

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA  
AMENDING CHAPTER 4.04 TO TITLE 4 OF THE VISALIA MUNICIPAL CODE,  
ENTITLED "COMMERCIAL CANNABIS ACTIVITY"

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

**SECTION 1.** Chapter 5.66 of the Visalia Municipal Code is hereby rescinded in its entirety.

**SECTION 2.** Title 4 of the Visalia Municipal Code is hereby amended to add Chapter 4.04 as follows:

**CHAPTER 4.04**

**COMMERCIAL CANNABIS ACTIVITY**

- 4.04.010 Title**
- 4.04.020 Purpose and Intent**
- 4.04.030 Legal Authority**
- 4.04.040 Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter**
- 4.04.050 Compliance with State and Local Laws and Regulations**
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- 4.04.500 Promulgation of Regulations, Standards and Other Legal Duties
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- 4.04.530 License Holder Responsible for Violations
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- 4.04.550 Violations Declared a Public Nuisance

**4.04.010 Title.**

This Chapter shall be known as the Commercial Cannabis Activity Ordinance of the City of Visalia.

**4.04.020 Purpose and Intent.**

It is the purpose and intent of this Chapter to implement the provisions of the Medicinal and

Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) to accommodate the needs of medically-ill persons in need of cannabis for medicinal purposes as recommended by their health care provider(s), and to provide access to same. It is also the purpose and intent of this Chapter to provide access to adult-use cannabis for persons aged 21 and over as authorized by the MAUCRSA, while imposing sensible regulations on the use of land to protect the City’s residents, neighborhoods, and businesses from disproportionately negative impacts. It is the purpose and intent of this Chapter to regulate the commercial cultivation, processing, manufacturing, testing, sale, delivery, and distribution of cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the City and to enforce rules and regulations consistent with state law.

#### **4.04.030 Legal Authority.**

This Chapter is adopted pursuant to the authority granted to the City by Section 7 of Article XI of the California Constitution, Sections 50022.1-50022.8 and 50022.10 of the California Government Code, and the provisions of the MAUCRSA.

#### **4.04.040 Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter.**

Except as specifically authorized by this Chapter, the commercial cultivation, manufacture, processing, storing, laboratory testing, labeling, sale, delivery, distribution, or transportation, of cannabis or cannabis products is expressly prohibited in the City.

#### **4.04.050 Compliance with State and Local Laws and Regulations.**

It is the responsibility of the owners and/or operators of any commercial cannabis business within the City limits to ensure that they operate in a manner compliant with this Chapter, all applicable state and local laws, and any regulations promulgated thereunder, including but not limited to the MAUCRSA.

#### **4.04.060 Definitions.**

All definitions pertaining to cannabis regulation that appear in Business and Professions Code Section 26001, as codified by the MAUCRSA, are hereby incorporated by reference. Definitions appearing in this ordinance are either those that are not covered by state law, pre-date the MAUCRSA, or are outside the scope of Business and Professions Code Section 26001.

- (A) “Applicant” means a person or entity that submits an application for a Cannabis Business License under this Chapter.
- (B) “Cannabis” shall have the same meaning as that appearing in Business and Professions Code Section 26001(f).

- (C) “Caregiver” or “primary caregiver” has the same meaning as that term is defined in Health and Safety Code Section 11362.7.
- (D) “City” shall mean the City of Visalia, California and shall include any officer, agent or employee of the City acting in their official capacity on behalf of the City in carrying out the provisions of this chapter.
- (E) “City Manager” shall mean the City of Visalia City Manager or their designee.
- (F) “Commercial cannabis business” or “cannabis business” means any business or operation which engages in medicinal or adult-use commercial cannabis activity.
- (G) “Cannabis Business License” means a regulatory license issued by the City pursuant to this Chapter, to a commercial cannabis business and is required before any commercial cannabis activity may be conducted in the City. The initial license and annual renewal of a commercial cannabis business is made expressly contingent upon the business’ ongoing compliance with all of the requirements of this Chapter and any regulations adopted by the City governing the commercial cannabis activity at issue.
- (H) “Cannabis Business Licensee” or “Licensee” means a person or entity that has received a Cannabis Business License from the City as authorized under this Chapter.
- (I) “Delivery only medical marijuana retail” is a “cannabis business” operated by a state licensed nonstorefront retailer possessing a current M-license and Type 9 license from CA Department of Cannabis Control where medical marijuana is made available, and/or distributed by method of delivery only, with no on-site customer services of any kind, to medicinal cannabis patients, as defined in Section 11362.7 of the Health and Safety Code, who possess a physician’s recommendation that complies with Article 25 (commencing with Section 2525) of Chapter 5 of Division 2, or a qualified patient or primary caregiver for a qualified patient issued a valid identification card pursuant to Section 11362.71 of the Health and Safety Code.
- (J) “Dispensing” means any activity involving the retail sale of cannabis or cannabis products from a retailer.
- (K) “Distributor” shall have the same meaning as that appearing in Section 26070 of the Business and Professions Code, and have been issued, or intends to operate under a Type 11 or Type 13 license from the CA Department of Cannabis Control.
- (L) “Limited-access area” means an area in which cannabis is stored or held and is only accessible to a licensee and authorized personnel.
- (M) “Manufactured cannabis” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other

manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.

- (N) “Manufacturer” shall have the same meaning as that appearing in Section 26130 of the Business and Professions Code, and have been issued, or intends to operate under any type of manufacturing license issued by the CA Department of Cannabis Control except for Type 7 as volatile solvent-based cannabis manufacturing uses shall be prohibited.
- (O) “Manufacturing site” means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid Cannabis Business License for cannabis manufacturing from the City of Visalia and, a valid state license as required for manufacturing of cannabis products.
- (P) “Medical Marijuana” means the use of marijuana for the purposes set forth in the Compassionate Use Act and the Medical Marijuana Program Act, which was adopted by California voters as Proposition 215 in 1996, found in California Health and Safety Code Sections 11362.5 and 11362.7 et seq.
- (Q) “Microbusiness” shall mean a commercial cannabis business that has been issued, or intends to operate under a Type 12 license from the CA Department of Cannabis Control and may not conduct storefront retail activities or any form of cultivation activities other than that of the “Processor” sub license type of the Cultivation licenses issued by the CA Department of Cannabis Control.
- (R) “Non-retail business” means a wholesale business which includes cultivation, processing, manufacturing, distribution, and/or testing labs.
- (S) “Non-storefront retailer” is a subset of “Retailer” and is a licensed retail business that is closed to the public and provides product to customers solely by means of a delivery service which the retailer owns and controls.
- (T) “Non-volatile solvent” means any solvent used in the extraction process that is not a volatile solvent as defined by state law. For purposes of this Chapter, a non-volatile solvent includes carbon dioxide (CO<sub>2</sub>) used for extraction and ethanol used for extraction or post-extraction processing.
- (U) “Owner” means any of the following:
  - (1) A person with an aggregate ownership interest of 5 percent or more in the commercial cannabis business, unless the interest is solely a security, lien or encumbrance.

- (2) An individual who manages, directs, or controls the operations of the commercial cannabis business, including but not limited to:
- (a) A member of the board of directors of a nonprofit.
  - (b) A general partner of a commercial cannabis business that is organized as a partnership.
  - (c) A non-member manager or manager of a commercial cannabis business that is organized as a limited liability company.
  - (d) The trustee(s) and all persons who have control of the trust and/or the commercial cannabis business that is held in trust.
  - (e) An individual with the authority to provide strategic direction and oversight for the overall operations of the commercial cannabis business, such as the chief executive officer, president or their equivalent, or an officer, director, vice president, general manager or their equivalent.
  - (f) An individual with the authority to execute contracts on behalf of the commercial cannabis business.
  - (g) When an entity is an owner in a commercial cannabis business, all entities and individuals with a financial interest in the entity shall be disclosed to the City and may be considered owners of the commercial cannabis business. For example, this includes all entities in a multi-layer business structure, as well as the chief executive officer, members of the board of directors, partners, trustees and all persons who have control of a trust and managing members or non-member managers of the entity. Each entity disclosed as having a financial interest must disclose the identities of persons holding financial interests until only individuals remain.
- (V) “Package” means any container or receptacle used for holding cannabis or cannabis products.
- (W) “Park” means all parks and their associated open spaces, park amenities, buildings and recreation centers used by the public within the boundaries of the city limits of the city, and which are owned, operated and/or maintained by the city.
- (X) “Patient” or “qualified patient” shall have the same meaning as that contained in California Health and Safety Code Section 11362.7 et seq., as it may be amended, and which includes within its definition a person who is entitled to the protections of California Health & Safety Code Section 11362.22.
- (Y) “Person” shall mean any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.
- (Z) “Person with an identification card” shall have the same meaning as that contained in California Health and Safety Code Section 11362.7.

