

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING CHAPTER 5.91; AND BY
REPEALING CHAPTER 5.89, ALL RELATING TO
MEDICAL MARIJUANA

WHEREAS, the people of the State of California have enacted Proposition
215, the Compassionate Use Act of 1996 ("CUA") (codified in Health and Safety Code
Section 11362.5, *et seq.*), which allows for the possession and cultivation of marijuana for
medical use by certain qualified persons; and

WHEREAS, the CUA creates a limited exception from criminal liability for
seriously ill persons who are in need of medical marijuana for specified medical purposes
and who obtain and use medical marijuana under limited circumstances; and

WHEREAS, in 2004, the State of California enacted Senate Bill 420, the
Medical Marijuana Program Act ("MMPA") (codified in California Health and Safety Code
Section 11362.7 *et seq.*), which purports to clarify the scope of the CUA, and also which
recognizes the right of cities and other governing bodies to adopt and enforce rules and
regulations consistent with the MMPA; and

WHEREAS, notwithstanding the passage of the CUA and MMPA, the
cultivation, possession, and distribution of marijuana is strictly prohibited by federal law
and specifically by the Controlled Substances Act ("CSA") (codified in 21 U.S.C. Section
841); and Section 841 of the CSA makes it unlawful for a person to manufacture,
distribute, dispense, or possess with intent to manufacture, distribute, or dispense
marijuana; and

WHEREAS, the regulations for medical marijuana uses are not adequate at
the state level to address the impacts on the City of medical marijuana, making it

1 appropriate for local regulation of the impacts of medical marijuana uses; and

2 WHEREAS, pursuant to the City's police powers authorized in Article XI,
3 Section 7, of the California Constitution, the Long Beach Municipal Code, and other
4 provisions of California law including, but not limited to California Government Code
5 Section 38771, the City has the power through its City Council to determine, for purposes
6 of the public health, safety, and welfare, the appropriate uses of land within a local
7 jurisdiction's borders; and

8 WHEREAS, nothing in this Chapter is intended to promote or condone the
9 production, distribution, or possession of marijuana in violation of any applicable law; and

10 WHEREAS, this Chapter is to be construed to protect the public over
11 medical marijuana related interests; and

12 WHEREAS, operation of a medical marijuana dispensary is a revocable
13 privilege and not a right in the City. There is no property right for an individual or entity to
14 have a medical marijuana business in the City; and

15 WHEREAS, the City has a zero tolerance policy for violations of this
16 Chapter; and

17 WHEREAS, the City Council wishes to repeal Chapter 5.89 of the Municipal
18 Code ("Medical Marijuana Dispensary Ban") in its entirety and at the same time adopt
19 regulations allowing for the limited existence of medical marijuana dispensaries in the
20 City of Long Beach;

21 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
22 follows:

23 Section 1. Chapter 5.91 of the Long Beach Municipal Code is added to
24 read as follows:

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28 //

Chapter 5.91

MEDICAL MARIJUANA

5.91.010 Purpose.

A. The primary purpose of this Chapter is to protect the public health, safety, and welfare of the residents and patients of the City by prescribing the manner in which medical marijuana dispensaries can operate in the City.

B. This Chapter regulates the use, acquisition, cultivation, production, and distribution of medical marijuana in a manner that is consistent with California Health and Safety Code sections 11357 through 11362.9, also referred to as the Compassionate Use Act ("CUA") and the Medical Marijuana Program Act ("MMPA"). The CUA and MMPA do not provide a legal manner for patients to obtain medical marijuana unless the patient grows the marijuana or the marijuana is grown by the patient's primary caregiver. The following regulations are intended to apply to all medical marijuana operations in the City whether by a patient or primary caregiver, or any medical marijuana related entity allowed under the state law. Medical marijuana cultivation and production can have an impact on health, safety and community resources, and this Chapter is intended to allow medical marijuana distribution and cultivation only where it will have a minimal impact. To do so, the following regulations:

1. Provide for a means for cultivation, production, and distribution of marijuana to patients who qualify to obtain, possess, and use marijuana for medical purposes under the CUA and MMPA;

2. Protect public health and safety through reasonable limitations on medical marijuana business operations as they relate to noise, air, and water quality, food safety, neighborhood and patient safety, security

1 for the dispensary location and its personnel, and other health and safety
2 concerns;

3 3. Promote lively street life and high quality neighborhoods
4 by limiting the concentration of any medical marijuana businesses in the City;

5 4. Impose fees to cover the cost to the City of regulating
6 medical marijuana related operations in an amount sufficient for the City to
7 recover its related costs;

8 5. Adopt a mechanism for monitoring compliance with the
9 provisions of this Chapter;

10 6. Create regulations that address the particular needs of
11 the residents and patients of the City and coordinate with laws that may be
12 enacted by the State regarding the same;

13 7. Facilitate the implementation of the CUA and MMPA
14 without going beyond the authority granted by it;

15 8. Allow medical marijuana related operations only by
16 individuals and entities that have demonstrated an intent and ability to comply
17 with this Chapter;

18 9. Protect public safety and residential areas by limiting the
19 areas of the City where medical marijuana businesses may operate;

20 C. The provisions in this Chapter that are different from State law
21 are consistent with the City's responsibility to protect the public health, safety,
22 and welfare as authorized by the inherent local police power authority granted
23 to the City by Article XI, § 7 of the California Constitution. The City intends
24 that both State law and this Chapter apply within the City.

25
26 5.91.020 Definitions.

27 A. "Advertise" means the act of drawing the public's attention,
28 whether on print or on the internet, to a medical marijuana business in order

1 to promote the sale of medical marijuana by the business.

2 B. "Business Manager" means the individual designated by the
3 owner of the medical marijuana business as the person responsible for all
4 operations of the business in the absence of the owner from the business
5 property. Business manager shall include any person with managerial
6 authority in the business, and any person that has access to lock or unlock
7 the safe, to unlock or lock the business, or set or disarm the alarm.

8 C. "Cultivation" or "Cultivate" means:

9 1. All phases of growth of marijuana from seed to harvest;
10 or

11 2. Preparing, packaging or repackaging, labeling or
12 relabeling of a usable form of marijuana.

13 D. "Cultivation Facility" means a permitted medical marijuana
14 business that is authorized to cultivate, produce, and harvest marijuana plants
15 for a medical use for distribution by such medical marijuana business.

16 E. "Distribute" or "Distribution" means the actual, constructive or
17 attempted transfer, delivery, sale, or dispensing to another, with or without
18 remuneration.

19 F. "Financier" means any person who lends money or otherwise
20 provides assets to any person applying for a permit or who has been issued a
21 permit under this Chapter. Financier shall not include a bank, savings and
22 loan association, credit union or industrial bank supervised and regulated by
23 an agency of the State or federal government.

