as "any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis."

Delivery means the act of taking something to a person or place (and includes the definition as provided for in Bus. & Prof. Code § 19300.5(m), and as may be amended, defined as "the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the bureau to a primary caregiver or qualified patient as defined in section 11362.7 of the Health and Safety Code, or a testing laboratory. 'Delivery' also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed under this chapter, that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.").

Director means the City of Perris Director of Development Services, and includes her or his designee(s).

Dispense means the selection, measuring, packaging, labeling, distribution or sale of medical marijuana to a qualified patient or a primary caregiver (and includes the term "dispensing" as provided for in Bus. & Prof. Code § 19300.5(o), and as may be amended, defined as "any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.").

Edible has the same definition as "edible cannabis product" as provided for in Bus. & Prof. Code § 19300.5(s), and as may be amended, defined as "manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum. An edible medical cannabis product is not considered food as defined by section 109935 of the Health and Safety Code or a drug as defined by section 109925 of the Health and Safety Code."

Employee means any person (whether paid or unpaid) who provides regular labor or regular services for a medical marijuana dispensary, including, but not limited to, at the location of a medical marijuana dispensary.

Identification card has the same definition as provided for in Health and Safety Code section 11362.7(g), and as may be amended, defined as "a document issued by the State Department of Health Services that document identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any."

Labeling means all labels and other written, printed, or graphic matter (a) upon any marijuana intended for medical use, or (b) accompanying such marijuana intended for medical use.

Location means any parcel of land, whether vacant or occupied by a building, group of buildings, or accessory buildings, and includes the buildings, structures, yards, open spaces, lot width, and lot area.

Lighting means the act of illuminating as well as the effect achieved by the arrangement of lights.

Live scan means a system for inkless electronic fingerprinting and the automated background check developed by the California Department of Justice (DOJ) which involves digitizing fingerprints and electronically transmitting the fingerprint image data along with personal descriptor information to computers at the DOJ for completion of a criminal record check; or such other comparable inkless electronic fingerprinting and automated background check process as determined by the city council.

Manager means an employee responsible for management and/or supervision of a medical marijuana dispensary.

Marijuana has the same definition as provided for in Bus. & Prof. Code § 19300.5(f) for the term "cannabis," and as may be amended, defined as "all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis*

ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. 'Cannabis' also means the separated resin, whether crude or purified, obtained from marijuana. 'Cannabis' also means marijuana as defined by section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. 'Cannabis' does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, 'cannabis' does not mean 'industrial hemp' as defined by section 81000 of the Food and Agricultural Code or section 11018.5 of the Health and Safety Code."

Medical marijuana means marijuana used for medical purposes in accordance with the Compassionate Use Act (Health and Safety Code section 11362.5), the Medical Marijuana Program Act (Health and Safety Code sections 11362.7 et seq.), and the Medical Marijuana Regulation and Safety Act of 2015.

Medical marijuana dispensary includes any facility or location where marijuana is made available, sold, transmitted, distributed, given or otherwise provided by or to one or more of the following: a primary caregiver, a qualified patient or a person with an identification card (and includes the term "dispensary" as provided for in Bus. & Prof. Code § 19300.5(n), and as may be amended, defined as "a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to express authorization by local ordinance, medical cannabis and medical cannabis products as part of a retail sale.").

Member means either a qualified patient, a person with an identification card, or a primary caregiver.

Minor means a person under 18 years of age.

On-site consumption means the consumption marijuana or marijuana products within the premises of an adult-use retailer.

On-site consumption permit means a commercial marijuana permit issued pursuant to section 5.58.127(l) that permits an adult-use retailer to allow on-site consumption on their premises as an incidental activity.

Owner means the owner of a medical marijuana dispensary

Park means a public playground, public recreation center or area, and other public areas, created, established, designated, maintained, provided or set aside by the City of Perris, the County of Riverside or any other public entity or agency, for the purposes of public rest, play, recreation, enjoyment or assembly, and all buildings and structures located thereon or therein.

Permit means the regulatory license issued pursuant to this chapter for a medical marijuana dispensary and which constitutes a "local permit, license, or other authorization" as used in Bus. & Prof. Code § 19320(a)

Person means any natural person, firm, corporation, partnership, club, or any association or combination of natural persons, whether acting by themselves or through any servant, agent or employee.

Person with an identification card has the same definition as provided for in Health and Safety Code section 11362.7(c), and as may be amended, defined as "an individual who is a qualified patient who has applied for and received a valid identification card pursuant to this article."

Physician's referral means a written recommendation for a patient from a licensed medical doctor indicating that marijuana would be a beneficial treatment for a serious medical condition of the patient.

Place of worship means an establishment which has the principal purpose of religious worship (e.g., church, synagogue, mosque, temple), including accessory uses in the principal structure or in separate buildings, including school rooms, assembly rooms, kitchen, library room, one family dwelling unit and day nurseries operated by and on the site of the place of worship. A place of worship for purposes of this chapter shall have received from the

City a local entitlement, presently contained in the City's regularly maintained files and reasonably accessible to City staff, which demonstrates the presence of the place of worship in the City (e.g., a building permit, business licenses, conditional use permit, certificate of occupancy, approval of a sign application).

Police chief means the Riverside County Sheriff's Department Captain in command of the Perris Station of the Riverside County Sheriff.

Police department means the Riverside County Sheriff which is under contract with the City of Perris for police services, as provided for through the Perris Station of the Riverside County Sheriff's Department.

Premises means a single parcel of property. Where contiguous parcels are under common ownership or control, such contiguous parcels shall be counted as a single "premises."

Primary caregiver has the same definition as provided for in Health and Safety Code section 11362.7(d), and as may be amended, defined as "the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, and may include any of the following: (1) In any case in which a qualified patient or person with an identification card receives medical care or supportive services, or both, from a clinic licensed pursuant to chapter 1 (commencing with section 1200) of division 2, a health care facility licensed pursuant to chapter 2 (commencing with section 1250) of division 2, a residential care facility for persons with chronic life-threatening illness licensed pursuant to chapter 3.01 (commencing with section 1568.01) of division 2, a residential care facility for the elderly licensed pursuant to chapter 3.2 (commencing with section 1569) of division 2, a hospice, or a home health agency licensed pursuant to chapter 8 (commencing with section 1725) of division 2, the owner or operator, or no more than three employees who are designated by the owner or operator, of the clinic, facility, hospice, or home health agency, if designated as a primary caregiver by that qualified patient or person with an identification card. (2) An individual who has been designated as a primary caregiver by more than one qualified patient or person with an identification card, if every qualified patient or person with an identification card who has designated that individual as a primary caregiver resides in the same city or county as the primary caregiver. (3) An individual who has been designated as a primary caregiver by a qualified patient or person with an identification card who resides in a city or county other than that of the primary caregiver, if the individual has not been designated as a primary caregiver by any other qualified patient or person with an identification card." A "primary caregiver" shall also meet the requirements of Health and Safety Code section 11362.7(e), and as may be amended, which provide that a "primary caregiver shall be at least 18 years of age, unless the primary caregiver is the parent of a minor child who is a qualified patient or a person with an identification card or the primary caregiver is a person otherwise entitled to make medical decisions under state law pursuant to sections 6922, 7002, 7050, or 7120 of the Family Code."

