

ORDINANCE NO. 572

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, AMENDING TITLE 17, CHAPTER 17.79 ENTITLED "MARIJUANA CULTIVATION AND MARIJUANA-RELATED BUSINESSES," AMENDING TITLE 17, CHAPTER 17.80 ENTITLED "LEGAL REQUIREMENTS," AND ADDING CHAPTER 5.32 ENTITLED "COMMERCIAL CANNABIS ACTIVITY" TO TITLE 5 OF THE CITY OF BISHOP MUNICIPAL CODE RELATING TO RETAIL SALES OF CANNABIS

WHEREAS, the City of Bishop, pursuant to its police power, may adopt regulations to protect the health, safety and welfare of the public, Cal. Const. art. XI, § 7, Cal. Govt. Code § 37100, and thereby is authorized to declare what use or condition constitutes a public nuisance; and

WHEREAS, Section 38771 of the California Government Code authorizes the City through its legislative body to declare actions and activities that constitute a public nuisance; and

WHEREAS, in 1970, Congress enacted the Controlled Substances Act (21 U.S.C. Section 801 et seq.) which, among other things, makes it illegal to import, manufacture, distribute, possess, or use marijuana for any purpose in the United States and further provides criminal penalties for marijuana possession, cultivation and distribution; and

WHEREAS, the People of the State of California have enacted Proposition 215, the Compassionate Use Act of 1996 (codified at Health and Safety Code Section 11362.5 et seq.) (the "CUA"), which exempts qualified patients and their primary caregivers from criminal prosecution under enumerated Health and Safety Code sections for use of marijuana for medical purposes; and

WHEREAS, the California Legislature enacted Senate Bill 420 in 2003, the Medical Marijuana Program Act (codified at Health and Safety Code Section 11362.7 et seq.) (the "MMPA"), as amended, which created a state-wide identification card scheme for qualified patients and primary caregivers; and

WHEREAS, on October 11, 2015, the Governor signed into law Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Marijuana Regulation and Safety Act ("MMRSA"), effective January 1, 2016, which establishes a state licensing system for medical marijuana cultivation, manufacturing, delivery, and dispensing, regulating these activities with licensing requirements and regulations that are only applicable if cities and counties also permit marijuana cultivation, manufacturing, dispensing, and delivery within their jurisdictions. Under the MMRSA, cities and counties may continue to ban medical marijuana cultivation, manufacturing, dispensing, and delivery, in which case the new law would not allow or permit these activities within the cities and counties; and

WHEREAS, on February 3, 2016, Assembly Bill 21 (Wood) was signed by the Governor, amending provisions of state law pertaining to cultivation licenses by eliminating a March 1, 2016 deadline for local jurisdictions for the promulgation of cultivation regulations or cultivation bans other local jurisdictions would lose the ability to regulate to the State. Assembly Bill 21 also modified language in Health & Safety Code section 11362.777(g), which pertained to exemptions from licensing requirements for qualified

patients and caregivers. The prior language, which specifically stated that local governments retained the right to prohibit cultivation without exception, was revised to state: “Exemption from the requirements of this section does not limit or prevent a city, county, or city and county from exercising its police authority under Section 7 of Article XI of the California Constitution.”; and

WHEREAS, effective June 27, 2016, SB 837 changed the name of the Medical Marijuana Regulation and Safety Act to the Medical Cannabis Regulation and Safety Act (“MCRSA”).

WHEREAS, the MCRSA expressly protects a City’s local licensing practices, zoning authority, and other local actions taken under the City’s constitutional municipal and police powers; and

WHEREAS, on November 8, 2016, the electorate of the State of California passed Proposition 64 (“Prop 64”), which enacted the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”). AUMA allows adults 21 and over to use, possess, and cultivate limited amounts of marijuana, establishes a state licensing and regulation scheme for marijuana businesses serving the recreational market, imposes a 15% tax on the sale of marijuana which will be used in part to fund research on the effects of recreational marijuana use, and will change criminal penalties for specified marijuana crimes. AUMA allows local jurisdictions to place reasonable regulations on the personal cultivation of marijuana within their jurisdiction, and explicitly permits them to prohibit personal cultivation of marijuana outdoors. AUMA also establishes state licensing and regulation system for non-medical marijuana businesses to operate within the state, including cultivation, manufacturing, distribution, dispensary, and testing laboratory businesses. AUMA allows local jurisdictions to prohibit these types of business from operating within their jurisdictions, or to regulate their operation. Businesses applying for state licenses operate these types of businesses must comply with all local regulations; and

WHEREAS, effective June 27, 2017, the legislature approved the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”) which repealed the MCRSA and effectively combined the MCRSA and the commercial cannabis licensing and regulation provisions of AUMA into a single, cohesive, comprehensive state licensing system for commercial cannabis business. MAUCRSA did not change local government authority to regulate commercial cannabis businesses and cannabis commercial activity; and

WHEREAS, notwithstanding the CUA, the MMPA, the MCRSA, the AUMA and the MAUCRSA, marijuana remains a schedule I substance pursuant to federal law, 21 U.S.C. § 812, Schedule 1 (c)(10), and federal law does not provide for any medical use defense or exception (*Gonzales v. Raich*, 545 U.S. 1 (2005); *United States v. Oakland Cannabis Buyers’ Coop.*, 532 U.S. 483 (2001)); and

WHEREAS, the California Supreme Court has established that neither the CUA nor the MMPA preempt local regulation in the case of *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, 56 Cal. 4th 729 (2013); and

WHEREAS, MAUCRSA expressly allows cities and counties to ban medical marijuana cultivation consistent with current state law including the case of *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, 56 Cal. 4th 729 (2013);

WHEREAS, AUMA and MAUCRSA allow local jurisdictions to reasonably regulate the personal cultivation of marijuana and to regulate and/or prohibit all non-medical marijuana businesses from locating and operating within their jurisdictions;

WHEREAS, the City Council of the City of Bishop City finds that it is in the interest of the health, safety and welfare of the City to regulate retail cannabis sales within the City and the indoor and outdoor cultivation of marijuana within the City;

WHEREAS, the City Council finds that the cultivation of marijuana significantly impacts, or has the potential to significantly impact, the City's jurisdiction. These impacts include the following:

A. The unregulated cultivation of marijuana can adversely affect the health, safety and well-being of the city and its residents. Comprehensive regulation of premises used for marijuana cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, smells and indoor electrical fire hazards that may result from unregulated marijuana cultivation, especially if the amount of marijuana cultivated on a single premises is not regulated and substantial amounts of marijuana can be cultivated in a concentrated place.

B. Unlimited and unregulated indoor cultivation of substantial amounts of marijuana also frequently requires excessive use of electricity, which often creates an unreasonable risk of fire from the electrical grow lighting systems used in indoor cultivation.

C. Children are particularly vulnerable to the effects of marijuana use, and the presence of marijuana plants has proven to be an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children including hospitals, schools, church parks or playgrounds, childcare centers, recreation centers or youth centers. Cultivation of any amount of marijuana at, or near these sensitive uses presents unique risks that the marijuana plants may be observed by juveniles, and therefore be especially vulnerable to theft or recreational consumption by juveniles. Further, the potential for criminal activities associated with marijuana cultivation in such locations poses heightened risks that juveniles will be involved or endangered. Therefore, cultivation of any amount of marijuana in such locations or premises is especially hazardous to public safety and welfare, and to the protection of children and the person(s) cultivating the marijuana plants.

D. The cultivation of marijuana in other cities has resulted in calls for service to the police department, including calls for robberies, thefts, and physical assaults from marijuana that is grown outdoors;

E. Marijuana growth poses significant safety risks for surrounding neighbors, including but not limited to, risks of violent confrontation in connection with attempts to steal marijuana, risk of fire from improperly wired electrical lights within structures growing marijuana, risk of guard dogs and security measures associated with structures and properties growing marijuana; and

WHEREAS, the City does not intend by enacting this ordinance to either burden any defense to a criminal prosecution set forth in the CUA, the MMPA, the MCRSA, the AUMA, or MAUCRSA or any other state law, or to criminalize any activities otherwise permitted by the state legislature through the CUA, the MMPA, the MCRSA, or the MAUCRSA or any other state law.