24 G. "Marijuana" means the same as the term "marijuana" as set
25 forth in California Health and Safety Code section 11018 which defines
26 "marijuana" as all parts of the plant Cannabis sativa L., whether growing or
27 not; the seeds thereof; the resin extracted from any part of the plant; and
28 every compound, manufacture, salt, derivative, mixture, or preparation of the

1 plant, its seeds or resin. It does not include the mature stalks of the plant,
2 fiber produced from the stalks, oil or cake made from the seeds of the plant,
3 any other compound, manufacture, salt, derivative, mixture, or preparation of
4 the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or
5 the sterilized seed of the plant which is incapable of germination.

6 H. "Medical Marijuana" means marijuana used for medical
7 purposes in accordance with California Health and Safety Code Sections
8 11362.5, *et seq.*

9 I. "Medical Marijuana Business" means:

10 1. Any association of four (4) or more individuals that
11 cultivates, produces, sells, distributes, possesses, transports or makes
12 available medical marijuana to qualified patients and their designated primary
13 caregivers who associate at a particular location or Property within the
14 boundaries of the City of Long Beach to collectively cultivate or distribute
15 medical marijuana in accordance with California Health and Safety Code
16 Sections 11362.5, *et seq.* For purposes of this Chapter, the term medical
17 marijuana cooperative, collective, or dispensary shall have the same meaning
18 as medical marijuana business. Medical marijuana business includes, but is
19 not limited to, dispensary storefront locations, cultivation facilities, and
20 medical marijuana-infused product manufacturers.

21 2. Any person that cultivates, produces, sells, distributes,
22 possesses, transports more than six mature marijuana plants or twelve (12)
23 immature marijuana plants, or eight (8) ounces of a useable form of marijuana
24 for medical use, pursuant to California Health and Safety Code section
25 11362.5, *et seq.*

26 3. The term medical marijuana business shall not include
27 the private possession, production, or medical use of no more than six (6)
28 mature marijuana plants or twelve (12) immature marijuana plants, or eight

(8) ounces of a useable form of marijuana by a patient or caregiver in the residence of the patient.

J. "Medical Marijuana-Infused Product" means a marijuana-infused, edible, ingestible, or inhalable product, including but not limited to topical solutions and vaporizers.

K. "Medical Marijuana-Infused Product Manufacturer" means a licensed and permitted marijuana-infused product manufacturer.

L. "Medical Marijuana Local Licensing Authority" means the City Manager or his designee.

M. "Medical Marijuana Plant" means a marijuana seed that is germinated and all parts of the growth therefrom including, without limitation, roots, stalks and leaves. For purposes of this Chapter, the portion of a medical marijuana plant harvested from the plant or converted to a usable form of medical marijuana for medical use is not considered part of the plant upon harvesting.

N. "Permittee" means the medical marijuana business named on the conditional use permit, and all individuals named in the conditional use permit application or later reported to the City, including without limitation, owners, business managers, financiers, and individuals owning any part of an entity that holds a financial or ownership interest in a medical marijuana business.

O. "Place Open To The General Public" means any property owned, leased, or used by a public entity, and any place on private property open to the public, common areas of buildings, private clubs, vehicles, those portions of any private property upon which the public has an express or implied license to enter or remain, and any place visible from such places.

"Place open to the general public" shall not include any fenced area of a private residence regardless of whether it can be seen from a place open to

1 the public.

2 P. "Possess" or "Possession" means having physical control of an
3 object, or control of the property in which an object is located, or having the
4 power and intent to control an object, without regard to whether the one in
5 possession has ownership of the object. Possession may be held by more
6 than one (1) person at a time. Use of the object is not required for
7 possession. The owner of a medical marijuana business shall be considered
8 in possession of the medical marijuana business at all times. The business
9 manager of a medical marijuana business shall be considered in possession
10 of the medical marijuana business at all times that the business manager is
11 on the property of the business or has been designated by the owner as the
12 business manager in the absence of the owner in accordance with this
13 Chapter.

14 Q. "Property" means a distinct and definite location, which may
15 include a building, a part of a building, a room or any other defined contiguous
16 area.

17 R. "Primary Caregiver" means the same as that term in California
18 Health and Safety Code Sections 11362.5 and 11362.7 which define "primary
19 caregiver" as an individual, designated by a qualified patient, who has
20 consistently assumed responsibility for the housing, health, or safety of that
21 qualified patient.

22 S. "Produce" or "Production" means:

23 1. Preparing, compounding, processing, encapsulating,
24 packaging or repackaging, labeling or relabeling of marijuana or its
25 derivatives, whether alone or mixed with any amount of any other substance;
26 or

27 2. Combining marijuana with any other substance for
28 distribution, including storage and packaging for resale.

1 T. "Responsible person" means any individual who is the owner,
2 partial owner, or occupant of real property, last registered owner and/or legal
3 owner of a vehicle, the holder or the agent of the holder of any permit, or the
4 party or agent of a party to any agreement covered by this Chapter; or the
5 owner or authorized agent of any business, company or entity subject to this
6 Chapter.

7 U. "Restricted Area" means the portion of a medical marijuana
8 business location within which the licensee defines on its application it intends
9 to cultivate, distribute, possess or produce medical marijuana and which area
10 is clearly identified as the restricted area on the floor plan submitted with the
11 medical marijuana business license application for the business.

12 V. "Violation of Any Law" means a plea or finding of a violation of
13 any law in a criminal, civil, or administrative proceeding, whether part of a
14 plea agreement, settlement agreement, or determination by an arbitrator,
15 hearing officer, court, or jury.

16
17 5.91.030 Permit required.

18 A. It shall be unlawful for any person or entity to operate, in or
19 upon any property, a medical marijuana business without obtaining a
20 conditional use permit pursuant to the requirements of this Chapter and
21 Chapter 21.25.

22 B. The permit requirement set forth in this Chapter shall be in
23 addition to, and not in lieu of, a Long Beach business license and any other
24 licensing and permitting requirements imposed by any other federal, state or
25 local law, including, but not limited to, a California seller's permit and building
26 and occupancy permits.

27 C. The issuance of any permit pursuant to this Chapter does not
28 create an exception, defense, or immunity to any person or entity from

1 criminal liability for the cultivation, production, distribution, transportation, or
2 possession of marijuana.

3 D. A separate conditional use permit shall be required for each
4 property from which a medical marijuana business is operated.

5 E. A Conditional use permit issued pursuant to this Chapter shall
6 become null and void upon the closure of the business for more than seven
7 days and/or the relocation of the business to a different location.

8 1. The following shall be deemed a change in location:

9 a. Any relocation or expansion that includes a
10 separate piece of property or parcel of land from the initially permitted
11 Property;

12 b. Any expansion of the initially permitted Property
13 which represents a greater than fifty percent (50%) increase in the square
14 footage of space devoted to the medical marijuana business operations;

15 c. The lawful conduct of activity regulated by this
16 Chapter by a Permittee shall be limited to those activities expressly indicated
17 on the Medical Marijuana Collective Permit application.

18 F. The Permittees of a medical marijuana business are only those
19 persons disclosed in the application or subsequently disclosed to the City in
20 accordance with this Chapter. A transfer of a conditional use permit is
21 prohibited.

22
23 5.91.040 General permit provisions.

