



OFFICE OF THE
COUNTY COUNSEL

COUNTY OF SAN JOAQUIN
44 NORTH SAN JOAQUIN STREET, SUITE 679
STOCKTON, CA 95202-2931
TELEPHONE: (209) 468-2980
FAX: (209) 468-0315

DEPUTY COUNTY COUNSEL:
MATTHEW P. DACEY
KIMBERLY D. JOHNSON
JASON R. MORRISH
QUENDRITH L. MACEDO
ROBERT E. O'ROURKE
LISA S. RIBEIRO
ZAYANTE (ZOEY) P. MERRILL
ERIN H. SAKATA
KIRIN K. VIRK

J. MARK MYLES
COUNTY COUNSEL
RICHARD M. FLORES
ASSISTANT COUNTY COUNSEL
KRISTEN M. HEGGE
CHIEF DEPUTY COUNTY COUNSEL

**CHILD PROTECTIVE
SERVICES COUNSEL:**
(209) 468-1330
DANIELLE DUNHAM-RAMIREZ
SHANN S. KENNEDY
ALISTAIR SHEAFFER
MARK GABRIEL R. DORONIO

April 10, 2020

Board of Supervisors
44 N. San Joaquin Street, Suite 627
Stockton, CA 95202

Dear Board Members:

**Adoption of an Ordinance Amending the
San Joaquin County Code of Ordinance Title 4, Division 10, Chapter 1
Commercial Cannabis Business to Increase Security-Related Requirements for
Commercial Cannabis Activities
(Said Ordinance Introduced and Waived on April 7, 2020)**

Recommendation:

It is recommended that the Board of Supervisors:

1. By Board Order, adopt the proposed amendments to San Joaquin County Code of Ordinance Title 4, Division 10, Chapter 1 to increase the security-related requirements based on the information provided herein;
2. Authorize the Clerk of the Board to publish the summary of the ordinance including the final vote pursuant to Government Code § 25124;

Discussion:

In 2019, Sheriff Patrick Withrow stated a desire for the Board of Supervisors to amend the existing San Joaquin County Code of Ordinance Title 4, Division 10, Chapter 1 Commercial Cannabis Businesses to increase the security requirements for such businesses to ensure the safety of the businesses, community, and first responders, including law enforcement. The Office of the County Counsel worked with the Sheriff's

Office, the Environmental Health Department, and the Community Development Department to make the Sheriff's proposed amendments in a manner that ensured consistency with three Departments' existing operations and roles in processing Commercial Cannabis Business licensing and permitting.

Proposed Amendments to Title 4, Division 10, Chapter 1

The proposed amendments to Title 4, Division 10, Chapter 1 include the following:

1. The addition of the following definitions to Section 4-10005 Definitions, as follows:
 - (o) "Microbusiness means a Commercial Cannabis Business that is licensed to operate (in part or whole) as a Retailer Licensee, Distributor Licensee, Manufacturer Licensee (Level 1), and Cultivator Licensee (on an area less than 10,000 sq. ft.). The licensee must engage in at least three of the following commercial cannabis business activities: Retailer – Non-Storefront, Distributor, Cultivation (less than 10,000 sq. ft.), or Manufacturer (Level 1, Type 6) pursuant to an authorized Annual State License with an A-License or M-License designation.
 - (t) "Roof" means the structure forming the upper covering of a building.
 - (u) "Secure" means to be locked or lockable in a manner approved by the Sheriff's Office as part of the Security Plan.
2. The addition of a requirement that each applicant for a Commercial Cannabis License must include a Floor Plan and Odor Control Plan in Section 4-10010 Subsection (f).
3. The addition of two sections detailing the requirements for the Site Plan and Security Plan that each applicant must submit pursuant to Section 4-10010 Subsection (f):
 - a) Section 4-10011 Site Plan Submission and Operation Requirements: This section requires that the County Cannabis License Site Plan submitted to the Environmental Health Department be consistent with the Site Plan provided to the Community Development Department and the ultimate buildout and operation of the business.
 - b) Section 4-10012 Security Plan Submission and Operation Requirements: Each applicant must submit a Security Plan with their application that will be reviewed and approved by the Sheriff's Office. This newly-added section makes clear that the Security Plan must demonstrate sufficient measures to deter and prevent the unauthorized entrance into areas containing cannabis and to deter and prevent the theft of cannabis. The Plan must include details on the following:
 - Premises authorized entry;

- Storage of cannabis and cannabis products;
 - Prevention of diversion, theft, and loss of cannabis and cannabis products;
 - Security, including;
 - Alarm system(s);
 - 24-hour infrared security surveillance cameras and secured camera data storage device;
 - Perimeter lighting;
 - 24-hour security personnel; and
 - Contingency for security during a power outage.
4. The addition of new section, Section 4-10013, to more clearly require that all Commercial Cannabis Activities take place in a fully-enclosed building with solid, hard, non-opaque walls. In buildings used for mixed-light cultivation, the walls must be non-opaque up to six feet tall and above that the walls and roof must be made of a material approved by the Sheriff's Office.
 5. Amendments to Sections 4-10014 (previously 4-10011), 4-10015 (previously 4-10012), and 4-10025 (previously 4-10023) to add requirements for a criminal history check and then background investigation for all Owners of the proposed Commercial Cannabis Business. Based on substantiated findings in the criminal history or background investigation, the County may deny the County Cannabis License or Application for Renewal.
 6. Sections 4-10043, 46, 47, and 49 (previously 4-10041, 44, 45, and 47 respectively) have each been amended to require that each Commercial Cannabis Business licensee provide the Sheriff's Office a current roster of employees and require each employee at the site to wear an identification badge including the employee's name and picture. This is to ensure that responding Sheriff's Officer personnel can quickly and safely confirm the identity of authorized employees.
 7. Additional proposed amendments include minimal updates to clean up and/or make the language consistent with the recommended security amendments and numbering changes created by the additions and amendments.

Next Steps Following Adoption

If the Board adopts the proposed amendments to Title 4, then staff will bring forward amendments to the Development Title (Title 9) to both address the May 2019

amendments to remove storefront retail and these proposed amendments to ensure consistency between Title 4 and Title 9.

Reason for Recommendations:

The proposed amendments will increase the safety and security of Commercial Cannabis Licensees, the community, and first responders, including law enforcement.

Fiscal Impact:

There are no expected negative impacts on the County's General Fund from the proposed amendments.

Action to be Taken Following Approval:

Thirty (30) days after the date of adoption, the ordinance will become effective pursuant to Government Code Section 25123. Within fifteen (15) days after the date of adoption, the Clerk will cause to be published a summary of the ordinance, shall make available to the public upon request a certified copy of the ordinance, and post the ordinance pursuant to Government Code Section 25124. Thereafter, the adopted ordinance will be published in the San Joaquin County Ordinance Code.

Very truly yours,



J. Mark Myles
County Counsel

JMM:zpm:kr

c: Board Clerk for Agenda April 21, 2020
Sheriff's Office
Board of Supervisors
Environmental Health Department
Community Development Department

Reviewed by County Administrator's Office:

Reviewed by County Counsel's Office:

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA

ORDINANCE NO.

AMENDMENTS TO TITLE 4, DIVISION 10, CHAPTER 1

The Board of Supervisors of the County of San Joaquin ordains as follows:

SAN JOAQUIN COUNTY CODE OF ORDINANCES, TITLE 4, DIVISION 10, CHAPTER 1
is amended as follows:

TITLE 4 - PUBLIC SAFETY

DIVISION 10 - CANNABIS

CHAPTER 1 - COMMERCIAL CANNABIS BUSINESS

4-10000 - PURPOSE AND INTENT.

- (a) It is the County's purpose and intent in adopting this Chapter to allow for commercial cannabis businesses licensed under the Medicinal and Adult-Use Cannabis Regulation and Safety Act only to operate in the County pursuant to a robust set of regulations and a commercial cannabis development agreement adopted pursuant to Title 9, Division 13. This chapter ensures that County licensing, monitoring, and enforcement protect and promote public health and safety and keep cannabis out of the hands of youth, while also realizing the potential benefits of cannabis legalization including quality job development, criminal justice reform, and reducing the black market.
- (b) It is neither the purpose, intent, nor the effect of this Chapter to condone or legitimize the illegal use, consumption, or cultivation of cannabis under federal, state, or local law.

