

ORDINANCE NO.

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 5.87 TO IMPLEMENT THE STATE COMPASSIONATE USE ACT AND STATE MEDICAL MARIJUANA PROGRAM ACT.

WHEREAS, California voters approved the Compassionate Use Act ("CUA") in 1996 to exempt seriously ill patients and their primary caregivers from criminal liability for possession and cultivation of marijuana for medical purposes; and

WHEREAS, the Medical Marijuana Program Act of 2003 ("MMPA") provides for the association of primary caregivers and qualified patients to cultivate marijuana for specified medical purposes and also authorizes local governing bodies to adopt and enforce laws consistent with its provisions; and

WHEREAS, there have been recent reports from the Long Beach Police Department and the media of increasing numbers of medical marijuana dispensaries operating in the City of Long Beach; and

WHEREAS, medical marijuana that has not been collectively or personally grown may constitute a unique health hazard to the public because, unlike all other ingestibles, marijuana is not regulated, inspected, or analyzed for contamination by state or federal government and may contain harmful chemicals that could further endanger the health of persons already seriously ill; and

WHEREAS, the City of Long Beach has a compelling interest in protecting the public health, safety and welfare of its residents and businesses, in preserving the peace and quiet of the neighborhoods in which medical marijuana collectives operate, and in providing compassionate access to medical marijuana to its seriously ill residents;

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1 NOW, THEREFORE, the City Council of the City of Long Beach ordains  
2 as follows:

3  
4 Section 1. Chapter 5.87 is added to the Long Beach Municipal Code to  
5 read as follows:

## Chapter 5.87

### MEDICAL MARIJUANA COLLECTIVE

6  
7  
8  
9 5.87.010 Purpose and intent.

10 A. It is the purpose and intent of this Chapter to regulate the  
11 collective cultivation of medical marijuana in order to ensure the health,  
12 safety and welfare of the residents of the City of Long Beach. The  
13 regulations in this Chapter, in compliance with the State Compassionate  
14 Use Act and the State Medical Marijuana Program Act ("State Law"), do  
15 not interfere with a patient's right to use medical marijuana as authorized  
16 under State Law, nor do they criminalize the possession or cultivation of  
17 Medical Marijuana by specifically defined classifications of persons, as  
18 authorized under State Law. Under State Law, only qualified patients,  
19 persons with identification cards, and primary caregivers may legally  
20 cultivate medical marijuana collectively. Medical marijuana collectives  
21 shall comply with all provisions of the Long Beach City Municipal Code  
22 ("LBMC"), State Law, and all other applicable local and state laws.  
23 Nothing in this Chapter purports to permit activities that are otherwise  
24 illegal under federal, state, or local law.

25  
26 5.87.015 Definitions.

27 Unless the particular provision or the context otherwise requires,  
28 the definitions and provisions contained in this Section shall govern the

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1 construction, meaning, and application of words and phrases as used in  
2 this Chapter:

3 A. "Attending Physician" shall have the same definition as  
4 given such term in California Health and Safety Code Section 11362.7, as  
5 may be amended, and which defines "Attending Physician" as an  
6 individual who possesses a license in good standing to practice medicine  
7 or osteopathy issued by the Medical Board of California or the  
8 Osteopathic Medical Board of California and who has taken responsibility  
9 for an aspect of the medical care, treatment, diagnosis, counseling, or  
10 referral of a patient and who has conducted a medical examination of that  
11 patient before recording in the patient's medical record the physician's  
12 assessment of whether the patient has a serious medical condition and  
13 whether the medical use of marijuana is appropriate.

14 B. "Chief of Police" as used in this Chapter means the Chief of  
15 the Long Beach Police Department or her/his designee.

16 C. "Concentrated Cannabis" shall have the same definition as  
17 given such term in California Health and Safety Code Section 11006.5, as  
18 may be amended, and which defines "Concentrated Cannabis" as the  
19 separated resin, whether crude or purified, obtained from marijuana.

20 D. "Director of Financial Management" as used in this Chapter  
21 means the Director of Financial Management for the City of Long Beach  
22 or her/his designee.

