

ORDINANCE NO. _____ (N.C.S.)

AN ORDINANCE...

City Attorney's Analysis

...

WHEREAS...

[CEQA recital]

[Land use regulation recital]

[Public health, safety, and welfare recital]

[Purpose and intent recitals]

[Existing cannabis law recitals]

...

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SALINAS as follows:

SECTION 1. Chapter 16B of the Salinas Municipal Code titled "Medical Marijuana Dispensaries" is hereby repealed in its entirety and replaced with the following:

Chapter 16B. Commercial Cannabis Activity.

Article 1. Purpose and Intent.

Section 16B.10.10. [a "land use regulation" H & S §11362.777]

Section 16B-10.20. Legal Authority. Pursuant to Section 7 of Article XI of the California Constitution, the City of Salinas is authorized to adopt ordinances that establish standards, requirements, and regulations for local licenses and permits for commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, testing, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the city of Salinas to commercial cannabis activity.

Article 2. Definitions.

Section 16B-20.10. When used in this Chapter, the following words shall have the meanings ascribed to them in this section. 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.

- (a) "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.
- (b) "Cannabis concentrate" means manufactured cannabis that has undergone
- (c) "Caregiver" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.
- (d) "Commercial cannabis activity" includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product, except as set forth in California Business and Professions Code Section 19319, related to qualifying patients and primary caregivers.
- (e) "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- (f) "Delivery" means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the State of California, or any of its departments or divisions, to a primary caregiver or qualified patient, or a testing laboratory. "Delivery" also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed by the State of California under Medical Marijuana Regulation and Safety Act (as the same may be amended from time-to-time), that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.
- (g) "Dispensary" means a facility where cannabis, medical cannabis products, or devices for the use of medical cannabis or medical 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, medical cannabis and medical cannabis products as part of a retail sale.

- (h) “Dispensing” means any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.
- (i) “Distribution” means the procurement, sale, and transport of medical cannabis or medical cannabis products between entities licensed pursuant to the Medical Marijuana Regulation and Safety Act.
- (j) “Distributor” means a person licensed under the MMRSA to engage in the business of purchasing medical cannabis from a licensed cultivator, or medical cannabis products from a license manufacturer, for sale to a licensed dispensary.
- (k) “Dried flower” means all dead medical cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
- (l) “Edible cannabis product” means manufactured cannabis that is intended to be used, in whole or in part, for human consumption. An edible medical 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.
- (m) “Cultivation site” means a facility where medical cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, that holds a valid state license pursuant to the MMRSA and that holds a permit issued by the City.
- (n) “Licensee” means a permit issue a license by the State of California, or one of its departments or divisions, under the MMRSA to engage in commercial cannabis activity.
- (o) “Live plants” means living medical cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.
- (p) “Manufacturer” means a person that conducts the production, preparation, propagation, or compounding of manufactured medical cannabis, as defined in this section, or medical 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 medical cannabis or medical cannabis products or labels or relabels its container, that holds a valid state license pursuant to the MMRSA and that holds a permit issued by the City.

- (q) “Manufactured cannabis” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.
- (r) “Manufacturing site” means a location that produces, prepares, propagates, or compounds medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a license by the State of California, or one of its departments or divisions, for these activities.
- (s) “Medical cannabis”, “medical cannabis product,” or “cannabis product” means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the 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.
- (t) “Patient” or “qualified patient” shall have the meaning given that term by California Health and Safety Code Section 11362.7, but who does not have an identification card issued by the State Department of Health Services.
- (u) “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.
- (v) “Person with an identification card” shall have the meaning given that term by California Health and Safety Code Section 11362.7.
- (w) “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.
- (x) “Transport” means the transfer of medical cannabis or medical cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized by the MMRSA.

- (y) “Transporter” means a person issued a state license by the State of California, or one of its departments or divisions, to transport medical cannabis or medical cannabis products in an amount above a threshold determined by the State of California, or one of its departments or divisions, that have been issued a State license pursuant to the MMRSA.