Qualified patient has the same definition as provided for in Health and Safety Code section 11362.7(f), and as may be amended, defined as "a person who is entitled to the protections of section 11362.5, but who does not have an identification card issued pursuant to this article."

School means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a home school, vocational or professional institution of higher education, including a community or junior college, college, or university.

Serious medical condition has the same definition as set forth in Health and Safety Code section 11362.7(h), and as may be amended, defined as meaning all of the following medical conditions: "(1) Acquired immune deficiency syndrome (AIDS). (2) Anorexia. (3) Arthritis. (4) Cachexia. (5) Cancer. (6) Chronic pain. (7) Glaucoma. (8) Migraine. (9) Persistent muscle spasms, including, but not limited to, spasms associated with multiple sclerosis. (10) Seizures, including, but not limited to, seizures associated with epilepsy. (11) Severe nausea. (12) Any other chronic or persistent medical symptom that either: (A) Substantially limits the ability of the person to conduct one

or more major life activities as defined in the Americans with Disabilities Act of 1990 (Public Law 101-336). (B) If not alleviated, may cause serious harm to the patient's safety or physical or mental health."

Youth-oriented facility means any facility that caters to or provides services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. (Ord. No. 1330, § 1, 11-8-2016; Ord. No. 1358, § 3, 1-30-2018; Ord. No. 1407, § 3, 9-14-2021)

Sec. 5.54.040. Medical marijuana dispensary permit.

- (a) Prior to initiating operations as a medical marijuana dispensary and as a continuing requisite to conducting operations, the owner of a medical marijuana dispensary shall obtain a regulatory permit from the director under the terms and conditions set forth in this chapter.
- (b) Medical marijuana dispensary permits issued pursuant to this chapter shall automatically expire one year from the date of issuance.
- (c) Conditions necessary for the continuing validity of any and all regulatory permits issued for the operation of a medical marijuana dispensary include:
 - (1) Strict adherence to each and every requirement of this chapter, as well as any requirements adopted by the city pursuant to the authority of this chapter.
 - (2) Allowing the director and the police department to conduct reasonable inspections of the location of the medical marijuana dispensary at the discretion of the city, including but not limited to inspection of security, inventory, and written records and files pertaining to the medical marijuana dispensary, for the purposes of ensuring compliance with local and state law.
 - (3) Maintaining with the city current and valid contact information of the owner(s) and manager(s) of the medical marijuana dispensary.
 - (4) Maintaining with the city current and valid contact information of a legal representative of the medical marijuana dispensary.
 - (5) Transferable only if transferee successfully completes all of the requirements that a new applicant for a medical marijuana dispensary permit would otherwise need to meet.

(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.041. Medicinal marijuana on-site consumption regulation.

- (a) *On-site consumption permit required.* No person shall establish or operate any business with on-site consumption except as authorized in this chapter.
- (b) *Incidental to medical marijuana dispensary.* On-site consumption shall only be permitted as an incidental activity to a medical marijuana dispensary permit issued for a retailer and shall be co-located at the same location authorized pursuant to the underlying medical marijuana permit.
- (c) *City permits and state license.* No person shall establish or operate a medical marijuana dispensary with on-site consumption without a current and valid on-site consumption permit; a current and valid city a medical marijuana dispensary permit issued for a dispensary; and a valid equivalent state license for a medical marijuana dispensary er with on-site consumption as provided for under Division 10 of the Business and Professions Code and applicable law, as may be amended.

(Ord. No. 1407, § 6, 9-14-2021)

Sec. 5.54.042. Medical marijuana onsite cannabis consumption—Operational and development standards.

- (a) *Operational standards.* In addition to the requirements imposed upon adult-use retailers pursuant to this chapter, medical marijuana dispensaries permitted to allow on-site consumption pursuant to this chapter shall also comply with the following operational requirements:
- (1) *Compliance with all laws and approved plans.* Medical marijuana dispensaries with on-site consumption shall comply with all applicable laws and maintain the applicable licenses and/or permits required under applicable state law and this municipal code relating to on-site consumption, including, but not limited to, obtaining and maintaining a commercial marijuana operation permit authorizing adult-use retailer operations pursuant to this chapter. Further, the adult-use retailer with on-site consumption shall comply with all city-approved plans, including, but not limited to, all security plans, odor control plans, and safe consumption plans.
 - (2) *Products sold.* Only pre-packaged marijuana products may be purchased and consumed on-site. Non-marijuana food products may be purchased and consumed within the on-site consumption area pursuant to applicable law.
 - (3) *[Square footage requirements.]* On-site consumption areas shall be at least 500 square feet, but not exceeding 1,500 square feet.
 - (4) *Reserved.*
 - (5) *Smoking and inhalation.* Smoking or inhalation of marijuana or marijuana products may be permitted consistent with applicable law, including, but not limited to, applicable building, health, and safety laws.
 - (6) *Alcohol and tobacco prohibited.* The sale or consumption of alcohol or tobacco products is prohibited.
 - (7) *Access restrictions.* Access to areas utilized for on-site consumption shall be restricted to only persons 21 years of age and older.
 - (8) *Amounts sold.* Marijuana and marijuana products shall only be provided to an individual in an amount reasonable for on-site consumption and consistent with personal possession and use limits allowed by state and applicable law.
 - (9) *Community relations.* The city, law enforcement, and all neighbors within 100 feet of the business shall be provided with the name and contact information (including, but not limited to, a phone number) of an on-site community relations employee pursuant to section 5.58.127(l)(4)(d) to notify if there are operational problems with the adult-use retailer.
 - (10) *City taxes.* Owners and permittees of a medical marijuana dispensary permitting on-site consumption shall be in good standing with all applicable laws and shall pay all applicable city taxes.
 - (11) *Noise.* Medical marijuana dispensaries permitting on-site consumption shall comply with all applicable city noise regulations under the Perris Municipal Code, including, but not limited to, Chapter 7.34 (Noise Control) of Title 7 (Health and Welfare) of the Perris Municipal Code.
 - (12) *Hours of operation.* On-site consumption shall only be allowed during the adult-use retailer's regular hours of operation as authorized by the underlying medical marijuana operation permit that authorizes medical marijuana dispensaries.
 - (13) *Licensed security guard.*
 - a. No less than one security guard shall be present at the on-site consumption operation during all hours of operation.

