

Attachment B

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ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ADDING CHAPTER 7.90 TO THE MONTEREY COUNTY CODE RELATING TO MEDICAL CANNABIS BUSINESS PERMITS

County Counsel Summary

This ordinance adds Chapter 7.90 to the Monterey County Code to implement state law by providing a means for regulating the operation of medical cannabis businesses in a manner that is consistent with state law and which promotes the health, safety and general welfare of the residents and businesses with the unincorporated areas of Monterey County....TO BE ADDED TO WHEN ORDINANCE IS COMPLETE...

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Chapter 7.90 is added to the Monterey County Code to read as follows:

Chapter 7.90 MEDICAL CANNABIS BUSINESS PERMIT

Sections:

- 7.90.010 Purpose**
- 7.90.020 Definitions**
- 7.90.030 Medical cannabis business permit required**
- 7.90.040 Application, notice, term of permit, and renewal**
- 7.90.050 Contents of application**
- 7.90.060 Fees**
- 7.90.070 Review of application and grounds for denial**
- 7.90.080 Medical cannabis business permit is nontransferable**
- 7.90.090 Operating requirements**
- 7.90.100 Cultivation, manufacture, waste, and storage requirements**
- 7.90.110 Packaging and labeling requirements**
- 7.90.120 Grounds for permit revocation or denial of renewal**
- 7.90.130 Judicial Review**
- 7.90.140 Enforcement and penalties**

7.90.010 Purpose.

The purpose and intent of this Chapter is to implement state law by providing a means for regulating the operation of medical cannabis businesses in a manner that is consistent with state

law and which promotes the health, safety and general welfare of the residents and businesses within the unincorporated areas of Monterey County.

7.90.020 Definitions.

The following words and phrases shall have the following meanings when used in this Chapter:

A. “Agricultural Commissioner” means the Monterey County Agricultural Commissioner.

B. “Applicant” for purposes of this Chapter, means the following:

1. Owner or owners of a proposed medical cannabis business, including all persons or entities having ownership interest other than a security interest, lien, or encumbrance on property that will be used by the medical cannabis business.

2. If the owner is an entity, “owner” includes within the entity each person participating in the direction, control, or management of, or having a financial interest in, the proposed medical cannabis business.

3. If the applicant is a publicly traded company, “owner” means the chief executive officer or any person or entity with an aggregate ownership interest of five percent (5%) or more.

C. “Application” means that form provided by the Permitting Official in accordance with this Chapter for the purpose of seeking a medical cannabis business permit.

D. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus., *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” also means cannabis as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, “cannabis” does not mean “industrial hemp” as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

E. “County” means the County of Monterey.

F. “Delivery” means the commercial transfer of medical cannabis or medical

cannabis products from dispensary, up to an amount determined by state law, or any of its departments or divisions, to a qualified patient or primary caregiver, or a testing laboratory.

G. “Environmental Health Bureau” means the Environmental Health Bureau of the Monterey County Health Department.

H. “Identification card” has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.

I. “Medical cannabis business” means any type of business licensed by the State of California under section 19300.7 of the California Business & Professions Code, which includes the following state license classifications: Type 1, Type 1A, Type 1B, Type 2, Type 2A, Type 2B, Type 3, Type 3A, Type 3B, Type 4, Type 6, Type 7, Type 8, Type 10, Type 10A, Type 11, and Type 12.

J. “Medical cannabis,” “medical cannabis product,” or “cannabis product” means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code. For the purposes of this chapter, “medical cannabis” does not include “industrial hemp” as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

K. “Permit” means a permit issued by the County to a medical cannabis business under this Chapter.

L. “Permittee” means a person issued a County permit under this Chapter to operate a medical cannabis business.

M. “Permitting Official” means the official appointed by the County Administrative Officer who is responsible for implementing the provisions of this Chapter.

N. “Person” means an 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 includes the plural as well as the singular number.

O. “Premises” means the building in which a medical cannabis business is operated and, in addition, any accessory structures and appurtenant areas.

P. “Primary caregiver” has the same definition as in Section 11362.7 of the Health and Safety Code, as it may be amended.

Q. “Qualified patient” has the same definition as in Section 11362.7 of the Health and Safety Code, as it may be amended.

- R. “RMA” means Monterey County Resource Management Agency.
- S. “Sheriff’s Office” means the Monterey County Sheriff’s Office.
- T. “State” means the state of California.
- U. “State license” means any type license classification under section 19300 *et seq.* of the California Business & Professions Code.