WHEREAS, the City of Bishop, California, pursuant to the provisions of the California Environmental Quality Act (hereinafter "CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA guidelines (Sections 15000 et seq.) has determined that the Ordinance is exempt pursuant to Section 15061(b)(3) of Title 14 the California Code of Regulations and the Ordinance is exempt under Business and Professions Code section 26055, subdivision (h); and

WHEREAS, the City Council finds that the provisions of this Ordinance are consistent with the City of Bishop's General Plan; and

WHEREAS, on _____, the Planning Commission of the City of Bishop held a duly-noticed public hearing and considered the staff report, recommendations by staff and the City Attorney, and public testimony regarding the proposed Ordinance repealing Chapter 8.36 of the Municipal Code entitled "Medical Marijuana Dispensaries" and adding Chapter 17.79 entitled "Cannabis" and voted to forward the proposed ordinance to the City Council with a recommendation in favor of its adoption;

WHEREAS, on _____, City Council of the City of Bishop held a duly-noticed public hearing and considered the staff report, recommendations by staff and the City Attorney, and public testimony regarding this Ordinance

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BISHOP DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and incorporated into this ordinance.

SECTION 2. Title 17, Chapter 79 "Marijuana Cultivation and Marijuana-Related Businesses" is hereby amended to read as follows:

Chapter 17.79 CANNABIS

17.79.010. - Purpose and intent.

A. The purpose and intent of this chapter are to require that marijuana be cultivated so as not to be visible to the general public, to provide for the health, safety and welfare of the public, to prevent negative impacts to property values, to prevent odor created by marijuana plants from impacting adjacent properties, to prevent crime associated with marijuana, and to ensure that marijuana cultivation remains secure and does not find its way to minors or illicit markets. Nothing in this chapter is intended to authorize the cultivation, possession, or use of marijuana in violation of state or federal law.

B. It is also the purpose of this chapter to prohibit the location and operation of all commercial cannabis activity, both medical and non-medical, within the City of Bishop except as expressly permitted.

C. It is also the purpose of this chapter to fulfill the purposes and intents set forth in Chapter 5.32 of the Bishop Municipal Code. No person shall operate a cannabis business without first obtaining a city cannabis business permit and complying with all the requirements of Chapter 5.32 of the Bishop Municipal Code and complying with all applicable state law requirements including obtaining a license or permit required by the state to operate a cannabis business.

D. It is not the intent of this chapter to create conflict or inconsistency between this chapter and (A) the Constitutions of the United States or the state of California; (B) the federal Controlled Substances Act; or (C) California law.

17.79.020. - Cultivation of marijuana for personal use.

As permitted by state law, persons 21 years or older may cultivate marijuana within the City of Bishop, provided they comply with all state law requirements and the regulations contained in this Section.

A. Outdoor Cultivation of Marijuana.

1. No marijuana cultivated outdoors, whether for medical or non-medical (recreational) use, within the city shall be visible from a public right-of-way.

2. No marijuana shall be cultivated outdoors on a property that is within six hundred (600) feet of a public or private preschool or K-12 school, licensed day care center, or public park managed by the City of Bishop. The distance between parcels shall be the horizontal distance measured in a straight line from any property line of the sensitive use to the closest property line of the lot on which the cannabis is or is to be cultivated, without regard to any intervening structures.

B. Indoor Cultivation of Marijuana.

Marijuana cultivated indoors, within the City of Bishop, shall be in conformance with the following standards:

1. From a public right-of-way, there shall be no exterior evidence of marijuana cultivation.

2. Cultivation of marijuana indoors shall be conducted in compliance with all applicable City of Bishop and State of California building, health and safety codes.

17.79.030. - Commercial cannabis activity prohibited.

Except as specifically authorized in this code, no marijuana-related business is permitted to locate or operate within the City of Bishop. Marijuana-related business includes medical

marijuana businesses described in the Medicinal and Adult-Use Cannabis Regulation and Safety Act as cultivators, manufacturers, testing businesses, retailers, distributors, and microbusinesses.

17.79.040. - Permit required to engage in commercial cannabis activity

No person may engage in any commercial cannabis activity within the City of Bishop unless the person:

- A. Has a valid commercial cannabis business permit from the City of Bishop; and
- B. Is currently in compliance with all applicable state and local laws and regulations pertaining to the commercial cannabis activity including the duty to obtain any required state licenses.

17.79.050. - Maximum number of authorized commercial cannabis businesses permitted.

A. This Section is only intended to create a maximum number of commercial cannabis businesses that may be issued permits to operate in the City, subject to the issuance of a use permit. Nothing in this Chapter creates a mandate that the City Council must issue any or all of the commercial cannabis business permits if it is determined that the applicants do not meet the standards which are established in the application requirements or further amendments to the application process or that the City Council upon further deliberation determines that the issuance of any or all commercial cannabis business permits will impact the public health, safety, welfare or other policy concerns which may be detrimental in the issuance of these permits. No temporary permits shall be granted for special events.

B. The number of commercial cannabis business permits for store-front retailers shall be a maximum of two [2].

C. The number of commercial cannabis business permits for non-storefront retailers (delivery) shall be a maximum of two [2].

17.79.060. - Location of commercial cannabis businesses.

Subject to the issuance of a use permit under Section 17.080.030 – 17.080.050 of this code, and approval by the City Council, the following commercial cannabis activities shall be conditionally permitted only as follows:

A. Cannabis storefront retailers:

- 1. In the following zoning designations: General Commercial and Retail (C-1), General Commercial (C-2).
- 2. No closer than six hundred (600) feet from any portion of any parcel in the City limits containing any of the following:

(a) A school, including pre-school, transitional kindergarten, and K-12 that is in existence at the time the initial cannabis business permit is issued.

B. Cannabis non-storefront retailers:

1. In the following zoning designations: General Commercial C-2 and General Industrial M-1.

2. No closer than six hundred (600) feet from any portion of any parcel in the City limits containing any of the following:

(a) A school, including pre-school, transitional kindergarten, and K-12 that is in existence at the time the initial cannabis business permit is issued.

17.79.070. - Distance measured; applicable properties.

The distance between parcels shall be the horizontal distance measured in a straight line from any property line of the sensitive use to the closest property line of the lot on which the cannabis business is to be located, without regard to any intervening structures.

17.79.080. - Certification from planning director.

Prior to commencing operations, a cannabis business must obtain a certification from the Planning Director certifying that the business is located on a site that meets all of the requirements of this chapter.

17.79.090. - Development agreement required

Prior to obtaining the use permit required by section 17.79.040, all persons desiring to engage in commercial cannabis activity within the city shall be required to execute, in a form acceptable to the city, a development agreement for the property where the commercial cannabis activity is to occur. The development agreement shall include, among other things, terms that relate to:

- A. Development standards;
- B. Design and construction;
- C. Signage;
- D. Security plans;
- E. Community benefits;
- F. Annual review;
- G. Contractual payments;
- H. Default and remedies

17.79.100. - Enforcement.

A. Any violation of this chapter is hereby declared to be a public nuisance.

B. A violation of this chapter may be abated by the city attorney, or other counsel retained by the City, by the prosecution of a civil action for injunctive relief and/or by the abatement procedure set forth in City or state law.

C. The Chief of Police, or his or her designee (hereafter the “enforcement official”), is hereby authorized to order the abatement of any violation of this chapter by following the abatement procedure as defined in Chapter 8.04.

D. The remedies provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any others, and none of these remedies prevents the city from using any other remedy at law or in equity which may be available to enforce this chapter or to abate a public nuisance.

E. A violation of this chapter may be charged as a criminal violation, if allowed by state law.

SECTION 3. Section 17.80.030 “Land use permits,” Section 17.80.040 “Application for use permit,” and Section 17.80.050 “Granting of use permit” of Chapter 17.80 “Legal Requirements” of Title 17 “Zoning” are hereby repealed and replaced with the following:

17.80.030. - Land use permits.

A land use permit shall be required for all buildings and structures hereinafter erected, constructed, altered, repaired or moved within or into any district established by this title, and for the use of vacant land or for a change in the character of the use of land, within any district established by this title. No building permit shall be issued until the land use permit portion thereof has been completed by the planning director and any required use permit or variance has been issued.

