

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, AMENDING SECTIONS 9-3306, 9-3307, 9-
3308, 9-3309, 9-3316, 9-3317, 9-3318, 9-3319, 9-3321, 9-
3328, 9-3335, AND 9-3337 OF THE FRESNO MUNICIPAL
CODE RELATED TO CANNABIS RETAIL BUSINESS AND
COMMERCIAL CANNABIS BUSINESS

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

SECTION 1. Subsection (b) of Section 9-3306 of the Fresno Municipal Code is amended to read:

(b) Up to seven (7) cannabis retail businesses with an M-license from the state may be approved within the first year this Article is effective. One year from the effective date of this Article, seven (7) more cannabis retail businesses may be approved if the ~~City Manager~~ [Council] and Police Department determine that the city can accommodate more applications.

SECTION 2. Subsection (e) of Section 9-3306 of the Fresno Municipal Code is amended to read:

(e) The ~~City Manager~~ [Council] has discretion to limit the number of commercial cannabis business permits to less than what is allowed in this Article. Nothing in this Article creates a mandate that the ~~City Manager~~ [Council] must issue any or all of the commercial cannabis business permits.

SECTION 3. Subsection (f) of Section 9-3306 of the Fresno Municipal Code is amended to read:

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: MRD

Ordinance No. _____

(f) Each year following the ~~City Manager~~ [Council's] initial award of permits, if any, or at any time in the ~~City Manager~~ [Council's] discretion, the ~~City Manager~~ [Council] may reassess the number of commercial cannabis business permits which are authorized for issuance.

SECTION 4. Subsection (a) of Section 9-3307 of the Fresno Municipal Code is amended to read:

(a) All cannabis retail businesses must be located on property zoned DTN (Downtown Neighborhood), DTG (Downtown General), CMS (Commercial Main Street), CC (Commercial Community), CR (Commercial Regional), CG (Commercial General), CH (Commercial Highway), NMX (Neighborhood Mixed-Use), CMX (Corridor/Center Mixed Use), or RMX (Regional Mixed-Use), and must meet all of the requirements for development in these zones.

SECTION 5. Subsection (c) of Section 9-3307 of the Fresno Municipal Code is amended to read:

(c) All properties [buildings] in which the [a] cannabis retail business is located shall be no closer than eight hundred (800) feet from any ~~parcel~~ [property boundary] containing any of the following, ~~measured in accordance with section 15-304 of this Code:~~

(1) A cannabis retail business.

(2) A school providing instruction for any grades pre-school through 12 (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12).

(3) A day care center licensed by the state Department of Social Services that is in existence at the time a complete commercial cannabis business permit application is submitted.

(4) A youth center that is in existence at the time a complete commercial cannabis business permit application is submitted.

SECTION 6. Subsection (c) of Section 9-3308 of the Fresno Municipal Code is amended to read:

(c) There shall be permitted eight (8) cultivators, distributors, or manufacturers located inside a Cannabis Innovation Hub or within one-half (1/2) mile of State Route 99 between Shaw Ave. and Clinton Ave., one (1) mile of State Route 99 north of Shaw Ave. or south of Clinton Ave., or within one (1) mile of State Route 180 west of State Route 99, and must be zoned either IL (Light Industrial) or IH (Heavy Industrial), and must meet all of the requirements for development in these zones. ~~The~~ [All buildings in which a] cultivator, distributor, or manufacturer [is located] shall be ~~located~~ no closer than one thousand (1,000) feet from any ~~parcel~~ [property boundary] containing any of the following, ~~measured in accordance with section 15-304 of this Code:~~

(1) Any residentially zoned parcel in the city, including any legal non-conforming residential uses as of the date a complete commercial cannabis business permit application is submitted.

(2) A school providing instruction for any grades pre-school through 12 (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12).

(3) A day care center licensed by the state Department of Social Services that is in existence at the time a complete commercial cannabis business permit application is submitted.

(4) A youth center that is in existence at the time a complete commercial cannabis business permit application is submitted.