7.90.030 Medical cannabis business permit required.

A. It is unlawful for any person to conduct, engage in or allow to be conducted or engaged in the operation of a medical cannabis business in the unincorporated portion of Monterey County, unless such medical cannabis business has been granted a legally effective permit issued under this Chapter. Notwithstanding the above, the permits issued under this Chapter do not provide any protection or immunity for any person from state or federal laws, or from prosecution pursuant to any applicable state or federal laws.

B. No person shall conduct, engage in or allow to be conducted or engaged in the operation of a medical cannabis business without possessing a state license, a County issued land use permit, a County issued business license, and a permit issued under this Chapter. A permittee shall not commence activity under the authority of a County permit until the applicant has obtained the appropriate state license.

C. The revocation of a state license shall terminate the ability of the medical cannabis business to operate until the state reinstates or reissues its license.

D. The owner, managing partner, officer of a corporation or such other person who shall be primarily responsible for the operation of a proposed medical cannabis business shall apply for a permit under this Chapter and, if granted, shall maintain the operation of the medical cannabis business in conformity with the terms of this Chapter.

E. The fact that an applicant possesses other types of state or County permits or licenses, shall not exempt the applicant from obtaining a medical cannabis business permit under this Chapter, nor shall the terms and conditions of any other such permit or license modify the requirements of a permit granted under this Chapter.

F. It is unlawful for any person to conduct, engage in or allow to be conducted or engaged in the delivery of medical cannabis or medical cannabis products in the unincorporated portion of Monterey County, unless such delivery is performed by a permitted dispensary.

G. A qualified patient, as defined in Section 11362.7 of the Health and Safety Code, who cultivates, possesses, stores, manufactures, or transports cannabis exclusively for his or her personal medical use but who does not provide, donate, sell, or distribute cannabis to any other

person is not thereby engaged in medical cannabis business activities and is therefore exempt from obtaining a permit pursuant to this Chapter.

H. A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides cannabis exclusively for the personal medical purposes of no more than five (5) specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 of the Health and Safety Code, but who does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Section 11362.765 of the Health and Safety Code, is exempt from obtaining a permit pursuant to this Chapter.

7.90.040 Application, notice, term of permit, and renewal.

A. Each application for the establishment of a medical cannabis business permit or renewal of an existing permit shall be filed with the Permitting Official and the Permitting Official shall be responsible for administering the application process as set forth in this Chapter.

B. Wherever this Chapter requires the County to give notice to an applicant, appellant or permittee, such notice shall be given by the Permitting Official, in writing, and shall be delivered either by personal delivery or by certified U.S. mail, postage prepaid, return receipt requested. In addition, any such notice may be posted at the physical address of the medical cannabis business on the date of the mailing of notice.

C. Each medical cannabis business permit shall expire one (1) year after the date of its issuance. Any permit may be renewed by the Permitting Official upon the submission of a renewal application by the permittee. At the time of consideration of a renewal application, the Permitting Official shall consider compliance with conditions in the prior term.

D. Any application for renewal shall be filed at least sixty (60) calendar days before expiration of the permit.

E. Any application for renewal shall be rejected if:

1. The application is filed less than sixty (60) calendar days before its expiration.
2. The medical cannabis business authorized by the permit has not been in regular operation in the four (4) months prior to the renewal application.
3. The medical cannabis business fails to conform to the criteria set forth in this Chapter.
4. The permittee fails to renew its state license.
5. The permit is suspended or revoked at the time of the application.

F. If a renewal application is rejected, an applicant may file a new application pursuant to this Chapter.

7.90.050 Contents of application.

A. Each application shall set forth or incorporate by reference the following information in a standard form adopted by the Permitting Official:

1. Address of the proposed medical cannabis business and the name and address of the premises where the medical cannabis business will be located and, if different, the owner of the premises which the medical cannabis business is intended to be located.
2. The full name, date of birth, social security number, present address and telephone number for the applicant.
3. The address to which notice of action on the application is to be mailed.
4. All residential addresses of the applicant for the five (5) years immediately prior to the date of the application.
5. Written proof that the applicant is eighteen (18) years of age or older (i.e., California driver's license, California identification card, or certified birth certificate).
6. Photographs of the applicant for identification purposes to be taken by the Permitting Official.
7. The names and addresses of all businesses operated by and the employment of the applicant for the five (5) years immediately prior to the date of the application.
8. The address of any medical cannabis businesses currently being operated by the applicant, or that had previously been operated by the applicant and a statement of whether the authorization for any such operation had been revoked or suspended and, if so, the reason therefor.
9. The names and telephone numbers of the person or persons to be regularly engaged in the operation of the proposed medical cannabis business, whether an employee, volunteer or contractor. The application shall also identify those persons, including telephone numbers having management and supervisory responsibilities for the proposed medical cannabis business. Every person listed as owner, manager, supervisor or employee must submit fingerprints and other necessary information for a LiveScan background check by the Sheriff's Office.