4-10001 - AUTHORITY.

The County enacts this Chapter pursuant to authority granted to it by Article XI Section 7 of the California Constitution, Section 26200 of the Business and Professions Code, and Sections 25845 and 53069.4 of the California Government Code.

4-10002 - FINDINGS.

The County Board of Supervisors finds and declares as follows:

- (a) This Chapter is enacted consistent with the provisions of Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA").
- (b) The County has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses by implementing and enforcing a robust and effective regulatory framework for licensed commercial cannabis businesses.

(c) Section 102 of MAUCRSA amended Section 26200 of the Business and Professions Code to expressly read that: “(a) (1) This division shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction....(2) This division shall not be interpreted to supersede or limit existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local license, permit, or other authorization requirements....(f) This division, or any regulations promulgated thereunder, shall not be deemed to limit the authority or remedies of a city, county, or city and county under any provision of law, including, but not limited to, Section 7 of Article XI of the California Constitution.”

(d) Nothing in this Chapter shall be deemed to conflict with state or federal law.

4-10003 - RELATIONSHIP TO OTHER LAWS.

It is the intention of the Board that this Chapter shall be interpreted to be compatible and consistent with County and State enactments and in furtherance of the public purposes which those enactments express. It is the intention that the provisions of this Chapter will supersede any other provisions of this Code found to be in conflict.

4-10004 - EFFECTIVE DATE/APPLICABILITY OF CHAPTER.

This Chapter shall become effective within thirty (30) days of an amendment of this section to remove the requirement that voters pass the County’s Measure B Cannabis Business Tax. It is only applicable to real property in the unincorporated portions of the County with a commercial cannabis development agreement for the licensed activity(ies) approved by the County pursuant to Title 9, Division 13.

4-10005 - DEFINITIONS.

Unless otherwise specified, the following definitions shall be applicable throughout this Chapter and do not amend, replace, or supersede any definition of the same term in any other section of the Code:

- (a) “A-license” means an Annual State License for cannabis or cannabis products that are intended for adults 21 years of age and over and who do not possess a physician’s recommendation.
- (b) “Annual State License” means an annual commercial cannabis business license issued by the California Bureau of Cannabis Control, California Department of Food and Agriculture, or California Department of Public Health.
- (c) “Applicant” means a Person who has submitted an application for a Commercial Cannabis License pursuant to this Chapter.

- (d) “Business License” means a license issued by the County Treasurer-Tax Collector pursuant to Title 7, Division 1 of this Code.
- (e) “Cannabis Business Park” means a contiguous area with an approved Special Purpose Plan pursuant to Title 9, Division 8, Chapter 9-815 of this Code that is specially designated, designed, and landscaped to safely allow and accommodate Commercial Cannabis Licensees in compliance with this Chapter and State law.
- (f) “Commercial Cannabis Activity” means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products or any other activity provided for in Medicinal and Adult Use Cannabis Safety and Regulation Act.
- (g) “Commercial Cannabis Development Agreement” means a development agreement for commercial cannabis activity adopted by the Board of Supervisors pursuant to Government Code Section 65864 et seq. and Title 9, Division 13.
- (h) “Commercial Cannabis License” means a Cultivator License, Distributor License, Manufacturer License, Retailer License, or Testing Facility License issued by the County pursuant to this Chapter. A Commercial Cannabis License may only be for a specific, fixed location, which shall be considered the Premises.
- (i) “Commercial Cannabis Licensee” or “Licensee” means any Person holding a valid Commercial Cannabis License issued pursuant to this Chapter.
- (j) “Cultivator License” means a license issued by the County to plant, grow, harvest, dry, cure, grade, or trim cannabis pursuant to an authorized Annual State License with an A-License or M-License designation.
- (k) “Distributor License” means a license issued by the County to procure, sell, and transport cannabis and cannabis products pursuant to an authorized Annual State License with an A-License or M-License designation.
- (l) “Lot” means Lot as defined in Title 9, Division 1, Chapter 9-110 of this Code.
- (m) “M-license” means an Annual State License for commercial cannabis activity involving medicinal cannabis.
- (n) “Manufacturing License” means a license issued by the County to conduct the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container pursuant to an authorized Annual State License with an A-License or M-License designation.
- (o) “Microbusiness” means a Commercial Cannabis Business that is licensed to operate (in part or whole) as a Retailer Licensee, Distributor Licensee, Manufacturer Licensee (Level 1), and Cultivator Licensee (on an area less than 10,000 sq. ft.). The licensee must engage in at least three of the following

commercial cannabis business activities: Retailer – Non-Storefront, Distributor, Cultivation (less than 10,000 sq. ft.), or Manufacturer (Level 1, Type 6) pursuant to an authorized Annual State License with an A-License or M-License designation.

- (p) “Owner” means any of the following:
 - (1) A person with an aggregate ownership interest of 20 percent or more in the entity applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
 - (2) The chief executive officer of a nonprofit or other entity.
 - (3) A member of the board of directors of a nonprofit.
 - (4) An individual who will be participating in the direction, control, or management of the person applying for a license.
- (q) “Person” means any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
- (r) “Premises” means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the Applicant or Licensee where the Commercial Cannabis Activity will be or is conducted. The Premises shall be a contiguous area and shall only be occupied by one Licensee, except under an authorized shared use Annual State License. Multiple Premises and Commercial Cannabis Licenses may exist on one Lot.
- (s) “Retailer License” means a license issued by the County to sell cannabis exclusively through delivery pursuant to an authorized Annual State License with an A-License or M-License designation.
- (t) “Roof” means the structure forming the upper covering of a building.
- (u) “Secure” means to be locked or lockable in a manner approved by the Sheriff’s Office as part of the Security Plan.
- (v) “Testing Laboratory License” means a license issued by the County to perform laboratory tests of cannabis or cannabis products pursuant to an authorized Annual State License.
- (w) “Use Permit” means a permit issued pursuant to County’s Title 9, Division 8, Chapter 9-821 of the County’s Development Title.

4-10006 - AUTHORIZED COMMERCIAL CANNABIS LICENSES.

Commercial Cannabis Licenses are authorized as follows:

- (a) The County shall issue Commercial Cannabis Licenses which correspond with Annual State Licenses issued by the State as follows:

- (1) Cultivator License:
 - (i) Type 1A: Specialty Indoor
 - (ii) Type 1B: Specialty Mixed-Light
 - (iii) Type 1C: Specialty Cottage-Indoor and Mixed-Light Only
 - (iv) Type 2A: Small Indoor
 - (v) Type 2B: Small Mixed-light
 - (vi) Type 3A: Medium Indoor
 - (vii) Type 3B: Medium Mixed-light
 - (viii) Type 4: Nursery
 - (ix) Type 5A: Large Indoor
 - (x) Type 5B: Large Mixed-light
 - (xi) Processor
 - (xii) Type 12: Microbusiness
- (2) Distributor License
 - (i) Type 11: Distributor, Distributor Transport Only Self-Distribution, Distributor Transport Only
 - (ii) Type 12: Microbusiness
- (3) Manufacturer License
 - (i) Type 6: Manufacturer 1 (Extractions via nonvolatile solvent and mechanical method; also allows product infusion, and product packaging and labeling.)
 - (ii) Type 7: Manufacturer 2 (Extractions via volatile solvent, nonvolatile solvent, and mechanical method; also allows product infusion, and product packaging)
 - (iii) Type S: Shared Use
 - (iv) Type 12: Microbusiness
- (4) Retailer License
 - (i) Type 9: Non-Storefront Retailer (Delivery)
 - (ii) Type 12: Microbusiness (Not including Retailer Type 10)
- (5) Testing License
 - (i) Type 8: Testing laboratory

- (b) Only Annual State License types listed above are authorized for a Commercial Cannabis License. Annual State License types not authorized above are expressly prohibited, including, but not limited to, Outdoor Cultivation License, Event Organizer License, and Temporary Cannabis Event License.
- (c) All Commercial Cannabis Licensees are subject to the requirements of this Chapter and of its Annual State License.
- (d) Commercial Cannabis Licenses are not transferable or assignable to any other person, entity, or property.
- (e) A Commercial Cannabis License does not authorize a Licensee to conduct the following Commercial Cannabis Activities: outdoor cultivation, cannabis events, and onsite consumption of cannabis or cannabis products.