SECTION 7. Subsection (d) of Section 9-3308 of the Fresno Municipal Code is amended to read:

(d) All Cannabis Innovation Hubs must be located within one-half (1/2) mile of State Route 99 between Shaw Ave. and Clinton Ave., one (1) mile of State Route 99 north of Shaw Ave. or south of Clinton Ave., or within one (1) mile of State Route 180 west of State Route 99, and must be zoned either IL (Light Industrial) or IH (Heavy Industrial), and must meet all of the requirements for development in these zones. All Cannabis Innovation Hubs [buildings] shall be located no closer than one thousand (1,000) feet from any parcel [property boundary] containing any of the following, ~~measured in accordance with section 15-304 of this Code:~~

(1) Any residentially zoned parcel in the city, including any legal non-conforming residential uses as of the date a complete commercial cannabis business permit application is submitted.

(2) A school providing instruction for any grades pre-school through 12 (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12).

(3) A day care center licensed by the state Department of Social Services that is in existence at the time a complete commercial cannabis business permit application is submitted.

(4) A youth center that is in existence at the time a complete commercial cannabis business permit application is submitted.

SECTION 8. Subsection (i) of Section 9-3309 of the Fresno Municipal Code is amended to read:

(i) Minors.

(1) Except as provided below, persons under the age of twenty-one (21) years shall not be allowed on the premises of a cannabis retail business or a commercial cannabis business and shall not be allowed to serve as a driver for a delivery service. It shall be unlawful and a violation of this Article for any person to employ any person who is not at least twenty-one (21) years of age.

(2) The entrance to a commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the commercial cannabis business.

(3) Persons at least eighteen (18) years old shall be allowed on the premises of a medicinal cannabis retail business to purchase medicinal cannabis or medicinal cannabis products. The entrance to a medicinal cannabis retail business shall be clearly and legibly posted with a notice that no person under the age of eighteen (18) is permitted to enter upon the premises of the medicinal cannabis retail business.

[(4) It shall be a violation of this Article to sell medicinal cannabis or medicinal cannabis products to any person under the age of eighteen (18) or to sell cannabis or cannabis products to any person under the age of twenty-one (21).]

SECTION 9. Subsection (j) of Section 9-3309 of the Fresno Municipal Code is amended to read:

(j) Best available odor control technology and devices shall be incorporated in a cannabis retail business and a commercial cannabis business to ensure that odors from cannabis are not detectable off-site. A sufficient odor absorbing ventilation and exhaust system shall be provided so that odor generated inside the premises that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the cannabis retail business or commercial cannabis business. The following equipment, or any other equipment which the ~~Development and Resource~~

Management [Planning and Development] Director or his/her designee(s) determine is a more effective method or technology, must be installed and maintained:

(1) An exhaust air filtration system with odor control that prevents internal odors and pollen from being emitted externally;

(2) An air system that creates negative air pressure between the premises' interior and exterior, so that the odors generated inside the premises are not detectable outside the premises.

SECTION 10. Subsection (b) of Section 9-3316 of the Fresno Municipal Code is amended to read:

~~(b) At the time of filing, each applicant shall include a social equity element as part of the application. The contents of the social equity element are at the discretion of the applicant. The weight of the social equity portion of the application will be considered in the overall scoring of the application.~~

[SOCIAL POLICY.

(1) Employment. Each applicant shall be required to hire individuals for a minimum of one-third (1/3) of the total annual work hours performed at the business who meets one of the following:

(i) Annual family income below 80% AMI;

(ii) Convicted for a cannabis related crime that could have been prosecuted as a misdemeanor or citation under current State law;

(iii) Lived in a low to moderate income census tract in the city for a minimum of three (3) years;

(iv) Veteran; or

(v) Former foster home youth who was in foster care as a minor.

If selected to receive a commercial cannabis business permit, a condition of approval shall be to provide the city with ongoing proof of compliance of this requirement.

(2) Social Responsibility. At the time of filing, each applicant shall include a social responsibility element as part of the application. The contents of the social responsibility element are at the discretion of the applicant. The weight of the social responsibility portion of the application will be considered in the overall scoring of the application. Options for the social responsibility element may include, but are not limited to:

(i) Providing funding for or hosting expungement clinics or outreach services.

(ii) Incorporating an environmentally sustainable business model including energy efficient buildings and vehicles.

(iii) Providing a statement that the applicant will enter into, or demonstrate that it has already entered into, and abide by the terms of a labor peace agreement.

(3) Social Equity Applicant.

(i) A minimum of one (1) out of every seven (7) commercial cannabis business permits for cannabis retail businesses shall be awarded to an equity applicant. A maximum of two (2) out of every seven (7) commercial cannabis business permits for cannabis retail businesses may be awarded to an equity applicant.