24 The general procedures and requirements of conditional use permits,
25 as more fully set forth in Chapter 21.25, "Conditional Use Permits," shall
26 apply to conditional use permits. To the extent there is any conflict between
27 the provisions of this Chapter and Chapter 21.25, the provisions of this
28 Chapter shall control for conditional use permits.

1 A. Insurance required. A medical marijuana business must at all
2 times maintain workers' compensation insurance, public liability insurance
3 with minimum limits of One Hundred Fifty Thousand Dollars (\$150,000) for
4 any one person and Six Hundred Thousand Dollars (\$600,000) for any one
5 accident, and public property damage insurance with a minimum limit of One
6 Hundred Thousand Dollars (\$100,000) for any one accident.

7 B. Costs of inspection, enforcement, and abatement.

8 In the event the City incurs costs in the inspection, enforcement,
9 abatement, surrender, or any other requirements to remove medical
10 marijuana or related equipment or property from any medical marijuana
11 business, or any person cultivating, producing, distributing or possessing
12 marijuana, the business and responsible persons shall reimburse the City all
13 actual costs incurred by the City for such inspection, enforcement, or
14 abatement.

15 All actual costs required by this section shall constitute a lien
16 upon the property upon which the medical marijuana business is situated.
17 The lien for any inspection, enforcement, or abatement costs shall attach
18 thirty (30) days after the responsible parties are notified of the costs, and shall
19 remain until the fee is paid or the property sold in payment thereof.

20 C. Landlord duty.

21 It shall be unlawful for the owner of a building to lease space or
22 allow the use of any portion of the building by a medical marijuana business
23 unless the tenant has a valid conditional use permit or has applied for and not
24 been denied a conditional use permit and no marijuana is located on the
25 property until a permit has been issued by the City.

26
27 5.91.050 Conditional use permit application.

28 A. Application requirements.

1 In addition to the general conditional use permit application
2 requirements of Chapter 21.25, an application for a conditional use permit
3 shall include completed forms provided by the City Manager for that purpose.
4 The applicant shall use the application to demonstrate its compliance with this
5 Chapter and any other applicable law, rule, or regulation. The application
6 shall include the following information:

7 1. Name and address of the owner or owners of the medical
8 marijuana business in whose name the permit is proposed to be issued.

9 2. If an owner is a corporation, the name and address of all
10 officers or directors of the corporation and of any person holding issued and
11 outstanding capital stock of the corporation.

12 3. If an owner is a partnership, association, or company, the
13 name and address of any person holding an interest therein and the
14 managing members. If a managing member is an entity rather than an
15 individual, the same disclosure shall be required for each entity with an
16 ownership interest until a managing member that is a natural person is
17 identified.

18 4. If an owner is not a natural person, the organizational
19 documents for all entities identified in the application, identification of the
20 natural person that is authorized to speak for the entity and contact
21 information for that person.

22 5. Name and address of:

23 a. Any business managers of the medical marijuana
24 business, if the business manager is proposed to be someone other than the
25 owner;

26 b. All financiers of the medical marijuana business;
27 and

28 c. All agents of the medical marijuana business who

1 either:

- 2 (i) act with managerial authority,
3 (ii) provide advice to the medical marijuana
4 business for compensation, or
5 (iii) receive periodic compensation totaling
6 \$1,000.00 or more in a single year for services related to the medical
7 marijuana business.

8 6. A statement indicating whether any of the named owners,
9 members, business managers, financiers, primary caregivers, or persons
10 named on the application have been:

11 a. Denied an application for a conditional use permit
12 pursuant to this Chapter, or any similar state or local licensing or permitting
13 law, rule, or regulation, or had such a license or permit suspended or
14 revoked.

15 b. Convicted of violating any law, other than a traffic
16 violation infraction, or completed any portion of a sentence due to a violation
17 of any law.

18 c. Convicted of driving or operating other machinery
19 under the influence of alcohol, drugs, or medication, driving while impaired, or
20 any comparable law, or a misdemeanor related to abuse of alcohol or a
21 controlled substance.

22 7. Proof of ownership or legal possession of the Property at
23 which the medical marijuana business will be located. If the medical
24 marijuana business is not the owner of the property of the business, the
25 applicant shall provide written authorization to the City from the property
26 owner to enter the property for inspection of the property on a form approved
27 by the City.

28 8. A certificate for proof of insurance signed by a qualified

1 agent of an insurance company evidencing the existence of valid and
2 effective policies of workers' compensation and public liability and property
3 damage insurance naming the City and its officers and employees as an
4 additional named insured on the liability policy at least to the limits required by
5 section 5.91.040(A) of this Chapter, the limits of each policy, the policy
6 number(s), the name of the insurer, the effective date, and expiration date of
7 each policy, and a copy of an endorsement placed on each policy requiring
8 ten days' notice by mail owner or business manager before the insurer may
9 cancel the policy for any reason.

10 9. An operating plan for the proposed medical marijuana
11 business, including the following information:

12 a. A description of all the products and services to be
13 provided by the medical marijuana business.

14 b. A dimensioned floor plan, clearly labeled, showing:
15 (i) The layout of the structure and the floor
16 plan in which the medical marijuana business is to be located;

17 (ii) The principal uses of the floor area depicted
18 on the floor plan, including but not limited to the areas where non-patients will
19 be permitted, private consulting areas, storage areas, retail areas, and
20 restricted areas where medical marijuana will be located; and

21 (iii) Electrical, mechanical, plumbing, disabled
22 access compliance pursuant to Title 24 of the State of California Code of
23 Regulations and the federally mandated Americans with Disabilities Act; and

24 (iv) The separation of the areas that are open
25 to persons who are not patients from those areas open to patients.

26 c. A neighborhood safety and responsibility plan that
27 demonstrates how the applicant will comply with the requirements of this
28 Chapter and abate associated crime and nuisance conditions in the

1 immediate vicinity of the marijuana business, and how the business will fulfill
2 its responsibilities to the neighborhood including outreach and dispute
3 resolution.

4 d. For cultivation facilities, and medical marijuana
5 businesses that produce medical marijuana-infused products, a plan that
6 specifies:

7 (i) The methods to be used to prevent the
8 growth of harmful mold and compliance with limitations on discharge into the
9 wastewater system of the city as set forth in Long Beach Municipal Code
10 Chapter 15.16, "Industrial Waste and Wastewater."

11 (ii) A minimum of a one-hour fire separation
12 wall between the cultivation facility and any adjacent business.

13 (iii) All ventilation systems used to control the
14 environment for the plants that describes how such systems operate with the
15 systems preventing any odor leaving the property. Such plan shall also
16 include all ventilation systems used to mitigate noxious gases or other fumes
17 used or created as part of the production process.

18 B. Additional requirements for cultivation.

19 1. A lighting plan showing the lighting outside of the
20 marijuana business and compliance with applicable City requirements.

21 2. Color images and a site plan indicating locations of
22 proposed signage.

23 3. A fully legible copy of one valid government issued form
24 of photo identification, such as a State Driver's License or Identification Card
25 and Livescan fingerprinting completed at the Long Beach Police Department.
26 This requirement shall apply to all owners, business managers, financiers,
27 and caregivers employed by or under contract to provide services to the
28 medical marijuana business, including all individuals who have an interest as

1 described herein of any portion of the medical marijuana business, directly or
2 as an agent, or a member, partner or officer of a corporation, partnership,
3 association or company.