4-10007 - COMMERCIAL CANNABIS LICENSE REQUIRED.

A Commercial Cannabis License is required as follows:

- (a) A valid Commercial Cannabis License is required to conduct Commercial Cannabis Activities in the unincorporated area of the County.
 - (1) A Commercial Cannabis License is valid for one year from the date of issuance unless otherwise expressly stated or it is surrendered by the Licensee, revoked by the County, or deemed invalid due to revocation of the Annual State license.
 - (2) A Commercial Cannabis License must be renewed annually.

4-10008 - REQUIREMENTS FOR A COMMERCIAL CANNABIS LICENSE.

The requirements for a Commercial Cannabis License are as follows:

- (a) A Commercial Cannabis License is only valid in the presence of a valid Annual State License.
- (b) A Commercial Cannabis License shall not be issued unless and until the Applicant has:
 - (1) Obtained or applied for an Annual State License identified in Section 4-10006 - Classes of Authorized Commercial Cannabis Licenses;
 - (2) Obtained an approved Use Permit allowing Commercial Cannabis Activity on the Premises and have completed all conditions of approval unless otherwise expressly allowed in writing if the Premises is not in a Cannabis Business Park or, alternatively, obtained an approved Improvement Plan and have completed all requirements thereof unless otherwise expressly allowed in writing if the Premises is within a Cannabis Business Park and in compliance with that Park's Special Purpose Plan; and
 - (3) Obtained a Business License.

4-10009 - APPLICATION PROCESS FOR A NEW COMMERCIAL CANNABIS LICENSE.

- (a) In order to obtain a Commercial Cannabis License, Applicant must complete the following:
 - (1) Apply for a Commercial Cannabis License;
 - (2) Pay all of the required fees to the County;
 - (3) Obtain a Notice of Complete Application from the County;
 - (4) Apply for and obtain an approved Use Permit allowing Commercial Cannabis Activity on the Premises and have completed all conditions of approval unless otherwise expressly allowed in writing if the Premises is not in a Cannabis Business Park or, alternatively, apply for and obtain an approved Improvement Plan and have completed all requirements thereof unless otherwise expressly allowed in writing if the Premises is within a Cannabis Business Park and in compliance with that Park's Special Purpose Plan;
 - (5) Complete a Pre-Licensing Checklist and obtain approval from the County;
 - (6) Successfully pass a pre-licensing inspection of the premises; and
 - (7) Apply for and obtain a Business License.

4-10010 - APPLICATION REQUIREMENTS FOR A NEW COMMERCIAL CANNABIS LICENSE.

Applicants for a new Commercial Cannabis License shall:

- (a) Submit their application on forms approved by the County;
- (b) Submit complete application forms that include all required documentation;
- (c) Notify the County of any material changes to the information provided in the application between submission and final determination;
- (d) Not change any of its Owners between application submittal and final determination unless the County consents and provides written approval.
- (e) Identify and disclose the Owners of the Applicant consistently with the Applicant's corresponding Annual State License.
- (f) Submit the following documents with their Commercial Cannabis License application:
 - (1) Copy of Annual State License application or Temporary State License and all supporting documents as requested by the County;
 - (2) Security Plan;
 - (3) Site Plan;

- (4) Floor Plan;
 - (5) Waste Destruction Plan;
 - (6) Odor Control Plan;
 - (7) Pesticide Use Plan if application is for a Cultivator License;
 - (8) Fire Mitigation Plan if application is for a Manufacturer License; and
 - (9) Required affidavits.
- (g) Be truthful on all application forms, attachments, and responses to the County. Misstatements and material omissions at any point in the application process may be grounds for denying an application and/or potential criminal prosecution.
 - (h) Cooperate with the County during the processing and investigation of applications. Applicants have 10 days, unless otherwise specified in writing by the County, to respond to County requests for additional information needed to make the applications complete.
 - (i) Failure to cooperate with the County may be cause for denial of application.

4-10011 – SITE PLAN SUBMISSION AND OPERATION REQUIREMENTS.

- (a) The Site Plan required by Section 4-10010 must meet the County’s Community Development Department Site Plan Checklist.
- (b) The licensed Commercial Cannabis Activities must be built and operated consistent with the approved Site Plan.

4-10012 – SECURITY PLAN SUBMISSION AND OPERATION REQUIREMENTS.

- (a) The Security Plan required by Section 4-10010 must demonstrate sufficient measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products.
- (b) The Security Plan shall include proposed measures to accomplish the following:
 - (1) Prevent individuals that are not owners, employees, agents, or business associates from remaining on the Premises.
 - (2) Limit access to areas with cannabis or cannabis products to authorized personnel.
 - (3) Store all cannabis and cannabis products except for live cannabis plants being cultivated within the licensed cultivation facility in a secured and locked room, safe, or vault.
 - (4) Prevent diversion, theft, and loss of all cannabis and cannabis products, including live plants.

- (c) The Security Plan shall include a designed security system that includes the following:
- (1) All buildings shall include a professionally installed and maintained alarm system, monitored by an alarm company or private security company. The alarm system shall monitor all perimeter entry points and windows.
 - (2) Installation of 24-hour infrared security surveillance cameras of at least HD-quality with minimum camera resolution of 1280 x 1024 pixels to monitor activity occurring within 20 feet of all entrances and exits to and from the premises, all interior spaces where Commercial Cannabis Activity occurs which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis, all interior spaces where diversion of cannabis could reasonably occur, and parking lot areas in a manner sufficient to clearly observe facial features and to obtain a clear view of license plates as vehicles enter. All cameras must be fixed and placement shall allow for the clear and certain identification of any person and activities in controlled areas of the licensed premises. All entrances and exits shall be recorded from both indoor and outdoor, or ingress and egress vantage points. All areas covered by the camera shall have adequate lighting to effectively record images.
 - (3) The surveillance camera system data storage device must be secured on the licensed premises in a lockbox, cabinet, closet, or secured in another approved manner to protect from employee tampering or criminal theft. All cameras must record continuously 24 hours per day and at a minimum of ten frames per second. Any and all video or audio recordings made for security or other purposes shall be marked with the date and time made and shall be kept, in an unaltered state, for a period of forty-five (45) days from the date of recording and must be made available to the County for duplication upon demand. All recorded images must clearly and accurately display the time and date. Time is to be measured in accordance with the U.S. National Institute Standards and Technology standards.
 - (4) Alarm System sensors installed to detect entry and exit from all secure areas.
 - (5) Any bars installed on the windows or the doors of the Commercial Cannabis Activity only on the interior of the building.
 - (6) Perimeter lighting systems with motion sensors.
 - (7) Security personnel on-site 24 hours a day or alternative security as authorized by the County-approved Security Plan. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the Sheriff's Office, with such approval not to be unreasonably withheld.
 - (8) Capability to remain secure during a power outage, including ensuring that

all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

- (d) The Security Plan shall be reviewed and approved by the Sheriff's Office.
- (e) Any changes to the Security Plan after its initial approval shall be reviewed and approved by the Sheriff's Office.
- (f) The Commercial Cannabis Activities shall be built and operated consistent with the approved Security Plan.

4-10013 – BUILDINGS USED FOR APPROVED COMMERCIAL CANNABIS ACTIVITIES.

All Commercial Cannabis Activities must take place in fully enclosed building(s) that are compliant with the California Building Code as adopted by the County, have a Certificate of Occupancy for the licensed Commercial Cannabis Activity, be secure, have an attached roof, and have exterior walls that are made of a material with a fire resistance rating for exterior bearing walls pursuant to California Building Code Table 601 except:

- (a) Such building(s) used for mixed-light Commercial Cannabis Activities may have solid, hard, non-opaque roof and walls above six feet that are of a material approved by the Sheriff's Office.

4-10014 - APPLICATION DISQUALIFICATION FOR CRIMINAL CONVICTIONS.