(ii) A minimum of one (1) out of every eight (8) commercial cannabis business permits for commercial cannabis businesses shall be awarded to an equity applicant. A maximum of two (2) out of every eight (8) commercial cannabis business permits for commercial cannabis businesses may be awarded to an equity applicant.

(iii) To be considered an equity applicant, the majority ownership interest in the company applying must qualify under at least one of the following criteria:

1. Low income household and either:

a. A past conviction for a cannabis crime,

or

b. Immediate family member with a past conviction for a cannabis crime.

2. Low income household in a zip code identified as at least 60% according to the CalEnviroScreen for five (5) consecutive year period and either:

a. A past conviction for a cannabis crime,
or

b. Immediate family member with a past conviction for a cannabis crime.

3. Low income household and either:

a. Five (5) years cumulative residency in a zip code identified as at least 70% according to the CalEnviroScreen, or

b. Ten (10) years cumulative residency in a zip code identified by CalEnviroScreen.

4. Business with no less than fifty-one percent (51%) ownership by individuals who meet Criteria 1 and 2 above.

5. Cannabis social enterprise with no less than fifty-one percent (51%) ownership by individuals who meet Criteria 1 and 2 above.

a. Cannabis social enterprise shall mean a cannabis business in the city that incubates and/or employs individuals meeting Criteria 1 or 2 above and

uses commercial strategies to maximize improvements in financial, social, and environmental well-being of the disadvantaged community the organization sits in. This may include maximizing social impact alongside profits for external shareholders. It can be structured as a for-profit or non-profit organization and may take the form of a cooperative, mutual organization, a disregarded entity, a social business, a benefit corporation, a community interest company, a company limited by guarantee, or a charity organization. They can also take more conventional structures. Social enterprises have both business goals and social goals. As a result, their social goals are embedded in their objective, which differentiates them from other organizations and corporations.

6. An individual with a membership interest in a cannabis business formed as a cooperative.

7. Employ a workforce of employees belonging to a labor union.

(iv) The City Manager shall determine if an applicant meets the above criteria and qualifies as an equity applicant.

(v) If determined to not qualify as an equity applicant, the decision may be appealed in accordance with Section 9-3323 of this Article.

(vi) If qualified as an equity applicant, the equity applicant's fees shall be waived and commercial cannabis business permit application assistance and compliance assistance shall be given.

(vii) An Equity Assistance Program shall be established by the City Manager once funding becomes available. The program shall be contingent upon Council approval.]

SECTION 11. Subsection (f) of Section 9-3316 of the Fresno Municipal Code is amended to read:

(f) At the time of filing, [no Applicant or Owner shall initiate, engage in, or continue any communication to or with any elected official or Planning Commissioner, and no elected official or Planning Commissioner shall initiate, engage in, or continue any communication to or with any Applicant or Owner, concerning or touching upon any matter which is the subject of this Article. The application shall be rejected if prohibited communications take place.] ~~the applicant shall become subject to Chapter 4, Article 6 of this Code, limiting communication between the applicant and Elected Officials. For the purposes of this section, the applicant shall be considered a "bidder" as defined in Chapter 4, Article 6.~~

SECTION 12. Subsection (h) of Section 9-3316 of the Fresno Municipal Code is amended to read:

(h) After the initial [application] review [and preliminary elimination of applications, the City Manager shall provide notice by First Class mail delivery to all properties and property owners of record within a minimum 1,000-foot radius of the subject property as shown on the latest available assessment role. The City Manager shall also provide notice to the Councilmember whose district the business would be located in.], ranking, and scoring, ~~the City Manager or his/her designee(s) will make a final determination in accordance with this section.~~

SECTION 13. Subsection (i) of Section 9-3316 of the Fresno Municipal Code is amended to read:

(i) [After the final review, ranking, and scoring of applications, the City Manager or his/her designee(s) shall make a recommendation to Council at a public hearing, in accordance with this Article.] ~~[THE CITY'S RESERVATION OF RIGHTS: The city reserves the right to reject any or all applications. Prior to permit issuance, the city may also modify, postpone, or cancel any request for applications, or the entire program under this Article, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California state law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Article, may be cancelled at any time prior to permit issuance. The city further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to~~

~~any other justification provided a failure to comply with other requirements in this Article, an application RISKS BEING REJECTED for any of the following reasons:~~

~~(1) Proposal received after designated time and date.~~

~~(2) Proposal not containing the required elements, exhibits, nor organized in the required format.~~

~~(3) Proposal considered not fully responsive to this request for permit application.~~

SECTION 14. Section 9-3316 of the Fresno Municipal Code is amended by adding subsection (j) thereto to read:

[(j) THE CITY'S RESERVATION OF RIGHTS: The city reserves the right to reject any or all applications. Prior to permit issuance, the city may also modify, postpone, or cancel any request for applications, or the entire program under this Article, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California state law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Article, may be cancelled at any time prior to permit issuance. The city further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to any other justification provided a failure to comply with other requirements in this Article, an application RISKS BEING REJECTED for any of the following reasons:

(1) Proposal received after designated time and date.