Article 3. General Provisions.

Section 16B-30.10. Licenses and Permit, Required.

- (a) In addition to those other requirements which may be imposed pursuant to this Chapter, no person shall engage in commercial cannabis activity without possessing both a permit issued by the City of Salinas and a license issued by the State of California or one of its departments or divisions. Commercial cannabis activity shall be permitted in the city of Salinas only as expressly provided in this Chapter and if not expressly permitted by this Chapter shall be prohibited.
- (1) Each commercial cannabis business permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance.
 - (2) An application for renewal of a permit shall be filed at least sixty (60) calendar days prior to the expiration date of the permit.
 - (3) An application for renewal of a 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 permit is suspended or revoked at the time of the application.
 - c. The commercial cannabis business has not been in regular and continuous operation in the four (4) months prior to the renewal application.
 - d. The commercial cannabis business fails to conform to the requirements of this Chapter and any regulations adopted pursuant to this Chapter.
 - e. The permittee fails to renew its State license.
 - (4) If a renewal application is rejected, a person may file a new application pursuant to this Chapter.
- (b) A commercial cannabis business shall obtain a City of Salinas business license and comply with all applicable provisions and requirements of that license.
- (c) Revocation, termination, or suspension of a license issued by the State of California, or any of its departments or divisions, shall immediately terminate the ability of a medical cannabis business to operate within the city of Salinas until the State, or its respective department or division, reinstates or reissues the license.

Section 16B-30.20. Existing Commercial Cannabis Business. A commercial cannabis business operating in compliance with existing Municipal Code provisions at the time this Chapter becomes effective may continue its operations; provided, however, that in order to continue operating such commercial cannabis business must apply for a permit pursuant to this Chapter and otherwise meet all other conditions and requirements of this Chapter imposed on newly established commercial cannabis businesses. As of the introduction date of this Chapter, only one such commercial cannabis business is known to exist; however, any facility or entity that can demonstrate to the City's satisfaction that it was in operation, in good standing, and otherwise in compliance with all applicable local and state laws and regulations promulgated thereunder may be permitted to continue its operations pursuant to this section.

Section 16B-30.30. Records and Recordkeeping.

- (a) On no less than an annual basis (at or before the time of the renewal of a permit issued pursuant to this Chapter) or at any time upon reasonable request of the City, each commercial cannabis business shall file a sworn statement with the Chief of Police indicating the number of patients served by the commercial cannabis business within the previous twelve-month period (or shorter period based upon the timing of the request).
- (b) Each owner and/or operator of a commercial cannabis business shall maintain a current register of the names and the contact information of all employees currently employed by the commercial cannabis business and shall disclose such register to any City official upon request.
- (c) Each commercial cannabis business shall maintain a record of all patients and primary caregivers served by the commercial cannabis business.

Section 16B-30.40. Security Measures. The Chief of Police is authorized to promulgate all regulations necessary to implement the requirements and fulfill the policies of this Chapter related to commercial cannabis businesses including, but not limited to, the following subjects:

- (a) A permitted commercial cannabis business shall implement sufficient security measures to both deter and to prevent unauthorized entrance into areas containing medical cannabis or medical cannabis products and theft of medical cannabis or medical cannabis products at the commercial cannabis business. These security measures shall include, but shall not be limited to, all of the following:
 - (1) Preventing individuals from remaining on the premises of the commercial cannabis business if they are not engaging in the activity expressly related to the operations of the commercial cannabis business.
 - (2) Establishing limited access areas accessible only to authorized commercial cannabis business personnel.

