

ORDINANCE NUMBER 1355

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, ADDING CHAPTER 5.58 (COMMERCIAL MARIJUANA OPERATIONS REGULATORY PROGRAM) TO TITLE 5 OF THE PERRIS MUNICIPAL CODE TO PERMIT THE COMMERCIAL MARIJUANA USES OF CULTIVATION (INDOOR AND MIXED-LIGHT) AND TESTING, AND TO PROHIBIT ALL OTHER MEDICAL AND ADULT-USE COMMERCIAL MARIJUANA USES (WITH THE EXCEPTION OF MEDICAL MARIJUANA DISPENSARIES ARE REGULATED UNDER CHAPTER 5.54)

WHEREAS, in 1996 California voters approved Proposition 215, the Compassionate Use Act (“CUA”), codified as Section 11362.5 of the Health and Safety Code, to exempt certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of marijuana for medical purposes; and

WHEREAS, in 2003 the California legislature enacted Senate Bill 420, the Medical Marijuana Program Act (“MMPA”), codified as Sections 11362.7, *et seq.*, of the Health & Safety Code, and as later amended, to clarify the scope of the Compassionate Use Act of 1996 relating to the possession and cultivation of marijuana for medical purpose, and to authorize local governing bodies to adopt and enforce laws consistent with its provisions; and

WHEREAS, in October 2015, the State of California adopted AB 266, AB 243, and SB 643, collectively referred to as the Medical Marijuana Regulation and Safety Act (“MCRSA”), which established a comprehensive regulatory and licensing scheme for commercial medical marijuana operations; and

WHEREAS, at the November 8, 2016 general election, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”) was approved by California voters as Proposition 64, which established a comprehensive regulatory and licensing scheme for commercial recreational (adult use) marijuana operations, and which also legalized limited personal recreational marijuana use, possession, and cultivation; and

WHEREAS, on June 27, 2017 Governor Brown signed Senate Bill 94, the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), which merged the regulatory regimes of MCRSA and AUMA; and

WHEREAS, the MAUCRSA provides that the State of California will begin issuing licenses in 2018 for both medical and recreational marijuana businesses in 20 different categories, which are found in Section 26050 of the Business & Professions Code, and which categories include marijuana cultivation, manufacturer, testing, retailer, distributor, and microbusiness; and

WHEREAS, the MAUCRSA, Section 26200(a)(1) of the Business & Professions Code, provides that local jurisdictions may completely prohibit the establishment or operation of any or

all of the 20 different medical and recreational business operations to be licensed by the state under Section 26050 of the Business & Professions Code; and

WHEREAS, the MAUCRSA, Section 26055(d) of the Business & Professions Code, provides that a state commercial marijuana license may not be issued to an applicant whose operations would violate the provisions of any local ordinance or regulation; and

WHEREAS, the MAUCRSA, Section 26200(a)(1) of the Business & Professions Code, provides that local jurisdictions may adopt and enforce local ordinances to regulate any or all of the 20 different medical and recreational business operations to be licensed by the state under Section 26050 of the Business & Professions Code, including, but not limited to, local zoning and land use requirements; and

WHEREAS, the MAUCRSA, Section 26201 of the Business & Professions Code, provides that any standards, requirements, and regulations regarding health and safety, environmental protection, testing, security, food safety, and worker protections established by the state for the 20 different medical and recreational business operations to be licensed by the state under Business & Professions Code § 26050, shall be the minimum standards, and a local jurisdiction may establish additional standards, requirements, and regulations; and

WHEREAS, the voters of the City of Perris at the November 8, 2016 regular election approved adoption of Chapter 5.54 (Medical Marijuana Dispensary Regulatory Program) to the Perris Municipal Code, which established a comprehensive set of regulations with an attendant regulatory permit applicable to the operation of medical marijuana dispensaries; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the City now desires to add a new Chapter 5.58 (Commercial Marijuana Operations Regulatory Program) to Title 5 of the Perris Municipal Code, so as to permit the commercial marijuana uses of cultivation (indoor and mixed-light) and testing, while also prohibiting both all other commercial medical marijuana uses as well as all other commercial adult-use (recreational) marijuana uses (with the exception of medical marijuana dispensaries remain regulated pursuant to Chapter 5.54 of the Perris Municipal Code); and

WHEREAS, this Ordinance is enacted, consistent with the Compassionate Use Act of 1996, the Medical Marijuana Program Act of 2003, the Medical Cannabis Regulation and Safety Act of 2015, the Adult Use of Marijuana Act of 2016, and the Medicinal and Adult Use of Cannabis Regulation and Safety Act of 2017, to protect, promote and maintain the public health, safety, and welfare of City residents and visitors in relation to marijuana related uses and activities; and

WHEREAS, pursuant to the above-described express statutory authority and the City's police power, the City has the authority to prohibit, permit and regulate any and all commercial marijuana activities (whether not-for-profit or for-profit) that may otherwise be permitted by the State of California under the MCRSA, the AUMA, and the MAUCRSA; and

WHEREAS, the City finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to both the exemption provided by Section

26055(h) of the Business and Professions Code as well as Sections 15060(c)(3) and 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, nothing in this Ordinance shall be construed to allow any person to engage in conduct that endangers others or causes a public nuisance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA FINDS AND ORDAINS AS FOLLOWS:

SECTION 1. THE CITY COUNCIL OF THE CITY OF PERRIS HEREBY MAKES THE FOLLOWING FINDINGS:

- A. The recitals set forth above are all true and correct and are incorporated herein.
- B. The prohibitions on, and regulations of, marijuana activities established by this Ordinance are necessary to protect the public health, safety and welfare, and are enacted pursuant to the authority granted to the City by state law.

SECTION 2. CHAPTER 5.58 (COMMERCIAL MARIJUANA OPERATIONS REGULATORY PROGRAM) IS HEREBY ADDED TO TITLE 5 (BUSINESS TAX CERTIFICATES AND REGULATIONS) OF THE PERRIS MUNICIPAL CODE AS FOLLOWS:

“CHAPTER 5.58. COMMERCIAL MARIJUANA OPERATIONS REGULATORY PROGRAM

Sec. 5.58.010 - Purpose and intent.

Sec. 5.58.020 - Commercial marijuana operations prohibited without City permit.

Sec. 5.58.030 - Definitions.

Sec. 5.58.040 - Prohibited commercial marijuana operations.

Sec. 5.58.050 - Permitted commercial marijuana operations.

Sec. 5.58.060 - Commercial marijuana operation permit.

Sec. 5.58.070 - Application for commercial marijuana operation permit.

Sec. 5.58.080 - Issuance of commercial marijuana operation permit.

Sec. 5.58.090 - Renewal of commercial marijuana operation permit.

Sec. 5.58.100 - General operating standards and restrictions.

Sec. 5.58.110 - Cultivation operating standards and restrictions.

Sec. 5.58.120 - Testing operating standards and restrictions.

Sec. 5.58.130 - Administration.