A criminal conviction may affect an application for a Commercial Cannabis License as follows:

- (a) The County shall deny any application in which any Owner does not meet the qualification in Section 45 of MAUCRSA, which amended Section 26057 of the Business and Professions Code.
- (b) Based on the totality of circumstances, the County may deny any application in which any Owner has been convicted within the last five years of any felony involving trafficking, manufacturing, or cultivating a federally controlled substance or crime(s) of violence, weapon violation(s), and/or criminal conviction(s) which indicate a propensity to abuse positions of trust within an organization and the community such as theft, embezzlement, and/or fraud.
 - (1) Should a conviction occur involving the "Owner" as defined in Section 4-10005(p) & (q), during the application process or after a license is issued, based on the totality of circumstances, the County may:
 - (i) Revoke the license;
 - (ii) Suspend the license up to and until the involved party is removed as an interested party to the license.
- (c) The County may approve an application in which an Owner has a disqualifying criminal conviction as identified in subsections (a) and (b) provided that the conviction is not substantially related to the qualifications, functions, or duties, of

a Commercial Cannabis Licensee and granting that license would not compromise public safety.

4-10015 - VERIFICATION OF APPLICATION INFORMATION.

To verify applications for a Commercial Cannabis License:

- (a) The County shall be authorized to:
 - (1) Investigate Applicants to ensure all State and County requirements have been met;
 - (2) Verify information provided in the application;
 - (3) Investigate backgrounds of any and all Owners, employees, and investors of the Applicant; and
 - (4) Deny the application for a Commercial Cannabis License when the requisite application for an Annual State License was denied by the State.
 - (5) The San Joaquin County Sheriff's Office shall conduct a preliminary criminal history check for disqualifying convictions pursuant to Section 4-10014 for Owners and Persons as defined in Section 4-10005(p) & (q).
 - (6) Based on substantiated criminal history findings, the County reserves the right to deny an application.
- (b) Shall give an Applicant ten days to cure deficiencies in the application.

4-10016 - MICROBUSINESS APPLICANTS.

An Applicant applying to operate a Type 12 Microbusiness pursuant to an Annual State License in the County must meet all requirements as outlined in this chapter and:

- (a) Shall complete one application for a Commercial Cannabis License that shall be approved for each Commercial Cannabis License type that it intends to operate in the County.
- (b) Each Commercial Cannabis License approved on the application shall be for a single Premises.

4-10017 - NOTICE OF COMPLETE APPLICATION.

If the County deems an application complete, it shall send a Notice of Complete Application to the Applicant using the contact information provided in the application. The Applicant may then move forward with applicable Title 9 requirements.

4-10018 - PRE-LICENSING CHECKLIST, BACKGROUND, AND INSPECTION.

If the Applicant receives the required permits and completes any requirements of Title 9, then the Applicant is required to complete a Pre-licensing Checklist on a form approved by the County.

- (a) Once an Applicant completes its Pre-Licensing Checklist, it shall schedule a Pre-Licensing Inspection with the County.

- (1) The Applicant must schedule a Pre-Licensing Inspection with the County only after the Applicant is satisfied it has met all Commercial Cannabis License requirements.
- (b) During the Pre-Licensing Inspection, the County shall inspect the proposed Premises to be licensed in the application for material compliance with Commercial Cannabis License requirements.
 - (1) If the Applicant fails the Pre-Licensing Inspection, the County may give the Applicant a reasonable amount of time to cure deficiencies found during the Pre-Licensing Inspection.
- (c) A detailed background investigation shall be conducted by the San Joaquin County Sheriff's Office on all Owners.

4-10019 - BUSINESS LICENSE.

The Applicant must apply for and receive a Business License through the County Community Development Department. The Applicant must maintain a valid and current business license at all times to operate.

4-10020 - ISSUANCE OF A COMMERCIAL CANNABIS LICENSE.

Once all Commercial Cannabis License requirements are met, the County shall issue a Commercial Cannabis License to the Applicant.

4-10021 - WITHDRAWAL OF AN APPLICATION.

An Applicant may withdraw its application in writing at any point during processing.

- (a) Withdrawal of an application shall result in forfeiture of non-refundable fees paid at the time of application. Portions of refundable fees not-utilized by the County at the time of withdrawal pursuant to any adopted fee schedule may be refunded.

4-10022 - DENIAL OF AN APPLICATION FOR A COMMERCIAL CANNABIS LICENSE.

The County may deny an application for a Commercial Cannabis License as follows:

- (a) During the application process the County may deny an application for a Commercial Cannabis License if the application fails to meet any applicable requirement of this Code.
- (b) If the County denies the application it shall promptly send the Applicant a Notice of Denial using the contact information provided in the application.
- (c) The Notice of Denial shall include;
 - (1) Basis for the denial; and
 - (2) Information on how to appeal the County's final determination pursuant to Code of Ordinance, Title 1, Division 2, Chapter 2, Section 1-2020.

4-10023 - RENEWAL APPLICATION PROCESS FOR A COMMERCIAL CANNABIS LICENSE.

In order to renew a Commercial Cannabis License a Licensee must:

- (a) Apply to renew a Commercial Cannabis License at least 60 days prior to expiration of its Commercial Cannabis License;
- (b) Pass a site inspection showing Licensee is in substantial compliance with the requirements of this Chapter. The term substantial compliance in this ordinance is intended to address minor violation(s) or correction(s) that would not affect the overall security/safety of the operation and can be remedied in short order as to not interrupt the continual operational process. Failure to address noted issues in a timely or required manner by the requesting body will result in the revocation or suspension of the license until remedied.
- (c) Have no outstanding Code violations, fines, or unpaid taxes;
- (d) Pay all required fees and penalties to the County; and
- (e) Renew the Commercial Cannabis Licensee's Business License through the County Treasurer-Tax Collector.

4-10024 - RENEWAL APPLICATION REQUIREMENTS FOR A COMMERCIAL CANNABIS LICENSE.

A Commercial Cannabis Licensee filing an Application for Renewal of its Commercial Cannabis License shall:

- (a) Submit the Application for Renewal on forms approved by the County;
- (b) Submit a complete Application for Renewal that includes all required documentation;
- (c) Notify the County of any material changes to the information provided in the Application for Renewal between submission and final determination;
- (d) Not change any of its Owners between Application for Renewal submittal and final determination unless the County consents and provides written approval;
- (e) Confirm that the Owners of the License remain consistent with the Applicant's corresponding Annual State License.
 - (1) Submit to an updated criminal history report conducted by the San Joaquin County Sheriff's Office.
 - (2) Any additions to Owner(s) must submit to a background check by the San Joaquin County Sheriff's Office.
- (f) Submit the following documents with its Application for Renewal:
 - (1) A copy of their Annual State License;

- (2) Any required affidavits;
 - (3) Pesticide Use Plan if Application for Renewal is for a Cultivator License; and
 - (4) Fire Mitigation Plan if Application for Renewal is for a Manufacturer License.
- (g) Shall submit copies of any of the following if there has been any material change to them from the date of issuance of the Commercial Cannabis License:
- (1) Site Plan;
 - (2) Security Plan;
 - (3) Waste Destruction Plan;
 - (4) Odor Control Plan; and
 - (5) Floor Plan.
- (h) Shall be truthful on all application forms, attachments, and responses to the County. Misstatements and material omissions at any point in the Application for Renewal process may be grounds for denying an application.
- (1) Shall cooperate with all County entities during the processing and investigation of the Application for Renewal. Commercial Cannabis Licensees have 10 days or as otherwise specified in writing by the County to respond to County requests for additional information needed to make the Application for Renewal complete.

4-10025 - APPLICATION FOR RENEWAL DISQUALIFICATION FOR CRIMINAL CONVICTIONS.