- (AA) "Processing" or "Processor" means a business or facility that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and non-manufactured cannabis products.
- (BB) "Retailer" or "Storefront Retailer" shall have the same meaning as that contained in Section 26070(a)(1) of the California Business and Professions Code.
- (CC) "State license" means a permit or license issued by the State of California, or one of its departments or divisions, under the MAUCRSA and any subsequent related State of California legislation, to engage in cannabis activity. A state license alone will not authorize the holder to operate a cannabis business, as state law also requires a license or other authorization issued by a local jurisdiction.
- (DD) "Testing Laboratory" shall have the same meaning as that appearing in Section 26100 of the Business and Professions Code, and have been issued, or intends to operate under a Type 8 license issued by the CA Department of Cannabis Control.
- (EE) "Topical cannabis" means a product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by California Health and Safety Code Section 109925.
- (FF) "Transport" means the transfer of cannabis products from the licensed business location of one state licensee to the licensed business location of another state licensee, for the purposes of conducting cannabis activity authorized by the MAUCRSA which may be amended or repealed by any subsequent related State of California legislation. Transport can only be performed by state licensed distributors and does not include deliveries of cannabis or cannabis products.
- (GG) "Volatile solvent" means a solvent as defined by Health and Safety Code Section 11362.3(b)(3) as of the effective date of this article and as subsequently amended.
- (HH) "Youth center" means any:
- (1) Public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to:
    - (a) Private youth membership organizations or clubs,
    - (b) Social service teenage club facilities, and
    - (c) Must be used for youth activities at least 60 percent of the time in a calendar year.
  - (2) This definition shall not include any private martial arts, yoga, ballet, music, art studio or similar studio of this nature nor shall it include any private gym, athletic

training facility, pizza parlor, dentist office, doctor's office primarily serving children or a location which is primarily utilized as an administrative office or facility for youth programs or organizations.

**4.04.070 Cannabis Business License Required to Engage in Cannabis Business.**

No person may engage in any cannabis business within the City including cultivation, manufacture, processing, laboratory testing, distributing, dispensing, or sale of cannabis or a cannabis product unless the person meets all of the following requirements:

- (A) Possess a valid Cannabis Business License from the City;
- (B) Possess a valid State of California Seller's Permit; and
- (C) Is currently in compliance with all applicable state and local laws and regulations pertaining to the cannabis business and the cannabis activities, including the duty to obtain any required state licenses.

**4.04.080 Evidence of Cannabis Owners and/or Employees Background Check Required.**

- (A) Any person who is an owner, employee or who otherwise works within a cannabis business must be legally authorized to do so under applicable state law.
- (B) Cannabis business owners, operators, investors, managers, and employees shall be required to submit to a criminal background check for themselves and all persons in their employment.
- (C) The City shall conduct criminal background checks which must at a minimum identify the following:
  - (1) Whether the individual applying for employment has ever been convicted of a violent felony as defined by California Penal Code 667.5 or equivalent offenses in other states;
  - (2) Whether the owner or employee has ever been convicted of a felony for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor; or
  - (3) Whether the owner or employee has ever been convicted of a felony for drug trafficking with enhancements pursuant to Section 11370.4 or 11379.8 of the Health and Safety Code

- (D) Evidence of a conviction of any the offenses enumerated in Section 4.04.080(c) of this Code shall be grounds for denial of employment.
- (E) Violation of Section 4.04.080 of this Code shall be grounds for immediate suspension of the business' operating Cannabis Business License, pending a hearing before the City Manager within 30 days for a final determination of the status of the license.
- (F) Employee permit required.
  - (1) Every employee or independent contractor working at a commercial cannabis business or involved in transportation/delivery related services for a cannabis business shall obtain an employee permit. It shall be the duty of the commercial cannabis business to ensure that employee permits are obtained from the Visalia Police Department prior to the employee or independent contractor commencing work. Persons who are listed as a business owner on a regulatory permit shall not be required to obtain an employee permit if such person also serves as an employee or contractor. All responsible parties, except the business owner, shall be required to obtain an employee permit.
  - (2) Each employee and independent contractor shall be required to provide the following information under penalty of perjury, so that the Visalia Police Department perform a background check:
    - (a) Name, current resident address, and telephone number;
    - (b) Date of birth;
    - (c) Tax identification number;
    - (d) Height, weight, color of eyes, and hair;
    - (e) Photographs for identification purposes;
    - (f) Be fingerprinted by the Police Department;
    - (g) Such other identification and information as deemed necessary by the Chief of Police and pertinent to the employee permit;
    - (h) Authorization for the city, its agents and employees to seek verification of the information contained within the application;
    - (i) The name of the business owner holding the regulatory permit and the operator for which such person is proposed to work.

**4.04.090 Personnel Prohibited from Holding a License or from Employment with a Cannabis Business Licensee.**

- (A) Any person, including but not limited to any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, in which any of the following actions or notices have been issued for non-compliance, shall not be eligible to obtain a Cannabis Business License from the City or from employment with a

Cannabis Business Licensee in the City of Visalia:

- (1) The applicant has been denied a cannabis license or permit, or has had a cannabis license or permit suspended or revoked by any city, county, city and county or any other state cannabis licensing authority;
  - (2) The applicant was notified by the state, county, or city that it was conducting cannabis activity in violation of City ordinances, codes, and requirements, and failed to cure the violation in a timely manner;
  - (3) Evidence that the applicant is delinquent in payment of federal, state, or local taxes and/or fees, and took no steps to cure the delinquency when notified by the appropriate agencies;
  - (4) As of *[Insert Date]*, applicant was conducting cannabis activity in the City of Visalia in violation of local and state law.
- (B) No person shall be issued a Cannabis Business License to operate if that person enters into either a verbal or written agreement to lease, sublease, or any other agreement for any terms of use of the premises granted by a property owner, commercial broker or any third party, that is in violation of Sections 4.04.080 and 4.04.090 (A) of this Code.

**4.04.100 Number and Type of Authorized Cannabis Businesses Licensed.**

Unless and until otherwise established by resolution of the City Council, the allowable number of any and all types of cannabis businesses as defined under Section 26050(a) of the California Business and Professions Code shall be set at zero, with the exception of Delivery only medical marijuana retail businesses which shall not be limited as required by CA Senate Bill 1186, The "Medicinal Cannabis Patients' Right of Access Act."

- (A) The City Council may at any time by resolution choose to set an allowable number greater than zero for any or all types of cannabis businesses to be licensed to operate within the City, other than manufacturing using any volatile solvent or any commercial cultivation other than the Processor sub license type, as those uses shall be prohibited.
- (B) The permissive language in this ordinance describing the terms and conditions under which any type of commercial cannabis business may operate shall not be interpreted to allow such businesses unless or until such time as the City Council sets an allowable number greater than zero by resolution as described under Section 4.04.100(A).
- (C) The City Council shall not allow any person, business or facility that conducts commercial cannabis cultivation other than the Processor sub license type or manufacturing using any volatile solvent to be licensed to operate within the City other than by amendment to this ordinance.

#### **4.04.110 Community Benefits.**

- (A) The application procedure process shall include a component on community benefits, which shall be negotiated and agreed to by the City.
- (B) Any community benefits that a cannabis business agrees to provide shall be incorporated into the terms and conditions under which the cannabis business will operate with the City's approval, if and when a Cannabis Business License is issued. Such terms and conditions shall be in addition to the requirements of this Chapter.
- (C) Delivery only medical marijuana retail business applicants are not required to execute a Community Benefit Agreement.