(2) Proposal not containing the required elements, exhibits, nor organized in the required format.

(3) Proposal considered not fully responsive to this request for permit application.]

SECTION 15. Section 9-3317 of the Fresno Municipal Code is amended to read:

SECTION 9-3317. - PERMITTEE SELECTION PROCESS.

(a) The City Manager shall adopt a procedure guideline and Review Criteria by which the top applicants in each category of each commercial cannabis activity shall be evaluated with a final determination made by ~~the City Manager~~ [Council upon recommendation from the City Manager. Local preference shall be included in the Review Criteria].

(b) ~~Within ten (10) days of the City Manager making a determination to issue a commercial cannabis business permit, notice of the determination shall be sent to all property owners located within one thousand (1000) feet of the business location.~~ [Council shall make a determination to issue a commercial cannabis business permit at a Public Hearing. Ten (10) days prior to the scheduled Council Hearing, a notice of hearing shall be sent to all properties and property owners of record within a minimum 1,000-foot radius of the business location as shown on the latest available assessment role, as well as the Councilmember whose district the business will be located in.]

(c) Official issuance of the commercial cannabis business permit(s), is conditioned upon the prevailing candidate(s) obtaining all required land use approvals and a Cannabis Business License Tax certificate. Following the ~~City Manager's~~ [Council's] selection, the prevailing candidate(s) shall apply to the city's ~~Development and Resource Management~~ [Planning and Development] Department to obtain all required land use approvals or entitlements for the permittee's location. Land use applications shall be reviewed by all active Council District Project Review Committees. Land use approvals shall include compliance with all applicable provisions of CEQA. The City Manager or his/her designee(s) shall formally issue the commercial cannabis business permit(s) once the ~~Development and Resource Management~~ [Planning and Development] Director or his/her designee(s) affirms that all of the required land use approvals have been obtained and the City Controller affirms that a Cannabis Business License Tax certificate has been obtained.

(d) The ~~City Manager's~~ [Council's] decision as to the selection of the prevailing candidates shall be final. ~~The City Manager's decision to deny a commercial cannabis business permit may be appealed to the Administrative Hearing Officer.~~

(e) Issuance of a commercial cannabis business permit does not create a land use entitlement. The commercial cannabis business permit shall only be for a term of twelve (12) months, beginning the day the commercial cannabis business permit is [physically] issued by the City Manager [once the required land use entitlement is obtained], and shall expire at the end of the

twelve (12) month period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a permit, unless all of the state and local laws and regulations, including but not limited to the requirements of this Article and of the permit, have been complied with.

(f) Notwithstanding anything in this Article to the contrary, ~~the City Manager~~ [Council] reserves the right to reject any or all applications if ~~he/she~~ [it] determines it would be in the best interest of the city, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a commercial cannabis business permit. Each applicant assumes the risk that, at any time prior to the issuance of a permit, ~~the City Manager~~ [Council] may terminate or delay the program created under this Article.

(g) If an application is denied, a new application may not be filed for one (1) year from the date of the denial.

(h) Each person granted a commercial cannabis business permit shall be required to pay the permit fee established by resolution of the City Council, to cover the costs of administering the commercial cannabis business permit program created in this Article.