Sec. 5.58.140 - Fees.

Sec. 5.58.150 - Suspension and revocation.

Sec. 5.58.160 - Violations and penalties; public nuisance.

Sec. 5.58.170 - Appeals.

Sec. 5.58.180 - Service of notices.

Sec. 5.58.190 - Prohibitions.

Sec. 5.58.200 - Nonconforming use.

Sec. 5.58.210 - Severability.

Sec. 5.58.010 - 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 certain types of commercial marijuana operations, while simultaneously establishing an express prohibition on certain other types of commercial marijuana operations.
- B. The regulations for, and prohibitions on, specific types of commercial marijuana operations are enacted to preserve the public health, safety, and welfare of the citizens and visitors of the City of Perris, consistent with California's Compassionate Use Act of 1996, California's Medical Marijuana Program Act of 2003, the Adult Use of Marijuana Act of 2016 (AUMA) (Proposition 64), the Medicinal and Adult-Use Cannabis Regulation and Safety Act of 2017 (MAUCRSA) and all applicable state laws governing commercial marijuana activities.
- C. The issuance of a commercial marijuana operation permit shall constitute a revocable privilege and shall not create or establish any vested rights for the development or use of a property.
- D. 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.
- E. This chapter and its regulations shall be known as the "Commercial Marijuana Operations Regulatory Program."

- F. The regulation of medical marijuana dispensaries (i.e., a “Type 10 = Retailer (medical)” state license classification under Section 26050 of the Business and Professions Code) is governed by Chapter 5.54 (Medical Marijuana Dispensary Regulatory Program) of Title 5 of the Perris Municipal Code.

Sec. 5.58.020 - Commercial marijuana operation prohibited without City permit.

It shall be unlawful to own, establish, operate, use, or permit the establishment or activity of a commercial marijuana operation, or to participate in commercial marijuana operations as an employee, contractor, agent, volunteer, or in any manner or capacity, other than as provided in this chapter and pursuant to both a current and valid City of Perris commercial marijuana operation permit (or for a medical marijuana dispensary as provided for in Chapter 5.54 and pursuant to a current and valid City of Perris medical marijuana dispensary permit as understood by Chapter 5.54), as well as the equivalent state license for such commercial marijuana operation as provided for by Section 26050 of the Business & Professions Code, and as amended. The prohibition contained in this section shall include renting, leasing, or otherwise permitting a commercial marijuana operation to occupy or use a location, vehicle, or other mode of transportation.

Sec. 5.58.030 - Definitions.

The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section, as follows:

- A. *Adult-use* (i.e., recreational or non-medical) refers to activity involving marijuana or marijuana products, which is restricted to adults 21 years of age and older and who do not possess a physician’s recommendation, in contrast to activity involving medical marijuana or medical marijuana products.
- B. *Applicant* means a person who is required to file an application for a permit under this chapter.
- C. *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.”
- D. *Batch* means a specific quantity of homogeneous marijuana or marijuana product that is one of the following types: (1) Harvest batch. “Harvest batch” means a specifically identified quantity of dried flower or trim, leaves, and other marijuana 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. (2)

Manufactured marijuana batch. “Manufactured marijuana batch” means either of the following: (A) An amount of marijuana concentrate or extract that is produced in one production cycle using the same extraction methods and standard operating procedures. (B) An amount of a type of manufactured marijuana produced in one production cycle using the same formulation and standard operating procedures.

- E. *Building* means any structure having a roof supported by columns or walls, designed or used for the housing or enclosure of person, chattels or property of any kind and shall include, but not be limited to, garages, carports, patio covers and gazebos.
- F. *Building frontage* means the building elevation which fronts on a public street, public parking lot, or pedestrian walk.
- G. *Cannabis* has the same definition as provided for “marijuana” in this chapter.
- H. *Commercial marijuana operation* includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale (including retail and wholesale) of marijuana and marijuana products; except, as applicable, as set forth in Chapter 7.48 (“Personal Marijuana Cultivation”) of this Code or as preempted by state law.
- I. *Commercial marijuana operation permit* means a City of Perris permit issued pursuant to the procedures provided for in this chapter and which shall allow the permit holder to operate a specific type of commercial marijuana operation in the City of Perris subject to the requirements of this chapter, state law, and the specific permit.
- J. *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.
- K. *Cultivation* means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.
- L. *Delivery* means the commercial transfer of marijuana or marijuana products to a customer, and includes the use of any technology platform owned and controlled by the same person making such use.
- M. *Director* means the City of Perris Director of Development Services, and includes his/her designee(s).
- N. *Distribution* means the procurement, sale, and transport of marijuana and marijuana products between entities licensed for and/or engaged in commercial marijuana activities.
- O. *Distributor* means a person engaged in distribution.

- P. *Edible* means marijuana product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible marijuana 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.
- Q. *Employee* means any person (whether paid or unpaid) who provides regular labor or regular services for a commercial marijuana operation, including, but not limited to, at the location of a commercial marijuana operation. The term “employee” includes managers and owners as used in this chapter.
- R. *Extraction* means the process of obtaining marijuana concentrates from marijuana plants, including but not limited to through the use of solvents like butane, alcohol or carbon dioxide.
- S. *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 identifies a person authorized to engage in the medical use of marijuana and the person’s designated primary caregiver, if any.”
- T. *Labeling* refers to any label or other written, printed, or graphic matter upon a marijuana product or marijuana, upon its container or wrapper, or that accompanies any marijuana product or marijuana.
- U. *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.
- V. *Lighting* means the act of illuminating as well as the effect achieved by the arrangement of lights.
- W. *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.
- X. *Manager* means an employee responsible for management and/or supervision of a commercial marijuana operation.
- Y. *Manufacture or manufacturing* means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.

- Z. *Manufacturer* means a person that conducts the production, preparation, propagation, or compounding of marijuana or marijuana 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 marijuana or marijuana products or labels or relabels its container.
- AA. *Marijuana* has the same definition as provided for in Section 26001 of the Business & Professions Code 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 cannabis. ‘Cannabis’ does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.”
- BB. *Marijuana products* means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including but not limited to, concentrated marijuana, or an edible or topical product containing marijuana or concentrated marijuana and other ingredients.
- CC. *Medical* refers to activity involving medical marijuana or medical marijuana products, in contrast to activity involving adult-use marijuana or adult-use marijuana products.
- DD. *Medical marijuana or medical marijuana product* means marijuana or a marijuana product used in compliance with state law for medical purposes, pursuant to the Compassionate Use Act (Health and Safety Code § 11362.5), the Medical Marijuana Program Act (Health and Safety Code §§ 11362.7, et seq.), and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Business and Professions Code §§ 26000, et seq.).
- EE. *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; has the same meaning as provided for in Chapter 5.54; and, is synonymous with a retailer (medical) “Type 10” commercial marijuana operation as provided for in Section 26050 of the Business and Professions Code.
- FF. *Minor* means a person under twenty-one (21) years of age.
- GG. *Mixed-light* refers to cultivation using a combination of natural and supplemental artificial lighting.