#### **4.04.120 City's Reservation of Rights.**

The City reserves the right to reject any or all applications for a Cannabis Business License. Prior to such license issuance, the City may modify, postpone, or cancel any request for applications, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of license potentially authorized under this Chapter, may be cancelled at any time prior to license issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to a failure to comply with other requirements in this Chapter, an application may be rejected for any of the following reasons:

- (A) The application was received after the designated time and date of the deadline.
- (B) The application did not contain the required elements, exhibits, or was not organized in the required format.
- (C) The application was considered not fully responsive to the request for a license application, i.e. was substantially incomplete.

#### **4.04.130 Procedure Guidelines and Review Criteria to Evaluate Cannabis Business Applications.**

- (A) The City Council shall adopt Procedure Guidelines and Review Criteria for the City's evaluation of cannabis business license applications by resolution.
- (B) The Procedure Guidelines shall provide the process for soliciting applications including time frames, limitations, requirements, forms, and rules for completing applications.
- (C) The Procedures Guidelines shall include an objective checklist of required documentation to ensure that all applications are complete and have provided all necessary information

to meet the required criteria.

- (D) The Review Criteria shall include detailed instructions on the methodology to be used for the final selection process to determine which applicants will be granted licenses.
- (E) The City Manager shall be authorized to prepare any necessary forms and adopt any necessary rules to implement the Procedure Guidelines and Review Criteria.
- (F) At the time of filing, each applicant shall pay an application fee established by resolution of the City Council to cover all costs incurred by the City in the application process.
- (G) A delivery only medical marijuana retail business may be issued their cannabis business license by demonstrating they completed background review requirements and that their proposed business will meet all applicable operational requirements and qualifications identified in Chapter 4.04 for a cannabis business and pay all appropriate fees.

#### **4.04.140 Exercise of a Cannabis Business License.**

- (A) Each Cannabis Business License issued pursuant to this Chapter shall expire on June 30<sup>th</sup> following the date of issuance. Cannabis Business Licenses may be renewed as provided in section 4.04.180.
- (B) A Cannabis Business License that has not begun operations at a site within Visalia shall be considered conditional and shall be exercised within twelve (12) months of issuance or be subject to revocation under section 4.04.200. Exercised shall be when any of the following occur:
  - (1) A Certificate of Occupancy has been issued,
  - (2) The permitted use(s) has commenced on the site, and
  - (3) A City Building Permit or Grading Permit is secured, and construction lawfully commenced.

#### **4.04.150 Scope of Approval.**

- (A) If a location has not been in regular and continuous operation in the preceding four (4) months, it shall be considered abandoned unless mitigating circumstance occur which was beyond the control of the Licensee and an extension has been authorized by the City Manager.
- (B) The approval of a new use shall terminate all rights and approvals of a Cannabis Business License occupying the same site or location.

#### **4.04.160 Reapplying for a Cannabis Business License.**

If an application is denied a license due to a disqualifying factor such as failing a background check or not complying with any state, or local jurisdictions regulatory requirements in which legal or administrative action has been taken, a new application may not be filed for one (1) year from the date of the denial. This section shall not apply to an approved applicant not awarded a license resulting from the City not selecting them for one of the licenses in the application process.

#### **4.04.170 Term of a Cannabis Business License.**

All licenses issued under the provisions of this chapter shall be effective for a period not to exceed one (1) year, other than their initial term which may be shorter or longer to align with the June 30<sup>th</sup> renewal date. The City Manager may renew a license through the procedures identified in section 4.04.180 of this Code.

#### **4.04.180 Renewal of Cannabis Business Licenses.**

- (A) All Cannabis Business Licenses shall expire on June 30 of each year and shall require annual renewal. A Cannabis Business License granted to businesses that have not begun operations at a site within Visalia shall be automatically renewed but is subject to revocation if the Cannabis Business Licensee has not completed the requirements stated in section 4.04.140(B) within twelve months of the date the Cannabis Business License was initially issued by the City.
- (B) An application for renewal of a Cannabis Business License shall be filed at least sixty (60) calendar days prior to the expiration date of the current license.
- (C) The renewal application shall contain all the information required for new applications.
- (D) The applicant shall pay a fee in an amount to be set by the City Council to cover the costs of processing the renewal license application, together with any costs incurred by the City to administer the program created under this Chapter.
- (E) An application for renewal of a Cannabis Business License shall be rejected if any of the following exists:
  - (1) The application is filed less than sixty (60) days before its expiration or a shorter time period which shall be at the discretion of the City Manager.
  - (2) The Cannabis Business License is suspended or revoked at the time of the application.
  - (3) The Cannabis Business has not been in regular and continuous operation in the four (4) months prior to the renewal application or the approved extension of the

deadline from the City Manager. This does not apply to new cannabis businesses in their first cannabis business license year that may not have yet opened their business.

- (4) The Cannabis Business has failed to conform to the requirements of the Cannabis Business License or this Chapter or any regulations adopted pursuant to this Chapter.
  - (5) The licensee fails or is unable to renew its State of California license.
  - (6) If the state has determined, based on substantial evidence, that the licensee or applicant is in violation of the requirements of the state rules and regulations and the state has determined that the violation is grounds for termination or revocation of the Cannabis Business License.
- (F) The City Manager is authorized to make all decisions concerning the issuance of a renewal license. In making the decision, the City Manager is authorized to impose additional conditions to a renewal license, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety, or welfare. Appeals from the decision of the City Manager shall be handled pursuant to this Chapter.
- (G) If a renewal application is denied, a person may file a new application pursuant to this Chapter not sooner than one (1) year from the date of the denial.

#### **4.04.200 Revocation of Licenses.**

- (A) Cannabis Business Licenses may be revoked for any violation of any state or local laws, and/or rules, and/or standards, policies, procedures, or regulations in this Chapter relating to cannabis.
- (B) A Cannabis Business License may be revoked from any Licensee that has not received their Certificate of Occupancy, is open, and operating within 24 months of initial issuance of their Commercial Cannabis Business License.

#### **4.04.210 Effect of State License Suspension.**

Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the City until the State of California or its respective department or division reinstates or reissues the State license.

#### **4.04.220 Effect of State Revocation.**

Revocation of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the City until the

State of California or its respective department or division takes appropriate action. Should the state revoke a license, the cannabis business owner may re-apply for a local license at such time as it can demonstrate that the grounds for revocation of the license by the state no longer exist or that the underlying deficiency has otherwise been cured.

#### **4.04.230 Appeals.**

Appeals relating to denial of an application or other process established by the City Council; to revoke or suspend a license; to deny renewal of an application for a license; or to add conditions to a license shall be conducted as prescribed in this Chapter.

#### **4.04.240 Written Request for Appeal.**

- (A) Within ten (10) calendar days after the date of a decision of the City Manager to revoke, suspend or deny an initial or renewed license application or to add conditions to a license, an Applicant or Licensee may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper.
- (B) At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the City Council from time to time.

#### **4.04.250 Grounds for Appeal.**

- (A) Denial of Initial License Decision. A hearing officer appointed by the City Manager will hear appeals that address the following issues:
  - (1) Any deviation from the City's published Procedure Guidelines and Review Criteria that adversely affected the applicant by altering the outcome of the City's decision on the Applicant's application. Examples of appealable deviations are:
    - (a) Failure on the part of the City to provide appropriate notification regarding changes to the application process via website postings and/or email to the Applicant prior to the time the application was submitted;
    - (b) Failure on the part of the City to provide an Applicant an equal opportunity to modify an application where that opportunity was provided to other applicants;
- (B) Any appeal based upon this Section 4.04.250 must be supported by evidence that the Applicant presented the relevant information with completeness and in the appropriate section of the application. Information presented in the application that is incomplete in nature or that is relevant to a question posed by the City on the application form but appears in the incorrect section, even if complete, may be grounds for the dismissal of the appeal.

- (C) A hearing officer appointed by the City Manager shall hear appeals relating to denial of a renewed application, to revoke or suspend a license, or to add conditions to an existing license.