- (3) Storing all medical cannabis and medical cannabis products in a secured and locked room, safe, or vault, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes or immediate sale.
 - (4) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises and to monitor all interior spaces within the commercial cannabis business which are open and accessible to the public. The security surveillance cameras shall be remotely accessible to the Salinas Police Department and shall be compatible with the Salinas Police Department's software and hardware and remote real-time, live access to the video footage from the cameras shall be provided to the Salinas Police Department. Video recordings shall be maintained for a minimum of forty-five (45) days.
 - (5) Sensors shall be installed to detect entry and exit from all secure areas.
 - (6) Panic buttons shall be installed in all commercial cannabis businesses.
 - (7) Having professionally installed, maintained, and monitored alarm system.
 - (8) Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building.
 - (9) Security companies hired by the commercial cannabis business shall be third party providers of services (i.e., not employees of the commercial cannabis business) and shall be subject to the prior review and approval of the Chief of Police or his designee.
 - (10) Each commercial cannabis business 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.
- (b) Each commercial cannabis business shall identify a liaison to the Salinas Police Department which person shall be reasonably available to meet with the Chief of Police or his designees regarding security measures and operational issues.
 - (c) As part of the application and permitting process, each commercial cannabis business shall have a transportation plan describing the procedures for safely and securely transporting cannabis and cannabis products and currency.
 - (d) A commercial cannabis business shall notify the Chief of Police within twenty-four (24) hours after discovering any of the following:
 - (1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the Chief of Police.

- (2) Diversion, theft, loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the commercial cannabis business.
- (3) The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the commercial cannabis business.
- (4) Any other breach of security.

Section 16B-30.50. Employees; Employee Work Permits; Identification

- (a) Work permit required. Any person who is an employee or who otherwise works or volunteers within a commercial cannabis business must obtain a work permit from the Chief of Police. The Chief of Police is hereby authorized to promulgate all regulations necessary to implement the work permit process contemplated in this section including, but not limited to, the reasons for denial of a work permit to any person. A work permit shall be valid for a twelve (12) month period and must be renewed on an annual basis. Applications for work permits shall be submitted under oath and shall contain a statement of the past criminal record, if any, of the applicant and such information as may be deemed necessary by the Chief of Police to determine whether the applicant is a proper person to be issued a work permit. The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the Chief of Police. In the event a person changes employment from one commercial cannabis business within the city to another, the work permit holder shall notify the Chief of Police in writing of the change of employment within ten (10) days of such change or the work permit shall be suspended or revoked and such person shall not be permitted to work within any commercial cannabis business within the city.
- (b) Identification. Each person to whom a work permit is issued shall wear his or her personal identification card, issued by the City, at a prominent and readily-visible location on the outermost garment and approximately chest-high. Such identification card shall at all times be in good and readable condition.
- (c) Employee Records. Each owner or operator of a commercial cannabis business shall maintain on-site a current register or all the employees currently employed by the commercial cannabis business and shall produce such register to the Chief of Police, his designee, or any other City official authorized to enforce the Salinas Municipal Code for purposes of determining compliance with this Chapter.
- (d) Fees. Each application for a work permit and renewal of an existing work permit shall be accompanied by a fee set by resolution of the City Council and shall be valid for a period of twelve (12) months from the date of issuance, unless terminated, suspended, or revoked

sooner. The fee is non-refundable and shall not be returned in the event the work permit is denied, revoked, or suspended.

Section 16B-30.60. Right to Occupy and to Use Property. As a condition precedent to the City's issuance of a permit pursuant to this Chapter, any person intending to operate a commercial cannabis business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location is leased from another person, the applicant for a permit under this Chapter shall provide a signed and notarized statement from the owner of the property or their agent to demonstrate the property owner has acknowledged and has consented to the operation of a commercial cannabis business on the property.

Section 16B-30.70. Location of Commercial Cannabis Business; Proximity to Sensitive Uses.