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- b. All security guards shall be licensed by and in good standing with the Bureau of Security and Investigative Services of the California Department of Consumer Affairs (BSIS).
 - c. If any security guard is to be armed with a firearm and/or a baton, then that security guard shall possess at all times a valid and current firearm permit and/or baton permit issued by the BSIS.
 - d. At the determination of the director further use of, and requirements for, security guards may be required of permittee.
- (b) *Development standards.* Cannabis lounges shall be subject to the following development standards:
- (1) *Separate areas.* Any area utilized for on-site consumption shall be segregated from areas not utilized for on-site consumption by a permanent partition (for example, a wall) except that an entry way with a functioning door connecting the two areas is permitted.
 - (2) *Visibility restrictions.* The smoking, inhalation, consumption or ingestion of marijuana or marijuana products shall not be visible from any public place or any area where minors may be present. All areas utilized for on-site consumption shall be located within a completely enclosed building, and outdoor on-site consumption shall not be permitted.
 - (3) *Security and lighting.* Areas where on-site consumption is permitted shall provide adequate security and lighting on-site to ensure the safety of persons and protect the premises from theft at all times in conformance with the security plan submitted with the application.
 - (4) *Odor control.* Permittee shall provide an adequate odor control plan to prevent any detectable odor at the property line of the premises. Within 24 hours of any complaint concerning odors emanating from or originating within the site, the permittee shall respond to the complaint in question, and shall timely file a written disclosure to the city documenting any and all actions taken and planned to address the odor complaints.
 - (5) *Distance requirements.* Adult-use retailers with on-site consumption shall comply with all applicable distance requirements under the Perris Municipal Code, including, but not limited to, chapter 5.
 - (6) *Ventilation.* Medical marijuana dispensaries with on-site consumption shall have adequate indoor ventilation pursuant to applicable law.
 - (7) *Parking.* Medical marijuana dispensaries with on-site consumption shall provide adequate on-site parking pursuant to the parking regulations for "restaurants, cafes, bars and cocktail lounges" as provided in Chapter 19.69 (Parking and Loading Standards) of Title 19 (Zoning) of the Perris Municipal Code, provided that the parking calculation shall be proportionate to the area utilized for on-site consumption. Parking required for areas not utilized for on-site consumption shall be calculated in the same manner as for "general retail trades" pursuant to Chapter 19.69 (Parking and Loading Standards) of Title 19 (Zoning) of the Perris Municipal Code.

(Ord. No. 1407, § 10, 9-14-2021)

Sec. 5.54.050. Applications for medical marijuana dispensary permit.

- (a) The owner of a proposed medical marijuana dispensary shall file an application with the director upon a form provided by the city and shall pay a filing fee as established by resolution adopted by the city council as amended from time to time.
- (b) An application for a regulatory permit for a medical marijuana dispensary permit shall include, but shall not be limited to, the following information:
 - (1) Address of the location where the medical marijuana dispensary will be located.

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- (2) A list of the names of all current and prospective employees of the medical marijuana dispensary, accompanied by:
 - a. The results of a live scan for all such employees which was performed within 90 days prior to the date of the application; and
 - b. For each such employee, a color photocopy of either a valid California Driver's License or equivalent identification approved by the director.
 - (3) Evidence satisfactory to the director of compliance with all state law requirements governing medical marijuana dispensaries.
 - (4) Evidence satisfactory to the director of compliance with all applicable insurance requirements.
 - (5) A site plan and floor plan of the premises denoting all the use of areas on the premises of the medical marijuana dispensary, including storage, exterior lighting, restrooms, and signage.
 - (6) A security plan including the following measures:
 - a. Security cameras shall be installed and maintained in good condition, with at least 30 days of digitally recorded documentation in a format approved by the police department. The cameras shall be in use 24 hours per day, seven days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, all doors and windows, and any other areas as determined by the police department.
 - b. The lease/business space site shall be alarmed with a centrally-monitored fire and burglar alarm system, and monitored by an alarm company properly licensed by the State of California Department of Consumer Affairs Bureau of Security and Investigative Services in accordance with Business & Professions Code section 7590 et seq. and whose agents are properly licensed and registered under applicable law.
 - c. Entrance to the dispensing area and any storage areas shall be locked at all times, and under the control of employees.
 - d. Interior lighting. The premises within which the medical marijuana dispensary is operated shall be equipped with and, at all times during which is open to the public, shall remain illuminated with overhead lighting fixtures of sufficient intensity to illuminate every place to which members of the public or portions thereof are permitted access with an illumination of not less than two foot-candles as measured at the floor level.
 - e. Exterior lighting. The exterior of the premises upon which the medical marijuana dispensary is operated shall be equipped with and, at all times between sunset and sunrise, shall remain illuminated with fixtures of sufficient intensity and number to illuminate every portion of the property with an illumination level of not less than one foot-candle as measured at the ground level, including, but not limited to, landscaped areas, parking lots, driveways, walkways, entry areas, and refuse storage areas.
 - f. All windows on the building that houses the dispensary shall be secured against entry from the outside.
 - g. All marijuana present or kept at the premises shall be securely stored against both unauthorized access as well as theft.
 - (7) The name, address and current phone number of any person who is managing or responsible for the medical marijuana dispensary's activities.
 - (8) The name, address and current phone number of the owner and lessor of the real property upon which the medical marijuana dispensary is to be conducted. In the event the applicant is not the legal owner

of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical marijuana dispensary will be operated on his/her property.

- (9) Authorization for the director to seek verification of the information contained within the application.
- (10) A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.
- (11) Any such additional and further information as is deemed necessary by the director to administer this chapter.

(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.051. Medical marijuana cannabis lounge permit.

- (a) Prior to initiating on-site consumption in a permitted medical marijuana dispensary and as a continuing requisite to allowing on-site cannabis consumption, the owner of a medical marijuana dispensary shall obtain a cannabis lounge regulatory permit from the director under the terms and conditions set forth in this chapter.
- (b) Cannabis lounge permits issued pursuant to this chapter shall automatically expire one year from the date of issuance.
- (c) Conditions necessary for the continuing validity of any and all regulatory permits issued for the operation of a medical marijuana dispensary include:
 - (1) Strict adherence to each and every requirement of this chapter, as well as any requirements adopted by the city pursuant to the authority of this chapter.
 - (2) Allowing the director and the police department to conduct reasonable inspections of the location of the cannabis lounge at the discretion of the city, including but not limited to inspection of security, inventory, and written records and files pertaining to the cannabis lounge and medical marijuana dispensary, for the purposes of ensuring compliance with local and state laws.
 - (3) Maintaining with the city current and valid contact information of the owner(s) and manager(s) of the cannabis lounge and medical marijuana dispensary.
 - (4) Maintaining with the city current and valid contact information of a legal representative of the cannabis lounge and medical marijuana dispensary.
- (d) The permit is only transferrable if transferee successfully completes all of the requirements that a new applicant for a cannabis lounge and medical marijuana dispensary permit would otherwise need to meet.