A criminal conviction may affect an Application for Renewal of a Commercial Cannabis License as follows:

- (a) The County may deny any Application for Renewal if any Owner does not meet the qualification in Section 45 of MAUCRSA, which amended Section 26057 of the Business and Professions Code.
- (b) Based on the totality of circumstances, the County may deny any Application for Renewal in which any Owner has been convicted within the last five years of any felony involving trafficking, manufacturing, or cultivating a federally controlled substance or crime(s) of violence, weapon violation(s), and/or criminal conviction(s) which indicate a propensity to abuse positions of trust within an organization and the community such as theft, embezzlement, and/or fraud.
 - (1) Should a conviction occur involving the “Owner” as defined in Sections 4-10005(p) & (q), during the renewal process or after a license is issued, based on the totality of circumstances, the County may:
 - (i) Revoke the license;

- (ii) Suspend the license up to and until the involved party is removed as an interested party to the license.
- (c) The County may approve an Application for Renewal if an Owner has a disqualifying criminal conviction as identified in subsections (a) and (b) provided that the conviction is not substantially related to the qualifications, functions, or duties of a Commercial Cannabis Licensee and granting that license would not compromise public safety.

4-10026 - WITHDRAWAL OF AN APPLICATION FOR RENEWAL.

A Commercial Cannabis Licensee may withdraw its Application for Renewal in writing at any point during processing.

- (a) Withdrawal of an Application for Renewal shall result in forfeiture of non-refundable fees paid at the time of application. Portions of refundable fees not utilized by the County at the time of withdrawal pursuant to any adopted fee schedule, may be refunded.
- (b) Failure to renew a Commercial Cannabis License will result in the expiration of the Commercial Cannabis License.

4-10027 - DENIAL OF AN APPLICATION FOR RENEWAL OF A COMMERCIAL CANNABIS LICENSE.

The County may deny an Application for Renewal for a Commercial Cannabis License as follows:

- (a) During the application process, the County may deny an Application for Renewal of a Commercial Cannabis License for the Licensee's failure to meet any applicable requirement of this Chapter or violations of the County Ordinance Code or Penal Code during the previous year.
- (b) If the County denies the Application for Renewal, it shall promptly send the Licensee a Notice of Denial of Renewal Application using the contact information provided in the application.
- (c) The Notice of Denial shall include:
 - (1) Basis for the denial; and
 - (2) Information on how to appeal the County's final determination pursuant to Code of Ordinance, Title 1, Division 2, Chapter 2, Section 1-2020.

4-10028 - BUSINESS LICENSE REQUIREMENT.

The Applicant is required to renew its Business License annually through the County Treasurer-Tax Collector.

4-10029 - RENEWAL OF A COMMERCIAL CANNABIS LICENSE.

Once Commercial Cannabis License requirements are met, then the County shall renew the Commercial Cannabis License.

4-10030 - DORMANT APPLICATIONS FOR A COMMERCIAL CANNABIS LICENSE.

Applicants and Licensees must make every effort to timely respond to requests for information by the County, cure deficiencies found at any point in the application process, and obtain all approvals required by the County.

- (a) If the Applicant or Licensee fails to timely respond, cure, or obtain approvals as required, the County may deem an application dormant.
- (b) If an application remains dormant for more than 90 days, the County may deny the application.

4-10031 - CHANGE OF COMMERCIAL CANNABIS LICENSEE OWNERSHIP.

A Commercial Cannabis License is not transferable to a new Owner. Changes to Ownership of a Commercial Cannabis Licensee must be done as follows:

- (a) If a Commercial Cannabis Licensee is adding a new Owner, it must first file a Change of Ownership application with the County for approval and complete a background investigation by the San Joaquin County Sheriff's Office prior to the effective date of the change.
- (b) The application shall include at least:
 - (1) A listing of the Commercial Cannabis Licensee's current ownership;
 - (2) A listing of the proposed ownership structure including any new Owners;
 - (3) Required affidavits from any new Owners; and
 - (4) Affirmation that the Commercial Cannabis Licensees have applied for and received all necessary approvals from the appropriate State Licensing Authority for the proposed change of ownership.
- (c) The reallocation of ownership interest among Owners shall be reported to the County at the time of Annual Renewal.
- (d) The Licensee can continue to operate pursuant to its license during the completion of the change of Ownership requirements.

4-10032 - CHANGE OF COMMERCIAL CANNABIS LICENSEE LOCATION.

Change of location by an Annual State Licensee shall be done as follows:

- (a) A Commercial Cannabis Licensee or an Annual State License holder authorized by another local jurisdiction that intends on moving to a new Premises in the County must file a new application and obtain a Commercial Cannabis License.

- (b) A Commercial Cannabis Licensee that intends on changing its Premises to a new Premises within the County must file a new application and obtain a new Commercial Cannabis License.
 - (1) The Commercial Cannabis Licensee may continue to operate with a valid Commercial Cannabis License at the original location while the County processes the application for the new Premises.
- (c) The County, at its discretion, may waive certain requirements for a new application if the applicant possesses a valid Commercial Cannabis License.

4-10033 - CHANGE IN COMMERCIAL CANNABIS LICENSEE OPERATIONS.

A Commercial Cannabis Licensee shall notify the County in writing and provide copies of all relevant documentation within ten days of any changes to the information in its Commercial Cannabis License application or most recent Application for Renewal and any of the following:

- (a) Disciplinary proceeding or permit revocation initiated by any State or local government agency;
- (b) Receiving a criminal conviction or civil judgment rendered against the licensee or any owner;
- (c) Bankruptcy filing by any owner listed on the application for licensure;
- (d) Temporary closure longer than 30 days; or
- (e) Proposed modifications to the operations as submitted in the last approved submittal.

4-10034 - CHANGE OF COMMERCIAL CANNABIS LICENSEE BUSINESS ENTITY TYPE.

Proposed changes to a Commercial Cannabis Licensee's business entity may require a new application and application fee.

4-10035 - COMMERCIAL CANNABIS LICENSE REQUIREMENTS FOR ALL LICENSEES.

All Commercial Cannabis Licensees shall:

- (a) Comply with State and County laws, regulations, and ordinances;
- (b) Pay all County fines, penalties, and fees timely;
- (c) Not conduct any Commercial Cannabis Activity off of its Premises unless expressly allowed by its Commercial Cannabis License;
- (d) Notify the County within ten days of any Owner being convicted of any felony or violation as outlined in Section 4-10011(b);
- (e) Remain in compliance with all County Codes including, California Code of Regulations Title 24 as adopted by the County.

- (f) Be responsible for preventing loitering, public drinking, and public cannabis use or other criminal behavior on and around the Premises and parking area;
- (g) Be responsible for removal of all graffiti or other signs of vandalism on the Premise within 12 hours of knowledge;
- (h) Maintain clean and orderly premises;
- (i) Not create any condition constituting a nuisance;
- (j) Maintain signage, décor, and general appearance of the Premises in such a manner that it is not attractive to minors;
- (k) Exercise only the privileges granted to it under its Annual State License as issued or as amended and as allowed by its Commercial Cannabis License;
- (l) Use its Premises only for Commercial Cannabis License activities authorized by its Commercial Cannabis License;
- (m) Not allow cannabis and cannabis products to be visible from outside of the Premises.
- (n) Not allow consumption of cannabis in any form on the Premises;
- (o) Purchase cannabis and cannabis products only from other Annual State Licensees;
- (p) Provide the County immediate access to the Premises and on-Premises records during regular business hours or hours of apparent operation;
- (q) Provide the County access to off-Premises records within three days of the request being made by the County;
- (r) Dispose all cannabis waste and hazardous material in a manner that meets applicable State and County requirements and is consistent with its waste management plan; and
- (s) Not transfer or sell cannabis or cannabis product at any unlawful cannabis event in the County.

4-10036 - CRIMINAL DEFENSE.

Compliance with the requirements of this Chapter does not provide a defense to criminal prosecution under otherwise applicable law.

4-10037 - HEALTH AND SAFETY INSPECTIONS.

The County shall administer, inspect, and take such action as may be required to enforce this Chapter to protect public health and safety.

- (a) The County may enter and inspect any part of a Premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this Chapter, and other laws and regulations which the County has the power to enforce.