- (a) No commercial cannabis business may operate within one thousand (1,000) feet of any school, college or university (whether public, private, charter, or other school), church or other house of worship, park, children's playground, library, or any other public facility where the presence of the commercial cannabis activity would cause a public nuisance or other situation which may result in repeated police department response.
- (b) No commercial cannabis business may operate within any wholly residential area or district of the city or adjacent to a residential area or district if, in the opinion of the Police Chief or the Community Development Director, the operation of a commercial cannabis business in such location would tend to cause a public nuisance or a situation which may result in repeated Police Department response or a negative impact on the adjacent residential units.
- (c) No commercial cannabis business may operate within one thousand (1,000) feet of any other commercial cannabis business, expecting therefrom the occasional and transient operation of a commercial cannabis delivery business.
- (d) Any commercial cannabis business which has been determined by the City to be an existing commercial cannabis business on the effective date of this Chapter shall be exempt from compliance with the limitations proscribed in this section, unless such location is otherwise determined to constitute a public nuisance or otherwise a disturbance to the adjacent or neighboring uses as determined by the provisions of this Chapter.

Section 16B-30.80. Restriction on Alcohol Retailers; Restriction on Alcohol Sales. No person may be issued a permit pursuant to this Chapter to operate a commercial cannabis business if such person is licensed as a retailer of alcoholic beverages pursuant to State law. No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the commercial cannabis business.

Section 16B-30.90. Concurrent Regulation with State. It is the stated intent of this Chapter to regulate commercial cannabis activity in the city of Salinas concurrently with the state of California.

Section 16B-30.100. Compliance with Laws.

It is the responsibility of the owners and operators of the commercial cannabis activity 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 commercial cannabis activity. It shall be the responsibility of the owners and the members of the commercial cannabis business to ensure that the commercial cannabis business is, at all times, operating in a manner compliant with all applicable state and local laws including, but not limited to, the Compassionate Use Act of 1996, the Medical Marijuana Program Act, the 2008 Attorney General Guidelines, the MMRSA, any subsequently enacted state law or regulatory, licensing, or certification requirements, all applicable provisions of the Salinas Municipal Code, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the use permit. Nothing in this Chapter shall be construed as authorizing any actions which violate State law with regard to the operation of a commercial cannabis business.

Section 16B-30.110. Inspection and Enforcement.

- (a) The Chief of Police and any other City official charged with enforcing the provisions of the Salinas Municipal Code, or any provision thereof, may enter the location of a commercial cannabis business at any time during the hours of operation without notice and inspect the location of any commercial cannabis business as well as the recordings and records maintained pursuant to this Chapter or the applicable provisions of State law.
- (b) It is unlawful for any person having any responsibility over the operation of a commercial cannabis business to refuse to allow, impede, obstruct, or interfere with an inspection, or the review of the copying of records and monitoring (including recordings) including, but not limited to, the concealment, destruction, and falsification of any recordings or records.
- (c) The Chief of Police or his designee or any other person charged with enforcing the provisions of this Chapter may enter the location of a commercial cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for law enforcement and/or public safety purposes. Any samples obtained by the City shall be logged, recorded, and maintained in accordance with police department standards for evidence. At all other times, the Chief of Police or his designee may enter the location of a commercial cannabis business to obtain samples of cannabis upon reasonable notice.

Section 16B-30.120. Fees and Charges.

- (e) No person may commence or continue any commercial cannabis activity in the city of Salinas without timely paying in full all fees and charges associated with the operation of a commercial cannabis activity. Fees and charges associated with the operation of a commercial cannabis activity shall be established by resolution of the City Council.
- (f) All commercial cannabis facilities operating pursuant to this Chapter shall pay any and all applicable sales, use, business or other taxes, and all license, registration, or other fees pursuant to federal, state, and local law.

Section 16B-30.130. Violation and Enforcement.