10. Any new employees, independent contractors, other persons and/or volunteers who will work at the proposed medical cannabis business must submit their information to the Permitting Official within five (5) days prior to their employment, including fingerprints and other necessary information for a LiveScan background check by the Sheriff's Office.

11. A description of products to be grown, manufactured, tested, sold, distributed, and/or transported by the medical cannabis business.

12. The approximate number of licensed patients, primary caregivers, and/or qualified patients who will be served by the medical cannabis business.

13. A detail of the procedures to be utilized at the premises including a description of how chemicals, pesticides and fertilizers will be stored, handled, used and disposed of; and if applicable, manufacturing methods, the transportation process, inventory procedures, and quality control procedures.

14. Proposed hours of operation.

15. Waste disposal information.

16. Provide the applicant's seller's permit number issued pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code or indicate that the applicant is currently applying for a seller's permit.

17. If the applicant does not own the premises where the medical cannabis business is located, the application shall include the signature(s) of all landowners where the use will occur and all owners of buildings where the medical cannabis business will be located, indicating such owners knowledge and consent to such use of the premises.

18. A statement by the applicant that it has the ability to comply with all laws regulating businesses in the State of California and that it shall maintain compliance during the term of the permit.

19. Authorization for the County, its agents and employees to seek verification of the information contained in the application.

20. Certification, under penalty of perjury, that all the information contained in the application is true and correct.

B. The filing of an application shall be deemed complete upon the submission of an application in conformance with this section and payment of the application fees required by this Chapter.

C. An application may be reviewed and copied by any member of the public in accordance with the California Public Records Act; provided, however, the Permitting Official shall keep confidential, to the extent reasonable and authorized by law, any information revealed during the application process that is: (1) protected under privacy or trade secret laws of the state; (2) information that, if disclosed, would pose a substantial risk to the safety or welfare of the community; or (3) when requested by the applicant, any proprietary project and program information.

7.90.060 Fees.

A. Every application or renewal of a permit shall be accompanied by a nonrefundable fee, as adopted by the Board of Supervisors, in order to reimburse the County for the cost of reviewing and acting upon the application or renewal.

B. In addition to any application or renewal fee, each medical cannabis business shall pay an annual fee, as adopted by the Board of Supervisors, for the administration of the permit, including monitoring and enforcing compliance with terms of the medical cannabis business permit.

C. The Board of Supervisors may enact such other fees as may be necessary to recover the County's costs of inspection, enforcement and corrective actions in relation to medical cannabis business.

7.90.070 Review of application and grounds for denial.

A. The Permitting Official shall commence review of any application immediately upon its filing. Within forty-five (45) calendar days after the filing of an application, the Permitting Official shall make a determination on whether to issue the medical cannabis business permit and shall notify the applicant of his or her determination.

B. Upon completion of the application review, the Permitting Official shall reject any application that meets any of the following criteria:

1. The proposed medical cannabis business does not comply with requirements of this Chapter.

2. The applicant has knowingly made a false statement of material fact or has knowingly omitted a material fact from the application.

3. The operation of the proposed medical cannabis business at the proposed location is prohibited by any federal, state, local law or regulation.

4. Any person who is listed on the application has been convicted of a felony within the past ten (10) years. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

5. Any person who is listed on the application is a licensed physician making patient recommendations for medical cannabis pursuant to Section 11362.7 of the Health and Safety Code.

6. The applicant or the operator listed in the application failed to obtain or maintain a valid seller's permit required pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.

7. The applicant or the operator listed in the application is less than eighteen (18) years of age.

C. The Permitting Official shall keep confidential, to the extent reasonable and authorized by law, any information revealed during the application process that is: (1) protected under privacy laws of the state; (2) information that, if disclosed, would pose a substantial risk to the safety or welfare of the community; or (3) when requested by the applicant, any proprietary project and program information.

D. No application for a permit which has been denied wholly or in part by the Permitting Official shall be resubmitted for a period of one (1) year from the date the order of denial became final, except on grounds of new evidence or proof of changed conditions found to be valid by the Permitting Official.

7.90.080 Medical cannabis business permit nontransferable.

A. A permit issued under this Chapter does not create any interest of value. A permit is not transferable, and automatically terminates upon transfer of ownership of a medical cannabis business.

B. No person shall operate a medical cannabis business under a permit issued pursuant to this Chapter at any place or location other than that identified on the permit.