(Ord. No. 1407, § 8, 9-14-2021)

Sec. 5.54.052. Medical marijuana dispensary cannabis lounge application.

- (a) The owner of the medical marijuana dispensary shall file an application with the director for a cannabis lounge permit upon a form provided by the city and shall pay a filing fee as established by resolution adopted by the city council as amended from time to time.
- (b) An application for a regulatory permit for a cannabis lounge permit at a medical marijuana dispensary shall include, but shall not be limited to, the following information:
 - (1) Address of the location where the cannabis lounge will be located.
 - (2) A list of the names of all current and prospective employees of the cannabis lounge, accompanied by:

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- a. The results of a live scan for all such employees which was performed within 90 days prior to the date of the application; and
 - b. For each such employee, a color photocopy of either a valid California Driver's License or equivalent identification approved by the director.
- (3) Evidence satisfactory to the director of compliance with all state law requirements governing cannabis lounges and medical marijuana dispensaries.
 - (4) Evidence satisfactory to the director of compliance with all applicable insurance requirements.
 - (5) A site plan and floor plan of the premises prepared by a licensed civil engineer or architect and denoting: all the areas to be utilized for on-site consumption, including, but not limited to, locations of tables, couches, or chairs (as applicable), as well as entrances, windows, storage, exterior lighting, restrooms, parking, trash storage areas and signage.
 - (7) The name, address and current phone number of any person who is managing or responsible for cannabis lounge activities.
 - (8) The name, address and current phone number of the owner and lessor of the real property upon which the cannabis lounge activities are to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a cannabis lounge will be operated on his/her property.
 - (9) Authorization for the director to seek verification of the information contained within the application.
 - (10) A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.
 - (11) Any such additional and further information as is deemed necessary by the director to administer this chapter.
- (c) A security plan including the following measures:
- (1) Security cameras shall be installed and maintained in good condition, with at least 30 days of digitally recorded documentation in a format approved by the sheriff department.
 - (2) The lease/business space site shall be alarmed with a centrally-monitored fire and burglar alarm system and monitored by an alarm company properly licensed by the State of California Department of Consumer Affairs Bureau of Security and Investigative Services in accordance with Business & Professions Code section 7590 et seq. and whose agents are properly licensed and registered under applicable law.
 - (3) The cameras shall be in use 24 hours per day, seven days per week.
 - (4) The areas to be covered by the security cameras include, but are not limited to, the storage areas, all doors and windows, and any other areas as determined by the sheriff department.
 - (5) All windows on the building that houses the cannabis lounge shall be secured against entry from the outside.
 - (6) All marijuana present or kept at the premises shall be securely stored against both unauthorized access as well as theft.
- (d) A safe consumption plan which details measures to the satisfaction of the director that all applicable requirements under state or local law are and will be met. This safe consumption plan shall include, but not be limited to, the following:

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- (1) Posting of signs in conspicuous places that encourage the use of alternative transportation options in order to avoid impaired driving and that notify individuals that the adult-use retailer can assist individuals in finding alternative transportation options.
 - (2) Educating and training for employees that will assist in identifying individuals who should not be served (e.g., individuals who are not 21 years of age or older); and
 - (3) Requirement that, prior to closing, the adult-use retailer shall make safety announcements relating to impaired driving, the availability of alternative transportation and the adult-use retailer's ability to assist in acquiring such alternative transportation, and that customer must limit noise in order to respect the surrounding community.
- (e) Community relations contact. The name and contact information (including, but not limited to, a phone number) of an on-site community relations employee to notify if there are operational problems with the adult-use retailer. This on-site community relations employee shall be a manager of the adult-use retailer and shall be on-site during all hours of operation. An adult-use retailer may have more than one on-site community relations employee, provided that at least one on-site community relations employee is on-site during all hours of operation.
 - (f) An odor control plan detailing odor control measures in accordance with section 5.58.100(c) that addresses odors relating to on-site consumption, to the satisfaction of the director.
 - (g) Evidence to the director's satisfaction that the adult-use retailer has operated a dispensary in good standing for one year and paid all city taxes that are owed as of the date of submission of the application.
 - (h) Any other information that the director may require for the processing and review of the application.
 - (i) Expiration and renewal. An on-site consumption permit shall expire on the same expiration date for the underlying commercial marijuana operation permit authorizing adult-use retailer operations that the on-site consumption permit is incidental to and co-located with and, further, shall be subject to the renewal procedures and requirements for such commercial marijuana operation permit.

(Ord. No. 1407, § 12, 9-14-2021)

Ord. No. 1407, § 12, adopted September 14, 2021, set out provisions intended for use as 5.54.051. For purposes of classification to avoid duplication of numbers, and at the editor's discretion, these provisions have been included as 5.54.052.

Sec. 5.54.060. Review of medical marijuana dispensary permit applications.

- (a) The director shall conduct a review of any application for a medical marijuana dispensary permit authorized under this chapter, and shall prepare a written report on the acceptability of the application.
- (b) Upon completing the review process, the permit shall be deemed a qualified application, unless the director finds:
 - (1) The applicant has made one or more false or misleading statements or omissions, either on the written application or during the application process; or
 - (2) A proposed location for the medical marijuana dispensary is not allowed by state or local law, statute, ordinance, or regulation (including this Code); or
 - (3) The applicant is not a primary caregiver, qualified patient, or otherwise qualified to operate a medical marijuana dispensary under the Medical Marijuana Regulation and Safety Act of 2015; or
 - (4) The applicant has not satisfied each and every requirement of this chapter and Code; or

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- (5) The applicant is not in compliance with applicable state law, including, but not limited to, applicable requirements and minimum standards of the Medical Marijuana Regulation and Safety Act of 2015.
 - (c) Based on the information set forth in the application and the director's review, the director may impose reasonable terms and conditions on the use of the permit in addition to those specified in this chapter to ensure the safe operation of the dispensary, and to ensure the health, safety and welfare of the citizens and visitors of the City of Perris.

(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.061. Medical marijuana cannabis lounge application review.