- (a) Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance.
- (b) Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Salinas City Code. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, any permit issued pursuant to this Chapter being deemed null and void, disgorgement any payment to the City of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial cannabis activity or persons related thereto, or associated with, the commercial cannabis activity. Additionally, when the Chief of Police or his designee determines there is an imminent threat to public health, safety or welfare, the commercial cannabis activity's permit, issued by the City pursuant to this Chapter, shall immediately become null and void.
- (c) Each and every violation of the provisions of this Chapter shall constitute a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment in the County Jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense. A separate offense occurs for each day a violation of this Chapter is continued and/or maintained.
- (d) Notwithstanding an initial verification of compliance by the commercial cannabis activity with the provisions of this Chapter, any commercial cannabis activity later found to be in violation of any of the requirements of this Chapter at any time is subject to the enforcement provisions provided in this section.

- (e) The remedies provided herein are not to be construed as exclusive remedies and in the event of a violation the City may pursue any proceedings or remedies otherwise provided by law.

Section 16B-30.140. Limitations on City's Liability. To the fullest extent permitted by law, the City shall not assume any liability whatsoever with respect to having issued a permit pursuant to this Chapter or otherwise approving the operation of any commercial cannabis activity pursuant to this Chapter. As a condition of approval of any permit issued pursuant to this Chapter, the person to which a permit is issued shall be required to meet all of the following conditions:

1. Execute an agreement indemnifying, defending (at its sole cost and expense), and holding the City and its officers, employees, representatives, and agents harmless from any and all claims, losses, damages, injuries or liabilities associated with the permitting or approving the operation of a commercial cannabis activity or the operation thereof or associated with the commercial cannabis activity or its members' violation of any federal, state or local laws.
2. Maintain insurance at coverages, limits, and with conditions thereon determined necessary by the City Attorney.
3. Reimburse the City for any and all costs and expenses, including attorney fees and costs and court costs that the City may be required to pay as a result of any legal challenge related to the City's approval of a permit pursuant to this Chapter or the City's approval of the operation of a commercial cannabis activity. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the obligations imposed under this section.

Section 16B-30.150. Application Procedures and Application Requirements; Permittee Selection Process; Criteria for Review; Renewal, Suspension or Revocation of a Permit; Appeals. In addition to those requirements set forth in this section and elsewhere in this Chapter, the City Council shall by resolution or ordinance adopt such forms, fees, and procedures as are necessary to implement this Chapter with respect to the initial selection, future selection, investigation process, renewal, revocation, and suspension of commercial cannabis business permits and appeals for the revocation or suspension of a permit.

- (a) At a minimum, the application shall contain the following requirements:
 - a. The full name, date of birth, social security number, and present address and telephone number of all persons and entities responsible for the operation of the commercial cannabis business including managers, corporate officers, investors, any individual with an ownership interest, any member of a board of directors, any general or limited partner, and/or any member of a decision-making body for the commercial cannabis business.

- b. The address to which correspondence from the City is to be sent.
- c. The names and addresses of all businesses operated by and the employment of the applicant(s) for the five (5) years immediately preceding the date of the application.
- d. Any litigation in which the applicant(s) has been involved within the five (5) years immediately preceding the date of the application and a statement of whether the authorization for any such operation has been investigated, revoked or suspended within the five (5) years immediately preceding the date of the application.
- e. A copy of the owner and manager's medical cannabis identification card, until the requirements of a collective are no longer required by State law.
- f. The approximate number of licensed patients, primary caregivers, and/or qualified patients whom will be served by the commercial cannabis business.
- g. The address of any commercial cannabis business currently being operated by the applicant(s), or any of them, or which have been previously operated by them
- h. The supply sources for all cannabis and cannabis products sold at the commercial cannabis business. Product supply chain including the site(s) where cultivation occurs, the product is processed or manufactured, any required testing of cannabis or cannabis products, transportation, and packaging and labelling criteria.
- i. The names and telephone numbers of the person(s) to be regularly engaged in the operation of the proposed commercial cannabis business, whether an employee, volunteer or contractor. The application shall also have the names and telephone numbers of those persons having management and supervisory responsibilities for the proposed commercial cannabis business.
- j. Odor control devices and techniques to prevent odors from marijuana from being detectable off-site.
- k. Procedures for identifying, managing, and disposing of contaminated, adulterated, deteriorated or excess medical cannabis product.
- l. Procedures for inventory control to prevent diversion of cannabis and cannabis product, employee screening, storage of cannabis and cannabis product, personnel policies, and record-keeping procedures.
- m. A detail of the procedures to be utilized at the facility including a description of how chemicals and fertilizers will be stored, handled, used and disposed of; manufacturing methods, the transportation process, inventory procedures, and quality control procedures.
- n. Until the implementation of the MMRSA, evidence that the person operating the commercial cannabis business is organized as a bona fide not for profit corporation, affiliation, association, or licensee of persons comprised exclusively and entirely of qualified patients and the primary caregivers of those patients in strict accordance with the Compassionate Use Act of 1996, the Medical Marijuana Program Act, and the 2008 Attorney General Guidelines.