- HH. *Owner* means the owner of a commercial marijuana operation.
- II. *Microbusiness* shall have the same definition as provided for in Section 26070 of the Business and Professions Code, and as may be amended from time to time.
- JJ. *Nursery* means a person that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of marijuana.
- KK. *Operations Officer(s)* shall refer to the Director and/or the Police Chief.
- LL. *Package* means any container or receptacle used for holding marijuana or marijuana products.
- MM. *Packaging or packages* means an activity involved with placing marijuana or marijuana products in a package.
- NN. *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.
- OO. *Permittee* means a person issued a commercial marijuana operation permit by the City of Perris.
- PP. *Person* means any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.
- QQ. *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.”
- RR. *Physician’s recommendation* (i.e., “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.
- SS. *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 (1) family dwelling unit and day nurseries operated by and on the site of the place of worship.

- TT. *Police Chief* means the Riverside County Sheriff's Department Captain in command of the Perris Station of the Riverside County Sheriff's Department, and includes his/her designee(s).
- UU. *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.
- VV. *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."
- WW. *Primary caregiver* has the same definition as provided for in Section 11362.7(d) of the Health and Safety Code, and as may be amended, including being "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" 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."
- XX. *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."
- YY. *Retailer* means a person engaged in the retail sale or delivery of marijuana or marijuana products to a customer, and includes the selection, measuring, packaging, labeling or retail sale of marijuana to a customer.
- ZZ. *School* means, as the term is understood by Section 26054(b) of the Business and Profession Code, and as may be amended, as a place of instruction in kindergarten or any grades 1 through 12; and, includes 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.
- AAA. *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."

BBB. *Site* means the premises and actual physical location of a commercial marijuana operation, as well as its accessory structures and parking areas.

CCC. *Testing laboratory* (i.e., testing or laboratory testing) means a laboratory, facility, or entity that offers or performs tests on marijuana or marijuana products.

DDD. *Youth center* means, as the term is understood by Section 26001(av) of the Business and Profession Code, and as may be amended, any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

EEE. *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

Sec. 5.58.040 - Prohibited commercial marijuana operations.

A. Operations Prohibited. Commercial marijuana operations (including non-profit operations) within the City which involve the activities of outdoor cultivation, manufacturing, retail (adult-use), distributor or microbusiness are prohibited, including but not limited to commercial marijuana activities licensed by the state license classifications listed below as provided in Business and Professions Code § 26050:

1. Type 1 = Cultivation; Specialty outdoor; Small.
2. Type 1C = Cultivation; Specialty cottage; Small (outdoor).
3. Type 2 = Cultivation; Outdoor; Small.
4. Type 3 = Cultivation; Outdoor; Medium.
5. Type 5= Cultivation; Outdoor; Large.
6. Type 6 = Manufacturer 1.
7. Type 7 = Manufacturer 2.
8. Type 10 = Retailer (adult-use / non-medical).
9. Type 11 = Distributor.
10. Type 12 = Microbusiness.

B. Similar Activities. The prohibition provided by above subsection (A) includes any similar activities authorized under new or revised state licenses, or any other state authorization, to allow any type, category or classification of marijuana commercial activities which involve the activities of outdoor cultivation, manufacturing, retail (adult-use), distributor or microbusiness, or similar operations (including non-profit, collective or cooperative

operations).

Sec. 5.58.050 - Permitted commercial marijuana operations.

A. Operations Permitted. Commercial marijuana operations (including non-profit operations) within the City which involve the activities of indoor or mixed-light cultivation (including indoor or mixed-light nurseries) and testing are allowed subject to both issuance and maintenance of a valid and current City commercial marijuana operation permit, as well as continuing adherence to this entire chapter. Commercial marijuana operations (including non-profit operations) within the City which involve the activities of retail (medical) are allowed subject to the issuance and maintenance of a valid and current medical marijuana dispensary permit pursuant to Chapter 5.54 (Medical Marijuana Dispensary Regulatory Program). All permitted commercial marijuana operations are required to maintain continuing adherence to all applicable city and state regulations and laws, and issuance and maintenance of a valid and current equivalent state license type listed below, as provided for in Business and Professions Code § 26050:

1. Type 1A = Cultivation; Specialty indoor; Small.
2. Type 1B = Cultivation; Specialty mixed-light; Small.
3. Type 1C = Cultivation; Specialty cottage; Small (indoor or mixed-light).
4. Type 2A = Cultivation; Indoor; Small.
5. Type 2B = Cultivation; Mixed-light; Small.
6. Type 3A = Cultivation; Indoor; Medium.
7. Type 3B = Cultivation; Mixed-light; Medium.
8. Type 4 = Cultivation; Nursery (indoor or mixed-light).
9. Type 5A = Cultivation; Indoor; Large
10. Type 5B = Cultivation; Mixed-light; Large.
11. Type 8 = Testing.
12. Type 10 = Retailer (medical).

B. Similar Activities. The requirements provided by above subsection (A) apply to any similar activities authorized under new or revised state licenses, or any other state authorization, to allow any type, category or classification of marijuana commercial activities which involve the activities of indoor or mixed-light cultivation (including indoor or mixed-light nurseries), testing, retail (medical), or similar operations (including non-profit, collective or cooperative operations).

C. Retail (Medical) Operations. Retail (medical) commercial marijuana operations (referred to in Chapter 5.54 as “medical marijuana dispensaries”) are governed by the requirements of Chapter 5.54 (Medical Marijuana Dispensary Regulatory Program).

Sec. 5.58.060 - Commercial marijuana operation permit.

A. Prior to initiating operation as a commercial marijuana operation and as a continuing requisite to conducting operations, the owner of a commercial marijuana operation shall obtain a regulatory permit from the City under the terms and conditions set forth in this chapter, with the exception of the owner of a retail (medical) commercial marijuana

operation, instead of obtaining a regulatory permit under this chapter, shall obtain a regulatory permit from the City under the terms and conditions set forth in Chapter 5.54.

- B. Commercial marijuana operation permits issued pursuant to this chapter shall automatically expire one year from the date of issuance, unless specifically provided for otherwise by this chapter.
- C. Conditions necessary for the continuing validity of a commercial marijuana operation permit include:
 - 1. Maintaining a current and valid state license under Division 10 of the Business and Professions Code, and as amended. Revocation, suspension or expiration of the state license shall automatically invalidate the equivalent City commercial marijuana operation permit.
 - 2. 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.
 - 3. Allowing the Director and the Police Department to conduct reasonable inspections of the location of the commercial marijuana operation at the discretion of the City, including but not limited to inspection of security, inventory, and written records and files pertaining to the commercial marijuana operation, for the purposes of ensuring compliance with local and state law.
 - 4. Maintaining with the City current and valid contact information of the owner(s) and manager(s) of the commercial marijuana operation.
 - 5. Maintaining with the City current and valid contact information of a legal representative of the commercial marijuana operation.
 - 6. Transferable only if transferee successfully completes all of the requirements that a new applicant for a commercial marijuana operation permit would otherwise need to meet.