#### **4.04.260 Appeal Hearing Process.**

- (A) Within ten (10) calendar days after service of the notice of the decision of the City Manager to deny, revoke or suspend a license, to deny a renewed application for a license; or to add conditions to a license, the applicant or licensee may appeal such action by filing a written appeal with the City Clerk setting forth the reason why the decision was not proper. For an initial license application appeal, reasons shall be stated with specificity and shall address the issues outlined in Section 4.04.250 (a). Date of service shall mean the date when a notice or written decision was personally delivered to the Applicant or licensee or the date when the notice was caused to be delivered by certified, first class mail. In cases in which the city can verify delivery of a notice to an applicant or in which an applicant is documented as refusing delivery, lack of receipt of the notice cannot form the basis for an appeal. It should be noted this appeal hearing process is limited to appeals of discretionary actions taken by the City of Visalia under this Chapter 4.04 and does not apply to any appeal related to decisions under the City of Visalia Zoning Ordinance, including but not limited to decisions by the Visalia Planning Commission for a Conditional Use Permit, which are to be addressed under the Zoning Ordinance.
- (B) The Notice of Appeal shall be in writing and signed by the person making the appeal (“Appellant”), or their legal representative, and shall contain the following:
  - (1) Name, address, and telephone number of the appellant.
  - (2) Specify decisions, actions, or a particular part thereof, made that are the subject of the appeal.
  - (3) Include a true and correct copy of the notice issued by the City Manager for which the appellant is appealing.
  - (4) State with specificity the reasons and grounds for making the appeal, including, but not limited to, a statement of facts upon which the appeal is based in sufficient detail to enable the City Council, or any appointed hearing officer, to understand the nature of the controversy, the basis of the appeal, and the relief requested.
  - (5) All documents or other evidence pertinent to the appeal that the appellant requests the hearing officer or body to consider at the hearing.
  - (6) An appeal fee as established by Resolution of the City Council.

- (C) Failure of the City Clerk to receive a timely appeal constitutes a waiver of the right to appeal the notice issued by the City Manager. In this event, the City Manager's notice of revocation, nonrenewal, or suspension shall be final.
- (D) In the event a written Notice of Appeal is timely filed, the nonrenewal, suspension, revocation shall not become effective until a final decision has been rendered and issued by the City Council or appointed hearing officer. Notices of appeal not served in a timely manner or served by non-operational business shall not serve to allow such business to operate pending appeal.
- (E) If no appeal is timely filed in the event of a decision of nonrenewal, the Cannabis Businesses License shall expire at the conclusion of the term of the license. If no appeal is timely filed in the event of a decision supporting suspension or revocation, the suspension or revocation shall become effective upon the expiration of the period for filing a written Notice of Appeal.

**4.04.270 Administrative Hearing and Proceedings.**

- (A) Review by City Manager, Appointed Hearing Officer or Body; Administrative Hearing and Proceedings.
  - (1) Appellants who file a timely written Notice of Appeal will be entitled to an administrative hearing before the City Manager, hearing officer or body as set forth by the City Council by Resolution.
  - (2) Upon receipt by the City Clerk of a timely-filed Notice of Appeal pertaining to suspensions, revocations, or non-renewals the City Clerk shall forward such appeal to the hearing officer who shall schedule a hearing within thirty days (30) days. In the event such hearing cannot be heard within that time period or a mutually agreed upon time with the appellant, then the City Clerk shall schedule the appeal to be heard within forty-five (45) days or as reasonably possible.
  - (3) The appellant(s) listed on the written Notice of Appeal shall be notified in writing of the date, time, and location of the hearing at least ten (10) days before the date of the hearing ("notice of appeal hearing").
  - (4) A request by an appellant or by the City to continue a hearing must be submitted to the City Clerk in writing no later than three (3) business days before the date scheduled for the hearing. The City Manager, appointed hearing officer or body may continue a hearing for good cause or on its own motion; however, in no event may the hearing be continued for more than thirty (30) calendar days, unless there is a stipulation by all parties to do so.
- (B) At the date, time and location set forth in the Notice of Appeal hearing, the City Manager,

appointed hearing officer or body shall hear and consider the testimony of the appellant(s), City staff, and/or their witnesses, as well as any documentary evidence properly submitted for consideration.

- (C) The following rules shall apply at the appeal hearing:
- (1) Appeal hearings are informal, and formal rules of evidence and discovery do not apply. However, rules of privilege shall be applicable to the extent they are permitted by law, and irrelevant, collateral, undue, and repetitious testimony may be excluded.
  - (2) The City bears the burden of proof to establish the grounds for nonrenewal, suspension or revocation by a preponderance of evidence. Appellant(s) bear the burden of proof regarding denial of an Applicant's application.
  - (3) The issuance of the City Manager's notice constitutes prima facie evidence of grounds for the denial, nonrenewal, suspension or revocation.
  - (4) The hearing officer or body may accept and consider late evidence not submitted initially with the Notice of Appeal upon a showing by the appellant of good cause. The hearing officer or body shall determine whether a particular fact or set of facts amount to good cause on a case-by-case basis.
  - (5) The appellant may bring a language interpreter to the hearing at their sole expense.
  - (6) The City may, at its discretion, record the hearing by stenographer or court reporter, audio recording, or video recording. If the appellant requests from the City that a court reporter, stenographer, or videographer be used, appellant shall bear the costs of same and shall deposit such fees prior to commencement of the administrative hearing.
- (D) If the appellant, or their legal representative, fails to appear at the appeal hearing, the City Manager, appointed hearing officer or body, may cancel the appeal hearing and send a notice thereof to the appellant by certified, first class mail to the address(es) stated on the Notice of Appeal. A cancellation of a hearing due to non-appearance of the appellant shall constitute the appellant's waiver of the right to appeal and a failure to exhaust all administrative remedies. In such instances, the City Manager's notice of decision is final and binding.
- (E) Final Decision. Following the conclusion of the administrative hearing, the City Manager, appointed hearing officer or body shall issue a written decision within twenty (20) days which (i) determines if the action appealed from is affirmed or overturned and (ii) specifies the reasons for the decision.

- (F) The written decision of the City Manager, appointed hearing officer or body shall provide that it is final and conclusive and is subject to the time limits set forth in California Code of Civil Procedure Section 1094.6 for judicial review.
- (G) A copy of the written decision shall be served by certified, first class mail on the appellant. If the appellant is not the owner of the real property in which the cannabis business is located, or proposed to be located, a copy of the final decision may also be served on the property owner by first class mail to the address shown on the last equalized assessment roll. Failure of a person to receive a properly addressed final decision shall not invalidate any action or proceeding by the City pursuant to this Chapter.

**4.04.280 Change in location; updated application form.**

- (A) If a Licensee at any time desires to change the location where any portion of the licensed activity is conducted, the Licensee shall first submit an updated application form to the City Manager for approval prior to the change in location. The process and the fees for the processing of the application form shall be the same as the process and fees set forth in Sections 4.04.180 and 4.04.280.
- (B) Within fifteen (15) calendar days of any other change in the information provided in the updated application form or any change in status of compliance with the provisions of this Chapter, including any change in the cannabis business ownership or management members, the applicant shall file an updated application form with the City Manager for review along with an application amendment fee.

**4.04.290 Transfer of Cannabis Business License.**

- (A) The owner of a Cannabis Business License shall not transfer ownership or control of the license to another person or entity unless and until the transferee obtains an amendment to the license from the City Manager stating that the transferee is now the licensee. Such an amendment may be obtained only if the transferee files an application with the City Manager in accordance with the provisions of this Chapter (as though the transferee were applying for an original Cannabis Business License). The proposed transferee's application shall be accompanied by a transfer fee in an amount set by resolution of the City Council (or if not set, shall be the same amount as the application fee). The transferee's application will be treated as a new application, and will be evaluated according to procedures adopted by the City Manager, pursuant to Section 4.04.130, or Resolution by the City Council.
- (B) Cannabis Business Licenses issued through the grant of a transfer by the City Manager shall be valid for a period of one year, or until June 30<sup>th</sup> and shall be renewed in the same manner as a newly issued Cannabis Business License that is conditional on completion of the requirements described in sections 4.04.140(B), and 4.04.180(A), beginning on the day the City Manager approves the transfer of the license. Before the transferee's license

expires, the transferee shall apply for a renewal license and pay the appropriate fee in the manner required by this Chapter.