- o. A site plan and floor plan of the commercial cannabis business denoting the layout of all areas of the commercial cannabis business including storage, cultivation, manufacturing, testing, distributing, reception/waiting, dispensing, and all ancillary support spaces, and the relationship of the facility to adjacent properties and land uses.
 - p. Size, height, colors, and design of any proposed signage at the site.
 - q. An operations and security plan.
 - r. Standard operating procedures detailing how operations will comply with state and local regulations, how safety and quality of products will be ensured, record-keeping procedures for financing, testing, and adverse effect recording, and product recall procedures.
 - s. Proposed hours of operation.
 - t. Waste disposal information.
 - u. Medical recommendation verification and youth access restriction procedures.
 - v. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.
- (b) No person who has been convicted of a felony within the past ten (10) years may be engaged (actively or passively) in the operation of any commercial cannabis business. A conviction within the meaning of this sections means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
- (c) The Chief of Police or his designee shall review each application to determine whether it contains all of the required information. If the application does not contain all of the required information, it shall be returned to the applicant for completion. The Chief of Police or his designee shall endeavor to conclude their review within ninety (90) days of the filing of the application. If additional time is necessary, the Chief of Police or his designee will advise the applicant of an estimated review time.
- (d) The Chief of Police or his designee shall have the authority to either grant or deny the application for a permit. Notwithstanding what is otherwise provided in this Chapter, the Chief of Police and his designees, when approving a permit, may place any additional limitations and conditions on the operation of a commercial cannabis business as he or she deems necessary, consistent with the public interest and with this Chapter.
- (e) When an application is denied, the Chief of Police or his designee shall prepare a file a statement of decision giving the reasons for the denial and the findings of fact upon which the decision is based. Any person denied a permit shall have the right to appeal such denial to the City Council in accordance with the procedures set forth in this Chapter or in any subsequent resolution or regulation promulgated hereunder.

(f) In addition to whatever additional findings may be required by the City Council and established by resolution or ordinance, an application for a permit pursuant to this Chapter may be denied upon making any of the following findings:

- (1) The applicant made one or more false or misleading statements or omissions on the registration application or during the application process.
 - (2) The commercial cannabis business is not organized in strict compliance with all applicable laws and regulations.
 - (3) The applicant is not a primary caregiver or qualified patient or the legal representative of the commercial cannabis business.
 - (4) The applicant fails to meet the requirements of this Chapter or any regulation adopted pursuant to this Chapter.
 - (5) The operation of the proposed commercial cannabis business at the proposed location is prohibited by any federal, state or local law or regulation.
 - (6) Any person who is listed on the application has been convicted of a felony within the past ten (10) years. A conviction within the meaning of this section means a plea or a guilty verdict or a conviction following a plea of nolo contendere.
 - (7) Any person who is listed on the application is a licensed physician making patient recommendations for medical cannabis pursuant to State law.
 - (8) The applicant or the operator listed in the application is less than eighteen (18) years of age.
2. Whenever an appeal is provided for in this Chapter, such appeal shall be filed and conducted as prescribed in this subsection.
- (1) Within ten (10) calendar days after the date of any denial of an application or the suspension or the revocation of a permit by the Chief of Police or his designee, an aggrieved party may appeal such action by filing with the City Clerk a written appeal setting forth the reasons why such denial, suspension or revocation is not proper.
 - (2) Upon receipt of such written appeal, the City Clerk shall set the matter for a hearing before the City Council. The hearing shall be conducted pursuant to the procedures set forth by the City and shall be held within a reasonable time after the date of filing the appeal with the City, but in no event later than ninety (90) days from the date of such filing. At least ten (10) days prior to the date of the hearing on the appeal, the City shall notify the appellant of the time and the place of the hearing. At such hearing, the Chief of Police or his designee and 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 such hearing.