- (b) If during a County inspection of a Licensee's Premises the County finds a violation of this Chapter or other requirement that constitutes a threat to public health and safety then:
 - (1) Based upon inspection findings or other evidence, the County may:
 - (i) Order the Owner to correct any violation. All corrections ordered by the County shall be undertaken only after securing all necessary permits.
 - (ii) Direct the Owner to segregate and store on the Premises cannabis, cannabis products, equipment, or utensils that are found to be, or suspected of being, unsanitary or in such disrepair that cannabis, cannabis products, equipment, or utensils may become contaminated or adulterated. The County may attach a tag to the cannabis, cannabis product, equipment, or utensils that shall be removed only by the County following verification that the condition has been corrected.
 - (A) No cannabis, cannabis products, equipment, or utensils impounded pursuant to this subdivision shall be used unless the impoundment has been released by the County
 - (iii) Within 30 days, the County shall commence proceedings to release the segregated and stored materials or to seek administrative or legal remedy for its disposition.
 - (2) The Commercial Cannabis Licensee, its Owner, manager, and operator are responsible for any violation by an employee of any provision of this Chapter or other law or regulation.

4-10038 - CONFISCATION OF NON-COMPLIANT CANNABIS AND CANNABIS PRODUCTS.

The County has the right to confiscate and destroy cannabis in any form that does not meet a State or County requirement. The County shall not be responsible for preserving or maintaining the confiscated cannabis that it confiscates. Confiscated cannabis is subject to destruction.

4-10039 - VOLUNTARY SURRENDER OF CANNABIS AND CANNABIS PRODUCTS.

Upon mutual agreement with the County, a Commercial Cannabis Licensee may voluntarily surrender cannabis and cannabis product to the County for destruction by either party.

4-10040 - WEIGHTS AND MEASURES REQUIREMENTS.

- (a) Scales used by Commercial Cannabis Licensees:
 - (1) Shall be approved for commercial (legal and trade) use through either the National or California Type Evaluation Programs.
 - (2) Shall be registered with the County Sealer of Weights & Measures.

- (3) Shall be annually inspected by the County Sealer of Weights & Measures.
- (b) Scales that are not approved for commercial use may be marked out of order, removed from service, or seized if not brought into compliance within 30 days of notification by the County Sealer of Weights & Measures. Non-approved scales may not be used until brought into compliance.
- (c) Commercial Cannabis Licensees using scales at the point of sale, shall:
 - (1) Not charge an amount per unit greater than the price advertised, posted, or marked.
 - (2) Position the scale used so that it may be observed during the transaction by the customer from a reasonable position.
 - (3) May charge only for product being purchased.
 - (4) Purchase weight may not include any type of non-product.

4-10041 - WEIGHMASTER REQUIREMENTS.

A Commercial Cannabis License must ensure that any person whose job duties include use of a commercially approved scale must be licensed by California Department of Food and Agriculture Division of Measurement Standards as a Weighmaster.

- (a) A Commercial Cannabis License must maintain Weighmaster certificates from the past four years on Premises that are complete and contain all required information.
- (b) Weighmaster records are subject to inspection by the Sealer of Weights & Measures or any other County or State official.

4-10042 - PACKAGED CANNABIS PRODUCTS.

Packaged Cannabis Products must:

- (a) Be sold according to count, net weight or measure.
- (b) Be marked with Identity, Responsibility, and Quantity Statements.
- (c) Be ordered by the Sealer to be off-sale if found short-weight or absent a quantity statement.
- (d) Not be removed from off-sale status or commingled, disposed of, or shipped without authorization by the Sealer.

4-10043 - CULTIVATOR LICENSE REQUIREMENTS.

A Cultivator License is required for all cannabis cultivation, except for personal cultivation allowed under Title 4, Division 10, Chapter 3 of this Code. A Cultivator Licensees shall:

- (a) Only operate indoor or mixed-light cultivation facilities in compliance with its Annual State License and this Chapter.

- (b) Secure its Premises with solid walls around all portions of the Premises where cannabis is present or may be present.
- (c) Ensure all parts of the Premises are contiguous.
- (d) Secure all entrances to the Premises to ensure that only the following persons are allowed on the Premise:
 - (1) Employees of the Commercial Cannabis Licensee;
 - (i) The Owner shall provide to the Sheriff's Office and update as necessary current roster of employees, which the Sheriff's Office will maintain.
 - (A) While on the Premises employees shall wear a visible standardized identification card that contains the following; business's licensed name, the employee's current color facial picture, the employee's first and last name, and the date the identification card was issued, and an alpha numerical number assigned to the employee by the Sheriff's Office.
 - (B) Prior to the Owner issuing the standardized identification card to an employee, the employee must submit to and complete a criminal history check.
 - (2) State officials, County officials, and law enforcement; and
 - (3) Guests, ages 21 or older, when accompanied by the Licensee.
- (e) When admitting a guest onto the Premises, require the guest to produce a valid state or federal identification verifying the individual is 21 years or older. Additionally, the Licensee shall log the visit of the guest, including the following information: name, date, time in, time out, signature of guest, signature of verifying employee.
- (f) Immediately remove any unauthorized person from the Premises and inform the County's Environmental Health Department of the incident.

4-10044 - CULTIVATOR LICENSEE PESTICIDE USE REQUIREMENTS.

A Cultivator Licensee must comply with all applicable laws and this Chapter in regards to any pesticide use.

- (a) An Applicant for a Cultivator License shall include a Pesticide Plan with its application.
 - (1) The Pesticide Plan shall include details of the planned pesticide use for all agricultural activities conducted on the Applicant's property.
 - (2) The Pesticide Plan shall identify which pesticides are to be used on cannabis crops.

- (3) The Pesticide Plan must be approved by the County Agricultural Commissioner before an application will be approved and before a Licensee may conduct any operations pursuant to its license.
- (4) The Applicant or Licensee shall submit any changes to the Pesticide Plan to the County in a Revised Pesticide Plan. The Revised Pesticide Plan must be approved by the County Agricultural Commissioner prior to the Licensee implementing any changes.
- (b) Cultivator Licensees shall conduct lawful pesticide use for all crops cultivated, harvested, or stored on the Premises and on the property where it is located at all times.
- (c) Cross-contamination by pesticides used lawfully on a non-cannabis crop does not absolve the Cultivator Licensee of responsibility if a cannabis crop tests positive for a pesticide not included in the Pesticide Plan as designated to be used on that crop.
- (d) A Cultivator Licensee must obtain an Operator ID, if it intends to use any pesticide products pursuant to Section 11408 of the Food and Agricultural Code and Section 6622 of Code of Regulations Title 3.
- (e) A Cultivator Licensee must read and follow pesticide labels pursuant to State and Federal law.
- (f) Pesticides used by a Cultivator Licensee must be registered by the United States Environmental Protection Agency (“US EPA”) and the California Department of Pesticide Regulation (“DPR”).
- (g) If the Commercial Cannabis Licensee applies registered pesticides to its Cannabis crop, it must submit monthly pesticide use reports to the California Department of Pesticide Regulation
- (h) A Cultivator Licensee must ensure that any restricted use pesticides are limited to use by certified applicators, or to those under the supervision of a certified applicator and possess a Restricted Materials Permit.
- (i) A Cultivator Licensee must protect its workers from exposure to pesticides by at minimum requiring workers to follow the pesticide label, providing workers required personal protective equipment, providing workers required training on pesticide labels and safety information, and properly storing, handling, and disposing of pesticides.
- (j) A Cultivator Licensee must store all pesticides in an enclosed area with proper warning signs.

4-10045 - CULTIVATION LICENSEE ODOR MITIGATION REQUIREMENTS.

Cultivator Licensee activities that result in an odor of cannabis detectable outside of the Premises are prohibited.

- (a) A Cultivator Licensee shall remain in compliance with its approved Odor Control Plan and ensure that the Premises has an air filtration, ventilation, or other system(s) sufficient to ensure that any odor from cannabis is not detectable outside of the Premises.

4-10046 - DISTRIBUTOR LICENSE REQUIREMENTS.