- (C) A Cannabis Business License shall not be transferred when the City has notified the Licensee in writing that the license has been or may be suspended or revoked.
- (D) Any attempt to transfer a Cannabis Business License either directly or indirectly in violation of this section is hereby declared a violation of the license and this ordinance. Such a purported transfer shall be deemed a ground for revocation of the license.
- (E) A Cannabis Business License shall not be transferred or otherwise sold within the first five (5) years of the date of issuance of the Cannabis Business License. The City Manager may waive this restriction in the case of extenuating circumstances, not related to the amount of cannabis being sold, but which may include but are not limited to unforeseen personal issues of the owners of the business seeking to transfer the Cannabis Business License that make it impossible for them to continue operating in Visalia. The burden to show such circumstances will be on the owners of the business seeking to transfer the Cannabis Business License and the City Manager has the sole discretion in determining whether qualifying circumstances exist.

#### **4.04.300 City Business Tax Certificate.**

Prior to commencing operations, a cannabis business shall obtain a City of Visalia business tax certificate, which is separate from and in addition to the requirements for a Cannabis Business License under this Chapter 4.04.

#### **4.04.310 Building Permits and Inspection.**

Prior to commencing operations, a Cannabis Business Licensee shall be subject to a mandatory building inspection and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), Fire Department approvals, Police Department approval, Code Enforcement, Planning, and County Health Department approvals, and any other applicable zoning and land use permit(s) and approvals.

#### **4.04.320 Authorization from the Planning Division.**

Prior to commencing operations, a Cannabis Business must obtain authorization from the Planning Division certifying that the business is located on a site that meets all of the requirements of Sections 4.04.310, 4.04.330 and 4.04.340 of this Code.

#### **4.04.330 Right to Occupy and to Use Property.**

Prior to the City's issuance of a Cannabis Business License pursuant to this Chapter, any person

intending to open and to operate a cannabis business shall first provide sufficient evidence of the legal right to occupy and to use the proposed location. If the proposed location will be leased from the property owner, the applicant shall be required to provide a signed and notarized statement from the owner of the property, acknowledging that the property owner has read this Chapter and consents to the operation of the cannabis business on the owner's property.

**4.04.340 Location and Design of Cannabis Businesses.**

- (A) A cannabis business must meet land use and building standards pursuant to Title 15 and Title 17 of this Code, including:
  - (1) Conform with the City's general plan, any applicable specific plan, master plan, and design requirements.
  - (2) Comply with all applicable zoning and related development standards pursuant to Title 15 and Title 17 of this Code.
  - (3) Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.
  - (4) Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.
  - (5) Be served by streets and/or alleys adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.
  - (6) Be provided with adequate electricity, sewerage, disposal, water, fire protection and storm drainage facilities for the intended purpose.
- (B) A storefront retailer cannabis business must meet the following rules relating to proximity to sensitive uses:
  - (1) Shall be no closer than six hundred (600) feet from any zoned parcel in the City designated as a sensitive use under Section 4.04.340 (B) (2), and no closer than one hundred (100) feet from any zoned parcel in the City designated as a sensitive use under Section 4.04.340 (B) (3), that is in existence at the time the license is issued. The distance shall be determined by the horizontal distance measured in a straight line, without regard to intervening structures, as a radius from the primary entrance of the storefront retailer cannabis business to the property line of the sensitive use.
  - (2) Sensitive uses include:
    - (a) A school providing instruction in kindergarten or any grades 1 through 12,

(whether public, private, or charter, including pre-school, transitional kindergarten, and K-12).

- (b) A State licensed commercial daycare center.
  - (c) A church.
  - (d) A Youth Center.
  - (e) Parks
- (3) All City Residential use zones (single-family residential and multi-family residential)
  - (4) No storefront retailers shall be permitted in the Micro Brewery/Micro Winery Overlay District
- (C) Cannabis businesses permitted to operate in light industrial or industrial zones shall only be permitted in the Visalia Industrial Park overlay.
- (D) As indicated in VMC Section 17.32.167, Delivery only medical marijuana retail businesses shall not be located Within five hundred (500) feet of any existing or planned public, private, or parochial schools, elementary schools, middle schools, or high schools located either inside or outside of the city limits.
- (1) As used in this section, “existing” means existing at the time the license application is submitted. “Planned” means property designated on the general plan of the city for such use, or other official planning documents of the city, or property owned or leased by the city for such use.

#### **4.04.350 Limitations on City’s Liability.**

To the fullest extent permitted by law, the City of Visalia shall not assume any liability whatsoever with respect to having issued a Cannabis Business License pursuant to this Chapter or otherwise approving the operation of any cannabis business. As a condition to the approval of any Cannabis Business License, the applicant shall be required to meet all of the following conditions before they can receive the Cannabis Business License:

- (A) Execute an agreement, in a form approved by the City Attorney, agreeing to indemnify, defend (at applicant’s sole cost and expense), and hold the City of Visalia, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City ’s issuance of the Cannabis Business License, the City ’s decision to approve the operation of the cannabis business or activity, the process used by the City in making its decision, or the alleged violation of any federal, state or local laws by the

cannabis business or any of its officers, employees or agents.

- (B) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the City Manager.
- (C) Reimburse the City for all costs and expenses, including but not limited to legal fees and court costs, which the City may be required to pay as a result of any legal challenge related to the City's approval of the Applicant's Cannabis Business License or related to the City's approval of a cannabis activity. The City, at its sole discretion, may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any of the obligations imposed hereunder.

**4.04.360 Records and Recordkeeping.**

- (A) Each owner and operator of a cannabis business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a Cannabis Business License issued pursuant to this Chapter), or at any time upon reasonable request of the City, each cannabis business shall file a sworn statement detailing the number and amount of sales by the cannabis business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes and fees paid or due to be paid. On an annual basis, each owner and operator shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. Each licensee shall be subject to a regulatory compliance review and a gross receipts financial audit, where applicable, as determined by the City.
- (B) Each owner and operator of a cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the cannabis business, and separately of all the officers, managers, employees, agents, and volunteers currently employed or otherwise engaged by the cannabis business. The register required by this paragraph shall be provided to the City Manager upon a reasonable request.
- (C) All cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing processes until purchase as set forth in the MAUCRSA.

**4.04.370 Security Measures.**

- (A) A Cannabis Business Licensee shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products

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

- (1) Exterior lighting systems (including motion sensors) for after-hours security as approved by the Police Chief and/or the Building and Engineering Director where applicable.
- (2) Preventing individuals from remaining on the premises of the cannabis business if they are not engaging in an activity directly related to the licensed operations of the cannabis business. In cases in which the individual will not voluntarily leave the premises, the cannabis employee shall contact the Police Department.
- (3) Establishing limited access areas accessible only to authorized cannabis business personnel.
- (4) All finished cannabis goods at non-retail cannabis businesses shall be stored in secured and locked vault or vault-equivalent during non-operating hours. All safes and vaults used to store cash and/or cannabis goods shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live clone plants that are being sold, shall be kept in a manner as to prevent diversion, theft, and loss.
- (5) Installing 24-hour security surveillance cameras of at least high-definition (HD) quality to monitor all entrances and exits to and from the premises, all interior spaces within the cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash, or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weather-proof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. The cannabis business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the City Manager, and that it is compatible with the City's software and hardware. In addition, if required, remote and real-time, live access to the video footage from the cameras shall be provided to the Police Chief at the expense of the licensee. Video recordings shall be maintained for a minimum of ninety (90) days and shall be made available to the Police Chief upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the cannabis business and shall be capable of enlargement via projection or other means. Internet Protocol address information shall be provided to the Police Department by the cannabis business, to facilitate remote monitoring of security cameras by the Department or its designee. Each business shall have network security protocols that are certified by Underwriters Laboratories.