- (a) The director shall conduct a review of any application for a cannabis lounge in a medical marijuana dispensary permit authorized under this chapter and shall prepare a written report on the acceptability of the application.
- (b) Upon completing the review process, the permit shall be deemed a qualified application, unless the director finds:
 - (1) The applicant has made one or more false or misleading statements or omissions, either on the written application or during the application process; or
 - (2) A proposed location for a cannabis lounge within a medical marijuana dispensary is not allowed by state or local law, statute, ordinance, or regulation (including this Code); or
 - (3) The applicant is not qualified to operate a cannabis lounge within a medical marijuana dispensary under the Medical Marijuana Regulation and Safety Act of 2015; or
 - (4) The applicant has not satisfied each and every requirement of this chapter and Code; or
 - (5) The applicant is not in compliance with applicable state law, including, but not limited to, applicable requirements and minimum standards of the Medical Marijuana Regulation and Safety Act of 2015.
- (c) Based on the information set forth in the application and the director's review, the director may impose reasonable terms and conditions on the use of the permit in addition to those specified in this chapter to ensure the safe operation of the cannabis lounge, and to ensure the health, safety and welfare of the citizens and visitors of the City of Perris.

(Ord. No. 1407, § 14, 9-14-2021)

Sec. 5.54.070. Suspension of review of medical marijuana dispensary permit applications.

Upon a resolution from the city council that a more rigorous selection process (e.g., a lottery or a scoring system) is warranted for the acceptance of applications for medical marijuana dispensary permits for review, then review of all applications for medical marijuana dispensary permits will be suspended until such a selection process is adopted by the city council through either a resolution or an ordinance.

(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.080. Action on applications for medical marijuana dispensary permit.

- (a) Upon receipt of a completed application and payment of the application and license fees, the director shall investigate the information contained in the application to determine whether the applicant shall be issued the requested permit.

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- (b) If the director determines that the applicant has completed the application improperly, the director shall notify the applicant of such fact within 30 days of receipt of the application. The incomplete application upon return as incomplete shall be deemed abandoned. The applicant may then resubmit a new application for a new review pursuant to the requirements of this section.
 - (c) Within 60 days of receipt of the completed application, the director shall complete the investigation, approve or deny the application in accordance with the provisions of this chapter, and so notify the applicant by United States mail, first class postage prepaid, addressed to the applicant at the address stated in the application.
 - (d) The director shall grant the application upon findings that the proposed permit meets all of the requirements of this chapter, unless the application is denied for one or more of the reasons set forth in section 5.54.060.
 - (e) If an application is granted a permit will not be issued until and unless subsequent compliance by the successful applicant with the requirements of section 5.54.090(b).
 - (f) If the director neither grants nor denies a complete application within 60 days after it is received (except as provided in section 5.54.080(B)), the application shall be forwarded to the city council at its next regularly scheduled meeting for consideration in strict conformance with the requirements of this chapter.

(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.090. Obligations of medical marijuana dispensary.

- (a) A medical marijuana dispensary permit issued by the city constitutes a revocable privilege. The burden of proving qualifications for a medical marijuana dispensary permit rests at all times with an applicant and/or permit holder.
- (b) Before receiving possession of an approved medical marijuana dispensary permit, as provided for in this chapter, the medical marijuana dispensary permit holder shall to the satisfaction of the director:
 - (1) Provide written authorization to the director as well as the police department, to conduct reasonable inspections of the location of the medical marijuana dispensary at the discretion of the city, including but not limited to inspection of security, inventory, and written records and files pertaining to the medical marijuana dispensary, for the purposes of ensuring compliance with local and state law.
 - (2) Execute an agreement indemnifying the city, its elected officials, employees, agents, officers, and representatives, and each and all of them individually, from all liability in connection with all claims, damages, attorney's fees, costs and allegations arising from or in any way related to the operation of the medical marijuana dispensary.
 - (3) Execute an agreement to:
 - a. Defend, at the medical marijuana dispensary permit holder's sole expense, any action against the city, its elected officials, employees, agents, officers, and representatives, and each and all of them individually, which arises from the operation of the medical marijuana dispensary.
 - b. To reimburse the city for any court costs and attorney fees that the city may be required to pay as a result of such action. The city may, at its sole discretion, participate at its own expense in the defense of any such action.
- (c) Upon and after receiving possession of a medical marijuana dispensary permit as provided for in this chapter, the medical marijuana dispensary permit holder shall:
 - (1) Maintain continuing compliance with all applicable insurance requirements, including, but not limited to, those imposed by the city and as an operation of this chapter.

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- (2) Maintain continuing compliance with background check requirements of section 5.54.050(b)(2) of this chapter by ensuring that upon the hiring, association or retention of an employee by the medical marijuana dispensary, the requirements of section 5.54.050(b)(2) are met by immediately providing the director in writing with:
 - a. The results of a live scan for the employee which was performed within 90 days prior to the date of the hiring, association or retention of the employee; and
 - b. A color photocopy of either a valid California Driver's License for the employee, or equivalent identification for the employee approved by the director.
 - (3) Immediately update the director in writing with correct and current contact information, when there is any change in the address or phone number, previously provided to the city in compliance with this chapter, for any owner(s), manager(s) or legal representative(s) of the medical marijuana dispensary.
 - (d) Failure to perform the aforementioned actions of this section 5.54.090 shall render the operation of a medical marijuana dispensary unlawful.

(Ord. No. 1330, § 1, 11-8-2016)

Sec 5.54.100. Process for renewing a medical marijuana dispensary permit.

- (a) A medical marijuana dispensary permit issued by the city constitutes a revocable privilege. Medical marijuana dispensary permits issued pursuant to this chapter shall automatically expire one year from the date of issuance.
- (b) The following procedures shall govern the process for the renewal of a medical marijuana dispensary permit:
 - (1) A holder of a medical marijuana dispensary permit may apply for the renewal of an existing permit no less than 60 days prior to the permit's expiration date.
 - (2) Renewal applications shall comply with all of the requirements in this chapter for applying for a new medical marijuana dispensary permit, including but not limited to the requirements in section 5.54.050.
 - (3) If the holder of a medical marijuana dispensary permit files a renewal application less than 60 days prior to expiration, the holder must provide a written explanation detailing the circumstances surrounding the late filing. If the director accepts the application, then the director may elect to administratively extend the permit beyond the expiration date while the director completes the renewal permitting process.
 - (4) An application for renewal will only be accepted if it is accompanied by the requisite fees as set by resolution of the city council, and as amended from time to time.
- (c) A medical marijuana dispensary permit is immediately invalid upon expiration if the permit holder has not filed a timely and/or accepted renewal application and remitted all of the required fees. In the event the permit is not renewed prior to expiration, the affected medical marijuana dispensary shall not operate and is considered to be unlawful.

(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.101. Cannabis lounge permit renewal—Medical dispensary.

- (a) A cannabis lounge permit within medical marijuana dispensary issued by the city constitutes a revocable privilege. Cannabis lounge permits issued pursuant to this chapter shall automatically expire one year from the date of issuance.