17.80.040. - Application for use permit.

Application for a use permit shall be made in writing by the owners of the property, lessee, purchaser in escrow, or optionee with the consent of the owners, on a form prescribed by the city. The application shall be accompanied by a fee, set by the city council, and a plot plan showing the details of the proposed use to be made of the land or building. After examination of the use permit application, the planning director may issue the permit if he/she finds the application meets the strict application, conditions and requirements of the land use ordinance, otherwise it will be presented to the planning commission at its next regular meeting or to the city council in the event a quorum of the planning commission is not available.

17.80.050. - Granting of use permit.

Upon receipt of the application for a use permit, the planning director shall determine whether or not the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood or such proposed use, or whether it will be injurious or detrimental to property, and improvements in the neighborhood or the general welfare of the city. If the planning director finds that the aforementioned conditions will not result from the particular use applied for, he/she may grant the use permit.

SECTION 4. Chapter 5.32 “Commercial Cannabis Activity” is hereby added to Title 5 “Business Taxes, Licenses and Regulations” of the Bishop Municipal Code as follows:

Chapter 5.32 “Commercial Cannabis Activity”

5.32.010. - General provisions.

- A. Purpose and Intent. It is the purpose and intent of this Chapter to provide opportunities for cannabis businesses to operate in the City for both adult use cannabis and cannabis products, defined as cannabis or cannabis products that are intended for adults who are 21 years of age or older and who do not possess a physician’s recommendation, and medical cannabis and medical cannabis products, while imposing regulations on the use of land to protect the City’s neighborhoods, residents, and businesses from negative impacts. It is a further purpose and intent of this Chapter to regulate the cultivation, manufacturing, processing, testing, transporting, delivery, and distribution of cannabis and cannabis-related products in a manner which is responsible, which protects the health, safety, and welfare of the residents of Bishop, and to enforce rules and regulations consistent with state law. In part to meet these objectives, an annual permit shall be required in order to own and/or to operate a cannabis business within Bishop. Nothing in this Chapter is intended to authorize the possession, use, or provision of cannabis for purposes which violate state or federal law. The provisions of this Chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the City, and are in addition to any permits, licenses and approval required under state, county, or other law.
- B. Legal Authority. Pursuant to Sections 5 and 7 of Article XI of the California Constitution, and the provisions of the Medicinal and Adult Use of Cannabis Regulation and Safety Act, Cal Bus & Prof Code Section 26000 *et seq.* (“MAUCRSA”), the city is authorized to adopt ordinances that establish standards, requirements and regulations for local licenses and permits for cannabis and cannabis-related activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the state, or any of its departments or divisions, shall be the minimum standards applicable in the city to cannabis, and/or cannabis-related activity.
- C. Compliance with Laws. It is the responsibility of the owners and operators of the cannabis business to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this Chapter shall be construed as authorizing any actions which violate federal, state law or local law with respect to the operation of a cannabis business. It shall be the responsibility of the owners and the operators of the cannabis business to ensure that the cannabis business is, at all times, operating in a manner compliant with all applicable federal, state and local laws, the 2008 Attorney General Guidelines, any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the cannabis business permit. Nothing in this Chapter shall be construed as authorizing any actions which violate federal or state law with regard to the operation of a cannabis business.

5.32.020. - Definitions

A. When used in this Chapter, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder, and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

1. "Abatement" means the removal of marijuana plants and improvements that support marijuana cultivation that are maintained in violation of this chapter.
2. "Cannabis" means all parts of the *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 marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 14017 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 that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.
3. "Cannabis activity" includes cultivation, manufacture, processing, laboratory testing, transporting, delivery, distribution, or sale of cannabis or a cannabis product, within the meaning of California Business and Professions Code 26000 et seq.
4. "Cannabis business" means any business or operation which engages in cannabis activity.
5. "Cannabis business permit" means a regulatory permit issued by the City of Bishop pursuant to this Chapter to a cannabis business, and is required before any cannabis activity may be conducted in the City. The initial permit and annual renewal of a cannabis business permit is made expressly contingent upon the business' ongoing compliance with all of the requirements of this Chapter and any regulations adopted by the City governing the cannabis activity at issue.
6. "Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency. An edible cannabis product is not considered food, as defined by Section 109935 of the California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.
7. "Cannabis Product" shall have the same meaning as in Section 11018.1 of the Health and Safety Code.

8. "Caregiver" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.
9. "City" shall mean the City of Bishop, California.
10. "Cultivation" and "Commercial Cultivation" and "marijuana cultivation" or "cannabis cultivation" are defined as: "Cultivation" means any activity, whether occurring indoors or outdoors, involving the propagation, planting, growing, harvesting, drying, curing, grading, and/or trimming of cannabis plants or any part thereof for any purpose, including medical marijuana; and "Commercial Cultivation" means only State-licensed indoor facilities for cannabis cultivation consisting solely of processing (drying, curing, trimming, and packaging of cannabis flower (corresponding with State CDFA Cultivation License Type for "Processor") or nursery operations (corresponding with State CDFA Cultivation License Type for "Nursery")
11. "Cannabis Retailer" shall have the same meaning as the definition appearing in Section 26070(a)(1) of the Business and Professions Code and includes the operator of a dispensary as defined by this chapter.
12. "Cannabis storefront retailer" shall mean a storefront retailer of a commercial cannabis business facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale to customers at a fixed location, including an establishment that also offers delivery of cannabis and cannabis products as part of a retail sale, which are open to the public, and includes a dispensary as defined by this chapter.
13. "Cannabis non-storefront retailer" means a non-storefront, delivery only retailer as a commercial cannabis business facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale to customers, where the premises are non-storefront, closed to the public, and sales are conducted exclusively by delivery, where a vehicle is used to convey the cannabis or cannabis products to the customer from a fixed location.
14. "Commercial Cannabis Activity" means cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of marijuana and marijuana products, including medical and non-medical marijuana, non-medical cannabis products and medical cannabis products within the meaning of California Business and Professions Code Sections 26001(i) and 26001(ai).
15. "Commercial Cannabis Business" means a person, partnership, entity, corporation, company or other organization that conducts commercial cannabis activity.

16. "Cultivation site" means a facility or premises where cannabis is cultivated, propagated, planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities.
17. "Delivery" means the commercial transfer of cannabis or cannabis products from a dispensary, up to an amount determined to be authorized by the State of California, or any of its departments or divisions, to anyone for any purpose. "Delivery" also includes the use by a dispensary of any technology platform owned, controlled, and/or licensed by the dispensary, or independently licensed by the State of California under the MAUSCRA (as the same may be amended from time-to-time), that enables anyone to arrange for or facilitate the commercial transfer by a licensed dispensary of cannabis or cannabis products.
18. "Dispensary" means a cannabis business facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale and includes both storefront and non-storefront cannabis retailers.
19. "Dispensing" means any activity involving the retail sale of cannabis or cannabis products from a dispensary.
20. "Distribution" means the procurement, sale, and transport of cannabis or cannabis products between entities licensed pursuant to the MAUSCRA and any subsequent State of California legislation regarding the same.
21. "Distributor" means a person engaged in the business of purchasing cannabis from a licensed cultivator, or cannabis products from a license manufacturer, for sale to a licensed dispensary.
22. "Dried flower" means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
23. "Edible cannabis product" means manufactured cannabis that is intended to be used, in whole or in part, for human consumption. An edible cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code.
24. "Indoors" means within a fully enclosed and secure structure.
25. "Live plants" means living cannabis flowers and plants, including seeds, sprouts, immature plants (including unrooted clones), and vegetative stage plants.
26. "Manufacturer" means a person that conducts the production, preparation, propagation, or compounding of manufactured cannabis, as defined in this section, or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.
27. "Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate or manufactured product intended for internal consumption or topical application.
28. "Manufacturing site" means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods,

independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

29. "Marijuana" means "cannabis," as that term is defined in this Chapter.
30. "Marijuana Products" shall have the same meaning as is set forth in Health and Safety Code section 11018.1, and as amended.
31. "Medical cannabis", "medical marijuana," "medical cannabis product" or "medical 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 California Health and Safety Code (as the same may be amended from time-to-time). For purposes of this Chapter, "medical cannabis" does not include industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.
32. "Outdoors" means any location within the city of Bishop that is not within a fully enclosed and secure structure.
33. "Parcel" means property assigned a separate parcel number by the Inyo County assessor.
34. "Premises" means a single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall constitute a single "premises" for purposes of this chapter.
35. "Private residence" shall have the same meaning as is set forth in Health and Safety Code section 11362.2, and as amended.
36. "Patient" or "qualified patient" shall have the same definition as California Health and Safety Code Section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California Health & Safety Code Section 11362.5. For purposes of this ordinance, qualified patient shall also refer to qualified patients who have obtained an identification card from the State Department of Health Services, as that term is defined by California Health and Safety Code Section 11362.7 et seq.
37. "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.
38. "Person with an identification card" shall have the meaning given that term by California Health and Safety Code Section 11362.7.
39. "State License" means a permit or license issued by the State of California, or one of its departments or divisions, under MAUSCRA to engage in cannabis activity.
40. "Topical cannabis" means a product intended for external use. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.
41. "Testing laboratory" means a facility, entity, or site that offers or performs tests of cannabis or cannabis products and that is both of the following:

- (a) Accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state.
 - (b) Licensed by the Bureau of Cannabis Control within the Department of Consumer Affairs
42. "Transport" means the transfer of cannabis or cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting cannabis activity authorized by the MAUSCRA.
43. "Transporter" means a person authorized to transport cannabis or cannabis products in amounts authorized by the State of California, or by one of its departments or divisions under the MAUSCRA.

5.32.030. - Cannabis business permit required for owner/operator; requirements for cannabis business employees.

A. Cannabis Business Permit Required to Engage in Cannabis Business.

1. No person may engage in any cannabis business or in any cannabis activity within the City of Bishop including cultivation, manufacture, processing, laboratory testing, transporting, dispensing, distribution, or sale of cannabis or a cannabis product unless the person (1) has a valid cannabis business permit from the City of Bishop and (2) is currently in compliance with all applicable state and local laws and regulations pertaining to the cannabis business and the cannabis business activities, including the duty to obtain any required state licenses.
2. Until Health & Safety Code Section 11362.775, subdivision (a), is repealed, the City intends that persons eligible to operate collectives or cooperatives under that subdivision shall be eligible to apply for a City permit to conduct cannabis activities, but only to the degree those activities are authorized under state law for collectives and cooperatives. When the Health & Safety Code Section 11362.775, subdivision (a), is repealed, or as soon as collectives and cooperatives are no longer permitted under state law, any City permit holder operating as a collective or cooperative who has not already obtained a state license for the cannabis business activities they are engaged in shall automatically forfeit his or her City cannabis business permit. At that point they shall no longer be authorized to engage in any cannabis activities in the City until they obtain both a City issued cannabis business permit and a state license for that cannabis activity.

B. Cannabis Business Employee Qualifications and Training; Employer Obligations to Monitor Employee Compliance.

1. The owner or operator of a cannabis business shall ensure that all employees comply with all the requirements of this chapter.
2. Cannabis business owners or operators shall ensure that employees are educated as to all the requirements of this chapter and applicable state law requirements for cannabis businesses and that they adhere to all applicable requirements.
3. Failure of the owner or operator to take reasonable steps to comply with these requirements shall be grounds for permit revocation.

5.32.040. - Limitation on the number of cannabis dispensaries.

- A. Initial Maximum Amount of Cannabis Dispensary Permits. Upon the effective date of this provision, the City Council may issue a maximum of up to two (2) cannabis business permits to qualified storefront cannabis retailers at any one given time and up to two (2) cannabis business permits to qualified non-storefront cannabis retailers. The permits shall be issued in accordance with the application and permit approval process contained in this Chapter and resolutions adopted pursuant to this Chapter. The cannabis dispensary must obtain a cannabis business permit from the City before commencing operations, must be in compliance with all applicable state and federal laws pertaining to its operation, including obtaining all necessary licenses from the state, and shall comply with all applicable operational and zoning requirements set forth in the Bishop Municipal Code. Nothing in this Chapter creates a mandate that the City Council must issue one or more cannabis business permit to a cannabis dispensary if the City Council determines that there are no qualified applicants, the proposed locations for cannabis businesses are incompatible with neighboring land uses, or if the City Council determines that the issuance of a cannabis dispensary would have a negative effect on the health, safety, or welfare of the citizens or businesses of Bishop, or for any other reason allowed by law.
- B. City Council Review and Increased Maximum Number of Cannabis Dispensaries to be Issued. Twelve (12) months after the first cannabis business permit for a dispensary is issued, the City Administrator shall deliver a report to the City Council during a regular meeting which examines the positive and negative impacts that the cannabis dispensary has had on the community during the preceding twelve (12) months. The report shall include, among other things, an analysis of how the cannabis dispensary has complied with state and local regulations, any positive or negative community and law enforcement impacts, and any revenue generated. If after hearing the report the City Council makes a determination that there are no significant consequences of allowing cannabis dispensaries to operate in the City, the City Council at its sole discretion may vote to expand the number of authorized cannabis dispensary permits to be issued.

5.32.050- Application for Cannabis Business Permit: Renewal Applications; and Effect of Revocation or Suspension of State License.

- A. Initial Application Procedure.
 - 1. The City Council shall adopt by resolution the procedures which will govern the application process, and the manner in which the decision will ultimately be made regarding the issuance of any cannabis business permit(s). The resolution shall authorize the City Administrator or his or her designee to prepare the necessary forms, adopt any necessary rules, regulations and processes, solicit applications, conduct initial evaluations of the applicants, and to ultimately provide a final recommendation to the City Council of the top three (3) applicants for consideration.
 - 2. At the time of filing, each applicant shall pay an application fee established by resolution of the City Council, to cover all costs incurred by the City in the application process.

3. After the initial review the City Administrator or his designee will make a recommendation to the City Council, and the City Council shall make a final determination in accordance with the selection procedure set forth in the Resolution adopted by the City Council.

B. The City's Reservation of Rights:

The City reserves the right to reject any or all applications. The City may also modify, postpone, or cancel any request for applications, or the entire program under this Chapter, at any time without liability, obligation, or commitment to any party, firm, or organization. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Chapter, 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 failure to comply with the requirements in this Chapter, 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.
4. Proposal contains excess or extraneous material not called for in the request for permit application.

C. Expiration of Cannabis Business Permits. A cannabis business permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance. Cannabis business permits may be renewed as provided in subsection E below.

D. Revocation of Permits. Cannabis business permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to this Chapter.

E. Renewal Applications.

1. An application for renewal of a cannabis business permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.
2. The renewal application shall contain all the information required for new applications.
3. The applicant shall pay a fee in an amount to be set by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City to administer the program created under this Chapter.
4. An application for renewal of a cannabis business permit shall be rejected if any of the following exists:
 - a. The application is filed less than sixty (60) days before its expiration.
 - b. The cannabis business permit is suspended or revoked at the time of the application.
 - c. The cannabis business has not been in regular and continuous operation in the four (4) months prior to the renewal application.
 - d. The cannabis business has failed to conform to the requirements of this Chapter, or of any regulations adopted pursuant to this Chapter as existing at

the time the original permit was issued, including separation of the location from sensitive uses.

- e. The permittee fails or is unable to renew its State of California license.
 - f. If the City or State has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this Chapter, or the City's Municipal Code as existing at the time the original permit was issued, including separation of the location from sensitive uses, or of the state rules and regulations, and the City or state has determined that the violation is grounds for termination or revocation of the cannabis business permit.
5. The City Administrator or his designee is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the City Administrator or his designee is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the City Administrator or his designee shall be handled pursuant to Section 5.32.060 entitled "Appeals."
6. If a renewal application is rejected, a person may file a new application pursuant to this Chapter no sooner than one (1) year from the date of the rejection.
- F. Effect of state license suspension, revocation, or termination. Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a cannabis business, such revocation or termination shall also revoke or terminate the ability of a cannabis business to operate within the City of Bishop.

5.32.060- Appeals.