4 a. A plan for disposal of any medical marijuana or
5 medical marijuana-infused product that is not sold to a patient or primary
6 caregiver in a manner that protects any portion thereof from being possessed
7 or ingested by any person or animal.

8 b. A plan for ventilation of the medical marijuana
9 business that describes the ventilation systems that will be used to prevent
10 any odor of medical marijuana off the property of the business.

11 c. A description of all toxic, flammable, or other
12 materials regulated by a federal, state, or local government that would have
13 authority over the business if it was not a marijuana business, that will be
14 used or kept at the medical marijuana business, the location of such
15 materials, and how such materials will be stored.

16 d. A statement of the amount of the projected daily
17 average and peak electric load anticipated to be used by the business and
18 certification from the landlord and utility provider that the property is equipped
19 to provide the required electric load, or necessary upgrades that will be
20 performed prior to final inspection of the property.

21 e. A statement signed under penalty of perjury by
22 each owner or business manager that they have read, understand, and shall
23 ensure compliance with the terms of this Chapter.

24 4. Fee required.

25 Any application for a conditional use permit shall be
26 accompanied by the conditional use permit application fee, criminal
27 background check fee, estimated building and planning fees, and any other
28 applicable fees.

1 5. Inspection.

2 An inspection of the proposed medical marijuana
3 business property by the City shall be required prior to issuance of a permit.
4 Such inspection shall occur after the property is ready for operation, but prior
5 to the stocking of the business with any medical marijuana, and prior to the
6 opening of the business to any members. The inspection is to verify that the
7 business facilities are constructed and can be operated in accordance with
8 the application submitted and the applicable requirements of this Code and
9 any other applicable law, rule, or regulation.

10 6. Investigation.

11 For purposes of this Chapter, the investigation of the
12 application by the City is not complete until the City Manager or his designee
13 has:

- 14 a. Determined the application is complete,
15 b. Determined the medical marijuana business is
16 prepared and able to operate in compliance with all applicable laws,
17 c. Conducted an inspection of the business,
18 d. Obtained all other information the City Manager
19 determines necessary to make a recommendation whether to approve the
20 permit application with conditions or deny the permit application, and
21 e. Prepared the documentation necessary to support
22 the recommended action to the City's Planning Commission.

23 7. Approval requirements.

24 Once the City Manager or his designee deems an
25 application complete, the matter will be set for hearing in accordance with
26 Chapter 21.21 of the Long Beach Municipal Code.

27 The City Manager or his designee will deny any application that
28 does not meet the requirements of this Chapter or any other applicable law,

rule, or regulation or that contains any false or incomplete information.

The conditions of an approval of a conditional use permit shall include, at a minimum, operation of the business in compliance with all of the plans and information made part of the application.

5.91.060 Persons prohibited as permittees and business managers.

A. It shall be unlawful for any of the following persons to have an ownership or a financial interest in a medical marijuana business, and no permit provided by this Chapter shall be issued to or held by, and no medical marijuana business shall be managed by:

1. Any person until the annual fee for the permit has been paid;
2. Any person who has been convicted within the previous ten (10) years of a felony or a crime of moral turpitude, or who is currently on parole or probation for the sale or distribution of a controlled substance;
3. Any natural person who is under twenty-one (21) years of age; or
4. Any person who operates or manages or has operated or managed a medical marijuana business contrary to the provisions of this Chapter, any other applicable law, rule or regulation or conditions imposed on land use or license approvals, or contrary to the terms of the plans submitted with the permit application, or amended as permitted by this Chapter, or has operated a business in violation of any law.
5. A licensed physician making patient recommendations;
6. A person permitted to operate pursuant to this Chapter who, while lawfully operating, or who, at the time of application, has failed to remedy an outstanding delinquency for taxes owed, or an outstanding delinquency for judgments owed to a government;

1 7. A sheriff, deputy, police officer or prosecuting officer, or
2 an officer or employee of the state or local governing authority;

3 8. Any person applying for a permit to operate a medical
4 marijuana business who has been permitted to operate another medical
5 marijuana business in the City pursuant to this Chapter.

6
7 5.91.070 Location of medical marijuana businesses.

8 A. Fixed location required.

9 It shall be unlawful to operate a medical marijuana business or
10 to grow medical marijuana outside of an enclosed building. All conditional use
11 permits shall be issued for a specific fixed location within an enclosed
12 building.

13 B. Location – permitted use in zoning district.

14 A conditional use permit may be issued only if the medical
15 marijuana business qualifies is located in an area zoned for industrial uses.

16 C. Location – total per council district.

17 No more than two (2) medical marijuana businesses may
18 operate in any council district. No more than eighteen (18) medical marijuana
19 businesses may operate within the City.

20 D. Priority of medical marijuana business location.

21 1. Based on the zoning restrictions and limitations on
22 concentration of medical marijuana businesses in the City, to determine the
23 priority of a medical marijuana business application and the proximity of
24 applicants' properties, applicants meeting all application requirements shall
25 have priority based on the accumulation of points based on the following
26 criteria:

27 a. Suitability of the proposed property:

28 (i) Applicant demonstrates proposed location

1 exceeds all buffer zones established in subsection (F) by at least five hundred
2 (500) feet (1 point);

3 (ii) Proposed property possesses air scrubbers or
4 a filtration system capable of eliminating odors from escaping the building or
5 commitment to do so before operating (1 point);

6 b. Suitability of security plan:

7 (i) The applicant's security plan includes the
8 presence of security personnel on premises twenty-four (24) hours per day (1
9 point);

10 (ii) The applicant's security plan demonstrates
11 a method to track and monitor inventory so as to prevent theft and diversion
12 of marijuana (1 point);

13 (iii) The applicant's security plan describes the
14 enclosed, locked facility that will be used to secure or store marijuana when
15 the location is both open and closed for business, and the steps taken to
16 ensure marijuana is not visible to the public (1 point);

17 (iv) The applicant's security plan includes
18 measures to prevent the diversion of marijuana to persons under the age of
19 twenty-one (21) (1 point);

20 (v) Applicant demonstrates security measures
21 exceeding the requirements of this Chapter, including but not limited to brick
22 or concrete construction or additional fire and/or security alarms (1 point);

23 c. Suitability of business plan and financial record
24 keeping:

25 (i) The applicant describes a staffing plan that
26 will provide and ensure safe dispensing, adequate security, theft prevention,
27 and the maintenance of confidential information (1 point);

28 (ii) Applicant provides an operations manual

1 that demonstrates compliance with this Chapter (1 point);

2 d. Criminal history:

3 (i) Applicants without any felony conviction(s)
4 (1 point);

5 (ii) Applicants without any misdemeanor
6 conviction(s) (1 point);

7 (iii) Applicants without any pending criminal
8 complaint(s) (1 point);

9 (iv) Applicants certify as a condition of
10 maintaining the revocable conditional use permit that they will not employ any
11 person with any type of felony conviction (1 point);

12 (v) Applicants certify as a condition of
13 maintaining the revocable conditional use permit that they will not employ as
14 managers or employees any person with any narcotics related misdemeanor
15 conviction (1 point).