Sec. 5.58.070 - Application for commercial marijuana operation permit.

- A. The owner of a proposed commercial marijuana operation 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 may be amended from time to time.
- B. An application for a commercial marijuana operation permit shall include, but not be limited to, the following information:
 - 1. Business.

- a. **Activities.** A general description of the proposed operation, including how the proposed operation will operate in compliance with this Code and state law, plans for handling cash and transporting marijuana and marijuana products to and from the premises, and the proposed use of all areas on the premises, including but not limited to specific activities, storage, lighting and signage.
- b. **Security.** A security plan detailing measures to the satisfaction of the Director that all applicable security-related requirements under State or local law, including but not limited to the requirements of Section 5.58.100(B), are and will be met.
- c. **Odor Control.** An odor control plan detailing odor control measures in accordance with Section 5.58.100(C), to the satisfaction of the Director.
- d. **Ownership.** A description of the statutory entity or business form that will serve as the legal structure for the applicant, the ownership structure of the applicant as filed with the California Secretary of State (e.g. limited liability company, joint partnership, S-Corporation) (an applicant that is a foreign corporation shall include in its application the certificate of qualification issued by the Secretary of State of California), and a copy of the entity's formation and organizing documents, including, but not limited to, articles of incorporation, certificate of amendment, statement of information, articles of association, bylaws, partnership agreement, operating agreement, and fictitious business name statement.
- e. **Seller's Permit.** The seller's permit number issued by the Board of Equalization or evidence that the applicant has applied for a seller's permit from the Board of Equalization, as applicable.
- f. **Other Licenses and Permits.** Identification of any other licenses or permits for commercial marijuana operations, whether for the City of Perris or for any other licensing or permitting authority:
 - i. held currently by the applicant;
 - ii. pending approval for the applicant; or
 - iii. denied to, revoked from, or suspended for, the applicant.
- g. **Physical.** A general description of the proposed operation, including the street address, parcel number, the total square footage of the site, and the characteristics of the surrounding area.

- h. Floor plan. A scaled floor plan for each level of each building that is part of the business site, including the entrances, exits, walls, and operating areas. The floor plan must be professionally prepared by a licensed civil engineer or architect.
- i. Site plan. A scaled site plan of the business site, that will include at a minimum all buildings, structures, driveways, parking lots, landscape areas, and boundaries. The site plan must be professionally prepared by a licensed civil engineer or architect.
- j. Hours of Operation. Proposed hours and days of operation.

2. Individuals.

- a. Managers. The name, address, e-mail and phone number of any person who is managing or responsible for the commercial marijuana operation's activities.
- b. Community Outreach Manager. The name, e-mail and phone number of an employee designated as Community Outreach Manager, who will be responsible for outreach and communication with the surrounding community, including the neighborhood and nearby businesses.
- c. Employees. A list of the names of all current and prospective employees of the commercial marijuana operation, along with any other identifying information requested by the Director.
- d. Consent to Criminal Investigation. Written consent from all employees to fingerprinting and a criminal background investigation by the City, upon a form provided by the City, accompanied with payment of appropriate fees to City to cover the costs of performing such criminal background check. At the discretion of the City and in compliance with State law, the City may use live scan to perform criminal background checks.
- e. Identification. For each employee, a color photocopy of either a valid California Driver's License or equivalent identification approved by the Director.
- f. Land Owner. The name, address, e-mail and phone number of the owner and lessor of the real property upon which the commercial marijuana operation is to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied by a notarized acknowledgement from the owner of the property that a commercial marijuana operation will be operated on his/her property.

3. Miscellaneous.

- a. Any additional application requirements specific to the type of commercial marijuana operation permit being sought, including but not limited to as provided for by this chapter.
- b. Evidence satisfactory to the Director of compliance with all local and state law requirements governing commercial marijuana operations.
- c. Evidence satisfactory to the Director of compliance with all applicable insurance requirements as provided for by this chapter, local law and state law. Minimum insurance levels shall be determined by the Director after an assessment of the risks posed by the commercial marijuana operation, including provision for meeting the requirements of Section 5.58.080(E)(2).
- d. Authorization for the Director to seek verification of the information contained within the application.
- e. 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.
- f. Any such additional and further information as is deemed necessary by the Director to administer this chapter.

Sec. 5.58.080 – Issuance of commercial marijuana operation permit.

- A. Issuance of a commercial marijuana operation permit constitutes a revocable privilege and shall not create or establish any vested rights for the development or use of a property.
- B. 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, and shall prepare a written report on the acceptability of the application.
 1. Within ninety (90) days of receipt of a completed application, the Director shall complete the investigation, approve, conditionally approve, or deny the application as being in compliance with the requirements of this chapter, and so notify the applicant.
 2. If the Director determines that the application is incomplete, the Director shall notify the applicant in writing explaining the reasons thereof within sixty (60) days of receipt of the application. Applicant shall have thirty (30) days to submit a completed application, in accordance with the Director's notification. If the application is resubmitted as incomplete, it shall be deemed abandoned. The

applicant may then resubmit a new application for a new review pursuant to the requirements of this section.

3. If the Director neither grants nor denies a complete application within ninety (90) days after it is received, except as provided for by Section 5.58.080(B)(4), the application shall be forwarded to the city council at its next (or as soon as practicable thereafter) regularly scheduled meeting for consideration in strict conformance with the requirements of this chapter.
 4. At the Director's sole discretion, the time limits in this section may be extended upon written notification from the Director to the applicant.
- C. The Director shall grant the application (subject to subsections (D) and (E) below) upon findings that the proposed permit meets all of the requirements of this chapter, unless the Director finds any of the following:
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 commercial marijuana operation is not allowed by state or local law, statute, ordinance, or regulation (including this Code); or
 3. The applicant has not satisfied each and every requirement of this chapter and Code; or
 4. The applicant is not in compliance with applicable state law, including, but not limited to, applicable requirements and minimum standards of the Adult Use of Marijuana Act of 2016 (AUMA) (Proposition 64), the Medicinal and Adult-Use Cannabis Regulation and Safety Act of 2017 (MAUCRSA) and any applicable State regulations.
- D. 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 commercial marijuana operation, and to ensure the health, safety and welfare of the citizens and visitors of the City of Perris.
- E. Before receiving possession of an approved commercial marijuana operation permit, as provided for in this chapter, the commercial marijuana operation 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 unannounced inspections of the location of the commercial marijuana operation at the discretion of the City, including but not limited to inspection of security, inventory, and written records and files pertaining to the commercial marijuana operation, for the purposes of ensuring compliance with this

chapter and all laws of the City and the State of California.