- A. Appeals from Decisions of the City Administrator or his Designee under this Chapter. Unless specifically provided elsewhere to the contrary, whenever an appeal is provided for in this Chapter from a decision of the City Administrator or his or her designee, the appeal shall be conducted as prescribed in this Section.
- B. Written request for Appeal.
 - 1. Within ten (10) calendar days after the date of a decision of the City Administrator or his designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, or within ten (10) calendar days after the Planning Director or Planning Commission has approved or denied an application for a cannabis business permit, an aggrieved party may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper.
 - 2. At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the City Council from time to time.
- C. Appeal Hearing.

1. Upon receipt of the written appeal, the City Clerk shall set the matter for a hearing before the City Council. The City Council shall hear the matter de novo, and shall conduct the hearing pursuant to the procedures set forth by the City.
2. The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than ninety (90) days from the date of such filing. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing.
3. At the hearing the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing.
4. At the conclusion of the hearing the City Council may affirm, reverse or modify the decision appealed. The decision of the City Council shall be final.

5.32.070- Permittee Selection Process.

A. Selection and Review of Finalists.

1. The City Council shall adopt by resolution a procedure by which the top three applicants applying for a cannabis business permit in the dispensary category will be presented to the City Council for a final determination at a public meeting. Such procedures shall include, but not be limited to, the degree to which the applicant best satisfies the requirements of this chapter, the applicant's experience, the proffered business plan, the accuracy of information provided in the application, and the level of community service and employment opportunities for residents of the City. Applicants for other cannabis business categories, if any, will be presented to the Planning Commission for a final determination at a public meeting.
2. The top three finalists in the cannabis dispensary category shall be invited to attend the City Council meeting, where they will be expected to make a public presentation introducing their team and providing an overview of their proposal. In order to provide adequate time, presentations may be divided over more than one meeting over multiple days as determined to be necessary. The applicants in the other categories of cannabis businesses, if any, shall be invited to attend a Planning Commission meeting, where they will be expected to make a public presentation introducing their team and providing an overview of their proposal. In order to provide adequate time, presentations may be divided over more than one meeting over multiple days as determined to be necessary.
3. At least ten (10) days prior to the hearing, notice of the hearing shall be sent to all property owners located within three hundred (300) feet of the proposed business locations of each of the finalists to be considered by the City Council or the Planning Commission.
4. The City Council shall rank the final three candidates and shall select one or more candidates to be issued a cannabis permit for a cannabis dispensary as permitted by this Chapter. The City Council's decision as to the selection of the candidate(s) to receive a cannabis dispensary permit shall be final. Decisions of the Planning Commission to issue or deny cannabis permits in the other business categories, if any, may be appealed to the City Council according to the procedure set forth in this Chapter.

5. Official issuance of a cannabis business permit, however, is conditioned upon the prevailing candidate(s) obtaining all required land use approvals. Following the Council or Planning Commission's selection, the prevailing candidate(s) shall apply to the City's planning department to obtain any required land use approvals or entitlements for the permittee's location, if any. Land use approvals shall include compliance with all applicable provisions of the California Environmental Quality Act (CEQA). The City Administrator shall formally issue a cannabis business permit once the City Administrator and Chief of Police have both affirmed that all of the required land use approvals have been obtained.

If the selected permittee(s) is(are) unable to fulfill all the requirements of obtaining the cannabis business permit(s), the City Council or the Planning Commission, in its sole discretion, may award the permit to the next highest ranked applicants, or may begin the application process again to allow for selection of a new set of applicants.

6. Issuance of a cannabis business permit does not create a land use entitlement. A cannabis business permit shall only be for a term of twelve (12) months, 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 Chapter and of the permit, have been complied with.
7. Notwithstanding anything in this Chapter to the contrary, the City Council and the Planning Commission reserve the right to reject any or all applications if 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 cannabis business permit until a permit is actually issued, and then only for the duration of the permit's term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the City Council may terminate or delay the program created under this Chapter.
8. If an application is denied, a new application may not be filed for one (1) year from the date of the denial.
9. A person or entity granted a cannabis business permit shall be required to pay any permit fee established by resolution of the City Council, to cover the costs of administering the cannabis business permit program created in this Chapter.

B. Prohibition on Transfer of Cannabis Business Permits.

1. No person may transfer ownership or control of a cannabis business or transfer any cannabis business permit issued under this Chapter. Cannabis business permits are not a property right, and permittees have no economic interest in any permit issued to them. Permittees have no guaranteed right to sell or transfer a cannabis business permit to another party, but the City Council at its discretion may consider whether to authorize the transfer of a cannabis business permit to another party after the proposed transferee has applied for the permit in compliance with this code. Any attempt to transfer ownership of a cannabis business or of a cannabis business permit shall render the cannabis business permit void.
2. In any situation where a permit has been lost as a result of an attempted transfer of the cannabis business permit or of the cannabis business, or as a result of the abandonment or revocation of the permit, any new permit shall be issued using the standard process for the issuance of permits in the first instance. No preference

shall be given to any person proposed as new owner or assignee by the former permit holder. In such case, prior to accepting any new applications, the City shall post the availability of the cannabis business permit at issue on the City's website. The City Administrator or his/her designee may take other actions to help ensure the broadest pool of applicants for the new permit.

5.32.080- Requirements Before Permittee May Commence Operations.

- A. City Business License. Prior to commencing operations, a cannabis business shall obtain a City of Bishop business license.
- B. Building Permits and Inspection. Prior to commencing operations, a cannabis business shall be subject to a mandatory building inspection and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), fire department approvals, Health Department approvals and other zoning and land use permit(s) and approvals.
- C. Certification from Planning Director. Prior to commencing operations, a cannabis business must obtain a certification from the Planning Director certifying that the business is located on a site that meets all of the requirements of the City's Zoning and Municipal Code, including Chapter 17.79.
- D. Right to Occupy and to Use Property. As a condition precedent to the City's issuance of a cannabis business permit pursuant to this Chapter, any person intending to open and to operate a cannabis business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location will be leased from another person, the applicant shall be required to provide a signed and notarized statement from the owner of the property, acknowledging that the property owner has read this Chapter and consents to the operation of the cannabis business on the owner's property.
- E. Limitations on City's Liability. To the fullest extent permitted by law, the City of Bishop shall not assume any liability whatsoever with respect to having issued a cannabis business permit pursuant to this Chapter or otherwise approving the operation of any cannabis business. As a condition to the approval of any cannabis business permit, the applicant shall be required to meet all of the following conditions before they can receive the cannabis business permit:
 - 1. They must execute an agreement, in a form approved by the city attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of Bishop, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance of the cannabis business permit, the City's decision to approve the operation of the cannabis business or activity, to the process used by the City in making its decision, or the alleged violation of any federal, state or local laws by the cannabis business or any of its officers, employees or agents.
 - 2. Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the city attorney.

3. Reimburse the City of Bishop for all costs and expenses, including but not limited to attorney fees and costs and court costs, which the City of Bishop may be required to pay as a result of any legal challenge related to the City's approval of the applicant's cannabis business permit, or related to the City's approval of a cannabis activity. The City of Bishop may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

5.32.090- Operating Requirements for Cannabis Businesses.

- A. **Compliance with Laws.** It is the responsibility of the owners and operators of the cannabis business to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this Chapter shall be construed as authorizing any actions which violate state law or local law with respect to the operation of a cannabis business. It shall be the responsibility of the owners and the operators of the cannabis business to ensure that the cannabis business is, at all times, operating in a manner compliant with all applicable state and local laws, the 2008 Attorney General Guidelines, any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the cannabis business permit. Nothing in this Chapter shall be construed as authorizing any actions which violate state law with regard to the operation of a cannabis business.
- B. **Fees, Charges and Taxes.**
 1. No person may commence or continue any cannabis activity in the City, without timely paying in full all fees, charges, and any applicable taxes required for the operation of a cannabis business. Fees and charges associated with the operation of a cannabis activity shall be established by resolution of the City Council which may be amended from time to time.
 2. A cannabis dispensary authorized to operate under this Chapter shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Cannabis dispensaries shall cooperate with City with respect to any reasonable request to audit the cannabis dispensary's books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.
- C. **Hours of Operation.** Cannabis dispensaries may be open for access to the public only between the hours of 8:00 A.M. and 8:00 P.M. Monday through Sunday. Other cannabis businesses may operate only during the hours specified in the business's cannabis business permit.
- D. **Restriction on Consumption.** Cannabis shall not be consumed on the premises of any cannabis business.
- E. **No outdoor storage of cannabis or cannabis products is permitted at any time.**
- F. **Reporting and Tracking of Product and of Gross Sales.** Each cannabis business shall have in place a point-of-sale tracking system to track and report on all aspects of the cannabis business including, but not limited to, such matters as cannabis tracking,

inventory data, and gross sales (by weight and by sale). The cannabis business shall ensure that such information is compatible with the City's record-keeping systems. The system must have the capability to produce historical transactional data for review by the City Administrator or his/her designee.