23 E. "Identification Card" shall have the same definition as given  
24 such term in California Health and Safety Code Section 11362.7, as may  
25 be amended, and which defines "Identification Card" as a document  
26 issued by the State Department of Health Services which identifies a  
27 person authorized to engage in the medical use of marijuana, and  
28 identifies the person's designated primary caregiver, if any.

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1 F. "Management Member" means a Medical Marijuana  
2 Collective member with responsibility for the establishment, organization,  
3 registration, supervision, or oversight of the operation of a Collective,  
4 including but not limited to members who perform the functions of  
5 president, vice president, director, operating officer, financial officer,  
6 secretary, treasurer, or manager of the Collective.

7 G. "Marijuana" shall have the same definition as given such  
8 term in California Health and Safety Code Section 11018, as may be  
9 amended, and which defines "Marijuana" as all parts of the plant  
10 Cannabis sativa L., whether growing or not; the seeds thereof; the resin  
11 extracted from any part of the plant; and every compound, manufacture,  
12 salt, derivative, mixture, or preparation of the plant, its seeds or resin. It  
13 does not include the mature stalks of the plant, fiber produced from the  
14 stalks, oil or cake made from the seeds of the plant, any other compound,  
15 manufacture, salt, derivative, mixture, or preparation of the mature stalks  
16 (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized  
17 seed of the plant which is incapable of germination.

18 H. "Medical Marijuana" means Marijuana used for medical  
19 purposes in accordance with California Health and Safety Code Sections  
20 11362.5, *et seq.*

21 I. "Medical Marijuana Collective" ("Collective") means an  
22 incorporated or unincorporated association, composed of four (4) or more  
23 Qualified Patients and their designated Primary Caregivers who associate  
24 at a particular location or Property to collectively or cooperatively cultivate  
25 Marijuana for medical purposes, in accordance with California Health and  
26 Safety Code Sections 11362.5, *et seq.* For purposes of this Chapter, the  
27 term Medical Marijuana "cooperative" shall have the same meaning as  
28 Medical Marijuana Collective.

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1           J.       “Primary Caregiver” shall have the same definition as given  
2 such term in California Health and Safety Code Sections 11362.5 and  
3 11362.7 (as set forth in Appendix A of this Chapter), as may be amended,  
4 and which define “Primary Caregiver” as an individual, designated by a  
5 Qualified Patient, who has consistently assumed responsibility for the  
6 housing, health, or safety of that Qualified Patient.

7           K.       “Property” as used in this Chapter means the location at  
8 which the Medical Marijuana Collective members associate to collectively  
9 or cooperatively cultivate Medical Marijuana.

10          L.       “Qualified Patient” means a person who is entitled to the  
11 protections of Health and Safety Code Section 11362.5 for patients who  
12 obtain and use marijuana for medical purposes upon the recommendation  
13 of an Attending Physician, whether or not that person applied for and  
14 received a valid Identification Card issued pursuant to State Law.

15          M.       “State Law” means the state regulations set forth in the  
16 Compassionate Use Act and the Medical Marijuana Program Act, codified  
17 in California Health and Safety Code Sections 11362.5, *et seq.*

18  
19       5.87.020     Medical Marijuana Collective – Permit required.

20                 No Medical Marijuana Collective or member shall carry on, maintain  
21 or conduct any Medical Marijuana related operations in the City without  
22 first obtaining a Medical Marijuana Collective permit from the Department  
23 of Financial Management.

24  
25       5.87.030     Medical Marijuana Collective – Permit application process.

26                 Any Medical Marijuana Collective desiring a permit required by this  
27 Chapter shall, prior to initiating operations, complete and file an  
28 application on a form supplied by the Department of Financial

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1 Management, and shall submit with the completed application payment of  
2 a nonrefundable investigation and notification fee, as established by the  
3 City Council by resolution.