A Distributor Licensee shall:

- (a) Secure all entrances to the Premises to ensure that only the following persons are allowed on the Premises as follows:
 - (1) Employees of the Commercial Cannabis Licensee;
 - (i) The Owner shall provide to the Sheriff's Office and update as necessary current roster of employees, which the Sheriff's Office will maintain.
 - (A) While on the Premises employees shall wear a visible standardized identification card that contains the following; business's licensed name, the employee's current color facial picture, the employee's first and last name, and the date the identification card was issued, and an alpha numerical number assigned to the employee by the Sheriff's Office.
 - (B) Prior to the Owner issuing the standardized identification card to an employee, the employee must submit to and complete a criminal history check.
 - (2) State officials, County officials, and law enforcement; and
 - (3) Guests, ages 21 or older, when accompanied by the Licensee.
- (b) When admitting a guest onto the Premises, require the guest to produce a valid state or federal identification verifying the individual is 21 years or older. Additionally, the Licensee shall log the visit of the guest, including the following information: name, date, time in, time out, signature of guest, signature of verifying employee.
- (c) Immediately remove any unauthorized person from the Premises and inform the County's Environmental Health Department of the incident.
- (d) Not cultivate, manufacture, process, test, or consume cannabis on its Premises.

4-10047 - MANUFACTURER LICENSE REQUIREMENTS.

A Manufacturer Licensee shall:

- (a) Secure all entrances to the Premises to ensure that only the following persons are allowed on the Premises as follows:
 - (1) Employees of the Commercial Cannabis Licensee;
 - (i) The Owner shall provide to the Sheriff's Office and update as necessary current roster of employees, which the Sheriff's Office will maintain.
 - (A) While on the Premises, employees shall wear a visible standardized identification card that contains the following: business's licensed name, the employee's current color facial picture, the employee's first and last name, and the date the identification card was issued, and an alpha numerical number assigned to the employee by the Sheriff's Office.
 - (B) Prior to the Owner issuing the standardized identification card to an employee, the employee must submit to and complete a criminal history check
 - (2) State officials, County officials, and law enforcement; and
 - (3) Guests, ages 21 or older, when accompanied by the Licensee.
- (b) When admitting a guest onto the Premises, require the guest to produce a valid state or federal identification verifying the individual is 21 years or older. Additionally, the Licensee shall log the visit of the guest, including the following information: name, date, time in, time out, signature of guest, signature of verifying employee.
- (c) Immediately remove any unauthorized person from the Premises and inform the County's Environmental Health Department of the incident.
- (d) Not allow any other business to be co-located within its Premises, unless under an authorized Shared Use license.
- (e) Have a fire mitigation plan signed off by a County fire official.
- (f) Dispose of hazardous waste in a manner compliant with California Health and Safety Code, Division 20, Chapter 6.5.
- (g) Ensure that the production of cannabis concentrate only be done by qualified personnel in compliance with all applicable State and County requirements and with any and all necessary permits.
- (h) Have a valid permit issued by the responsible fire agency prior to production of cannabis concentrate pursuant to the San Joaquin Building and Fire Code.

4-10048 - MANUFACTURER LICENSEE ODOR MITIGATION REQUIREMENTS.

Manufacturer Licensee activities that result in an odor of cannabis detectable outside of the Premises are prohibited.

- (a) A Manufacturer Licensee shall ensure that the Premises has an air filtration, ventilation, or other system(s) sufficient to ensure that any odor from cannabis is not detectable outside of the Premises.

4-10049 - RETAILER LICENSE REQUIREMENTS.

A Retailer Licensee shall:

- (a) Exclusively conduct delivery sales to customers only during the authorized hours of 6:00 A.M. to 10:00 P.M. Pacific Standard Time.
- (b) Ensure the Premises is not open to the public.
- (c) Secure all entrances to the Premises to ensure that only the following persons are allowed on the Premises as follows:
 - (1) Employees of the Commercial Cannabis Licensee;
 - (i) The Owner shall provide to the Sheriff's Office and update as necessary current roster of employees, which the Sheriff's Office will maintain.
 - (A) While on the Premises employees shall wear a visible standardized identification card that contains the following; business's licensed name, the employee's current color facial picture, the employee's first and last name, and the date the identification card was issued, and an alpha numerical number assigned to the employee by the Sheriff's Office.
 - (B) Prior to the Owner issuing the standardized identification card to an employee, the employee must submit to and complete a criminal history check.
 - (2) State officials, County officials, and law enforcement.
- (d) Immediately remove any unauthorized person from the Premises and inform the County's Environmental Health Department of the incident.
- (e) Only sell cannabis, cannabis products, and cannabis-related paraphernalia.
- (f) Not sell or provide food, beverages, alcohol, tobacco, or any other consumer good.
- (g) Obtain cannabis and cannabis products only from a Person holding an Annual State License.
- (h) Not utilize any outdoor speakers or paging systems.

4-10050 - SIGN REQUIREMENTS FOR ALL COMMERCIAL CANNABIS LICENSEES.

All Commercial Cannabis Licensee signage must be in compliance with Title 9, Division 17, Chapter 9-1700 and Code of Regulations Title 16, Division 42, Bureau of Cannabis Control Article 4.

- (a) A Licensee must immediately remove or correct any signs or advertisements that are in violation of the required provisions.
- (b) No product or signs inside the Premises shall be viewable by the public from outside the Premises.
- (c) No off-Premises signs allowed.
- (d) A Licensee shall not permit use of its trademarks, brands, names, locations, or other distinguishing characteristics for third-party use on off-premise signage.

4-10051 - ADVERTISING AND MARKETING RESTRICTIONS FOR ALL COMMERCIAL CANNABIS LICENSEES.

All Commercial Cannabis Licensees must comply with the following advertising and marketing requirements.

- (a) Shall not advertise or market for cannabis or cannabis products that assert such products are safe because they are regulated by the State or County.
- (b) A Commercial Cannabis License shall not advertise, market, or otherwise label any cannabis or cannabis product as “County Approved” or anything substantially similar to “County Approved.”
- (c) Shall not advertise or market content that is or designed to be attractive to individuals under the age of 21. This includes but is not limited to advertising and marketing content that portrays cartoons, any likeness to images, characters, or phrases that are popularly used to advertise to children, or any imitation of candy advertising, or the terms “candy” or “candies.”
- (d) Shall not advertise or market with:
 - (1) Any information that is false or misleading.
 - (2) Any words or visual representation of consumption of cannabis or cannabis products, including but not limited to any encouragement of excessive or rapid consumption, or other consumption that demonstrates or encourages risky behavior like operating a motorized vehicle or boat, or use while pregnant or breastfeeding.
 - (3) Claims related to potency except as legally required or authorized.

4-10052 - UNLAWFUL ACTS BY COMMERCIAL CANNABIS LICENSEES.

It shall be unlawful for any Commercial Cannabis License, its Owners, or employees to violate any State or County requirements, including MAUCRSA, and the following:

- (a) Conduct any Commercial Cannabis Activities without the required State and County Licenses;
- (b) Operate a Commercial Cannabis business or conduct Commercial Cannabis Activities where either the State or County license or permit is expired, suspended, or revoked;
- (c) Fail to take actions to correct violations by compliance deadlines;
- (d) Operate a Commercial Cannabis business or conduct Commercial Cannabis Activities in violation of this Chapter, or in violation or without an applicable Use Permit, Improvement Plan, or Specific Purpose Plan;
- (e) Conduct cannabis retail sales in a non-delivery method or outside of hours authorized;
- (f) Exercise any privileges of an Annual State License that is not expressly granted by its Commercial Cannabis License;
- (g) Deny access to State or County officials to inspect the Premises during normal hours of operation or hours of apparent operations;
- (h) Fail to maintain and make available for inspection the required records which may include but is not limited to track and trace reports, pesticide logs, financial records, tax filings, licenses, site plans, and access logs;
- (i) To make material misrepresentations or omissions in information provided to the County;
- (j) Allow any type of cannabis or cannabis product consumption on the Premises or licensed property;
- (k) Unlawfully display or use signage on the exterior of its Premises;
- (l) Engage in false or misleading advertising or marketing;
- (m) Sell any cannabis, cannabis products, including infused edibles, obtained from a Person without a State license;
- (n) Sell or provide any food, beverage, nicotine or alcohol products on the Premises;
or
- (o) Dispose of cannabis waste and hazardous material in a manner that fails to meet State or County requirements.

4-10053 - SUSPENSION OR REVOCATION OF COMMERCIAL CANNABIS LICENSE.

The County may suspend or revoke a Commercial Cannabis License for a violation of this Chapter or for interference in the performance of the duty of the County personnel.