- G. All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the State and local regulations.
- H. Emergency Contact. Each cannabis business shall provide the City Administrator or his/her designee(s) with the name, telephone number (mobile preferred, if available) of an owner and or manager to whom emergency notice can be provided at any hour of the day.
- I. Signage and Notices.
 - 1. In addition to the requirements otherwise set forth in this section, business identification signage for a cannabis business shall conform to the requirements of the Bishop Municipal Code, including, but not limited to, seeking the issuance of a City sign permit.
 - 2. No signs placed on the premises of a cannabis business shall obstruct any entrance or exit to the building or any window.
 - 3. Each entrance to a cannabis dispensary shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the cannabis dispensary is prohibited.
 - 4. Cannabis dispensaries shall post signage providing health warnings about the dangers of cannabis consumption.
 - 5. Cannabis dispensaries shall post signage prohibiting loitering onsite.
- J. Minors.
 - 1. Persons under the age of twenty-one (21) years shall not be allowed on the premises of a cannabis business. Persons under the age of twenty-one (21) years of age shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Chapter for any person to employ any person at a cannabis business who is not at least twenty-one (21) years of age.
 - 2. The entrance to the 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 cannabis business.
- K. Odor Control. Odor control devices and techniques shall be incorporated in all cannabis dispensaries to ensure that odors from cannabis are not detectable off-site. Cannabis dispensaries shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the cannabis dispensary 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 dispensary. As such, a cannabis dispensary must install and maintain the following equipment, or any other equipment which the City Administrator or his/her designee(s) determine is a more effective method or technology:

1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally. The dispensary applicant shall provide a statement from the exhaust air filtration manufacturer that the system has been designed to achieve the above standard based on the specific building size and layout;
 2. An air system that creates negative air pressure between the cannabis dispensary's interior and exterior, so that the odors generated inside the cannabis dispensary are not detectable on the outside of the cannabis dispensary. The dispensary applicant shall provide a statement from the air system manufacturer that the system has been designed to achieve the above standard based on the specific building size and layout
- L. Display of Permit and City Business License. The original copy of the cannabis business permit issued by the City pursuant to this Chapter and the City issued business license shall be posted inside the cannabis dispensary in a location readily-visible to the public.
- M. Background Check.
1. Pursuant to California Penal Code sections 11105(b)(11) and 13300(b)(11), which authorizes city authorities to access state and local summary criminal history information for employment, licensing, or certification purposes, and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, manager, or supervisor of the cannabis business must submit fingerprints and other information deemed necessary by the City Administrator or his/her designee(s) for a background check by the Bishop Police Department. Pursuant to California Penal Code sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record, no person shall be issued a permit to operate a cannabis business unless they have first cleared the background check, as determined by the Chief of Police, as required by this section.
 2. A fee for the cost of the background investigation, which shall be the actual cost to the City of Bishop to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a cannabis business permit is submitted. The applicant(s) shall provide an initial deposit in an amount the City Administrator or his/her designee(s) estimates will cover the cost of the background investigation, which shall be used and drawn upon as a retainer to cover the actual costs of such investigation. If this amount is not sufficient, the applicant shall provide additional amounts that are necessary and if the applicant is unable to provide the additional amounts necessary to complete the investigation, the investigation shall cease and shall not continue until such additional amounts are paid. Upon completion of the investigation or in the event the applicant withdraws their application, any fees paid for this process will be deemed non-refundable.
 3. The City shall not disseminate background check results information to any private party.
 4. When reviewing background check results, the Chief of Police shall verify that applicants have not been convicted of any crimes listed in Business and Professions Code section 26057. Applicants found to have committed any crimes

listed in Business and Professions Code Section 26057 shall fail the background, and shall be ineligible for a City cannabis business permit.

- N. Loitering. The owner and/or operator of a cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises of the business.
- O. Permits and other Approvals. Prior to the establishment of any cannabis business or the operation of any such business, the person intending to establish a cannabis business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such cannabis business intends to establish and to operate.

5.32.100- Additional Operating Requirements for Storefront Cannabis Retailers/Dispensaries.

A. Records and Recordkeeping.

1. Each owner and operator of a storefront cannabis dispensary shall maintain accurate books and records, detailing all of the revenues and expenses of the dispensary, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a cannabis business permit issued pursuant to this Chapter), or at any time upon reasonable request of the City, each cannabis dispensary shall file a sworn statement detailing the number of sales by the cannabis dispensary during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid.
2. Each owner and operator of a storefront cannabis dispensary shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the cannabis dispensary, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the cannabis dispensary. The register required by this paragraph shall be provided to the City Administrator or his/her designee(s) upon a reasonable request.
3. Each storefront cannabis dispensary shall confidentially maintain a record of all persons, collectives and primary caregivers served by the cannabis dispensary, for a period of no less than four (4) years, or as required by state law, whichever is the lesser period of time.
4. Storefront Cannabis dispensaries shall maintain records of their inventory acquired, including the name and address of each supplier, the date of acquisition and the quantity acquired from each supplier, and the location of the cultivation of the supplier, and shall maintain a copy of the supplier's state license to cultivate (if required).
5. Subject to any restrictions under state or federal law, each storefront cannabis dispensary shall allow City of Bishop officials to have access to the dispensary's books, records, accounts, together with any other data or documents relevant to its permitted cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be

produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated by the City.

B. Security Measures.

1. A permitted storefront cannabis dispensary shall implement sufficient security 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 at the cannabis dispensary. Except as may otherwise be determined by the City Administrator or his/her designee(s), these security measures shall include, but shall not be limited to, all of the following:
 - a. Preventing individuals from remaining on the premises of the cannabis dispensary if they are not engaging in an activity directly related to the permitted operations of the cannabis dispensary.
 - b. Establishing limited access areas accessible only to authorized cannabis dispensary personnel.
 - c. All cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault. All cannabis and cannabis products, shall be kept in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes or for immediate sale at a dispensary.
 - d. Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the cannabis dispensary which are open and accessible to the public, and all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis. Video recordings shall be maintained for a minimum of forty-five (45) days, and shall be made available to the City Administrator or his designee upon request.
 - e. Sensors shall be installed to detect entry and exit from all secure areas.
 - f. Panic buttons shall be installed in all cannabis dispensaries.
 - g. Having a professionally installed, maintained, and monitored alarm system.
 - h. Any bars installed on the windows or the doors of the cannabis dispensary shall be installed only on the interior of the building.
 - i. 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 City Administrator or his/her designee(s), with such approval not to be unreasonably withheld.
 - j. Each cannabis dispensary shall have the capability to remain secure and operational during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
 - k. Entrances into the dispensary shall be locked at all times with entry strictly controlled. A "buzz-in" electronic/mechanical entry system shall be utilized to limit access to and entry to the dispensary, to separate it from the reception/lobby area.
 - l. For the first 12 months of operation, uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access,

and to serve as a visual deterrent to unlawful activities. Following the first 12 months of operation, the owner/operator may request a waiver from the Chief of Police for further compliance with this requirement based on the demonstrated record of minimal or no complaints or calls for service to the cannabis dispensary.