4 A. Filing. The Medical Marijuana Collective shall provide the  
5 following information:

6 1. The address of the Property where the proposed  
7 Medical Marijuana Collective will operate;

8 2. A site plan describing the Property with fully  
9 dimensioned interior and exterior floor plans including electrical,  
10 mechanical, plumbing, and disabled access compliance pursuant to Title  
11 24 of the State of California Code of Regulations and the federally  
12 mandated Americans with Disabilities Act;

13 3. If the Property is being rented or leased or is being  
14 purchased under contract, a copy of such lease or contract;

15 4. If the Property is being rented or leased, written proof  
16 that the Property owner and landlord if applicable, were given notice that  
17 the Property will be used as a Medical Marijuana Collective, and that the  
18 Property owner and landlord if applicable agree(s) to said land use;

19 5. The name, address and telephone number of each  
20 Medical Marijuana Collective member, whether the member is a Qualified  
21 Patient or designated Primary Caregiver, and the name of the member(s)  
22 making the designation(s);

23 6. The name, title and function(s) of each Management  
24 Member;

25 7. For each Management Member, a fully legible copy  
26 of one (1) valid government issued form of photo identification, such as a  
27 State Driver's License or Identification Card;

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1                   8.     Written confirmation as to whether the Medical  
2 Marijuana Collective previously operated in this or any other county, city  
3 or state under a similar license/permit, and whether the Collective  
4 applicant ever had such a license/permit revoked or suspended and the  
5 reason(s) therefore;

6                   9.     If the Medical Marijuana Collective is a corporation,  
7                   a.     A certified copy of the Collective's Secretary of  
8 State Articles of Incorporation, Certificate(s) of Amendment, Statement(s)  
9 of Information;

10                   b.     A copy of the Collective's By laws;

11                   c.     Written verification of the Collective's  
12 California tax exempt status;

13                   d.     Written verification of the Collective's federal  
14 tax exempt status; and

15                   e.     Written verification that the Collective is  
16 registered with the California Office of the Attorney General as a non profit  
17 entity;

18                   10.    If the Medical Marijuana Collective is an  
19 unincorporated association, a copy of the Articles of Association;

20                   11.    A copy of the Medical Marijuana Collective operating  
21 conditions, listed in Section 5.87.040, containing a statement dated and  
22 signed by each member, under penalty of perjury, that they read,  
23 understand and shall comply with the aforementioned operating  
24 conditions;

25                   12.    A copy of the Prohibited Activity, listed in Section  
26 5.87.090, containing a statement dated and signed by each member,  
27 under penalty of perjury, that they read, understand and shall not engage  
28 in the aforementioned prohibited activity; and

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1                   13.    A statement dated and signed by each Medical  
2                   Marijuana Collective member, under penalty of perjury, that the member  
3                   has personal knowledge of the information contained in the application,  
4                   that the information contained therein is true and correct, and that the  
5                   application has been completed under the supervision of the Management  
6                   Member(s).

7                   B.     Within seven (7) business days of receipt of a Medical  
8                   Marijuana Collective permit application, the Director of Financial  
9                   Management shall determine whether the application is complete. If it is  
10                  determined the application is incomplete, the applicant shall be notified in  
11                  writing within ten (10) business days of receipt of the application that the  
12                  application is not complete and the reasons therefore, including any  
13                  additional information necessary to render the application complete. The  
14                  Collective shall have thirty (30) calendar days to complete the application.  
15                  Failure to do so within the thirty (30) day period shall render the  
16                  application null and void. Within five (5) business days following the  
17                  receipt of an amended application or supplemental information, the  
18                  Director of Financial Management shall again determine whether the  
19                  application is complete in accordance with the procedures set forth above.  
20                  Evaluation and notification shall occur as provided above until such time  
21                  as the application is found to be complete or in the alternative null and  
22                  void. Once the application is found to be complete, the applicant shall be  
23                  notified within five (5) business days of that fact. All notices required by  
24                  this Chapter shall be deemed issued upon the date they are either  
25                  deposited in the United States mail or the date upon which personal  
26                  service of such notice is provided.