2. Execute an agreement: to indemnify, defend and hold harmless (at the commercial marijuana operation permit holder's sole expense, the ability to do so demonstrated through proof of sufficient insurance coverage to the satisfaction of the City) the City, its elected officials, employees, agents, officers, and representatives, and each and all of them individually, from all liability or harm arising from or in connection with all claims, damages, attorney's fees, costs and allegations arising from or in any way related to the operation of the commercial marijuana operation; and, to reimburse the City for any costs and attorney's 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.

Sec 5.58.090 - Renewal of commercial marijuana operation permit.

- A. Commercial marijuana operation permits issued pursuant to this chapter shall automatically expire one year from the date of issuance, unless specifically provided for otherwise by this chapter.
- B. The following procedures shall govern the process for the renewal of a commercial marijuana operation permit:
 1. A holder of a commercial marijuana operation permit may apply for the renewal of an existing permit no less than sixty (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 commercial marijuana operation permit, including but not limited to the requirements in section 5.58.070.
 3. If the holder of a commercial marijuana operation permit files a renewal application less than sixty (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 commercial marijuana operation 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 commercial marijuana operation shall not operate and is considered to be unlawful.

Sec. 5.58.100 - General operating standards and restrictions.

A commercial marijuana operation shall operate in conformance with the following minimum standards, and such standards shall be deemed to be part of the conditions on the permit for a commercial marijuana operation to ensure that its operation is in compliance with California law and the Perris Municipal Code, and to mitigate any potential adverse impacts of the commercial marijuana operation 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).

- A. State Standards. All state requirements and regulations that govern the operation of a commercial marijuana operation, including but not limited to ones related specifically to certain types of commercial marijuana operations, shall apply as minimum requirements and regulations for commercial marijuana operations within the City of Perris, in addition to the requirements and regulations of this chapter and this Code.
- B. Security.
 1. General. All marijuana, marijuana products and cash present or kept at the premises shall be securely stored against both unauthorized access as well as theft.
 2. Licensed Security Guard.
 - a. No less than one security guard shall be present at the location of the commercial marijuana operation during all hours of operation.
 - 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 firearms 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.
 3. Security Cameras.
 - a. Security cameras shall be installed and maintained in good condition, with at least thirty (30) days of digitally recorded documentation in a format approved by the Director and the Police Chief.
 - b. The camera and recording system must be of adequate quality, color rendition, and resolution to allow the identification of any individual present at the site of the commercial marijuana operation.

- c. The cameras shall be in continuous use twenty-four (24) hours per day, seven (7) days per week.
 - d. The recording system must be capable of exporting the recorded video in standard MPEG formats to another common medium approved by the Director, such as DVD and/or a USB drive.
 - e. The areas to be covered by the security cameras include, but are not limited to, the storage areas, operation areas, all doors and windows, the parking lot, all exterior sides of the property adjacent to the public rights of way, and any other areas as determined by the Director and Police Chief.
 - f. Remote log-in information will be provided to the Director and the Police Chief to allow them to view live and recorded security camera images remotely at any time.
4. Alarm System. The location of the commercial marijuana operation 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.
 5. Locked Entrances. All entrances into the building housing a commercial marijuana operation shall be locked from the exterior at all times with entry controlled by employees.
 6. Windows. All windows on any building that houses the commercial marijuana operation shall be secured against entry from the outside.
 7. No employee shall refuse, impede, obstruct or interfere with an inspection conducted pursuant to the authorizations provided by this chapter.

C. Odors.

1. A commercial marijuana operation shall have an air treatment system (e.g., a recycled air system) that ensures off-site odors shall not result from its activities.
2. This requirement at a minimum means that the commercial marijuana operation shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the location of the commercial marijuana operation 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 commercial marijuana operation, if the use only occupies a portion of a building.

D. Authorizations.

1. Operations officers shall have the right to enter all areas of the commercial marijuana operation 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.
2. Recordings made by security cameras required pursuant to this chapter shall be made available to operations officers upon verbal request; no search warrant or subpoena shall be needed to view the recorded materials.

E. Records.

1. Commercial marijuana operations shall maintain on-site the following records either in paper or electronic form:
 - a. The full name, address, and telephone numbers of the owner and lessee of the property.
 - b. The name, date of birth, address, and telephone number of each employee of the commercial marijuana operation; the date each was hired; and the nature of each employee's participation in the commercial marijuana operation.
 - c. Copies of all required state licenses.
 - d. An inventory record documenting the dates and amounts of marijuana and marijuana products received at the site, the daily amounts of marijuana and marijuana products on the site, and the daily amounts of marijuana and marijuana products leaving the site for any reason, including but not limited to being sold, delivered, or distributed.
 - e. A written accounting of all expenditures, costs, revenues and profits of the commercial marijuana operation, including but not limited to cash and in-kind transactions.
 - f. A copy of all insurance policies related to the operation of the commercial marijuana operation.
 - g. A copy of the commercial marijuana operation's most recent year's financial statement and tax return.
 - h. Proof of a valid and current permit issued by the City in accordance with this chapter, and the equivalent State of California license to operate the commercial marijuana operation. Every commercial marijuana operation shall display at all times during business hours the City permit issued pursuant to the provisions of this chapter, and the equivalent State license,

in a conspicuous place so that it may be readily seen by all persons entering the location of the commercial marijuana operation.

2. All records required to be maintained by the commercial marijuana operation must be maintained for no less than three (3) years and are subject to immediate inspection (consistent with requirements pertaining to patient confidentiality pursuant to applicable State and Federal law) upon a lawful written request by an operations officer.
3. A commercial marijuana operation shall report any loss, damage, or destruction of these records to the Operation Officers within twenty-four (24) hours of the loss, damage, or destruction.

F. Site Management.

1. Commercial marijuana operations shall not result in a nuisance or adversely affect the health, welfare, or safety of nearby persons by creating dust, glare, heat, noise, noxious gases, odors, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or waste. The permittee shall promptly and diligently both prevent as well as eliminate conditions on the site of the commercial marijuana operation that constitute a nuisance.
2. The commercial marijuana operation permittee shall maintain the exterior of the site, including any parking lots under the control of the permittee, free of litter, debris, and trash.
3. The commercial marijuana operation permittee shall properly store and dispose of all waste generated on the site, including chemical and organic waste, in accordance with all applicable laws and regulations.
4. Notwithstanding any provisions of this Code to the contrary, the commercial marijuana operation permittee shall remove all graffiti from the site and parking lots under the control of the commercial marijuana operation permittee within seventy-two (72) hours of its application.

G. State Board of Equalization Seller's Permit Required.

1. Commercial marijuana operations must obtain a Seller's Permit from the State Board of Equalization as applicable.
2. Such permit shall be displayed in a conspicuous place so that it may be readily seen by all persons entering the location of the commercial marijuana operation.

H. Employees.

1. All employees must submit to fingerprinting and criminal background checks by

the City.