2. A storefront cannabis dispensary shall identify a designated security representative/liaison to the City of Bishop, who shall be reasonably available to meet with the City Bishop or his/her designee regarding any security related measures or and operational issues.
3. As part of the application and permitting process a storefront cannabis dispensary shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency.
4. The storefront cannabis dispensary shall cooperate with the City whenever the City Administrator or his designee makes a request, upon reasonable notice to the cannabis dispensary, to inspect or audit the effectiveness of any security plan or of any other requirement of this Chapter.
5. A storefront cannabis dispensary shall notify the City Administrator or his/her designee(s) within twenty-four (24) hours after discovering any of the following:
 - a. Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Administrator or his/her designee.
 - b. Diversion, theft, loss, or any criminal activity involving the cannabis dispensary or any agent or employee of the cannabis dispensary.
 - c. The loss or unauthorized alteration of records related to cannabis, records of sales, or employees or agents of the cannabis dispensary.
 - d. Any other breach of security.
- C. Restriction on Alcohol Sales. No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the storefront cannabis dispensary.
- D. Owners and Operators are required to verify the age and the necessary documentation of each customer to ensure the customer is not under the age of twenty-one (21) years prior to allowing customers to enter the storefront cannabis dispensary.
- E. Storefront cannabis dispensaries may have on-site, in the retail sales area of the dispensary, only that quantity of cannabis and cannabis products reasonably anticipated to meet the daily demand readily available for sale. Dispensaries may also sell non-cannabis products, such as cannabis and health related educational books and publications, apparel, and the like. However, sales of non-cannabis products shall constitute no more than fifteen percent (15%) of the floor area and not to exceed three hundred (300) square feet.
- G. All restroom facilities shall remain locked and under the control of management.
- H. All cannabis and products containing cannabis shall be dispensed in child-proof packaging and shall remain in such packaging until off the premises, unless otherwise provided by state law.

5.32.110- Additional Operating Requirements for Non-storefront Cannabis Retailers/Dispensaries.

A. Employees

1. All deliveries of cannabis and cannabis products shall be performed by a delivery employee that is directly employed by the licensed non-storefront retailer.
2. Each delivery employee of licensed retailer shall be at least 21 years of age.
3. All deliveries of cannabis and cannabis products shall be made in person. A delivery of cannabis or cannabis products shall not be made through the use of an unmanned vehicle.
4. The process of delivery begins when the delivery employee leaves the retailer's licensed premises with the cannabis or cannabis products for delivery. The process of delivering ends when the delivery employee returns to the retailer's licensed premises after delivering the cannabis or cannabis products to the customer(s). During the process of delivery, the retailer's delivery employee may not engage in any activities except for cannabis or cannabis product delivery and necessary rest, fuel, or vehicle repair stops.
5. A delivery employee of a licensed retailer shall, during deliveries, carry a copy of the retailer's current license, the employee's City issued work permit, and an identification badge provided by the employer pursuant to the Bureau of Cannabis Control regulations.
6. Prior to providing cannabis or cannabis products to a delivery customer, a delivery employee shall confirm the identity and age of the delivery customer as required by the Bureau of Cannabis Control and place the cannabis or cannabis products in a resealable child-resistant opaque exit package.
7. A licensed retailer shall maintain an accurate list of the retailer's delivery employees and shall provide the list to the City upon request.

B. Delivery to a Physical Address

1. A delivery employee may only deliver cannabis or cannabis products to a physical address in California.
2. A delivery employee shall not leave the State of California while possessing cannabis or cannabis products.
3. A delivery employee shall not deliver cannabis or cannabis products to an address located on publicly owned land or any address on land or in a building leased by a public agency. This prohibition applies to land held in trust by the United States for a tribe or an individual tribal member unless the delivery is authorized by and consistent with applicable tribal law.
4. A delivery employee may deliver to any jurisdiction within the State of California.

C. Delivery Vehicle Requirements

1. A retailer's delivery employee, carrying cannabis or cannabis products for delivery, shall only travel in an enclosed motor vehicle. Any vehicle used in the delivery of cannabis or cannabis products shall be operated by a delivery employee of the licensee. Only the licensee or an employee of

the retailer licensee for whom delivery is being performed shall be in the delivery vehicle.

2. While carrying cannabis or cannabis products for delivery, a retailer's delivery employee shall ensure the cannabis and cannabis products are not visible to the public. Cannabis and cannabis products shall be locked in a box, container, or cage that is secured on the inside of the vehicle. The inside of the vehicle includes the trunk.
3. A retailer's delivery employee shall not leave cannabis or cannabis products in an unattended motor vehicle unless the motor vehicle is locked and equipped with an active alarm system.
4. Upon request, the licensed retailer shall provide the City with information regarding any motor vehicle used for the delivery of cannabis and cannabis products, including the vehicle's make, model, color, vehicle identification number, license plate number and Department of Motor Vehicles registration information.
5. Any motor vehicle used by a licensed retailer to deliver cannabis or cannabis products is subject to inspection by the City. Vehicles used to deliver cannabis or cannabis products may be stopped and inspected by the City at any licensed premises or during delivery.
6. No display of any logo, signage, or other information that identifies, advertises, or lists the services or products offered shall be placed on the vehicle.

D. Cannabis and Cannabis Products Carried During Delivery

1. A retailer's delivery employee shall not carry cannabis or cannabis products in the delivery vehicle in excess of \$10,000 at any time.
2. A delivery employee may only carry cannabis or cannabis products in the delivery vehicle and may only perform deliveries for one licensed retailer at a time. The vehicle shall not carry more cannabis or cannabis products than allowed by State and local law and required to fulfill all immediate delivery requests.
3. A retailer's delivery employee shall not leave the licensed premises with cannabis or cannabis products without at least one delivery order that has already been received and processed by the licensed retailer.
4. A delivery inventory ledger of all cannabis and cannabis products must be provided to the retailer's delivery driver before leaving the premises.
5. After each customer delivery, the delivery inventory ledger must be updated to reflect the current inventory in possession of the retailer's delivery driver.
6. The retailer's delivery driver shall maintain a log that includes all stops from the time the retailer's delivery driver leaves the licensed premises to the time that the retailer's delivery driver returns to the licensed premises, and the reason for each stop. The log shall be turned in to the retailer when the retailer's delivery driver returns to the licensed premises. The

licensed retailer must maintain the log as a commercial cannabis activity record as required by the State.

7. Prior to arrival at any delivery location, the licensed retailer must have received a delivery request from the customer and provided the delivery request receipt to the retailer's delivery driver electronically or in hard copy. The delivery request provided to the retailer's delivery driver shall contain all of the information required by the Bureau of Cannabis Control except for the date and time the delivery was made, and the signature of the customer.
8. Immediately upon request by the Bureau of Cannabis Control or any law enforcement officer, the retailer's delivery driver shall provide
 - (a) All delivery inventory ledgers from the time the retailer's delivery driver left the licensed premises up to the time of the request;
 - (b) All delivery request receipts for cannabis and cannabis products carried by the driver, in the delivery vehicle, or any deliveries that have already been made to customers; and
 - (c) The log of all stops from the time the retailer's delivery driver left the licensed premises up to the time of the request.
9. If a retailer's delivery driver does not have any delivery requests to be performed for a 30-minute period, the retailer's delivery driver shall not make any additional deliveries and shall return to the licensed premises. Required meal breaks shall not count towards the 30-minute period.
10. Upon returning to the licensed premises, all undelivered cannabis and cannabis products shall be returned to inventory.

E. Delivery Request Receipt

A licensed retailer shall prepare a hard copy or electronic delivery request receipt for each delivery of cannabis or cannabis products.

1. The delivery request receipt shall contain the following
 - (a) The name and address of the licensed retailer
 - (b) The first name and employee number of the retailer's delivery employee who delivered the order
 - (c) The first name and employee number of the retailer's employee who prepared the order for delivery
 - (d) The first name of the customer and retailer assigned customer number for the person who requested the delivery
 - (e) The date and time the delivery request was made
 - (f) The delivery address
 - (g) A detailed description of all cannabis and cannabis products requested for delivery as required by the Bureau of Cannabis Control
 - (h) The total amount paid for the delivery as required by the Bureau of Cannabis Control
 - (i) Upon delivery, the date and time the delivery was made, and the handwritten or electronic signature of the customer who received the delivery.