27                  C.     On receipt of the completed Medical Marijuana Collective  
28                  permit application, the Director of Financial Management shall refer the

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1 application to all concerned City departments for investigation. Such  
2 departments shall file a report providing recommendations regarding the  
3 approval or denial of the permit with the Director of Financial Management  
4 within sixty (60) calendar days after the completed application is filed,  
5 except where circumstances beyond the control of the City justifiably  
6 delay such response.

## 7 8 5.87.040 Permit approval and operating conditions.

9 The Director of Financial Management shall approve and issue a  
10 Medical Marijuana Collective permit if the application and evidence  
11 submitted demonstrate that:

12 A. The Property is located in an area zoned in the City for  
13 either exclusive commercial or exclusive industrial use. Medical Marijuana  
14 Collectives are not permitted to operate in residential zones or mixed use  
15 zones having a residential component as established pursuant to Title 21  
16 of this Code;

17 B. The Medical Marijuana Collective does not abut and is not  
18 located across the street or alley from or have a common corner with a  
19 property zoned for residential use as set forth in Title 21 of this Code;

20 C. The Medical Marijuana Collective is not located within a one  
21 thousand foot (1,000') radius of a school, public park, public library, state  
22 licensed child care facility, playground, youth center or other Medical  
23 Marijuana Collective. The distance specified in this subdivision shall be  
24 determined by the horizontal distance measured in a straight line from the  
25 property line of the school, public park, public library, state licensed child  
26 care facility, playground, youth center or other Medical Marijuana  
27 Collective, to the closest property line of the lot on which the Medical  
28 Marijuana Collective is located, without regard to intervening structures;

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1 D. Exterior building lighting and parking area lighting for the  
2 Property on which the Medical Marijuana Collective is located is in  
3 compliance with all applicable provisions of this Code;

4 E. Any exterior signs or interior signs visible from the exterior of  
5 the Property where the Medical Marijuana Collective is located are  
6 unlighted;

7 F. Windows and roof hatches at the Property where the  
8 Medical Marijuana Collective is located are secured so as to prevent  
9 unauthorized entry, and are equipped with latches that may be released  
10 quickly from the inside to allow exit in the event of emergency in  
11 compliance with all applicable building code provisions;

12 G. The Property within which the Medical Marijuana Collective  
13 is located provides sufficient sound absorbing insulation so that noise  
14 generated inside the premises is not audible anywhere on the adjacent  
15 property or public rights-of-way or within any other building or other  
16 separate unit within the same building;

17 H. The Property within which the Medical Marijuana Collective  
18 is located provides a sufficient odor absorbing ventilation and exhaust  
19 system so that odor generated inside the Property is not detected outside  
20 the Property;

21 I. The location and property is monitored at all times by web-  
22 based closed-circuit television for security purposes. The camera and  
23 recording system must be of adequate quality, color rendition and  
24 resolution to allow the ready identification of any individual committing a  
25 crime anywhere on or adjacent to the property. The recordings shall be  
26 maintained for a period of not less than thirty (30) days and shall be made  
27 available by the Collective to the Long Beach Police Department upon  
28 request. Consent is given by the collective under this Chapter to the

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1 provision of said recordings to the Police Department without requirement  
2 for a search warrant, subpoena or court order;

3 J. The Property has a centrally-monitored fire and burglar  
4 alarm system;

5 K. A sign is posted in a conspicuous location inside the Medical  
6 Marijuana Collective Property advising:

7 1. "The diversion of marijuana for non-medical  
8 purposes is a violation of State law.

9 2. The use of marijuana may impair a person's ability to  
10 drive a motor vehicle or operate heavy machinery.

11 3. Loitering at the location of a Medical Marijuana  
12 Collective for an illegal purpose is prohibited by California Penal Code  
13 Section 647(h);" and

14 L. The Medical Marijuana Collective meets specific, additional  
15 operating procedures and/or measures imposed as conditions of approval  
16 by City departments to ensure that the operations of the Collective are  
17 consistent with the protection of the health, safety and welfare of the  
18 community, Qualified Patients and their Primary Caregivers, and will not  
19 adversely affect surrounding uses.