- (3) 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 the City's final decision in this regard and shall be dispositive of the matter.

Section 16B-30.160. Records and Reporting.

- (a) Subject to the Health Insurance Portability and Accountability Act (HIPPA) regulations, each commercial cannabis business shall allow City officials to have access to the commercial cannabis business's books, records, accounts, and any and all data relevant to its permitted activities for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data will be produced no later than twenty-four (24) hours after receipt of the City's request.
- (b) All commercial cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing process until purchase by or distribution to a qualified patient or primary caregiver.
- (c) All records required by this Chapter shall be maintained by the commercial cannabis business for a period of not less than three (3) years and shall otherwise keep accurate records of all commercial cannabis business activity and provide such records for inspection consistent with California Business and Professions Code section 19327 and any additional rules promulgated by the licensing authority pursuant to that section or the City Council by resolution or ordinance.

Section 16B-30.170. Prohibition on Transfer of Permits.

- (a) No person shall operate a commercial cannabis business under a permit issued pursuant to this Chapter at any place or location other than that identified on the permit.
- (b) No person shall transfer ownership or control of a commercial cannabis business or transfer a permit issued pursuant to this Chapter unless and until that person first obtains the consent of the Chief of Police or his designee and the proposed transferee submits all required application materials and pays all applicable fees and charges and independently meets the requirements of this Chapter such as to be entitled to the issuance of an original permit pursuant to this Chapter.

- (c) Any attempt to transfer or any transfer of a permit issued pursuant to this Chapter is hereby declared void and the permit deemed immediately revoked and no longer of any force or effect.

Section 16B-30.180. Packaging and Labelling. Prior to the sale or the delivery of any cannabis or cannabis product the same shall be labelled and in a tamper-evident packaging. Labels and packages shall at least meet the following minimum requirements:

- (a) Packages and labels shall not be made to be attractive to children.
- (b) Product labels shall include the following information displayed in a clear and legible font:
 - (4) Manufacture date and source.
 - (5) The statement "SCHEDULE I CONTROLLED SUBSTANCE"
 - (6) The statement "KEEP OUT OF REACH OF CHILDREN AND ANIMALS" in bold type face.
 - (7) The statement "FOR MEDICAL USE ONLY"
 - (8) The statement "THE INTOXICATING EFFECTS OF THIS PRODUCT MAY BE DELAYED BY UP TO TWO HOURS"
 - (9) The statement "THIS PRODUCT MAY IMPAIR THE ABILITY TO DRIVE OR OPERATE MACHINERY. PLEASE USE EXTREME CAUTION"
- (b) For packages containing only dried flowers, the net weight of cannabis in the package.
- (c) A warning if nuts or other known allergens are used.
- (d) List of pharmacologically active ingredients including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, servings per package, and the THC and other cannabinoid amount in milligrams for the package total.
- (e) Clear indication, in bold typeface, that the product contains cannabis.
- (f) Identification of the source and date of cultivation and manufacture.
- (g) Only generic food names may be used to describe edible cannabis products.
- (h) Any other requirement set by resolution of the City Council or by the State of California or any of its departments or divisions.