- a. No employee convicted within the last ten years of a felony substantially related to the qualifications, functions or duties of an employee of a commercial marijuana operation (such as a felony conviction for distribution of controlled substances, money laundering, racketeering, etc.) shall be employed by a commercial marijuana operation, 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.
 - b. At the request of the commercial marijuana operation, the Director and Police Chief 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 and Police Chief for such determination.
2. 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 commercial marijuana operation. A valid California Driver's license will satisfy this requirement.

I. Marijuana Transfer Between Permitted Operations Only.

A commercial marijuana operation shall not transfer marijuana or marijuana products to or from another commercial marijuana operation, unless both operations are in possession of all required state and local licenses and permits.

J. Commercial Marijuana Operation Signage.

1. 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.
2. 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.

K. Prohibited Personal Activities.

1. Marijuana Use. No person shall smoke, ingest, or otherwise consume marijuana in any form on, or within 20 feet of, the site of the commercial marijuana operation.
2. Alcohol Use. No person shall possess, consume, or store any alcoholic beverage on the site of the commercial marijuana operation.

- L. No Minors. No minor shall be an employee of, or participate in, a commercial marijuana operation in any capacity, including but not limited to, as a manager, employee, contractor, adviser, or volunteer.
- M. Exterior Lighting. The exterior of the premises upon which the commercial marijuana operation 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.
- N. Building Design. A commercial marijuana operation permittee must maintain the design of the buildings on the site in accordance with the plans that are approved by the City pursuant to this chapter and otherwise approved by the City. No permittee shall modify the buildings on the site contrary to the approved plans, without the approval of the Director.
- O. Nuisance. The commercial marijuana operation permittee 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 activities of the subject commercial marijuana operation.
 - 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.
- P. Upon and after receiving possession of a commercial marijuana operation permit as provided for in this chapter, the commercial marijuana operation permit holder shall:
 - 1. Immediately update the Director in writing upon the change in status of any of the information previously submitted to the City concerning the commercial marijuana operation, including but not limited to when there is any change in the address, email, phone number, or other identifying information, previously provided to the City in compliance with this chapter, for any owner, manager, community outreach manager, property owner, or legal representative of the commercial marijuana operation.
 - 2. Maintain continuing compliance with criminal background check requirements of

this chapter by ensuring that:

- a. upon the hiring, association or retention of an employee by the commercial marijuana operation, the requirements of Section 5.58.070(B)(2)(d) are immediately met for such employee by provision of appropriate documentation to the Director; and
 - b. the Director and Police Chief are immediately informed in writing of any felony conviction as described in Section 5.50.100(H)(1)(a) for any current employee.
3. Maintain continuing compliance with all applicable insurance requirements, including, but not limited to, those imposed by City and this chapter.
- Q. Exemption. The regulations contained in this chapter shall not apply to a commercial marijuana operation engaged in the following uses, as long as such use complies strictly with applicable law, including this Code, regulating such use and the location of such use, including, but not limited to, Sections 11362.5, *et seq.* of the Health and Safety Code: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed 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; and, a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

Sec. 5.58.110 - Cultivation operating standards and restrictions.

A commercial marijuana operation engaged in indoor or mixed-light cultivation (which includes nurseries restricted to indoor or mixed-light cultivation) shall operate in conformance with both the General Operating Standards and Restrictions provided for in Section 5.58.100, as well as the following minimum standards, and such standards shall be deemed to be part of the conditions of the permit for a cultivation commercial marijuana operation to ensure that its operation is in compliance with California law and the Perris Municipal Code, and to mitigate any potential adverse impacts of the commercial marijuana operation 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).

- A. City Permit and State License. No person shall engage in cultivation without both a current and valid City commercial marijuana operation permit issued for cultivation as well as a current and valid equivalent state license as provided for under Division 10 of the Business and Professions Code, and as may be amended.
- B. State Standards. All state requirements and regulations that govern cultivation operations, including but not limited to the regulations promulgated by the California Department of

Food and Agriculture, and as may be amended, shall apply as minimum requirements and regulations for cultivation commercial marijuana operations within the City of Perris, in addition to the requirements and regulations of this chapter and this Code.

C. Location Restrictions.

1. No cultivation operation shall locate or operate in any area or zone of the City of Perris, other than in the following subareas of the Light Industrial (LI) Zone or the General Industrial (GI) Zone, as defined more fully in Chapter 19.44 (Industrial Zones) of Title 19 (Zoning) of the Perris Municipal Code:
 - a. North Perris: North of Perry Street to the city limits, between the Perris Valley Storm Drain Channel and the I-215 Freeway.
 - b. South Perris: North of Watson Road, south of Ellis Avenue, between the Perris Valley Storm Drain Channel and Santa Fe Railroad.
2. No cultivation operation shall locate within six hundred (600) feet of a school, park, place of worship, youth-oriented facility, youth center, day care center or residential zone. The distance shall be measured as the horizontal distance measured in a straight line from the property line of one site to the property line of another site.

D. Water.

1. The water supply shall be sufficient for the operations intended, shall comply with all State regulations, and shall be derived from a source that is a regulated water system. Private water supplies shall be derived from a water source that is capable of providing a safe, potable, and adequate supply of water to meet the facility's needs.
2. Plumbing shall be of adequate size and design and adequately installed and maintained to carry sufficient quantities of water to required locations throughout the operation and that shall properly convey sewage and liquid disposable waste from the operation. There shall be no cross-connections between the potable and waste water lines.

E. Sanitation.

1. The permittee shall establish and implement written procedures that maintain the highest industry standards of sanitation and cleanliness for the operation so as to ensure at all times marijuana remains free of harmful contaminants, including but not limited to pesticides, mold and fungus.
2. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where marijuana is exposed.

3. Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and kept in good repair.

F. Site Requirements. The site shall comply with the following requirements:

1. Visibility.

- a. Neither marijuana, marijuana products, nor visible exterior evidence of any cultivation activities, shall be visible from the public right-of-way, the unsecured areas surrounding the buildings on the site, or the site's main entrance and lobby.
- b. Building frontage shall be constructed and designed so as to entirely conceal from public view both all cultivation activities conducted by the permittee, as well as all marijuana and marijuana products at the site.

2. Main Entrance and Lobby. The site shall have a building with a main entrance that is clearly visible from the public street or sidewalk. The main entrance shall be maintained clear of barriers, landscaping, and other obstructions. Inside of the main entrance, there shall be a lobby to receive persons into the site and to verify whether they are allowed in the cultivation commercial marijuana operation areas. Members of the general public shall not be allowed in the cultivation commercial marijuana operation areas except for reasons of lawful business.

3. Cultivation Area. All cultivation areas in any building on the site shall be separated from the main entrance and lobby, and shall be secured by a lock accessible only to employees of the permittee.

4. Storage Area. Each building with a cultivation area shall have adequate storage space for marijuana that has completed the cultivation process or is otherwise not being cultivated. The storage areas shall be separated from the main entrance and lobby, and shall be secured by a lock accessible only to employees of the permittee.

5. Secure Product. All marijuana, whether being cultivated or otherwise, at the site shall be kept in a secured manner at all times so as to deter theft and unauthorized access.