20  
21 5.87.050 Medical Marijuana Collective permit – Non transferable.

22 A Medical Marijuana Collective permit issued pursuant to this  
23 Chapter shall become null and void upon the cessation of the Collective,  
24 upon the relocation of the Collective to a different Property, or upon a  
25 violation by the Collective or any of its members of a provision of this  
26 Chapter.

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1           5.87.060     Maintenance of records.

2                   A.     A Medical Marijuana Collective shall maintain records on the  
3     Property accurately and truthfully documenting:

4                           1.     The full name, address, and telephone number(s) of  
5     the owner, landlord and/or lessee of the Property;

6                           2.     The full name, address, and telephone number(s) of  
7     each Collective member engaged in the management of the Collective  
8     and the exact nature of the participation in the management of the  
9     Collective;

10                          3.     The full name, address, and telephone number(s) of  
11     each member who participates in the collective cultivation, the date each  
12     member joined the Collective and the exact nature of each member's  
13     participation;

14                          4.     The full name, address, and telephone number(s) of  
15     each member to whom the Collective provides medical marijuana;

16                          5.     Each member's status as a Qualified Patient or  
17     Primary Caregiver;

18                          6.     All contributions, whether in cash or in kind, by the  
19     members to the Collective and all expenditures incurred by the Collective  
20     for the cultivation of Medical Marijuana;

21                          7.     An inventory record documenting the dates and  
22     amounts of Marijuana cultivated on the Property, including the amounts of  
23     Marijuana stored on the Property at any given time; and

24                          8.     Proof of a valid Medical Marijuana Collective permit  
25     issued by the Department of Financial Management in conformance with  
26     this Chapter.

27                          B.     These records shall be maintained by the Medical Marijuana  
28     Collective for a period of five (5) years and shall be made available by the

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1 Collective to the City upon request. Consent is given by the Medical  
2 Marijuana Collective and its members pursuant to this Chapter to provide  
3 said records to the City without requirement for a search warrant,  
4 subpoena or court order.

5  
6 5.87.070 Inspection authority.

7 City representatives may enter and inspect the Property and  
8 records of every Medical Marijuana Collective between the hours of ten  
9 o'clock (10:00) A.M. and eight o'clock (8:00) P.M., or at any reasonable  
10 time to ensure compliance and enforcement of the provisions of this  
11 Chapter. It is unlawful for any Property owner, landlord, lessee, Medical  
12 Marijuana Collective member or any other person having any  
13 responsibility over the operation of the Medical Marijuana Collective to  
14 refuse to allow, impede, obstruct or interfere with an inspection, review or  
15 copying of records and closed-circuit monitoring authorized and required  
16 under this Chapter, including but not limited to, the concealment,  
17 destruction, and falsification of any records or monitoring.

18  
19 5.87.080 Existing Medical Marijuana operations.

20 Any existing Medical Marijuana Collective, dispensary, operator,  
21 establishment, or provider that does not comply with the requirements of  
22 this Chapter must immediately cease operation until such time, if any,  
23 when it complies fully with the requirements of this Chapter. No Medical  
24 Marijuana Collective, dispensary, operator, establishment, or provider that  
25 existed prior to the enactment of this Chapter shall be deemed to be a  
26 legally established use or a legal non conforming use under the provisions  
27 of this Chapter or the Code.

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5.87.090 Prohibited activity.

A. It is unlawful for any person to cause, permit or engage in the cultivation, possession, distribution, exchange or giving away of Marijuana for medical or non medical purposes except as provided in this Chapter, and pursuant to any and all other applicable local and state law;

B. It is unlawful for any person to cause, permit or engage in any activity related to Medical Marijuana except as provided in this Chapter and in Health and Safety Code Sections 11362.5 *et seq.*, and pursuant to any and all other applicable local and state law;

C. It is unlawful for any person to knowingly make any false, misleading or inaccurate statement or representation in any form, record, filing or documentation required to be maintained, filed or provided to the City under this Chapter;