- (6) Sensors shall be installed to detect entry and exit from all secure areas and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.
  - (7) Having a professionally installed, maintained, and monitored real-time alarm system by a security company licensed by the State of California Bureau of Security and Investigative Services. The licensee shall be required to obtain an alarm permit from the Police Department.
  - (8) Any security measures, such as bars, installed on the windows or the doors of the cannabis business shall be installed only on the interior of the building.
  - (9) Each cannabis business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
  - (10) Entrance areas are to be locked at all times and under the control of a designated responsible party that is either; (a) an employee of the cannabis business; or (b) a licensed security professional.
  - (11) Each cannabis business shall have an accounting software system in place to provide point of sale data as well as audit trails of both product and cash, where applicable.
  - (12) Each cannabis business shall demonstrate to the Police Chief, City Manager or their designees, compliance with the state's track and trace system for cannabis and cannabis products.
  - (13) Each cannabis business shall have a professionally installed video surveillance system, access control and intrusion alarm systems designed to protect the inventory, facility, and employees. Each business shall have network security protocols that are certified by Underwriters Laboratories.
  - (14) Emergency access and emergency evacuation plans that are in compliance with state and local fire safety standards.
- (B) Each cannabis business shall identify a designated security representative/liaison to the City, who shall be reasonably available to meet with the City Manager regarding any security related measures and/or operational issues. The designated security representative/liaison shall, on behalf of the cannabis business, annually maintain a copy of the current security plan on the premises of the business, to present to the City Manager upon request that meets the following requirements:
- (1) Confirms that a designated Manager will be on duty during business hours and will

be responsible for monitoring the behavior of employees.

- (2) Identifies all Managers of the cannabis business and their contact phone numbers.
  - (3) Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the Manager's office.
  - (4) Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.
  - (5) Identifies a sufficient number of licensed, interior, and exterior security personnel who will monitor individuals inside and outside the cannabis business, the parking lot, any adjacent property under the business' control, and ensure that the parking lot is cleared of employees and their vehicles one-half hour after closing. All security personnel hired or contracted for by the licensee shall be licensed by the Bureau of Security and Investigative Services and shall comply with Chapters 11.4 and 11.5 of Division 3 of the Business and Professions Code.
- (C) As part of the application and licensing process each cannabis business shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, any hazardous materials that may be used by the business, and any currency.
- (D) The cannabis business shall cooperate with the City whenever the City Manager makes a request, with or without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this Chapter.
- (E) A cannabis business shall notify the City Manager within twenty-four (24) hours after discovering any of the following:
- (1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager.
  - (2) Diversion, theft, loss, or any criminal activity involving the cannabis business or any agent or employee of the cannabis business.
    - (a) The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the cannabis business.
    - (b) Any other breach of security.
- (F) Compliance with the foregoing requirements shall be verified by the City Manager prior to commencing business operations. The City Manager may supplement these security

requirements once operations begin, subject to review by the City Manager if requested by the business owner.

#### **4.04.380 Fees and Charges.**

- (A) No person may commence or continue any cannabis activity in the City, without timely paying in full all fees and charges required for the operation of a cannabis activity. Fees and charges associated with the operation of a cannabis activity shall be established by resolution of the City Council which may be amended from time to time.
- (B) All cannabis businesses authorized to operate under this Chapter shall pay all sales, use, business and other applicable taxes, and all license, permit, registration, and other fees required under federal, state, and local law. Each cannabis business shall cooperate with the City with respect to any reasonable request to audit the cannabis business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes or fees required to be paid during any period.
- (C) Prior to operating in the City and as a condition of issuance of a business license, the operator of each cannabis facility shall enter into an operational and/or community benefit agreement with the City setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of this Chapter, including, but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare. Delivery only medical marijuana retail businesses are not required to enter into a community benefit agreement.

#### **4.04.390 General Operating Requirements.**

- (A) Cannabis businesses may operate only during the hours specified in the Cannabis Business License issued by the City. Delivery only medical marijuana retail businesses shall abide by any applicable state law restricting hours of operation.
- (B) Restriction on Sales and Consumption. Cannabis shall not be consumed by any person on the premises of any cannabis business. No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages or tobacco on or about the premises of the cannabis business.
- (C) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a Cannabis Business License, or on any of the vehicles owned or used as part of the cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.
- (D) Reporting and Tracking of Product and of Gross Sales. Each cannabis business shall have

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

- (E) All cannabis and cannabis products sold, distributed, or manufactured shall be cultivated, manufactured, and transported by state licensed facilities that maintain operations in full conformance with the State and local regulations.
- (F) Emergency Contact. Each cannabis business shall provide the City Manager with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.
- (G) Signage and Notices.
  - (1) In addition to the requirements otherwise set forth in this section, business identification signage for a cannabis business shall conform to the requirements of Chapter 17.48 Signs, including, but not limited to, seeking the issuance of a City sign permit.
  - (2) No signs placed on the premises of a cannabis business shall obstruct any entrance or exit to the building or any window.
  - (3) Each entrance to a cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the cannabis business is prohibited.
  - (4) Signage for cannabis businesses other than storefront retailers shall be limited to that needed for identification only and shall not depict any image of cannabis or cannabis products nor shall it contain any logos or information that identifies, advertises, or lists the services or the products offered.
  - (5) Licensed cannabis businesses shall be prohibited from advertising any cannabis business utilizing a billboard (fixed or mobile), bus shelter, placard, or any type of sign within the City's jurisdiction that is prohibited under Section 17.48.040 of the VMC. This paragraph is not intended to place limitations on the ability of a cannabis business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.
- (H) Minors.

- (1) Persons under the age of twenty-one (21) years shall not be allowed on the premises of a cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Chapter for any person to employ any person at a cannabis business who is not at least twenty-one (21) years of age.
  - (2) The entrance to the cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the cannabis business.
- (I) Odor Control. Odor control devices and techniques shall be incorporated in all cannabis businesses to ensure that odors from cannabis are not detectable off-site. Cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the cannabis business. As such, cannabis businesses must install and maintain the following equipment, or any other equipment which the City Manager or his/her designee(s) determine is a more effective method or technology:
- (1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
  - (2) An air system that creates negative air pressure between the cannabis business's interior and exterior, so that the odors generated inside the cannabis business are not detectable on the outside of the cannabis business.
- (J) Display of License and City Business License. The original copy of the Cannabis Business License issued by the City pursuant to this Chapter and the City issued business license shall be posted inside the cannabis business in a location readily visible to the public.
- (K) Background Check. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes City authorities to access state and local summary criminal history information for cannabis employment, licensing, or certification purposes and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, investor, manager, supervisor, employee, contract employee or who otherwise works in a cannabis business must submit fingerprints and other information deemed necessary by the Police Chief or his/her designee(s) for a background check by the City of Visalia Police Department. Pursuant to California Penal Sections 11105(b)(11) and 13300(b)(11), which

requires that there be a requirement or exclusion from cannabis employment, licensing or certification based on specific criminal conduct on the part of the subject of the record, no person shall be issued a license to operate a cannabis business or be allowed to work in a cannabis business unless they have first cleared the background check, as determined by the Police Chief or his/her designee(s), as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the City of Visalia to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a Cannabis Business License is submitted. Evidence of a conviction of any of the offenses enumerated in Business and Professions Code Section 26057(b)(4), absent a Certificate of Rehabilitation, shall be grounds for immediate disqualification of the applicant.

- (L) Loitering. The owner and/or operator of a cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises. The cannabis business shall notify the Police Department if anyone continues to loiter around the building or premises after all reasonable action has been taken to remove the individual(s) and the action has failed to do so in a timely manner.
- (M) Permits and other Approvals. Prior to the establishment of any cannabis business or the operation of any such business, the person intending to establish a cannabis business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such cannabis business intends to establish and to operate pursuant to Section 4.04.330 and all applicable requirements in this Chapter.
- (N) Each cannabis operator shall establish minimum training standards for all employees. The City Manager shall have the discretion to require other training for the business operations should the City identify deficiencies or non-compliance issues with City or state requirements.

#### **4.04.400 Amendments to General Operating Requirements.**

The City Manager may develop other cannabis business operational requirements or regulations as are determined to be necessary to protect the public health, safety, and welfare.