16 e. Regulatory compliance history:

17 (i) Applicants have not had a permit or license
18 revoked by the City of Long Beach (1 point);

19 (ii) Applicants have not had administrative
20 penalties assessed against their business or the location of their business (1
21 point);

22 (iii) Applicants have not operated a medical
23 marijuana business in violation of any provision of the Long Beach Municipal
24 Code within five (5) years (1 point);

25 f. Community service:

26 (i) Applicants demonstrate involvement in the
27 community, other non-profit association, or neighborhood association (1
28 point).

1 2. In the event review of the applications of two (2) or more
2 eligible medical marijuana business applicants within the same district results
3 in the same total number of points assigned, the City will utilize a lottery to
4 determine which applicant receives priority.

5 E. No medical marijuana business may be located in residential
6 zoning districts.

7 It shall be unlawful to operate a medical marijuana business in a
8 building which contains a residence, within a dwelling unit within any zoning
9 district, or within a residential zoning district or within a mixed-use
10 development that includes a residence.

11 F. Separation from schools, parks, and other medical marijuana
12 uses.

13 The property identified in the conditional use permit application
14 must be located in accordance with the following:

15 1. The medical marijuana business is not located within one
16 thousand five hundred (1,500) feet of a public or private high school or
17 Educational Partnership High School ("EPHS") or within one thousand (1,000)
18 feet of a public park or a public or private kindergarten, elementary, middle, or
19 junior high school.

20 2. The medical marijuana business is not located within one
21 thousand (1,000) feet of any other medical marijuana business.

22 3. The distances specified in this subsection shall be
23 determined by the horizontal distance measured in a straight line from the
24 property line of the school, park, or other medical marijuana business to the
25 closest property line of the lot on which the medical marijuana business is
26 located, without regard to intervening structures.

27 G. Limitations on medical marijuana businesses.

28 The following shall be the minimum requirements for a medical

1 marijuana business:

2 1. The area of the business is two thousand five hundred
3 (2,500) square feet or less;

4 2. The business distributes medical marijuana only in
5 accordance with this Chapter and California law.

6 3. The business includes a secured and locked medical
7 marijuana dispensary room, one or more private rooms for consultation on the
8 medical use of marijuana, and a separate reception area for screening of
9 patients and waiting for non-patients.

10
11 5.91.080 Requirements related to operation of medical marijuana
12 businesses.

13 A. Onsite use prohibited.

14 No marijuana shall be smoked, eaten, or otherwise consumed
15 or ingested within the medical marijuana business.

16 B. Restriction on access to restricted area.

17 No person, other than a patient, licensee, employee, or a
18 contractor shall be in the medical marijuana dispensary room. No patient shall
19 be allowed entry into the medical marijuana dispensary room without showing
20 their valid picture ID.

21 C. Display of permits required.

22 The name and contact information for the owner or owners and
23 any business manager of the medical marijuana business, the conditional use
24 permit and the sales tax seller's permit shall be conspicuously posted in the
25 business.

26 D. Business conducted within building.

27 Any and all cultivation, production, distribution, possession,
28 storage, display, sales or other distribution of marijuana shall occur only

1 within an enclosed area of a medical marijuana business and shall not be
2 visible from the exterior of the business.

3 E. Owner or business manager required on property.

4 No medical marijuana business shall be managed by any
5 person other than the Permittee or the business manager listed on the
6 application for the permit or a renewal thereof. Such Permittee or business
7 manager shall be on the property and responsible for all activities within the
8 licensed business during all times when the business is open.

9 F. Hours of operation.

10 A medical marijuana business shall be closed to the public, and
11 no sale or other distribution of marijuana shall occur upon the property
12 between the hours of seven o'clock (7:00) p.m. and eight o'clock (8:00) a.m.

13 G. Use of pesticides.

14 No pesticides or insecticides which are prohibited by federal,
15 state, or local law for fertilization or production of edible produce shall be used
16 on any marijuana cultivated, produced or distributed by a medical marijuana
17 business. A medical marijuana business shall comply with all applicable
18 federal, state, and local law regarding use and disposal of pesticides.

19 H. Ventilation required.

20 A medical marijuana business shall be ventilated so that the
21 odor of marijuana cannot be detected at the exterior of the medical marijuana
22 business or at any adjoining use or property.

23 I. Limitations on inventory.

24 The medical marijuana business shall not maintain any more
25 marijuana within the property than is permitted under applicable state law.
26 The medical marijuana business shall not maintain any more marijuana than
27 the amount stated on the business' permit application to the City. The
28 medical marijuana business shall maintain current records evidencing the

1 status and number of patients for whom they cultivate or dispense medical
2 marijuana.

3 J. Reporting requirements.

4 A medical marijuana business shall report to the City Manager
5 or his designee each of the following within the time specified. If no time is
6 specified, the report shall be provided within seventy-two hours of the event.

7 1. Transfer or change of financial interest, business
8 manager, financier, or primary caregiver in the permit application at least
9 thirty days before the transfer or change.

10 2. Sales and taxable transactions and file sales and use tax
11 reports to the City monthly.

12 3. A violation of any law by any Permittee or applicant of a
13 medical marijuana business.

14 4. Reports of all criminal activity or attempts of violation of
15 any law at the medical marijuana business or related thereto shall be reported
16 to the Long Beach Police Department within twelve hours of occurrence.

17 K. Delivery between medical marijuana businesses. (DEPENDING
18 ON CULTIVATION REQUIREMENTS)

19 It shall be unlawful for any person to transport medical
20 marijuana, except as specifically allowed by applicable law, unless the
21 medical marijuana being transported meets the following requirements:

22 1. All medical marijuana-infused products are hand-
23 packaged, sealed and labeled as provided in this Chapter and the products
24 stored in closed containers that are labeled as provided in this section.

25 2. All medical marijuana in a usable form for medicinal use
26 is packaged and stored in closed containers that are labeled as provided in
27 this section.

28 3. Each container used to transport medical marijuana is

1 labeled with the amount of medical marijuana or medical marijuana-infused
2 products, or the number and size of the plants, in the container. The label
3 shall include the name and address of the medical marijuana business that
4 the medical marijuana is being transported from and the name and address of
5 the medical marijuana business that the medical marijuana is being
6 transported to. The label shall be shown to any law enforcement officer who
7 requests to see the label.

8 4. Unless otherwise specifically allowed by applicable law,
9 medical marijuana may be transported only:

- 10 a. From a medical marijuana cultivation facility to a
11 medical marijuana business; and
12 b. Which medical marijuana business is owned by
13 the same person as owns the cultivation facility; and
14 c. When determining and reporting the route to take,
15 Permittees should select the most direct route that provides safety and
16 efficiency.