D. No Medical Marijuana Collective or member shall cause or permit the sale, distribution or exchange of Medical Marijuana cultivated at the Property to any non Collective member;

E. No Medical Marijuana Collective or member shall allow or permit the commercial sale of any product, good or service, including but not limited to drug paraphernalia identified in Health and Safety Code Section 11364, on or at the Medical Marijuana Collective, or in the parking area of the Property;

F. No cultivation of Medical Marijuana at the Property shall be visible with the naked eye from any public or other private property, nor shall cultivated Marijuana or dried Marijuana be visible from the building exterior. No cultivation shall occur at the Property unless the area devoted to the cultivation is secured from public access by means of a locked gate and any other security measures necessary to prevent unauthorized entry;

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1 G. No manufacture of Concentrated Cannabis in violation of  
2 California Health and Safety Code Section 11379.6 is allowed;

3 H. No Medical Marijuana Collective shall be open to or provide  
4 Medical Marijuana to its members between the hours of eight o'clock  
5 (8:00) P.M. and ten o'clock (10:00) A.M.;

6 I. No sale of Marijuana or of edible products containing  
7 Marijuana shall be allowed, nor shall the manufacturing of these products  
8 for sale be permitted;

9 J. No person under the age of eighteen (18) shall be allowed  
10 at the Property, unless that minor is a Qualified Patient and is  
11 accompanied by his or her licensed Attending Physician, parent(s) or  
12 documented legal guardian;

13 K. No Medical Marijuana Collective shall possess more than  
14 five (5) pounds of dried marijuana or more than one hundred (100) plants  
15 of any size at the Property.

16 L. No Medical Marijuana Collective shall possess Marijuana  
17 that was not cultivated by its members either at the Property or at its  
18 predecessor location fully permitted in accordance with this Chapter;

19 M. No Medical Marijuana Collective or member shall cause or  
20 permit the sale, dispensing, or consumption of alcoholic beverages on the  
21 property or in the parking area of the property;

22 N. No dried Medical Marijuana shall be stored at the Property  
23 in structures that are not completely enclosed, or in an unlocked vault or  
24 safe, in any other unsecured storage structure, or in a safe or vault that is  
25 not bolted to the floor of the Property;

26 O. Medical Marijuana may not be inhaled, smoked, eaten,  
27 ingested, or otherwise consumed on the Property, in the parking areas of  
28 the Property, or in those areas restricted under the provisions of California

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1 Health and Safety Code Section 11362.79, which include:

- 2 1. Any place where smoking is prohibited by law;
- 3 2. Within one thousand feet (1,000') of the grounds of a
- 4 school, recreation center, or youth center;
- 5 3. While on a school bus;
- 6 4. While in a motor vehicle that is being operated; or
- 7 5. While operating a boat; and

8 P. No person who has been convicted within the previous ten  
9 (10) years of a felony or a crime of moral turpitude, or who is currently on  
10 parole or probation for the sale or distribution of a controlled substance,  
11 shall be engaged directly or indirectly in the management of the Medical  
12 Marijuana Collective nor, further, shall manage or handle the receipts and  
13 expenses of the Collective.

14  
15 5.87.100 Violation and enforcement.

16 A. Any person violating any provision of this Chapter or  
17 knowingly or intentionally misrepresenting any material fact in procuring  
18 the permit herein provided for, shall be deemed guilty of a misdemeanor  
19 punishable by a fine of not more than one thousand dollars (\$1,000.00) or  
20 by imprisonment for not more than twelve (12) months, or by both such  
21 fine and imprisonment.

22 B. Any person who engages in any Medical Marijuana  
23 Collective operations after a Medical Marijuana Collective permit  
24 application has been denied, or a Medical Marijuana Collective permit has  
25 been suspended or revoked, and before a new permit is issued, shall be  
26 guilty of a misdemeanor.