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- (b) The following procedures shall govern the process for a cannabis lounge permit renewal:
- (1) A holder of cannabis lounge permit may apply for the renewal of an existing permit no less than 60 days prior to the permit's expiration date.
 - (2) Renewal applications shall comply with all of the requirements in this chapter for applying for a new cannabis lounge permit, including but not limited to the requirements in section 5.54.50.
 - (3) If the holder of a cannabis lounge permit files a renewal application less than 60 days prior to expiration, the holder must provide a written explanation detailing the circumstances surrounding the late filing. If the director accepts the application, then the director may elect to administratively extend the permit beyond the expiration date while the director completes the renewal permitting process.
 - (4) An application for renewal will only be accepted if it is accompanied by the requisite fees as set by resolution of the city council, and as amended from time to time.
- (c) A cannabis lounge permit is immediately invalid upon expiration if the permit holder has not filed a timely and/or accepted renewal application and remitted all of the required fees. In the event the permit is not renewed prior to expiration, the affected cannabis lounge shall not operate and is considered to be unlawful.
- (Ord. No. 1407, § 16, 9-14-2021)

Sec. 5.54.110. General operating standards and restrictions.

A medical marijuana dispensary shall operate in conformance with the following minimum standards, and such standards shall be deemed to be part of the conditions of approval on the permit for a medical marijuana dispensary to ensure that its operation is in compliance with California law, the Attorney General Guidelines, and the Perris Municipal Code, and to mitigate any potential adverse impacts of the medical marijuana dispensary on the public health, safety or welfare.

Additional minimum standards may be adopted from time to time either by resolution or ordinance from the city council, or by the director (upon authorization by resolution from the city council). Such additional standards may include (but are not limited to) insurance requirements, hours of operation, and labeling and packaging requirements.

- (1) *Security.*
 - a. *Security cameras.* Security cameras shall be installed and maintained in good condition, with at least 30 days of digitally recorded documentation in a format approved by the director. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, cultivation areas, all doors and windows, and any other areas as determined by the director.
 - b. *Alarm system.* The location of the medical marijuana dispensary shall be alarmed with a centrally-monitored fire and burglar alarm system, and monitored by an alarm company properly licensed by the State of California Department of Consumer Affairs Bureau of Security and Investigative Services in accordance with California Business & Professions Code section 7590 et seq. and whose agents are properly licensed and registered under applicable law.
 - c. *Locked entrances.* All entrances into the building housing a medical marijuana dispensary shall be locked from the exterior at all times with entry controlled by employees.
- (2) *Authorizations.*
 - a. The director shall have the right to enter all areas of the medical marijuana dispensary from time to time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this chapter and all laws of the city and state of California.

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- b. Recordings made by security cameras required pursuant to this chapter shall be made available to the director or the police department upon verbal request; no search warrant or subpoena shall be needed to view the recorded materials.
- (3) *Records.*
- a. Medical marijuana dispensaries shall maintain records reflecting:
1. The full name, address, and telephone numbers of the owner and lessee of the property, all employees, and all members (if any) who participate in cultivation of marijuana for the medical marijuana dispensary.
 2. Results of annual live scans of all employees.
 3. The state issued identification card number of all members to whom the medical marijuana dispensary provides medical marijuana. If a member does not have a state issued identification card, then the medical marijuana dispensary shall assign the member a unique identifying number for the use of the medical marijuana dispensary, and maintain a written copy of the physician's referral for the member.
 4. The source (including name, location and contract information) of all medical marijuana dispensed, sold or stored by the medical marijuana dispensary.
 5. The dates upon which all members are dispensed medical marijuana, the amount dispensed, and the state issued identification card number (or unique identifying number referenced above in section 5.54.110(3)(a).(3.)) of the recipient.
 6. The delivery of medical marijuana, from the medical marijuana dispensary by an employee, to a member located outside of the medical marijuana dispensary location, including but not limited to the identity of the recipient, the amount delivered, the date of the delivery, the address of the delivery, the name of the employee making the delivery, and a written receipt from the member confirming the delivery.
 7. A written accounting of all expenditures, costs, revenues and profits of the medical marijuana dispensary.
 8. A written accounting of all cash and in-kind contributions, reimbursements, and compensation provided by the management members and members to the medical marijuana dispensary.
 9. A copy of all insurance policies related to the operation of the medical marijuana dispensary.
 10. An inventory record documenting the dates and amounts of medical marijuana received at the medical marijuana dispensary, the daily amounts of medical marijuana stored at the location of the medical marijuana dispensary, and the daily amounts distributed to members.
 11. Proof of a valid and current permit issued by the city in accordance with this chapter. Every medical marijuana dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter in a conspicuous place so that it may be readily seen by all persons entering the location of the medical marijuana dispensary.
- b. Records shall be maintained on-site, either in paper or electronic form, and secured and verified by the director as needed (consistent with requirements pertaining to patient confidentiality pursuant to applicable state and federal law).

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- c. All records required to be maintained by the medical marijuana dispensary must be maintained for no less than three years and are subject to immediate inspection upon a lawful written request by the director.
- (4) *Employees.*
- a. A medical marijuana dispensary shall maintain results of live scans conducted annually by the medical marijuana dispensary on all employees, the written results of such live scans being maintained at the location of the medical marijuana dispensary.
- b. No employee convicted within the last ten years of a felony substantially related to the qualifications, functions or duties of an employee of a medical marijuana dispensary (such as a felony conviction for distribution of controlled substances, money laundering, racketeering, etc.) shall be employed by a medical marijuana dispensary, unless such employee has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar federal statute or state law where the expungement was granted. At the request of the medical marijuana dispensary, the director shall determine the applicability of this section to a potential employee within a reasonable period of time after a written request has been made to the director for such determination.
- c. All employees must possess a valid government issued (or equivalent) form of identification containing an identifying photograph of the employee, the name of the employee, the date of birth of the employee, and the residential address of the employee. Color copies of such identification shall be maintained at the location of the medical marijuana dispensary. A valid California driver's license will satisfy this requirement.
- d. All owners and managers must have a current and valid identification card.
- (5) *Only medical marijuana products.* Medical marijuana dispensaries shall dispense, offer for sale or provide only products which are closely associated with medical marijuana, such as pipes, rolling papers, etc.
- (6) *No recommendations on-site.* A medical marijuana dispensary shall not have a physician or an attending physician at the location of the medical marijuana dispensary to evaluate patients or provide a recommendation or physician's referral for medical marijuana.
- (7) *No cultivation.* No marijuana cultivation shall occur at a medical marijuana dispensary site.
- (8) *No alcohol.* Medical marijuana dispensaries shall not hold or maintain a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages.
- (9) *Medical marijuana dispensary signage.*
- a. Signs on the premises shall not obstruct the entrance or the video surveillance system. The size, location, and design of any signage must conform to the sign provisions in the Perris Municipal Code.
- b. Business identification signage shall be limited to that needed for identification only, consisting of a single window sign or wall sign that shall comply with the appropriate sign requirements within the applicable zoning district.
- c. ***A medical marijuana dispensary permittee shall not advertise its City business or operation utilizing any off-premises advertising display on a sign or other structure, including but not limited to an offsite freeway sign or billboard (as those terms are used in Chapter 19.75 of this Code), that is located both: (i) within the City or within a one-mile radius of the City's jurisdictional boundaries; and (ii) within 660 feet of the nearest edge of a freeway right-of-way***