17 L. Disposal of medical marijuana and marijuana byproducts.

18 All medical marijuana and any product containing a usable form
19 of marijuana must be made unusable and unrecognizable prior to removal
20 from the business in compliance with all applicable laws. This provision shall
21 not apply to licensed law enforcement acting in the course of their duties.

22 M. Possession of mature flowering plants.

23 No more than one-half of the medical marijuana plants within a
24 medical marijuana business may be mature, flowering plants producing a
25 usable form of marijuana.

26 N. Advertisement.

27 A medical marijuana business may not advertise in a manner
28 that is inconsistent with the medicinal use of medical marijuana. A medical

1 marijuana business may not advertise in a manner that is misleading,
2 deceptive, false, or is designed to appeal to minors. Advertisement that
3 promotes medical marijuana for recreational or any use other than for
4 medicinal purposes shall be a violation of this Chapter. The following
5 conditions shall apply:

6 1. Except as otherwise provided in this paragraph, it shall
7 be unlawful for any person permitted under this Chapter or any other person
8 to advertise any medical marijuana or medical marijuana-infused product
9 anywhere in the city where the advertisement is in plain view of or in a place
10 open to the general public, including advertising utilizing any of the following
11 media: illuminated signs, signs incorporating green crosses or other
12 marijuana related symbol, any billboard or other outdoor general advertising
13 device as defined by the zoning regulations of the City; any sign mounted on
14 a vehicle; any hand-held or other portable sign; or any handbill, leaflet or flier
15 directly handed to any person in a public place, left upon a motor vehicle, or
16 posted upon any public or private property. The prohibition set forth in this
17 paragraph shall not apply to:

18 a. Any sign located on the same lot as a medical
19 marijuana business which exists solely for the purpose of identifying the
20 location of the medical marijuana business and which otherwise complies with
21 this Chapter and any other applicable city laws and regulations;

22 b. Any advertisement contained within a newspaper,
23 magazine, or other periodical of general circulation within the City or on the
24 Internet; or

25 c. Advertising which is purely incidental to
26 sponsorship of a charitable event by a medical marijuana business or a
27 medical marijuana-infused products manufacturer.

28 d. No medical marijuana business shall distribute or

1 allow the distribution of any marijuana without charge within a marijuana
2 business or any place open to the public for the purpose of promotion or
3 advertising.

4 e. No medical marijuana business shall distribute or
5 allow the distribution of any coupon or similar writing, electronically or on
6 paper, which purports to allow the bearer to exchange the same for any
7 marijuana product, either free or at a discount.

8 f. No medical marijuana business shall sell,
9 distribute, or provide, or allow the sale, distribution, or provision of, products
10 marked with its name or logo, other than packaging in which medical
11 marijuana is sold or on medical marijuana products. This prohibition shall not
12 prevent employees of the business from wearing uniforms with the name or
13 logo of the medical marijuana business while working for the business on the
14 business property.

15 O. The owner or manager is required to respond by phone or email
16 within twenty-four hours of contact by a city official concerning their medical
17 marijuana business at the phone number or email address provided to the
18 City as the contact for the business. Each twenty-four (24) hour period during
19 which an owner or manager does not respond to the city official shall be
20 considered a separate violation.

21 P. Additional requirements for production of medical marijuana.

22 1. No medical marijuana business may produce
23 concentrated cannabis.

24 2. No medical marijuana business may use metals, butane,
25 propane or other flammable product, or produce flammable vapors to process
26 marijuana.

27 Q. Packaging at a medical marijuana business. All dispensed
28 medical marijuana must be packaged in a manner which clearly shows the

1 name of the dispensary providing the medical marijuana, name of the patient
2 receiving the medical marijuana, date the marijuana is dispensed, amount of
3 marijuana dispensed, and amount paid by the patient to obtain the marijuana.

4 R. No medical marijuana business shall operate for profit.

5 Cash and in-kind contributions, reimbursements, and
6 reasonable compensation provided by patients toward the medical marijuana
7 business' actual expense to grow, cultivate, and provide medical marijuana
8 shall be allowed provided that they are in strict compliance with State Law.
9 All such cash and in-kind amounts and items shall be fully documented in
10 accordance with Section _____ of this Chapter.

11
12 5.91.090 Right of entry – records to be maintained.

13 A. Records to be maintained.

14 Each Permittee shall keep a complete set of books of account,
15 invoices, copies of orders and sales, shipping instructions, bills of lading,
16 weigh bills, correspondence, bank statements including cancelled checks and
17 deposit slips and all other records necessary to show fully the business
18 transactions of such Permittee. Receipts shall be maintained in a computer
19 program or by pre-numbered receipts and used for each sale. The records of
20 the business shall clearly track medical marijuana product inventory
21 purchased and/or grown and sales and disposal thereof to clearly track
22 revenue from sales of any medical marijuana from other paraphernalia or
23 services offered by the medical marijuana business. The Permittee shall also
24 maintain inventory records evidencing that no more medical marijuana was
25 within the medical marijuana business than allowed by applicable law for the
26 number of patients who designated the medical marijuana business owners
27 as their primary caregiver. All such records shall be open at all times during
28 business hours for the inspection and examination of the City or its duly

1 authorized representatives. The City may require any Permittee to furnish
2 such information as it considers necessary for the proper administration of
3 this Chapter. The records shall clearly show the source, amount, price and
4 dates of all marijuana received or purchased, and the amount, price, dates
5 and patient or caregiver for all medical marijuana sold.

6 B. Separate bank accounts.

7 The revenues and expenses of the medical marijuana business
8 shall not be commingled in a checking account or any other bank account
9 with any other business or individual person's deposits or disbursements.

10 C. Disclosure of records.

11 By applying for a conditional use permit, the Permittee provides
12 consent to disclose the information required by this Chapter, including
13 information about patients and caregivers. Any records provided by the
14 Permittee that include patient or caregiver confidential information may be
15 submitted in a manner that maintains the confidentiality of the documents.
16 Any document that the applicant considers eligible for protection shall be
17 clearly marked as confidential, and the reasons for such confidentiality shall
18 be stated on the document. In the event that the licensee does appropriately
19 submit documents so as not to be disclosed, the City shall not disclose it to
20 other parties who are not agents of the City, except law enforcement
21 agencies. If the City finds that such documents are subject to inspection, it
22 will provide at least twenty-four (24) hour notice to the applicant prior to such
23 disclosure.

24 D. Audits.

25 The City may require an audit of the books of account and
26 records of a medical marijuana business on such occasions as it may
27 consider necessary. Such audit may be made by an auditor selected by the
28 City Manager that shall likewise have access to all books and records of the

1 medical marijuana business. The expense of any audit determined
2 necessary by the City shall be paid by the medical marijuana business.

3 E. Consent to Inspection.

4 Application for a conditional use permit or operation of a medical
5 marijuana business, or leasing property to a medical marijuana business,
6 constitutes consent by the applicant, and all owners, managers and
7 employees of the business and the owner of the property to permit the City
8 Manager to conduct routine inspections of the medical marijuana business to
9 ensure compliance with this Chapter or any other applicable law, rule or
10 regulation.