27 C. As a nuisance *per se*, any violation of this Chapter shall be  
28 subject to injunctive relief, revocation of the certificate of occupancy for

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1 the property, disgorgement and payment to the City of any and all monies  
2 unlawfully obtained, costs of abatement, costs of investigation, attorney  
3 fees, and any other relief or remedy available at law or equity. The City  
4 may also pursue any and all remedies and actions available and  
5 applicable under local and state law for any violations committed by the  
6 Medical Marijuana Collective, its members or any person related or  
7 associated with the Collective.

8 D. Any violation of the terms and conditions of the Medical  
9 Marijuana Collective permit, of this Chapter, or of applicable local, state or  
10 federal regulations and laws shall be grounds for permit suspension or  
11 revocation.

12 5.87.110 Appeal process.

13 A. If a City department determines that the applicant does not  
14 fulfill applicable requirements of this Chapter, the Director of Financial  
15 Management shall deny said permit application in accordance with the  
16 provisions set forth in Section 5.06.020, Subsection A, of this Code.

17 B. If a City department determines that the permittee failed to  
18 comply with any provision of this Chapter, or with any other provision or  
19 requirement of law, the Director of Financial Management shall revoke or  
20 suspend the Medical Marijuana Collective permit in accordance with the  
21 provisions set forth in Section 5.06.020, Subsection A, of this Code.

22 C. The Director of Financial Management shall notify the  
23 applicant of a rejected application, or the permittee of the permit  
24 revocation or suspension by dated written notice. Said notice shall advise  
25 the applicant or permittee of the right to appeal the decision to the City  
26 Council. The request for appeal shall be in writing, shall set forth the  
27 specific ground(s) on which it is based and shall be submitted to the  
28

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ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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1 Director of Financial Management within ten (10) calendar days from the  
2 date the notice of application denial was mailed along with an appeal  
3 deposit in an amount determined by the City Council by resolution.

4 D. The City Council shall conduct a hearing on the appeal or  
5 refer the matter to a hearing officer, pursuant to Chapter 2.93 of this  
6 Code, within thirty (30) business days from the date the completed  
7 request for appeal was received by the Director of Financial Management,  
8 except where good cause exists to extend this period. The appellant shall  
9 be given at least ten (10) business days written notice of such hearing.  
10 The hearing and rules of evidence shall be conducted pursuant to  
11 Chapter 2.93 of this Code. The determination of the City Council on the  
12 appeal shall be final.

13 E. Whenever a Medical Marijuana Collective permit application  
14 has been denied, or a Medical Marijuana Collective permit has been  
15 revoked or suspended, no other such permit application shall be  
16 considered for a period of one (1) year from either the date notice of the  
17 denial, revocation or suspension was mailed, or the date of the final  
18 decision of the City Council, whichever is later.

19  
20 5.87.120 Operative date.

21 No Medical Marijuana Collective permit application shall be  
22 accepted by the Department of Financial Management prior to the  
23 effective date of this ordinance.

24  
25 5.87.130 Severability.

26 If any provision of this Chapter, or the application thereof to any  
27 person or circumstance, is held invalid, that invalidity shall not affect any  
28 other provision or application of this Chapter that can be given effect

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1 without the invalid provision or application; and to this end, the provisions  
2 or applications of this Chapter are severable.

3

4 Section 2. The City Clerk shall certify to the passage of this Ordinance  
5 by the City Council and cause it to be posted in three conspicuous places in the City of  
6 Long Beach, and it shall take effect on the thirty-first (31<sup>st</sup>) day after it is approved by  
7 the Mayor.

8 I hereby certify that the foregoing Ordinance was adopted by the City  
9 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2009, by the  
10 following vote:

11 Ayes: Councilmembers: \_\_\_\_\_

12 \_\_\_\_\_

13 \_\_\_\_\_

14 \_\_\_\_\_

15 Noes: Councilmembers: \_\_\_\_\_

16 \_\_\_\_\_

17 Absent: Councilmembers: \_\_\_\_\_

18 \_\_\_\_\_

19 \_\_\_\_\_

20 \_\_\_\_\_

City Clerk

21 \_\_\_\_\_

22 Approved: \_\_\_\_\_

Mayor

23

24

25

26

27

28

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