line. For the avoidance of doubt, "freeway," as used in this paragraph, includes, but is not limited to, any state or federal highway. This paragraph is not intended to limit the ability of a medical marijuana dispensary permittee to advertise in other legally authorized forms, including (without limitation) on the internet or in printed publications.

- (10) *Use restrictions.* Unless the medical marijuana dispensary has a cannabis lounge permit issued in conformance with PMC Chapter 5.54, smoking, ingesting or consuming marijuana at the location of the medical marijuana dispensary or within 20 feet of the medical marijuana dispensary is prohibited.
- (11) *No minors.*
- a. Minors are prohibited from entering the location of the medical marijuana dispensary unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or legal guardian.
 - b. No minor shall operate a medical marijuana dispensary in any capacity, including but not limited to, as a management member, employee, contractor or volunteer.
- (12) *Odors.*
- a. A medical marijuana dispensary shall have an air treatment system that ensures off-site odors shall not result from its operations.
 - b. This requirement at a minimum means that the medical marijuana dispensary shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the location of the medical marijuana dispensary is not detected outside the building, on adjacent properties or public rights-of-way, or within any other unit located within the same building as the medical marijuana dispensary, if the use only occupies a portion of a building.
- (13) *Site management.*
- a. The medical marijuana dispensary permit holder shall take all reasonable steps to discourage and correct conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if related to the members of the subject medical marijuana dispensary.
 1. *Reasonable steps* shall include immediately calling the police upon observation of the activity, and requesting that those engaging in activities that constitute a nuisance or are otherwise illegal to cease those activities, unless personal safety would be threatened in making the request.
 2. *Nuisance* includes but is not limited to disturbances of peace, open public consumption of marijuana, alcohol or controlled substances, excessive pedestrian or vehicular traffic, including the formation of any pedestrian lines outside the building, illegal drug activity, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or police detentions and arrests.
 - b. The medical marijuana dispensary permit holder shall make available to members who are dispensed medical marijuana a list of the rules and regulations governing medical marijuana use and consumption within the city and recommendations on sensible medical marijuana etiquette.
- (14) *Delivery of medical marijuana to members.*
- a. All employees who provide delivery of medical marijuana from a medical marijuana dispensary to a member located outside the medical marijuana dispensary location must have a valid identification card at all times with the employee while the delivery is being made.

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- b. All deliveries must be recorded by the medical marijuana dispensary and maintained in the regular records of the medical marijuana dispensary. These records shall include but not be limited to the identity of the recipient, the amount delivered, the date of the delivery, the address of the delivery, and the name of the employee making the delivery.
 - c. Upon receipt of a delivery outside of the location of the medical marijuana dispensary, a member must sign for the delivery on a written identifiable receipt to be kept in the regular records of the medical marijuana dispensary.
 - d. All deliveries must leave the medical marijuana dispensary in sealed containers whose seals will not be broken until receipt of the delivery by the member.
- (15) *Exemptions.* The regulations contained in this chapter shall not apply to a medical marijuana dispensary engaged in the following uses, as long as such use complies strictly with applicable law regulating such use and the location of such use, including, but not limited to, Health and Safety Code sections 11362.5 and 11362.7 et seq.; a clinic permitted pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a health care facility permitted pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness permitted pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice; or a home health agency permitted pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

(Ord. No. 1330, § 1, 11-8-2016; Ord. No. 1407, §§ 4, 18, 9-14-2021)

Sec. 5.54.120. Administration.

Further rules, regulations, procedures and standards for the administration and implementation of this chapter may be adopted from time to time either by resolution or ordinance from the city council, or by the director (upon authorization by resolution from the city council).

(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.130. Fees.

- (a) *Fees.*
 - (1) An application fee set by resolution of the city council shall be required for formal processing of every application made under this chapter.
 - (2) The city council is authorized to pass resolutions to recover any and all fees and costs incurred by the administration and implementation of this chapter through an appropriate fee recovery mechanism to be imposed upon medical marijuana dispensaries and their operations.
- (b) *State board of equalization seller's permit required.*
 - (1) The state board of equalization has determined that medical marijuana transactions are subject to sales tax, regardless of whether the individual or group makes a profit, and those engaging in transactions involving medical marijuana must obtain a seller's permit from the state board of equalization.
 - (2) Such permit shall be conspicuously displayed at the medical marijuana dispensary.

(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.140. Location restrictions.

- (a) Medical marijuana dispensaries shall not be located within 1,000 feet of a school, park, place of worship, youth-oriented facility or community center.
- (b) Medical marijuana dispensaries shall not be located within 600 feet of a residential zone.
- (c) No medical marijuana dispensary shall locate and/or operate in any zone of the City of Perris, other than either in the commercial neighborhood (CN) zone (section 19.36), the Commercial Community (CC) zone (section 19.38), or the Industrial zone (section 19.44), as defined more fully in Title 19 (Zoning) of the Perris Municipal Code.

(Ord. No. 1330, § 1, 11-8-2016; Ord. No. 1339, § 2, 2-28-2017)

Sec. 5.54.150. Suspension and revocation.

- (a) The director is authorized to suspend and/or revoke a medical marijuana dispensary permit issued pursuant to this chapter upon the determination through written findings of a failure to comply with any provision of this chapter, any condition of approval, or any agreement or covenant as required pursuant to this chapter.
- (b) The director may suspend or revoke a medical marijuana dispensary permit if any of the following occur:
 - (1) The director determines that the medical marijuana dispensary has failed to comply with any aspect of this chapter, any condition or approval, or any agreement or covenant as required pursuant to this chapter; or
 - (2) Operations cease for more than 180 calendar days (including during any change of ownership, if applicable); or
 - (3) Ownership is changed without securing a new medical marijuana dispensary permit; or
 - (4) The medical marijuana dispensary fails to maintain required security camera recordings; or
 - (5) The medical marijuana dispensary fails to allow inspection of the security recordings, the activity logs, the records, or of the premise by authorized city officials.
- (c) Conditions (if any) of suspension or revocation are at the discretion of the director and may include, but are not limited to, a prohibition on all owners, operators and employees of the suspended or revoked medical marijuana dispensary from operating within the city for a period of time set forth in writing and/or a requirement (when operations may resume, if at all, pursuant to the director's determination) for the holder of the suspended or revoked permit to resubmit an application for a medical marijuana dispensary permit pursuant to the requirements of this chapter.
- (d) Suspension or revocation of a medical marijuana dispensary permit pursuant to this chapter shall constitute a "revocation" for purposes of Business & Professions Code section 19320(b).