7.90.090 Operating requirements.

A. Throughout the term of the permit, each permittee shall not violate this Chapter and shall comply with the following:

1. It shall be a violation of this Chapter for a medical cannabis business to distribute, provide or allow to be provided cannabis to any person except those persons who are primary caregivers or qualified patients who are in possession of an identification card, or have a verifiable written recommendation from a licensed physician for medical cannabis.

2. Medical cannabis business hours of operation are limited to and shall be between 8:00 a.m. and 7:00 p.m., seven days a week.

3. The total quantity of marijuana located at any premises shall not exceed the maximum quantity limits set by state law.
4. No cannabis shall be smoked, ingested or otherwise consumed on the premises.
5. No person who is less than eighteen (18) years of age may be employed or otherwise engaged in the operation of the medical cannabis business. No person under the age of eighteen (18) shall be allowed on the premises.
6. There shall not be a physician located in or around any medical cannabis business at any time for the purpose of evaluating patients for the issuance of a medical marijuana recommendation or card.
7. Each medical cannabis business shall conspicuously display its permit on the premises.
8. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from marijuana are not detectable off-site.
9. No medical cannabis business may hold a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages, nor may it include a business that sells alcoholic beverages. No alcohol may be stored, sold, dispensed or used on the premises.
10. No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of the premises.
11. All cannabis and cannabis products shall be stored in a secured and locked safe room, safe or vault, and in a manner to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes, samples or immediate sale.
12. Each medical cannabis business shall allow County officials to have access to the medical cannabis business' books, records, accounts, financial data, and any and all data relevant to its permitted activities for the purpose of conducting an audit or examination.
13. Each permittee shall be responsible and liable for safety and security in and around the medical cannabis business, and shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft and other crimes. Medical cannabis businesses shall install and maintain in proper working order, video monitoring equipment capable of providing surveillance of both interior and exterior areas of the permitted establishment. Medical cannabis businesses shall maintain such surveillance video tapes for a period of at least

thirty (30) days and shall make such video tapes available to the Permitting Official or Sheriff's Office upon demand.

14. Each permittee shall notify the Sheriff's Office immediately after discovering any of the following: division, theft, loss, or any criminal activity involving the medical cannabis business; significant discrepancies identified during inventory; or any other breach of security.

15. The permittee shall provide the Permitting Official with the name, telephone number and facsimile number of a community relations contact to whom one can provide notice of problems associated with the medical cannabis business. The permittee shall make a good faith effort to resolve problems without the need for intervention by the County.

16. No person who has been convicted of a felony within the past ten (10) years may be actively engaged in the operation of any medical cannabis business. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

17. A medical cannabis businesses shall not be delinquent in the payment of fees required by this Chapter.

18. A medical cannabis businesses shall comply with all applicable federal, state and local laws, ordinances and regulations, including without limitation, County building, zoning and health codes.

B. At any time during the business hours of a medical cannabis business and without notice, the Permitting Official, acting in conjunction with other appropriate County officials, may enter the premises for the purpose of observing compliance of the medical cannabis business with this Chapter.

C. It is unlawful for any person having any responsibility over the operation of a medical cannabis business to refuse to allow, impede, obstruct, or interfere with an inspection, or the review of the copying of records and monitoring (including recordings) including, but not limited to, the concealment, destruction, and falsification of any recordings or records.

7.90.100 Cultivation, manufacture, waste, and storage requirements.

A. Permittee must follow all pesticide use requirements of local, state and federal law. The Agricultural Commissioner may inspect the permittee's premises at any time during business hours to ensure compliance with this Section.

B. Permittee must maintain all weighing devices in compliance with local, state or federal law and comply with Chapter 7.60 regarding device registration with the Agricultural Commissioner.

C. Permittee must follow all local, state and federal requirements for waste disposal. The Environmental Health Bureau may inspect the permittee's premises at any time during business hours to ensure compliance with this Section.

D. In no case shall any hazardous, flammable or explosive substances be used to process or manufacture cannabis products on site. The Sheriff's Office and Environmental Health Bureau may inspect the permittee's premises at any time during business hours to ensure compliance with this Section.

E. All food products, food storage facilities, food-related utensils, equipment and materials shall be approved, used, managed and handled in accordance to the provisions of the California Retail Food Code, and California Health and Safety Code Sections 113700 – 114437. All food products shall be protected from contamination at all times, and all food handlers must be clean, in good health and free from communicable diseases. The Environmental Health Bureau may inspect the permittee's premises at any time during business hours to ensure compliance with this Section.