11 The owner or business manager on duty shall retrieve and
12 provide the records of the business pertaining to the inspection. For purposes
13 of this Chapter, inspections of medical marijuana businesses and recordings
14 from security cameras in such businesses are required to be produced as
15 part of the routine policy of inspection and enforcement of this Chapter for the
16 purpose of protecting the public safety, individuals operating and using the
17 services of the medical marijuana business, and the adjoining properties and
18 neighborhood.

19 Application for a conditional use permit constitutes consent to
20 inspection of the business as a public property without a search warrant, and
21 consent to seizure of any surveillance records, camera recordings, reports or
22 other materials required as a condition of a medical marijuana permit without
23 a search warrant. Should the owner or business manager refuse to comply
24 with this section, the City will obtain an administrative search warrant.

25 F. Reporting of source, quantity and sales.

26 The records to be maintained by each medical marijuana
27 business shall include the source and quantity of any marijuana distributed,
28 produced or possessed within the property. Such reports shall include,

1 without limitation, for both cultivation, acquisitions from wholesalers and
2 transactions to patients or caregivers, the following:

- 3 1. Name and address of grower, seller and purchaser;
- 4 2. Date, weight, type of marijuana and dollar amount or
5 other consideration of transaction; and
- 6 3. For wholesale transactions, the state and City, if any,
7 sales and use tax license number of the seller.

8
9 5.91.100 Requirements related to monitoring and security of medical
10 marijuana businesses.

11 All components of the security plan submitted with the application, as it
12 may be amended, shall be in good working order, monitored and secured
13 twenty-four hours per day. A separate security system is required for each
14 business. The security plan must include, at a minimum, the following security
15 measures:

16 A. Video cameras.

17 A medical marijuana business shall install and maintain a video
18 surveillance system that monitors no less than the front and rear of the
19 Property, and all points of ingress and egress at the business. The
20 surveillance system shall:

- 21 1. Capture a full view of the public right-of-ways and any
22 parking lot under the control of the medical marijuana business;
- 23 2. Be of adequate quality, color rendition and resolution to
24 allow the ready identification of any individual committing a crime anywhere
25 on or adjacent to the exterior of the property;
- 26 3. Record and maintain video for a minimum of thirty (30)
27 days and be accessible via the Internet by the Long Beach Police
28 Department. A Public Internet Protocol (IP) address and user

1 name/password is also required to allow the Long Beach Police Department
2 to view live and recorded video from these cameras over the Internet.

3 Consent is given by the Medical Marijuana Collective under this subsection to
4 the provision of said recordings or live video feed to the Police Department
5 without requirement for a search warrant, subpoena or court order;

6 B. Use of safe for storage.

7 The medical marijuana business shall install and use a safe for
8 storage of any processed marijuana and cash on the property when the
9 business is closed to the public. The safe shall be incorporated into the
10 building structure or securely attached thereto. For medical marijuana-
11 infused products that must be kept refrigerated or frozen, the business shall
12 lock the refrigerated container or freezer in place of use of a safe so long as
13 the container is affixed to the building structure.

14 C. Alarm system.

15 The medical marijuana business shall install and use a fire and
16 burglar alarm system that is monitored by a company that is staffed twenty-
17 four hours a day, seven days a week. The security plan submitted to the City
18 shall identify the company monitoring the alarm, including contact information,
19 and the City shall be updated within seventy-two (72) hours of any change of
20 monitoring company.

21
22 5.91.110 Requirements for public health and labeling.

23 A. Medical marijuana-infused products.

24 The production of any medical marijuana-infused product shall
25 be at a medical marijuana-infused product manufacturer that meets all
26 requirements of a retail food establishment as set forth in Chapter 8.45 of this
27 Code. The Permittee shall comply with all applicable state and local health
28 regulations related to the production, preparation, labeling, and sale of

1 prepared food items.

2 B. Labeling and packaging requirements.

3 All medical marijuana sold or otherwise distributed by the
4 Permittee shall be packaged and labeled in a manner that advises the
5 purchaser that it contains marijuana and specifies the amount of marijuana in
6 the product, that the marijuana is intended for medical use solely by the
7 patient to whom it is sold, and that any resale or redistribution of the medical
8 marijuana to a third person is prohibited. In addition, the label shall be in print
9 large enough to be readable and shall include:

10 1. Potential food allergy ingredients, including but not
11 limited to milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, and soybeans.

12 2. All additives used to extract THC, including, without
13 limitation, pesticides, herbicides and fertilizers that were used in the
14 cultivation of the medical marijuana used in the product.

15 a. The following warning:

16 THIS PRODUCT CONTAINS MARIJUANA. THIS PRODUCT IS
17 MANUFACTURED WITHOUT ANY REGULATORY OVERSIGHT FOR
18 HEALTH, SAFETY OR EFFICACY. THERE MAY BE HEALTH RISKS
19 ASSOCIATED WITH THE INGESTION OR USE OF THIS PRODUCT.

20 C. The product shall be packaged in a sealed container that cannot
21 be opened without obvious damage to the packaging.

22
23 5.91.120 Compliance with other applicable law.

24 A. Application of state and federal law.

25 Except as may be provided otherwise in this Chapter, or rules
26 adopted pursuant to this Chapter or interpretations by the City, any law or
27 regulation adopted by the state governing the cultivation, production,
28 possession or distribution of marijuana for medical use shall also apply to

1 medical marijuana businesses in the City. Provided however, if a state law or
2 regulation permits what this Chapter prohibits, this Chapter shall prevail.
3 Compliance with any applicable state law or regulation that does not permit
4 what this Chapter prohibits shall be deemed an additional requirement for
5 issuance or denial of any license under this Chapter, and noncompliance with
6 any applicable state law or regulation is unlawful and shall be grounds for
7 revocation or suspension of any license issued under this Chapter. No
8 medical marijuana business shall continue operations in violation of an
9 additional state law or regulation, which does not permit what this Chapter
10 prohibits, applicable within the City after the effective date of the state law or
11 regulation.

12 B. Revocation of permit upon applicable state or federal
13 prohibition.

14 If the state prohibits the cultivation, production, possession or
15 other distribution of marijuana through a medical marijuana businesses, or if a
16 court of competent jurisdiction determines that the federal government's
17 prohibition of the cultivation, production, possession or other distribution of
18 marijuana through medical marijuana businesses supersedes state law, any
19 permit issued pursuant to this Chapter shall be deemed to be immediately
20 revoked by operation of law, with no ground for appeal or other redress on
21 behalf of the Permittee.

22 C. Revocable privilege.

23 A conditional use permit is a revocable privilege, and no
24 applicant therefor or holder thereof shall be deemed to have acquired any
25 property interest therein.

26
27 5.91.130 Prohibited acts.