(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.160. Violations and penalties.

- (a) Any violation of the provisions of this chapter shall constitute a separate offense for each and every day during which such violation is committed or continued, and shall be subject to all remedies and enforcement measures authorized by the Perris Municipal Code for violation of the law.

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- (b) To the fullest extent allowed under state law, any person, whether as principal, employee, agent, partner, director, officer, stockholder, or trustee or otherwise, violating or causing the violation of any of the provisions of this chapter shall be guilty of a misdemeanor, and any conviction thereof shall be punishable by a fine of not more than \$1,000.00 or by imprisonment for not more than six months, or by both such fine and imprisonment.

(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.170. Public nuisance and abatement.

- (a) In addition to the penalties set forth in this chapter, any medical marijuana dispensary that is operating in violation of any provisions of this chapter is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation, in accordance with the procedures set forth in Chapter 7.06 (Property Maintenance) of Title 7 (Health and Welfare) of the Perris Municipal Code.
- (b) All costs to abate such public nuisance, including attorneys' fees and court costs, shall be paid by the permit holder of the medical marijuana dispensary. Any appeals to a determination that a medical marijuana dispensary is operating as a public nuisance shall be pursuant to the provisions provided for appeal in Chapter 7.06 (Property Maintenance) of Title 7 (Health and Welfare) of the Perris Municipal Code.
- (c) In addition to the penalties set forth in this section, failure of a medical marijuana dispensary permit holder to abate a declared public nuisance, after proper notice, shall subject the medical marijuana dispensary permit holder to the enforcement provisions of Chapter 1.16 (Criminal Enforcement of Perris Municipal Code and Ordinance Violations) of Title 1 (General Provisions) of the Perris Municipal Code to the fullest extent allowed under state law.

(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.180. Appeals.

Any decision regarding approval, conditional approval, denial, suspension or revocation of a medical marijuana dispensary permit may be appealed to the planning commission (unless subject to the provisions of section 5.54.160 or section 5.54.170 of this chapter) by an applicant, a permit holder or interested party as follows:

- (1) If the appellant wishes to appeal a decision to the planning commission, the appellant must file a written appeal with the Perris City Clerk within ten calendar days of the decision. The written appeal shall specify the person making the appeal, the decision appealed from, shall state the reasons for the appeal, and shall include any evidence in support of the appeal which the applicant seeks to be considered by the planning commission.
- (2) Notice of the time and place of an appeal hearing shall be providing to the appellant within 30 days of receipt by the Perris City Clerk of the written appeal.
- (3) The appeal hearing shall be held within 60 days of the filing of the written appeal with the Perris City Clerk, unless the 60 day time limit is waived by the appellant, or unless the planning commission continues the appeal hearing date for good cause and upon written notification to the appellant.
- (4) The planning commission shall review the facts of the matter, written documents submitted for review, the basis for making the decision which is under appeal, and then determine whether the appealed decision should be reversed or affirmed. The determination made shall be in writing, shall set forth the reasons for the determination, and shall be final unless appealed as provided for below.
- (5) If the appellant wishes to appeal the determination of the planning commission, then the procedures provided in this section shall be followed for an appeal to the city council, with the exception of the city

council may determine to simply affirm by minute order or resolution the determination of the planning commission, without review, within 60 days of receipt by the Perris City Clerk of the written appeal. Any determination of the city council shall be final.

- (6) The provisions of section 1094.6 of the Code of Civil Procedure sets forth the procedure for judicial review of any final determination. Parties seeking such judicial review shall file such action within 90 days of a determination being made final.

(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.190. Prohibitions.

- (a) All medical marijuana dispensaries in violation of Health and Safety Code section 11362.7 et seq. and 11362.5, this chapter, or any other applicable state law are expressly prohibited.
- (b) It is unlawful for any medical marijuana dispensary in the city, or any agent, employee or representative of such medical marijuana dispensary, to permit any breach of peace therein or any disturbance of public order or decorum by any tumultuous, riotous or disorderly conduct on the premises of the medical marijuana dispensary, or to violate any state law, or this chapter.

(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.200. Nonconforming use.

No use which purports to have distributed marijuana prior to the enactment of this chapter shall be deemed to have been a legally established use under the provisions of the Perris Zoning Code, the Perris Municipal Code, or any other local ordinance, rule or regulation, and such use shall not be entitled to claim legal nonconforming status.

(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.210. Severability.

If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The people of the City of Perris hereby declare that they would have adopted this ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.220. Amendment or repeal.

This chapter may be amended and/or repealed, in part or in whole, by ordinance passed by a majority vote of the city council, pursuant to section 9217 of the Elections Code.

(Ord. No. 1330, § 1, 11-8-2016)

Sec. 5.54.230. Consistency with statewide regulation of marijuana.

- (a) This chapter shall be read consistent with any statewide regulation of medical marijuana that is promulgated by the California legislature or by voter approval in the future.
- (b) Reserved.

(Ord. No. 1330, § 1, 11-8-2016; Ord. No. 1372, § 5, 10-9-2018)

Sec. 5.54.240. Effective only upon successful passage, and continuing enforcement, of marijuana tax ordinance.

This chapter is not effective, and the entire operation of this chapter is suspended indefinitely, until a majority of the voters of the City of Perris, voting at a municipal election, and pursuant to subdivision (b) of section 2 of Article XIII C of the California Constitution and section 53720 et seq. of the Government Code, vote in favor of a separate ballot measure imposing both a general municipal tax of (at least) up to \$0.10 per \$1.00 on proceeds of marijuana dispensaries operating in the City of Perris, as well as a general municipal tax of (at least) up to \$25.00 per square foot of space utilized as cultivation area for marijuana cultivation in the City of Perris ("Marijuana Tax Ordinance"). Until such a Marijuana Tax Ordinance is approved by the voters as provided herein, this chapter shall have no effect or force of law in the City of Perris.

The entirety of this chapter shall be immediately repealed and deleted, if county, state and/or federal law operates to preempt in whole or in part the general municipal taxes on marijuana dispensaries and marijuana cultivation provided for by the Marijuana Tax Ordinance referenced above.

(Ord. No. 1330, § 1, 11-8-2016)