#### **4.04.410 Operating Requirements for Store Front/Retail Facilities.**

- (A) No more than the number of cannabis retailers adopted by Council resolution may operate within the City at any one time and shall be issued a license by the City.
- (B) Retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of eighteen (18) years. If the potential customer is 18 to 20 years old, retailer shall confirm the customer's possession of a valid doctor's recommendation and/or Health and Safety Code Section 11362.71 identification card

(Medical Marijuana Card). For adult-use purchases, retailers shall verify that all customers are 21 years of age or older for the purchase of cannabis or cannabis products.

- (C) Individuals must show their government-issued identification, and, in the case of medical cannabis facilities, their physician's recommendation, or a cannabis card issued pursuant to Health and Safety Code Section 11362.71 in order to gain access into the retailer. The government-issued identification and, if applicable, doctor's recommendation or cannabis card must also be shown at the point-of-sale station at the time of purchase. Doctor recommendations are not to be obtained or provided at the retail location.
- (D) Uniformed security personnel shall be on-site during all business hours and must have a security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the City Manager, with such approval not to be unreasonably withheld. Security personnel shall monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities.
- (E) Retailers may have only that quantity of cannabis and cannabis products to meet the daily demand readily available for sale on-site in the retail sales area of the retailer. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.
- (F) All restroom facilities shall remain locked and under the control of management.
- (G) Retailers authorized to conduct retail activities shall only serve customers who are within the licensed premises, or at a delivery address that meets the requirements of this division.
  - (1) The sale and delivery of cannabis goods shall not occur through a pass-through window or a slide-out tray to the exterior of the premises.
  - (2) Retailers shall not operate as or with a drive-in or drive-through at which cannabis goods are sold to persons within or about a motor vehicle.
  - (3) No cannabis goods shall be sold and/or delivered by any means or method to any person within a motor vehicle.
  - (4) All cannabis goods sold by a retail business shall be contained in child-resistant packaging.
  - (5) Retailers shall record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient

clarity to determine identity.

- (6) A retail licensee who is engaged in retail sale shall hire or contract for security personnel who are at least 21 years of age to provide security services for the licensed retail premises. All security personnel hired or contracted for by the licensee shall be licensed by the Bureau of Security and Investigative Services and shall comply with Chapters 11.4 and 11.5 of Division 3 of the Business and Professions Code.
  - (7) Panic buttons shall be installed in all storefront cannabis retailers with direct notification to the Police Department dispatch and shall be configured to immediately alert dispatch for the Police Department.
  - (8) Signage for storefront retailers shall not depict any image of cannabis or cannabis products. No banners, flags, snipe signs, billboards, or other prohibited signs may be used at any time. No cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the cannabis business or elsewhere including, but not limited to, the public right-of-way.
- (H) Access to Retailer Premises.
- (1) Access to the premises of a retail licensee shall be limited to individuals who are at least 21 years of age.
  - (2) Notwithstanding Section 4.04.390 (h)(1), individuals who are at least 18 years of age and in possession of a valid physician's recommendation shall be granted access to the premises of a retail licensee for the sole purpose of purchasing medicinal cannabis consistent with the physician's recommendation.
- (I) Authorized Sales. A retailer shall only sell adult-use cannabis and adult-use cannabis products to individuals who are at least 21 years of age. A retailer shall only sell medicinal cannabis or medicinal cannabis products to individuals who are at least 18 years of age, but not yet 21, if those individuals are in possession of a valid physician's recommendation. Medicinal cannabis sales to individuals 21 years of age and older are unrestricted.
- (J) Limited Access Areas. A retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least 21 years of age, and if not employed by the retailer, shall be escorted at all times by an employee of the licensee. A retailer shall maintain a log of all individuals who are not employees who are

granted access to the limited access area. These logs shall be made available to the City Manager, Police Chief, or their designees upon request.

- (K) Operating hours of the Store Front Retailer License shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week.
- (L) Store Front/Retail Security Requirements. All provisions incorporated within Section 4.04.370 of this Code (Security Measures), are directly applicable to and binding on all cannabis businesses including all Store Front/Retail businesses.

**4.04.420 Retailer, Non-Store Front Retailer and Microbusiness Delivery Requirements.**

- (A) Non-Store Front Retailer License Owners and Operators are required to verify the age and the necessary documentation of each customer. They must ensure that medical customers are at least eighteen (18) years of age and verify that the customer has a valid doctor's recommendation. Doctor recommendations are not to be obtained or provided at the retail location. In the case of adult-use customers, they must verify that the customer is at least twenty-one (21) years of age. Sales shall only be made to persons matching this criteria.
- (B) All Store Front Retailers, Non-Store Front Retailers (delivery) and Microbusinesses which conduct deliveries into or within the City of Visalia shall be required to obtain a license from the City of Visalia in order to conduct retail sales regardless of whether they are located in the City or another local jurisdiction.
- (C) Operating hours of the Non-Store Front Retailer License or out of town retail delivery services shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week. Delivery only medical marijuana retail businesses shall abide by any applicable state law restricting hours of operation.

**4.04.430 Retailer, Non-Store Front Retailer and Microbusiness Delivery Vehicle Requirements.**

Prior to commencing delivery operations, a cannabis Retailer, cannabis Non-Store Front Retailer and Microbusiness shall provide the following information to the City:

- (A) Proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver cannabis or cannabis products.
- (B) The year, make, model, color, license plate number, and numerical Vehicle Identification Number (VIN) for any and all vehicles that will be used to deliver cannabis goods.
- (C) Proof of insurance as required in Section 4.04.350(b) for any and all vehicles being used to deliver cannabis goods.

- (D) The licensee shall provide the City with the information required by this section in writing for any new vehicle that will be used to deliver cannabis goods prior to using the vehicle to deliver cannabis goods.
- (E) The licensee shall provide the City with any changes to the information required by this section in writing within thirty (30) calendar days.

**4.04.440 Operating Requirements for Distributors.**

- (A) A distributor shall not store non-cannabis products or non-cannabis accessories that are to be sold to another party on any licensed premises. Additionally, a distributor shall not distribute non-cannabis products or non-cannabis accessories at a licensed premises. For the purposes of this section, non-cannabis products are any goods that do not meet the definition of cannabis goods as defined in Title 4, Division 19, Section 15000(i) of the California Code of Regulations.
- (B) After taking physical possession of a cannabis goods batch, the distributor shall contact a testing laboratory and arrange for a laboratory employee to come to the distributor's licensed premises to select a representative sample for laboratory testing. The determination of which cannabis goods are to be included in the sample for laboratory testing shall be left to the sole discretion of the laboratory employee.
- (C) A distributor shall ensure that all cannabis goods batches are stored separately and distinctly from other cannabis goods batches on the distributor's premises.
- (D) The distributor shall ensure that the batch size from which the sample is taken meets the requirements of state law, specifically the testing provisions within the California Code of Regulations.
- (E) A distributor or an employee of the distributor shall be physically present to observe the laboratory employee obtain the sample of cannabis goods for testing and shall ensure that the increments are taken from throughout the batch. The sampling shall be video-recorded, and the recording kept available to state and the City for a minimum of 180 days, pursuant to Title 4, Division 42, Section 5305 of the California Code of Regulations.
- (F) A distributor shall not transport cannabis or cannabis products to a licensed or permitted retail facility until and unless it has verified that the cannabis or cannabis products have been tested and certified by a testing lab as being in compliance with state health and safety requirements pursuant to Title 16, Division 19, Sections 15705, 15710 and 15714 of the California Code of Regulations.

**4.04.450 Operating Requirements for Testing Labs.**

- (A) Testing Labs shall be required to conduct all testing in a manner pursuant to Business and

Professions Code Section 26100 and shall be subject to state and local law. Each Testing Lab shall be subject to additional regulations as determined from time to time as more regulations are developed under this Chapter and any subsequent State of California legislation regarding the same.