F. Baked products (e.g., brownies, bars, cookies, etc.), tinctures, and other non-refrigerated type items may be sold or distributed at a medical cannabis business. The Environmental Health Bureau may inspect the permittee's premises at any time during business hours to ensure compliance with this Section.

7.90.110 Packaging and labeling requirements.

Prior to the sale or the delivery of cannabis or cannabis product the same shall be labelled and in a tamper-evident packaging. Labels and packages shall at least meet the following minimum requirements:

- A. Packages and labels shall not be made to be attractive to children.
- B. Product labels shall include the following information displayed in a clear and legible font:
 - 1. Manufacture date and source.
 - 2. The statement "SCHEDULE I CONTROLLED SUBSTANCE"
 - 3. The statement "KEEP OUT OF REACH OF CHILDREN AND ANIMALS" in bold type face.
 - 4. The statement "FOR MEDICAL USE ONLY"
 - 5. The statement "THE INTOXICATING EFFECTS OF THIS PRODUCT MAY BE DELAYED BY UP TO TWO HOURS"

6. The statement “THIS PRODUCT MAY IMPAIR THE ABILITY TO DRIVE OR OPERATE MACHINERY. PLEASE USE EXTREME CAUTION”

- C. For packages containing only dried flowers, the net weight of cannabis in the package.
- D. A warning if nuts or other known allergens are used.
- E. List of pharmacologically active ingredients including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, servings per package, and the THC and other cannabinoid amount in milligrams for the package total.
- F. Clear indication, in bold typeface, that the product contains cannabis.
- G. Identification of the source and date of cultivation and manufacture.
- H. Only generic food names may be used to describe edible cannabis products.
- I. The Environmental Health Bureau may inspect the permittee’s products at any time during business hours to ensure compliance with this Section.

7.90.120 Grounds for permit revocation or denial of renewal.

Grounds for revocation of a permit or denial of a renewal of a permit include, but are not limited to:

- A. For conducting the medical cannabis business in an unlawful manner, or in such a manner as to be a nuisance to the health, safety or welfare of the public.
- B. Allowance of any person 18 years of age or younger to enter the premises.
- C. Failure to maintain and produce to the Permitting Authority all books, records, accounts, financial data, and any and all data relevant to a medical cannabis business’ permitted activities.
- D. Failure to contain all irrigation runoff, fertilizers, pesticides, and other contaminants on the premises.
- E. Use of any hazardous, flammable or explosive substances on the premises.
- F. Failure to allow unannounced inspections of the premises by the Permitting Official or any other appropriate County official, at any time during business hours, without notice.

G. Failure to pay any State or local tax associated with the medical cannabis business.

H. Use of water from any water source that is not located on the parcel where the medical cannabis business is located.

I. The possession, storage or use of any firearm on the parcel where the medical cannabis business is located.

J. Failure to follow the operational requirements of Section 7.90.900 of this Chapter.

K. Failure to follow the cultivation, manufacture, waste and storage requirements of Section 7.90.100 of this Chapter.

L. Failure to follow the labeling requirements of Section 7.90.110 of this Chapter.

M. Revocation or suspension of any State license.

7.90.130 Judicial review.

A. The Permitting Official's denial of a permit application, a permit renewal, or the revocation of a permit is a final action that is not subject to any further administrative remedy. The only legal remedy available to appeal the Permitting Official's action is to file a petition for writ of mandate in a superior court under California Code of Civil Procedure 1085.

B. Under no circumstances shall a cause of action for monetary damages be allowed against the County, the Permitting Official, or any County employee as a result of a denial or revocation of a permit.

7.90.140 Enforcement and penalties.

The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.

A. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed unlawful and a public nuisance and shall, at the discretion of County, create a cause of action for penalty pursuant to Chapters 1.20 and 1.25 of this Code.

B. Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Monterey County Code. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, any permit issued pursuant to this Chapter being deemed null and void, disgorgement any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable

under state and local laws for any violations committed by the medical cannabis business or persons related thereto, or associated with, the medical cannabis business. Additionally, when the Sheriff or his designee determines there is an imminent threat to public health, safety or welfare, the medical cannabis business permit, issued by the County pursuant to this Chapter, shall immediately become null and void.

C. Any person violating any of the provisions or failing to comply with this Chapter shall be guilty of a misdemeanor. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter or the permit is committed, continued or allowed in conjunction with the operation of a medical cannabis business and shall be punishable accordingly.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED this ____ day of _____, 2015, by the following vote:

AYES:
NOES:
ABSENT:

Simon Salinas, Chair
Monterey County Board of Supervisors

A T T E S T :

GAIL T. BORKOWSKI
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM:

WENDY S. STRIMLING
Senior Deputy County Counsel