~~(i) As soon as reasonably practicable after the City Manager makes a decision to grant a commercial cannabis business permit, the City Manager shall report that decision to the Mayor and the Councilmember of the district in which the business is located, by sending the report by electronic mail and confirming that each received it.~~

SECTION 16. Section 9-3318 of the Fresno Municipal Code is amended to read:

SECTION 9-3318. - PERSONS PROHIBITED FROM HOLDING A COMMERCIAL CANNABIS BUSINESS PERMIT ~~OR EMPLOYEE WORK PERMIT.~~

(a) Any person, including but not limited to any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular in which any of the following actions or notices have been issued in non-compliance, shall be prohibited from holding a commercial cannabis business permit ~~or employee work permit~~ in the city. In addition, the following shall be grounds for denial of a commercial cannabis business permit ~~or employee work permit~~:

(1) The applicant has had a cannabis license or permit suspended or revoked by any city, county, city and county, or any other state cannabis licensing authority within five years of the date of the application;

(2) Evidence that the applicant was in non-compliance of properly paying federal, state, or local taxes and/or fees when notified by the appropriate agencies;

(3) As of the date of application submittal, applicant was conducting commercial cannabis activity in the city in violation of local and state law.

(4) The applicant was convicted of illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

(5) The applicant has been convicted of a violent felony, a crime involving moral turpitude, a crime involving lotteries, gambling, bookmaking, larceny, perjury, bribery, extortion, fraud, theft, or embezzlement, or has been convicted of prostitution, pimping, human trafficking, or pandering, or has been convicted of any crime substantially related to service or entertainment business;

(6) The applicant has been convicted of a crime involving dishonesty, fraud, or deceit with the intent to substantially benefit the applicant or benefit another, or substantially injure another;

(7) The applicant has violated any provisions of this Article;

(8) The applicant has knowingly made a false statement in his or her application or to any city officer, employee, or agent;

(9) The applicant has been noticed, charged, cited, or convicted of violating any law or ordinance relating to the operation of a commercial cannabis activity.

(b) No person shall be issued a commercial cannabis [business] permit to operate who enters into an agreement to lease, sublease or any other

agreement, regardless of whether it is verbally or in writing to any terms of use of the premises from a property owner, commercial broker or any third party, unless that property is leased at fair market value and such lease, sublease, or agreement does not have any terms or conditions for the cannabis permit licensee to pay the property owner, commercial broker, or any third party a percentage of gross receipts, royalties, equity, or other unreasonable compensation as determined by the city. In addition, all leases, subleases, or other agreements must be based a monthly rate.

[(c) At the time of submission of an application for a commercial cannabis business permit, all operators, owners, investors, and managers of a commercial cannabis business or cannabis retail business shall submit information for a background check, which shall include, but not be limited to, the following information:

(1) Name, address, and phone number of the applicant;

(2) A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at least twenty-one (21) years of age must be submitted with the application;

(3) The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the City Manager or his/her designee(s).

(4) A signed statement under penalty of perjury that the information provided is true and correct.

(5) A fee paid in an amount set by resolution of the City Council in an amount necessary to cover the costs of administering the background check. The fee is non-refundable and shall not be returned in the event the permit is denied or revoked.

(d) The City Manager or his/her designee(s) shall review the application for completeness, shall conduct a background check, and shall not issue a permit if any grounds for denial of a permit listed above are found.]

SECTION 17. Section 9-3319 of the Fresno Municipal Code is amended to read:

SECTION 9-3319. – EMPLOYEE [REQUIREMENTS] WORK PERMIT
REQUIRED.

(a) Any person who is an employee or who otherwise works or volunteers within a commercial cannabis business or cannabis retail business must be legally authorized to do so under applicable state law.

~~(b) Any person who is an employee or who otherwise works or volunteers within a commercial cannabis business or cannabis retail business must obtain an employee work permit from the city prior to performing any work.~~

~~(c) Applications for an employee work permit shall be developed, made available, and processed by the City Manager or his/her designee(s), and shall include, but not be limited to, the following information:~~

~~(1) Name, address, and phone number of the applicant;~~

~~(2) — A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at least twenty one (21) years of age must be submitted with the application;~~

~~(3) — Name and address of the commercial cannabis business or cannabis retail business where the person will be employed, and the name of the primary manager of that business;~~

~~(4) — The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the City Manager or his/her designee(s).~~

~~(5) — A signed statement under penalty of perjury that the information provided is true and correct.~~

~~(6) — A fee paid in an amount set by resolution of the City Council in an amount necessary to cover the costs of administering the employee work permit programs. The fee is non-refundable and shall not be returned in the event the work permit is denied or revoked.~~

~~(d) — The City Manager or his/her designee(s) shall review the application for completeness, shall conduct a background check, and shall not issue an employee work permit if any grounds for denial of an employee work permit listed in Section 9-3318 are found.~~

~~(e) — The City Manager or his/her designee(s) shall issue the employee work permit or a written denial to the applicant within thirty (30) days of the date the application was deemed complete. In the event the employee work permit~~

cannot be issued within this time period, the City Manager or his/her designee(s) may issue a temporary employee work permit upon completing a preliminary background check and if the business can demonstrate to the City Manager or his/her designee(s) that the employee is necessary for the operation of the business. The temporary employee work permit may be immediately revoked by the City Manager or his/her designee(s) upon determination that the applicant has failed the background check or upon the issuance of the permanent employee work permit.