6. Transport Area. Each building with a cultivation area shall have an area designed for the secure transfer of marijuana from the cultivation area to a vehicle for transportation.

7. Lighting. Sufficient lighting must be used in all areas where marijuana is cultivated and stored, and where equipment or utensils are cleaned, so that at all times the items and activities in these areas are fully visible to both any security cameras covering the areas as well as the naked eye.

G. Training. The permittee shall establish and implement written procedures that provide for

the highest industry standards of training for employees engaged in cultivation operations.

H. Signs. A permittee shall display conspicuously in the lobby of the site the following signs, so that each sign may be readily seen by persons entering the site, and each sign must be at least 8 inches by 10 inches in size:

1. "This site is not open to the public."
2. "Retail sales of any goods and services is prohibited"
3. "Minors are prohibited from entering this site."
1. "Smoking, ingesting, or consuming marijuana on or within 20 feet of this site is prohibited."

I. Prohibited Activities.

1. No marijuana manufacturing or testing shall occur at the site.
2. No retail sales of marijuana or marijuana products shall occur at the site.

J. Restricted Access.

1. The site shall be closed to the general public. No one shall be allowed on the cultivation site, except for employees, or persons with a bona fide business or regulatory purpose for being on the site, such as contractors or inspectors.
2. Minors are prohibited at all times from entering the location of the site.

Sec. 5.58.120 - Testing operating standards and restrictions.

A commercial marijuana operation engaged in testing shall operate in conformance with both the General Operating Standards and Restrictions provided for in Section 5.58.100, as well as the following minimum standards, and such standards shall be deemed to be part of the conditions of the permit for a testing commercial marijuana operation to ensure that its operation is in compliance with California law and the Perris Municipal Code, and to mitigate any potential adverse impacts of the commercial marijuana operation 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 (upon authorization by resolution from the City Council) by the Director.

A. City Permit and State License. No person shall engage in testing without both a current and valid City commercial marijuana operation permit issued for testing as well as a current and valid equivalent state license as provided for under Division 10 of the Business and Professions Code, and as may be amended.

B. State Standards. All state requirements and regulations that govern testing operations, including but not limited to regulations promulgated by the Bureau of Cannabis Control within the Department of Consumer Affairs, and as may be amended, shall apply as minimum requirements and regulations for testing commercial marijuana operations within the City of Perris, in addition the requirements and regulations of this chapter and this Code.

C. Location Restrictions.

1. No testing operation shall locate or operate in any area or zone of the City of Perris, other than in the Light Industrial (LI) Zone, the General Industrial (GI) Zone, or the Business Park (Industrial) (BP) Zone, as defined more fully in Chapter 19.44 (Industrial Zones) of Title 19 (Zoning) of the Perris Municipal Code.
2. No testing operation shall locate within six hundred (600) feet of a school, youth center or day care center. The distance shall be measured as the horizontal distance measured in a straight line from the property line of one site to the property line of another site.

D. Independent. Permittees shall be independent from all other persons and entities involved in commercial marijuana operations other than testing.

E. Health and Safety; Director Approval

1. General.

- a. Testing operations before commencing operation, and as a continuing prerequisite to continuing operations, shall receive, and maintain, written approval from the Director that any closed-loop system, equipment used and the testing facilities in general, all meet or exceed appropriate health and safety standards as determined by the Director.
- b. These health and safety standards include any required fire, safety and building code requirements specified in the California Fire Code, the National Fire Protection Association (NFPA) standards, the International Building Code (IBC), the International Fire Code (IFC), and any other applicable standards, including complying with all applicable fire, safety, and building codes in processing, handling, and storage of solvents or gasses.

2. Fire Safety Plan.

- a. Testing operations shall not commence until written approval is received from the Director for a completed Fire Safety Plan for the operation.
- b. An application for a renewal of a testing commercial marijuana operation

permit shall not be approved until an inspection of the site occurs by the Director which affirms that both the operation remains in compliance with the approved Fire Safety Plan (or an amended Fire Safety Plan as determined by the Director) and that any further actions that need to be taken in the determination of the Director are taken to ensure that all applicable and necessary health and safety requirements are met.

3. Certified Industrial Hygienist (CIH).
 - a. The permittee must provide for, maintain, and follow a detailed plan prepared by a CIH, and approved by the Director, to insure the appropriate health and safety procedures including, but not limited to, procedures necessary to control hazards, for use of proper protective equipment, for product safety, for compliance with Cal OSHA limits, to provide specifications for ventilation controls, and to ensure environmental protections, are adopted and used by the operation on a continuing basis.
 - b. The Director shall establish further written requirements for the plan, including but not limited to required inspections by the CIH and a hazardous materials management plan. Upon reasonable determination by the Director the permittee shall be required to update or amend the approved plan to the satisfaction of the Director.
 4. UL (Underwriters Laboratories) Listed. All testing devices and equipment used by the operation must be UL listed, or otherwise approved for the intended use by the Director.
 5. Hazardous Materials. All hazardous material used, generated or associated with the operation must be disposed of in a manner which is approved by the Director before disposal occurs, and which is compliant with all local, State and federal guidelines for the disposal of hazardous materials.
 6. Waste Treatment System. The permittee must provide for and maintain a waste treatment system which is approved by the Director so as to prevent contamination in areas where marijuana or marijuana products may be exposed to such a system's waste or waste by-products.
- F. Operation Requirements. The testing operation shall be subject to all applicable regulations developed (including as modified) by the State of California for commercial marijuana testing operations, and shall comply with the following requirements:
1. Conduct all testing in a manner pursuant to Section 26100 of the Business and Professions Code, and as amended, subject to State and local law.
 2. Conduct all testing in a manner consistent with general requirements for the competence of testing and calibration activities, including sampling using verified

methods.

3. Obtain and maintain ISO/IEC 17025 accreditation as required by the State.
4. Destroy the remains of the sample of marijuana or marijuana products upon the completion of analysis as determined by the State through regulations.
5. Dispose of any waste byproduct resulting from testing operations in the manner required by State and local laws and regulations.

G. Site Requirements. The site shall comply with the following requirements:

1. Indoor Testing Only. All testing shall occur in a fully enclosed building.
2. Fire Sprinklers. The site shall be equipped with an automatic fire sprinkler system, in accordance with NPFA 13, California Fire Code (Section 903), and the Perris Municipal Code with zero (0) square foot requirement.
3. Visibility.
 - a. Neither marijuana, marijuana products nor visible exterior evidence of any testing activity, shall be visible from the public right-of-way, the unsecured areas surrounding the buildings on the site, or the site's main entrance and lobby.
 - b. Building frontage shall be constructed and designed so as to entirely conceal from public view both all testing activities conducted by the permittee, as well as all marijuana and marijuana products at the site.
4. Main Entrance and Lobby. The site shall have a building with a main entrance that is clearly visible from the public street or sidewalk. The main entrance shall be maintained clear of barriers, landscaping, and other obstructions. Inside of the main entrance, there shall be a lobby to receive persons into the site and to verify whether they are allowed in the testing areas.
5. Secure Product. All marijuana and marijuana products at the site shall be kept in a secured manner at all times.
6. Testing Area. All testing areas in any building on the site shall be separated from the main entrance and lobby, and shall be secured by a lock accessible only to employees of the marijuana testing permittee.
7. Transport Area. Each building with a testing area shall have an area designed for the secure transfer of marijuana from a vehicle to the testing area.
8. Storage Area. Each building with a testing area shall have adequate storage space for marijuana that has been tested or is waiting to be tested. The storage areas shall be separated from the main entrance and lobby, and shall be secured by a lock

accessible only to employees of the permittee.