2. At the time of delivery, the delivery employee of the retailer shall provide the customer who placed the order with a hard or electronic copy of the delivery request receipt. The delivery driver shall retain a hard or electronic copy of the signed delivery request receipt for the licensed retailer's records.
3. For the purpose of this section, an employee number is a distinct number assigned by a licensed retailer to their employees that would allow the licensed retailer to identify the employee on documents or records using the employee number rather than the employee's full name. A licensed retailer shall be able to identify the employee associated with each employee number upon request by the State/City.
4. For the purpose of this section, a customer number is a distinct number assigned by a licensed retailer to a customer that would allow the licensed retailer to identify the customer in documents or records using the customer number rather than the customer's full name. A licensed retailer shall be able to identify the customer associated with each customer number upon request by the State/City.

F. Delivery Route

While making deliveries of cannabis or cannabis products, a retailer's delivery driver shall only travel from the retailer's licensed premises to the delivery address; from one delivery address to another delivery address; or from a delivery address back to the retailer's licensed premises. A delivery driver of a retailer shall not deviate from the delivery path except for necessary rest, fuel, or vehicle repair stops, or because road conditions make continued use of routes unsafe, impossible, or impracticable.

G. Receiving Shipments of Inventory

1. A licensed retailer shall receive a shipment of cannabis and cannabis products only from a licensed distributor or licensed microbusiness.
2. A licensed retailer shall accept shipments of cannabis and cannabis products only between the hours of 6:00 a.m. and 10:00 p.m.
3. During business hours, shipments of cannabis and cannabis products shall not enter the licensed premises through an entrance or exit that is available for use by the public.

H. Inventory Documentation

The licensed retailer shall maintain an accurate record of its inventory. The licensed retailer shall provide the Bureau of Cannabis Control/City with the record of inventory immediately upon request. The licensed retailer shall keep a record of the following information for all cannabis and cannabis products the licensed retailer has in its inventory:

1. A description of each item such that cannabis or cannabis products can easily be identified.
2. An accurate measurement of the quality of the item
3. The date and time the cannabis or cannabis products was received by the licensed retailer.

4. The sell by or expiration date provided on the package of cannabis or cannabis products, if any.
 5. The name and license number of the licensed distributor or licensed microbusiness that transported the cannabis or cannabis products to the licensed retailer.
 6. The price the licensed retailer paid for the cannabis or cannabis products, including taxes, delivery costs, and any other costs.
- I. Inventory Reconciliation
- The licensed retailer shall perform reconciliation of its inventory in the time and manner required by 16 CCR 5424.
- J. Record of Sales
1. A licensed retailer shall maintain an accurate record of sales made to a customer.
 2. A record of cannabis and cannabis products sold to a customer shall contain the following information:
 - (a) The first name and employee number of the retailer employee who processed the sale.
 - (b) The first name and the retailer assigned customer number for the customer who made the purchase.
 - (c) The date and time of the transaction.
 - (d) A list of all the cannabis and cannabis products purchased, including the quantity purchased.
 - (e) The total amount paid for the sale including the individual prices paid for each amount of cannabis or cannabis products purchased and any amounts paid for taxes.
 3. The point of sales for all sale transactions performed by the licensed retailer shall be credited to the City of Bishop.
- K. Records
- All licensed retailer specific records shall be maintained in accordance with the requirements of 16 CCR 5037.
- L. Retailer Premises to Retailer Premises Transfer
1. A licensee who holds multiple retail licenses may arrange for the transfer of cannabis and cannabis products from one licensed retail premises to another licensed retail premises if both retail licenses are held under the same ownership.
 2. Cannabis and cannabis products transferred to a licensed retail premises may be sold by the licensed retailer receiving the cannabis or cannabis products if the receiving retailer is in compliance with all requirements of the Bureau of Cannabis Control.
 3. The transportation of cannabis and cannabis products under this subsection must comply with all requirements of the Bureau of Cannabis Control.
 4. Any movement of cannabis or cannabis products under this section shall be properly entered into the state track and trace system.

5.32.120- Application of Chapter; Other Legal Duties.

A. Promulgation of Regulations and Standards.

1. In addition to any regulations adopted by the City Council, the City Administrator or his/her designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of cannabis business permits, the ongoing operation of a cannabis business and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Chapter.
2. Regulations shall be published on the City's website.
3. Regulations promulgated by the City Administrator shall become effective upon date of publication. A cannabis business shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Administrator or his designee, within a reasonable time.

B. Community Relations Requirements for Cannabis Dispensaries.

1. Each cannabis dispensary shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the cannabis dispensary can be provided. Each cannabis dispensary shall also provide the above information to all businesses and residences located within one hundred (100) feet of the cannabis dispensary property and shall provide opportunity for those businesses and residents within one hundred (100) feet to visit and to tour the cannabis dispensary at least once on a mutually convenient date and time. Any additional request shall be at the sole discretion of the dispensary operator.
2. During the first year of operation pursuant to this Chapter, the owner, manager, and community relations representative from the cannabis dispensary holding a permit issued pursuant to this Chapter shall attend a quarterly meeting with the City Administrator or his/her designee(s) to discuss costs, benefits, and other community issues arising as a result of implementation of this Chapter. After the first year of operation, the owner, manager, and community relations representative from the cannabis dispensary shall meet with the City Administrator or his/her designee(s) when and as requested by the City Administrator or his/her designee(s).
3. The cannabis dispensary to which a permit is issued pursuant to this Chapter shall contribute resources to health organizations and educational institutions to develop and make available to youth organizations and educational institutions a public education plan that outlines the risks of youth abuse of cannabis, and that identifies resources available to youth related to drugs and drug addiction. The amount of resources to be contributed shall be negotiated between the parties and shall become a term of the development agreement required by section 17.79.090 of this code.

C. Fees Deemed Debt to City of Bishop. The amount of any fee, cost or charge imposed pursuant to this Chapter shall be deemed a debt to the City of Bishop that is recoverable via an authorized administrative process as set forth in the Municipal Code, or in any court of competent jurisdiction.

- D. Permit Holder Responsible for Violations. The person or members of a business entity to whom a permit is issued pursuant to this Chapter shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of Bishop, whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the cannabis business.
- E. Inspection and Enforcement.
 - 1. The City Administrator or his/her designee(s) are charged with enforcing the provisions of the Bishop Municipal Code, or any provision thereof, may enter the location of a cannabis business at any time during the hours of operation without notice, and inspect the location of any cannabis business as well as any recordings and records required to be maintained pursuant to this Chapter or under applicable provisions of State law.
 - 2. It is unlawful for any person having responsibility over the operation of a cannabis business, 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 cannabis business under this Chapter 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 cannabis business under this Chapter or under state or local law.
 - 3. The City Administrator or his/her designee(s) charged with enforcing the provisions of this Chapter may enter the location of a cannabis 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 of Bishop shall be logged, recorded, and maintained in accordance with Bishop Police Department standards for evidence.
- F. Concurrent Regulation with State. It is the stated intent of this Chapter to regulate cannabis activity in the City of Bishop concurrently with the state of California.

5.32.130- Violations and Enforcement.

- A. Violations declared a public nuisance. Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance.
- B. Each violation a separate offense. 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 Bishop Municipal 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 and payment to the City of 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 of Bishop may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the cannabis business or persons related to, or associated with, the cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the City Administrator, his/her designee, or the Chief of Police, may take immediate action to temporarily suspend a cannabis business permit issued by the City, pending a hearing before the City Council.

- C. Remedies cumulative and not exclusive. The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

SECTION 5. ENVIRONMENTAL DETERMINATION. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt under Business and Professions Code section 26055, subdivision (h).

SECTION 6. INCONSISTENCIES. Any provision of the Bishop Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 7. SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 8. EFFECTIVE DATE. Effective Date. This ordinance shall be in full force and effect commencing thirty (30) days after its final adoption and a summary hereof shall be published once within fifteen (15) days in the _____, a newspaper of general circulation printed and published in the County of Inyo and circulated in the City of Bishop and hereby designated for that purpose by the City Council.

SECTION 9. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner and form provided by law in the Inyo Register, a newspaper of general circulation printed and published in the City of Bishop, State of California, which said newspaper is hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2021.

Stephen Muchovej, Mayor

Attest:

By: _____
Robin Picken, City Clerk