- (B) Testing Labs shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using verified methods.
- (C) All cannabis testing laboratories performing testing shall obtain and maintain ISO/IEC 17025 accreditation as required by the Department of Cannabis Control.
- (D) Testing labs shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the Department of Cannabis Control unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the Department of Cannabis Control.
- (E) Each operator shall ensure that a testing laboratory employee takes the sample of cannabis or cannabis products from the distributor's premises for testing required by state law and that the testing laboratory employee transports the sample to the testing laboratory.
- (F) Except as provided by state law, a testing laboratory shall not acquire or receive cannabis or cannabis products except from a licensee or permittee in accordance with state law, and shall not distribute, sell, or dispense cannabis, or cannabis products, from the licensed or permitted premises from which the cannabis or cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.
- (G) A testing laboratory may receive and test samples of cannabis or cannabis products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for cannabis for medicinal purpose. A testing lab shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party, licensee or permittee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the cannabis or cannabis products received.

**4.04.460 Operating Requirements for Cannabis Manufacturing: Edibles and Other Cannabis Products; Sale of Edible and Other Cannabis Products.**

- (A) Cannabis manufacturing shall only be licensed pursuant to Section 4.04.460 of this Code or any subsequent created manufacturing state license as defined in MAUCRSA and may

be licensed to operate only within those zone districts as defined in the City's Municipal Code.

- (B) Any compressed gases used in the manufacturing process shall not be stored on any property within the City in containers that exceeds the amount which is approved by the Visalia Fire Department and authorized by the regulatory permit. Each site or parcel subject to a Cannabis Business License shall be limited to a total number of compressed gas tanks as authorized by the Visalia Fire Department on the property at any time.
- (C) Cannabis manufacturing facilities may use heat, screens, presses, steam distillation, ice water, ethanol, and other methods without employing solvents or gases to create keef, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.
- (D) If an extraction process uses a professional grade closed loop CO<sub>2</sub> gas extraction system every vessel must be certified by the manufacturer for its safe use as referenced in Section 4.04.450(f). The CO<sub>2</sub> must be of at least ninety-nine percent purity.
- (E) Closed loop systems for compressed gas extraction systems must be commercially manufactured and bear a permanently affixed and visible serial number.
- (F) Certification from an engineer licensed by the State of California, or by a certified industrial hygienist, must be provided to the Building and Engineering Department for a professional grade closed loop system used by any cannabis manufacturing manufacturer to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:
  - (1) The American Society of Mechanical Engineers (ASME);
  - (2) American National Standards Institute (ANSI);
  - (3) Underwriters Laboratories (UL); or
  - (4) The American Society for Testing and Materials (ASTM)
- (G) The certification document must contain the signature and stamp of the professional engineer or industrial hygienist and serial number of the extraction unit being certified.
- (H) Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the Fire Department and meet any required fire, safety, and building code requirements specified in the California Building Reference Codes.

- (I) Cannabis Manufacturing Facilities may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. Ethanol should be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.
- (J) Cannabis Manufacturing Facilities creating cannabis extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace.
- (K) Any person using solvents or gases in a closed looped system to create cannabis extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets to handle, and store the solvents and gases safely.
- (L) Parts per million for one gram of finished extract cannot exceed state standards for any residual solvent or gas when quality assurance tested.

**4.04.470 Commercial Cannabis Cultivation Other Than Processor Sub License Prohibited.**

- (A) Commercial cannabis cultivation of all kinds, including Outdoor, Mixed-Light or Indoor Cultivation, other than the Processor sub license type as defined by the California Department of Cannabis Control, shall be prohibited within the City and shall not be allowed other than by amendment to this ordinance.
- (B) Processor uses may conduct activities such as trimming, sifting, curing, drying, grading, packaging or labeling cannabis but not the growing of any amount of cannabis.

**4.04.480 Operating Requirements for Out-of-City Delivery Services.**

Prior to commencing operations, a cannabis out-of-City delivery service shall comply with the following requirements:

- (A) Obtain from the City a business tax certificate authorizing the delivery of cannabis and cannabis products within the City limits. A copy of this tax certificate shall be retained by all drivers.
- (B) The retail business operating the delivery service shall provide the City Manager with evidence of a valid state license for a cannabis business on whose authorization the delivery service is performing the delivery function.
- (C) The retail business operating the delivery service shall furnish to the City Manager the year, make, model, license plate number, and numerical Vehicle Identification Number (VIN) for any and all vehicles that will be used to deliver cannabis goods.

**4.04.490 Permissible Delivery Locations and Customers.**

Cannabis delivery businesses licensed to engage in delivery of cannabis and cannabis products inside the City of Visalia are subject to the following requirements:

- (A) A licensed cannabis business shall not deliver cannabis goods to an address located on publicly owned land or any address on land or in a building leased by a public agency.
- (B) A licensed cannabis business shall comply with all requirements of state and local law pertaining to the Cannabis Business License and all subsequent policies, procedures and regulations which may be amended by the City Manager from time to time in order to enforce this Chapter.
- (C) Any kiosk, i-Pad, tablet, smartphone, fixed location or technology platform, whether manned or unmanned, other than a retail location licensed by the city, that facilitates, directs, or assists the retail sale or delivery of cannabis or cannabis products is prohibited and shall be a violation of this Chapter.

**4.04.500 Promulgation of Regulations, Standards and Other Legal Duties.**

- (A) In addition to any regulations adopted by the City Council, the City Manager is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of Cannabis Business Licenses, the ongoing operation of cannabis businesses and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Chapter.
- (B) Regulations shall be published on the City's website.
- (C) Regulations promulgated by the City Manager shall become effective upon date of publication. Cannabis businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Manager.

**4.04.510 Community Relations.**

- (A) Each cannabis business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the cannabis business can be provided. Each cannabis business shall also provide the above information to all businesses and residences located within one hundred (100) feet of the cannabis business.
- (B) During the first year of operation pursuant to this Chapter, the owner, manager, and community relations representative from each cannabis business holding a license issued pursuant to this Chapter shall attend meetings with the City Manager, and other interested parties as deemed appropriate by the City Manager, to discuss costs, benefits, and other community issues arising as a result of implementation of this Chapter. After

the first year of operation, the owner, manager, and community relations representative from each such cannabis business shall meet with the City Manager when and as requested by the City Manager.

- (C) Cannabis businesses to which a license is issued pursuant to this Chapter shall develop a City approved public outreach and educational program for youth organizations and educational institutions that outlines the risks of youth addiction to cannabis, and that identifies resources available to youth related to drugs and drug addiction.

**4.04.520 Fees Deemed Debt to the City.**

The amount of any fee, cost or charge imposed pursuant to this Chapter shall be deemed a debt to the City that is recoverable via an authorized administrative process as set forth in the City ordinance or in any court of competent jurisdiction.

**4.04.530 License Holder Responsible for Violations.**

The person to whom a license is issued pursuant to this Chapter shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City, whether committed by the licensee or any employee or agent of the licensee, which violations occur in or about the premises of the cannabis business whether or not said violations occur within the license holder's presence.

**4.04.540 Inspection and Enforcement.**

- (A) The City Manager, or designee charged with enforcing the provisions of the City of Visalia Municipal Code, or any provision thereof, may enter the location of a cannabis business at any time, without notice, and inspect the location of any cannabis business as well as any recordings and records required to be maintained pursuant to this Chapter or under applicable provisions of State law.
- (B) It is unlawful for any person having responsibility over the operation of a cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a cannabis business under this Chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a cannabis business under this Chapter or under state or local law.
- (C) The City Manager, or designee charged with enforcing the provisions of this Chapter may enter the location of a cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of Visalia shall be logged, recorded, and maintained in accordance with established procedures by the City of Visalia's City Manager or these

regulations.

**4.04.550 Violations declared a public nuisance.**

Each and every violation of the provisions of this Chapter constitutes a misdemeanor and is hereby deemed unlawful and a public nuisance. The City reserves the right to pursue any available legal remedy to address violations of this Chapter.

**SECTION 3. CEQA.** That the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) (common sense exemption) as the proposed ordinance will not in and of themselves have an effect on the environment.

**SECTION 4. Severance.** If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 5. Publication.** This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

**SECTION 6. Effective Date.** This ordinance shall become effective thirty days from the date of adoption.

DRAFT