- (a) If the County suspends or revokes a Commercial Cannabis License, it shall promptly send either a Notice of Suspension or Notice of Revocation to the

Licensee, using the contact information it provided in its application or its most recent Application for Renewal.

- (b) If the County finds an imminent health hazard, the County may also take action to immediately close the Premises and immediately suspend or revoke the Commercial Cannabis License.
- (c) Any Notice of Suspension or Revocation shall include;
 - (1) The basis for the suspension or revocation; and
 - (2) Information on how to appeal the County's action.

4-10054 - CANNABIS BUSINESS PARKS.

Cannabis Business Parks allow for development of commercial cannabis businesses with an approved Special Purpose Plan in compliance with General Plan goals and this Chapter through specific site development. Cannabis Business Parks are allowed as follows:

- (a) A Person who owns and develops a Cannabis Business Park does not have to be a Commercial Cannabis Licensee;
- (b) Commercial Cannabis Activity occurring in a Cannabis Business Park may only be done by a Commercial Cannabis Licensee in compliance with this Chapter; and
- (c) Each Commercial Cannabis Licensee located within a Cannabis Business Park must comply with zoning requirements for its license type(s) in this Chapter.

4-10055 - LAND USE REGULATIONS FOR ALL COMMERCIAL CANNABIS LICENSES.

A Commercial Cannabis License shall be issued only if the Licensee's Premises complies with the following land use requirements and Title 9 of this Code:

- (a) The Commercial Cannabis Licensee has obtained and operates pursuant to a Use Permit except those operating a Testing Laboratory License or within a Cannabis Business Park.
- (b) The Premises is not located on residentially zoned property.
- (c) The Premises is not located within 600 feet of any school, daycare, or youth center. The distance shall be computed by measuring from the two closest property lines.
- (d) When deciding to approve or deny a Commercial Cannabis License application or Application for Renewal in one of the approved zones, the County may consider among other things:
 - (1) Evidence of cannabis-related criminal activity or non-compliant business practices by the Applicant and any Owner or employees thereof within 24 months of application;

- (2) Distance of the proposed Premises for a Commercial Cannabis License to other Commercial Cannabis Licenses;
- (3) Distance of the proposed Premises to residentially-zoned property;
- (4) Distance of the proposed Premises to routes frequently traveled by children to attend school, visit parks or other venues intended for use primarily by children;
- (5) Distance of the proposed Premises to parks and playgrounds;
- (6) Complaints or concerns of odors or emissions emanating from the proposed Premises;
- (7) Complaints or concerns of automobile or pedestrian traffic; and
- (8) Any other factors the County deems relevant.

4-10056 - LAND USE REQUIREMENTS FOR A CULTIVATOR LICENSE.

A Cultivator License shall be issued only if the Cultivator Licensee’s Premises complies with the following land use requirements and Title 9 of this Code:

- (a) No Cultivator License shall be issued for an outdoor cultivation in any zone.
- (b) The Premises is in one of the following zones as defined in Title 9 of this Code: A-G, I-G, I-L, and I-P.
- (c) The County may deny an application for a Cultivator License where the proposed Premises was known to the County to have been previously used for the illicit cultivation, processing, or distribution of cannabis in the 24 months prior to application.
- (d) Any Premises in the following zones has to have public services, to include water, sewer, and sanitary disposal of processed water, unless it is located within a Cannabis Business Park: I-G, I-L, and I-P.
- (e) Any Premises in an authorized Agriculture-General (“A-G”) zone is no more than 2,000 feet from a major intersection or arterial road unless otherwise approved. Unless:
 - (1) The County may approve a Cultivator License application for a Premises that is located in the A-G zone and more than 2,000 feet from a major intersection or arterial road if it finds:
 - (i) There is sufficient ease of access from the proposed Premises to major arterial roadways;
 - (ii) There is sufficient access for emergency vehicles; and
 - (iii) The Cultivator License Applicant’s ability to demonstrate it can secure its Premises to the satisfaction of the County.

4-10057 - LAND USE REQUIREMENTS FOR A DISTRIBUTOR LICENSE.

A Distributor License shall be issued only if the Distributor Licensee’s Premises complies with the following land use requirements and Title 9 of this Code:

- (a) The Premises is in one of the following zones as defined under Title 9 of this Code: A-G, I-G, I-L, I-P, and I-W.
 - (1) For any Premises in an authorized A-G zone, the Distributor Licensee must also have a valid Cultivator License for the same Lot.

4-10058 - LAND USE REQUIREMENTS FOR A MANUFACTURER LICENSE.

A Manufacturer License shall be issued only if the Manufacturer Licensee’s Premises complies with the following land use requirements and Title 9 of this Code:

- (a) The Premises is in one of the following zones as defined under Title 9 of this Code: A-G, I-G, I-L, and I-P.
 - (1) For any Premises in an authorized A-G zone, the Manufacturer Licensee must also have a valid Cultivator License for the same Lot.
 - (2) Any Premises in the following zones has to have public services, to include water, sewer, and sanitary disposal of processed water, unless it is located within a Cannabis Business Park: I-G, I-L, and I-P.

4-10059 - LAND USE REQUIREMENTS FOR A RETAILER LICENSE.

A Retailer License shall be issued only if the Retailer Licensee’s Premises complies with the following land use requirements and Title 9 of this Code:

- (a) The Premises is in one of the following zones as defined under Title 9 of this Code: I-G, I-L, I-P, I-W, C-C and C-G.

4-10060 - LAND USE REQUIREMENTS FOR A MICROBUSINESS.

A Commercial Cannabis Licensee with an Annual State License for a microbusiness may only operate in zones where each of its approved license types are allowed.

4-10061 - LAND USE REQUIREMENTS FOR A TESTING LICENSE.

A Testing Laboratory License shall be issued only if the Testing Licensee’s Premises complies with the following land use requirements and Title 9 of this Code: I-G, I-L, I-P, I-W and Commercial zones where permitted.

- (a) Any Testing Laboratory Licensee must have public services, to include water, sewer, and sanitary disposal of processed water, unless it is located within a Cannabis Business Park.

4-10062 - FINES/PENALTIES FOR VIOLATION.

A violation of this Chapter constitutes an unlawful violation of this Code pursuant to County Code Title 1, Division 2.

- (a) Each violation of this Chapter and each day each violation continues shall constitute a separate violation and be subject to the maximum penalty and any other enforcement remedies available to the County under Title 1, Division 2 and any applicable state or federal statute or pursuant to any other lawful power the County may possess.

4-20063 - ENFORCEMENT.

Enforcement of this Chapter will be done pursuant to Title 1, Division 2 of this Code.

4-10064 - COST RECOVERY.

The County shall be reimbursed for all time, services, and materials needed to abate a violation of this Chapter.

4-10065 - FEES.

The Board of Supervisors shall, by Resolution, adopt a fee schedule for any fees it deems necessary under this Chapter.

- (a) The amount of the fees adopted pursuant to this section shall not exceed the amount reasonably required to inspect, administer, or process the required permits, certificates, licenses, or other forms or documents, or to defray the costs of enforcement required to be carried out by the County.

4-10066 - REMEDIES CUMULATIVE.

All remedies provided for herein are cumulative and not exclusive, and are in addition to any other remedy or penalty provided in this Code and by law. Nothing in this Chapter shall be deemed to authorize or permit any activity that violates any provision of state or federal law.

4-10067 - CEQA.

The adoption of this Chapter is exempt from the California Environmental Quality Act (“CEQA”) because it can be seen with certainty that there is no possibility of a significant effect from the adoption of these regulations for commercial cannabis businesses under MAUCRSA. It is further exempt pursuant to Section 41(h) of MAUCRSA, which amended Section 26055 of the Business and Professions Code to state that “without limiting any other statutory exemption or categorical exemption, [CEQA] does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity.”

4-10068 - SEVERABILITY.

If any part or subsection of this Chapter is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity, unlawfulness, or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any other part of this Chapter.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this ___ of ___ to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Katherine M. Miller
Chair, Board of Supervisors
County of San Joaquin
State of California

ATTEST: RACHÉL DeBORD
Clerk of the Board of Supervisors
County of San Joaquin
State of California

By: _____
Deputy Clerk