28 It shall be unlawful for any person to:

1. Cultivate, distribute, possess, or produce marijuana in plain view of, or in a place open to the general public.

2. Smoke, use or ingest on the property of the medical marijuana business:

a. Marijuana,
b. Alcoholic beverage, or
c. A controlled substance, except in compliance with the directions of a legal prescription for the person from a doctor with prescription writing privileges.

d. Operate or be in physical control of any medical marijuana business, liquor establishment, vehicle, aircraft, or motorboat while under the influence of alcohol, medical marijuana, or other intoxicant.

e. Possess medical marijuana that is not in a sealed package in a location where the possessor is not authorized to possess or consume medical marijuana.

f. Possess more than six (6) mature marijuana plants or twelve (12) immature marijuana plants, or two (2) ounces of marijuana without a conditional use permit. It shall be an affirmative defense to this charge if a legitimate recommendation from a qualified physician of the patient for whom the marijuana is being grown includes a recommendation for an increased amount of marijuana as medically necessary to address the patient's debilitating medical condition.

g. Obtain marijuana from a person who is not permitted as a medical marijuana business.

h. Possess or operate a medical marijuana business in violation of this Chapter.

i. Distribute medical marijuana without a conditional use permit or outside of the restricted area of the medical marijuana business.

j. Deliver or transport medical marijuana to a patient.

k. Permit any other person to violate any provision of this Chapter or any condition of an approval granted pursuant to this Chapter, or any law, rule or regulation applicable to the use of medical marijuana or the operation of a medical marijuana business.

l. Lease any property to a medical marijuana business that has marijuana on the property without a conditional use permit from the City.

5.91.140 Suspension or revocation of permit.

A. A conditional use permit may be suspended or revoked for any violation of this Chapter in accordance with the procedures provided in Long Beach Municipal Code Chapter 21.21.

B. If the City revokes or suspends a permit, the business may not move any marijuana from the property except under the supervision of the Long Beach Police Department.

5.91.150 Term of permit – renewals – expiration of permit.

A. Term of permit.

A conditional use permit shall be valid for one (1) year. The permit shall expire on the last day of the month in which the permit is issued of the year following issuance or renewal of the permit.

B. Renewal of permit.

The Permittee shall apply for renewal of the conditional use permit at least forty-five days before the expiration of the permit. The Permittee shall apply for renewal using forms provided by the City. If the applicant fails to apply for renewal at least forty-five days before the expiration of the permit but does apply for renewal prior to expiration of the permit, the

1 City may process the renewal application if the applicant submits a late filing
2 fee of Five Thousand Dollars (\$5,000) at the time of submittal of the renewal
3 application.

4 1. The renewal permit fee, and late fee if applicable, shall
5 accompany the renewal application. Such fee is nonrefundable.

6 2. In the event there has been a change to any of the plans
7 identified in the permit application which were submitted to and approved by
8 the City with the application or an earlier renewal, the renewal application
9 shall include specifics of the changes or proposed changes in any of such
10 plans.

11 3. In the event any person who has an interest as described
12 in the disclosures made to the City pursuant to this Chapter, or any business
13 manager, financier, agent as defined herein or employee has been charged
14 with or accused of violations of any law since such disclosure, the renewal
15 application shall include the name of the violator, the date of the violation, the
16 court and case number where the violation was filed and the disposition of the
17 violation with the renewal application.

18 4. In the event the business permit has been suspended or
19 revoked or a Permittee has received any notice of violation of any law, the
20 renewal application shall include a copy of the notice, suspension or
21 revocation.

22 5. The renewal application shall include verification that the
23 business has a valid state seller's permit in good standing.

24 6. The renewal application shall include a summary report
25 for the previous twelve (12) months showing the amount of marijuana
26 purchased, the amount of marijuana sold, the forms in which marijuana was
27 sold, the number of patients and the number of primary caregivers who
28 received marijuana, the police report numbers or case numbers of all police

1 calls to the medical marijuana business and for calls resulting in a charge of a
2 violation of any law, the charge, case number and disposition of any of the
3 charges.

4 7. The City shall not accept renewal applications after the
5 expiration of the permit, but instead shall require the applicant to file a new
6 permit application.

7 8. In the event there have been allegations of violations of
8 this Chapter by any of the Permittees or the business submitting a renewal
9 application, the City may hold a hearing prior to approving the renewal
10 application. The hearing shall be to determine whether the application and
11 proposed Permittees comply with this Chapter and whether the operation of
12 the business has been in compliance with this Code.

13 C. Nonpayment of tax.

14 In the event a medical marijuana business that has been open
15 and operating and submitting monthly sales and use tax returns to the City
16 ceases providing sales and use tax returns to the City for a period of three (3)
17 months or longer, the conditional use permit shall be deemed to have expired
18 and a new permit shall be required prior to reopening at the property.

19
20 5.91.160 City manager authorized to issue rules.

21 The City Manager or his designee may adopt rules and regulations that
22 the City Manager determines are reasonably necessary to implement the
23 requirements of this Chapter.

24
25 5.91.170 Violation and enforcement.

26 A. Any person violating any provision of this Chapter or knowingly
27 or intentionally misrepresenting any material fact in procuring a conditional
28 use permit, shall be deemed guilty of a misdemeanor punishable by a fine of

1 not more than one thousand dollars (\$1,000) or by imprisonment for not more
2 than twelve (12) months, or by both such fine and imprisonment.

3 B. Any person who engages in any medical marijuana business
4 operations without a conditional use permit, or after a conditional use permit
5 application has been denied, or a medical marijuana permit has been
6 suspended or revoked, shall be guilty of a misdemeanor.

7 C. As a nuisance per se, any violation of this Chapter shall be
8 subject to injunctive relief, revocation of the certificate of occupancy for the
9 property, disgorgement and payment to the City of any and all monies
10 unlawfully obtained, costs of abatement, costs of investigation, attorney fees,
11 and any other relief or remedy available at law or equity. The City may also
12 pursue any and all remedies and actions available and applicable under local
13 and state law for any violations related to the operation of a medical
14 marijuana business.

15 D. Any violation of the terms and conditions of the conditional use
16 permit, of this Chapter, or of applicable local or state regulations and laws
17 shall be grounds for permit suspension or revocation.

18
19 5.91.180 Severability.

20 If any provision of this Chapter, or the application thereof to any person
21 or circumstance, is held invalid, that invalidity shall not affect any other
22 provision or application of this Chapter that can be given effect without the
23 invalid provision or application; and to this end, the provisions or applications
24 of this Chapter are severable.

25
26 5.91.190 Review of regulations.

27 On or before the first anniversary of the effective date of this Chapter,
28 the City Council shall review the effectiveness of these regulations, and shall

1 enact modifications, if necessary.

2
3 Section 2. Chapter 5.89 of the Long Beach Municipal Code is
4 hereby repealed.

5
6 Section 3. The City Clerk shall certify to the passage of this ordinance by
7 the City Council and cause it to be posted in three (3) conspicuous places in the City of
8 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
9 Mayor.

10 I hereby certify that the foregoing ordinance was adopted by the City
11 Council of the City of Long Beach at its meeting of _____, 20__, by the
12 following vote:

13 Ayes: Councilmembers: _____

14 _____

15 _____

16 _____

17 Noes: Councilmembers: _____

18 _____

19 Absent: Councilmembers: _____

20 _____

21
22
23 _____
City Clerk

24
25
26 Approved: _____
27 (Date)

28 _____
Mayor