(f) — An employee work permit shall be valid for a twelve (12) month period and must be renewed on an annual basis. Renewal applications shall contain all the information required in subsection (b) above including the payment of a renewal application fee in an amount to be set by resolution of the City Council.

(g) — In the event a person changes employment from one commercial cannabis business or cannabis retail business in the city to another, the employee work permit holder shall notify the City Manager or his/her designee(s) in writing of the change within ten (10) days, or the work permit shall be suspended or revoked, and such person shall not be permitted to work at any commercial cannabis business or cannabis retail business in the city.

(h) — The city may immediately revoke the employee work permit should the permit holder be convicted of a crime listed in Section 9-3318 above or if facts become known to the City Manager or his/her designee(s) that the

employee work permit holder has engaged in activities showing that he or she is dishonest.

~~(i) — The City Manager or his/her designee(s) is hereby authorized to promulgate all regulations necessary to implement the employee work permit process and requirements.~~

~~(j) — The applicant may appeal the denial or revocation of an employee work permit by filing a notice of appeal with the City Clerk within ten (10) days of the date the applicant received the notice of denial; such appeal shall be conducted as set forth in Chapter 1, Article 4 of this Code.~~

~~(k) — The City Manager or his/her designee(s) shall issue an employee work permit in the form of a personal identification card that can be worn in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.~~

SECTION 18. Section 9-3321 of the Fresno Municipal Code is amended to read:

SECTION 9-3321. - REVOCATION OF PERMITS.

Commercial cannabis business permits may be revoked for any violation of any law, rule, regulation and/or standard adopted or if an application contained false information. [The revocation of a commercial cannabis business permit may be appealed in accordance with Section 9-3323.]

SECTION 19. Section 9-3328 of the Fresno Municipal Code is amended to read:

SECTION 9-3328. - CANNABIS CONDITIONAL USE PERMIT.

Prior to commencing operations, a commercial cannabis business or cannabis retail business must obtain the appropriate land use entitlement from the ~~Development and Resource Management~~ Planning and Development Department.

SECTION 20. Section 9-3335 of the Fresno Municipal Code is amended to read:

SECTION 9-3335. - INSPECTION AND ENFORCEMENT.

(a) The City Manager, or his/her designee(s) charged with enforcing the provisions of this Code, [as well as the City Attorney, or his/her designee(s) and the Chief of Police, or his/her designee(s),] may enter the location of a commercial cannabis business or cannabis retail business at any time, without notice, and inspect the premises as well as any recordings and records required to be maintained pursuant to this Article or under applicable provisions of state law.

(b) It is unlawful for any person to impede, obstruct, interfere with, or otherwise not to allow, the city to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial cannabis business or cannabis retail business under this Article or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business or cannabis retail business under this Article or under state or local law.

(c) The City Manager, or his/her designee(s) charged with enforcing the provisions of this Article~~[as well as the City Attorney, or his/her designee(s) and the Chief of Police, or his/her designee(s),]~~ may enter the premises of a commercial cannabis business or cannabis retail business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the city shall be logged, recorded, and maintained in accordance with established procedures by the City Manager.

SECTION 21. Section 9-3337 of the Fresno Municipal Code is amended to read:

SECTION 9-3337. - EACH VIOLATION A SEPARATE OFFENSE.

Each and every violation of this Article shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the city. Additionally, as a nuisance per se, any violation of this Article shall be subject to injunctive relief, any permit issued pursuant to this Article being deemed null and void, disgorgement and payment to the city for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The city may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial cannabis business or cannabis retail business or persons related to, or associated with, the commercial cannabis activity. Additionally, when there is ~~determined to be an imminent threat to public health, safety or welfare~~[a violation of this Article], the

City Manager, or his/her designee(s), may take immediate action to temporarily suspend a commercial cannabis business permit issued by the city.

SECTION 22. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Mary Raterman-Doidge Date
Senior Deputy City Attorney

MRD:sn [PL 101108] 10-17-19