H. Sanitation. The permittee shall establish and implement written procedures that maintain the highest industry standards of sanitation and cleanliness for the operation so as to ensure the marijuana tested remains free of harmful contaminants.

I. Training. The permittee shall establish and implement written procedures that provide for the highest industry standards of training for employees engaged in testing operations.

J. Signs. A permittee shall display conspicuously in the lobby of the site the following signs, so that each sign may be readily seen by persons entering the testing site, and each sign must be at least 8 inches by 10 inches in size:

1. "This site is not open to the public."
2. "Retail sales of any goods and services is prohibited"
3. "Minors are prohibited from entering this site."
4. "Smoking, ingesting, or consuming marijuana on or within 20 feet of this site is prohibited."

K. Prohibited Activities.

1. No marijuana cultivation or manufacturing shall occur at the site.
2. No retail sales of marijuana or marijuana products shall occur at the site.

L. Restricted Access.

1. The site shall be closed to the general public. No one shall be allowed on the testing site, except for employees, or persons with a bona fide business or regulatory purpose for being on the site, such as contractors or inspectors.
2. Minors are prohibited at all times from entering the location of the site

Sec. 5.58.130 - 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, by the Director (upon authorization by resolution from the City Council), or as further provided by this chapter.

Sec. 5.58.140 - Fees.

An application fee set by resolution of the City Council shall be required for formal processing of every application made under this chapter. 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 commercial marijuana operations.

Sec. 5.58.150 - Suspension and revocation.

- A. The Director is authorized to suspend and/or revoke a commercial marijuana operation permit issued pursuant to this chapter upon the determination through written findings of a failure to comply with any provision of this chapter, any permit condition, or any agreement or covenant as required pursuant to this chapter.
- B. The Director may suspend or revoke a commercial marijuana operation permit if any of the following occur:
 - 1. The Director determines that the commercial marijuana operation has failed to comply with any aspect of this chapter, any permit condition, or any agreement or covenant as required pursuant to this chapter; or
 - 2. The equivalent State license has been revoked by the State of California; or
 - 3. Operations cease for more than one hundred eighty (180) calendar days (including during any change of ownership, if applicable); or
 - 4. Ownership is changed without securing a new commercial marijuana operation permit; or
 - 5. The commercial marijuana operation fails to maintain required security camera recordings; or
 - 6. The commercial marijuana operation fails to allow inspection of the security recordings, the activity logs, the records, or of the premise by operation officers.
- 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, managers and employees of the suspended or revoked commercial marijuana operation 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 commercial marijuana operation permit pursuant to the requirements of this chapter.

Sec. 5.58.160 - Violations and penalties; public nuisance.

- A. Any violation of the provisions of this chapter, at the discretion of the city prosecutor, is punishable as a misdemeanor or an infraction pursuant to Chapter 1.16 of the Perris City

Code, except for as preempted by state law; and, any violation of the provisions of this chapter is subject to administrative citation, at the discretion of the City, pursuant to Chapter 1.18 of the Perris City Code.

B. Public nuisance abatement.

1. Any commercial marijuana operation that is conducted 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 of the Perris City Code.
2. All costs to abate such public nuisance, including attorneys' fees and court costs, shall be paid by the person causing the nuisance, including the commercial marijuana operation permittee and the property owner where the nuisance is occurring.

C. The remedies described in this section are not mutually exclusive. Pursuit of any one remedy shall not preclude City from availing itself of any or all available administrative, civil, or criminal remedies, at law or equity.

D. 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.

Sec. 5.58.170 - Appeals.

Any decision regarding approval, conditional approval, denial, suspension or revocation of a commercial marijuana operation permit may be appealed to the Planning Commission (unless subject to the provisions of Section 5.58.160 of this chapter) by an applicant, a permit holder or interested party as follows:

- A. 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 (10) 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.
- B. Notice of the time and place of an appeal hearing shall be providing to the appellant within thirty (30) days of receipt by the Perris City Clerk of the written appeal.
- C. The appeal hearing shall be held within sixty (60) days of the filing of the written appeal with the Perris City Clerk, unless the sixty-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.
- D. 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.

- E. 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 sixty (60) days of receipt by the Perris City Clerk of the written appeal. Any determination of the City Council shall be final.
- F. 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 ninety (90) days of a determination being made final.

Sec. 5.58.180 - Service of notices.

All notices required by this chapter are deemed issued and served upon the date they are either deposited in the United States mail, postage pre-paid, addressed (if to an applicant, a commercial marijuana operation, or an appellant) to the applicant or commercial marijuana operation at the mailing address identified in its application, the last updated address on file with the Director's office, or the mailing address on the appeal form; or, the date upon which personal service of the notice is provided to a responsible party.

Sec. 5.58.190 - Prohibitions.

- A. All commercial marijuana operation in violation of The Adult Use of Marijuana Act, The Medicinal and Adult-Use of Cannabis Regulation and Safety Act, this chapter, or any other applicable local or State law are expressly prohibited.
- B. It is unlawful for any commercial marijuana operation in the City, or any agent, employee or representative of such commercial marijuana operation, 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 commercial marijuana operation, or to violate any State law, or this chapter.

Sec. 5.58.200 - Nonconforming use.

No use which purports to have engaged in a commercial marijuana activity of any nature 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.

Sec. 5.58.210 - 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 City Council hereby declares that it 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.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, 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 City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 4. CEQA. The City Council finds that this ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to both the exemption provided by Section 26055(h) of the Business and Professions Code as well as Sections 15060(c)(3) and 15061(b)(3) of the CEQA Guidelines.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its passage.

SECTION 6. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

ADOPTED, SIGNED and APPROVED this 14th day of November, 2017.

Michael M Vargas, Mayor

ATTEST:

Nancy Salazar, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, City Clerk of the City of Perris, do hereby certify that the foregoing Ordinance Number 1355 was duly and regularly introduced by the City Council of the City of Perris at a regular meeting thereof held on the 2nd day of November and regularly and duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 14th day of November 2017, by the following vote:

AYES: RABB, ROGERS, BURKE, VARGAS
NOES: CORONA
ABSENT: NONE
ABSTAIN: NONE

City Clerk, Nancy Salazar