Section 16B-30.190. Operating Requirements. In addition to those operating requirements specifically set forth elsewhere in this Chapter and except as may otherwise be expressly set forth in this Chapter, the following operating requirements shall apply to all commercial cannabis businesses operating in the city of Salinas.

- (a) Hours of Operation. Commercial cannabis businesses may operate only between the hours of 8:00 A.M. and 7:00 P.M. Monday through Friday, excluding holidays.

- (b) Restriction on Consumption. Cannabis shall not be consumed on the premises of any commercial cannabis businesses or elsewhere in the city of Salinas other than within private residences.
- (c) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of the property.
- (d) Reporting and Tracking of Product and of Gross Sales. Each commercial cannabis business shall have in place a point-of-sale tracking system (MJFreeway™ GramTracker™, for example) to track and to report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, and gross sales (by weight and by sale) and 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.
- (e) 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.
- (f) There shall not be a physician located in or around any commercial cannabis business at any time for the purpose of evaluating patients for the issuance of a medical marijuana prescription or card.
- (g) Prior to dispensing cannabis or cannabis products to any person, the commercial cannabis business shall obtain verification from the recommending physician that the person requesting cannabis or cannabis products is a qualified patient.
- (h) Emergency Contact. Each commercial cannabis business shall provide the Chief of Police with the name, telephone number (mobile preferred, if available) of an on-site employee or owner to whom notice can be provided.
- (i) Signage and Notices.
 - (1) In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the Salinas Municipal Code.
 - (2) Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to

passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.

- (3) No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.
- (4) Each entrance to a commercial cannabis business 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 commercial cannabis business.
- (5) Signage shall not be directly illuminated.

(j) Minors.

- (6) Persons under the age of eighteen (18) years shall not be allowed on the premises of a commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service unless such person is a qualified patient or a primary caregiver and they are in the presence of their parent or guardian.
- (7) It shall be unlawful and a violation of this Chapter for any person to employ any other person at a commercial cannabis business who is not at least eighteen (18) years of age.
- (8) The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of eighteen (18) years of age is permitted to enter upon the premises of the commercial cannabis business unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or guardian.

(k) Product Storage. All cannabis and cannabis products shall be stored in a secured and locked safe room, safe or vault, and in a manner to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes, samples or immediate sale.

(l) Odor Control. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from marijuana are not detectable off-site.

(m) Display of Permit and City Business License. The original copy of the permit issued by the City pursuant to this Chapter and the business license issued by the City pursuant to the Salinas Municipal Code shall be posted inside the commercial cannabis business in a location readily-visible to the public.

- (n) **Background Check.** Every person listed as an owner, manager, supervisor or employee of the commercial cannabis business must submit fingerprints and other information deemed necessary by the Chief of Police or his designee for a background check by the Salinas Police Department. No person shall be issued a permit to operate a commercial cannabis business unless they have first cleared the background check, as determined by the Chief of Police, as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the City to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a permit is submitted. The applicant(s) shall provide an initial deposit in an amount the Chief of Police or his designee 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 unused amount will be refunded to the applicant within thirty (30) days.
- (o) **Loitering.** The owner and/or operator of a commercial cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
- (p) **Permits and other Approvals.** Prior to the establishment of any commercial cannabis business or the operation of any such business, the person intending to establish a commercial 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 commercial cannabis business intends to establish and to operate.
- (q) So long as SB 420 is in effect, and until implementation of the MMRSA, members of the applicant authorized to possess cannabis shall sign an agreement with the commercial cannabis business which states that members shall not distribute cannabis or cannabis products to non-members or in violation of the "Memorandum for all United States Attorneys," issued by the United States Department of Justice, from James M. Cole, Deputy Attorney General.
- (r) So long as SB 420 is in effect and until implementation of the MMRSA, all commercial cannabis businesses shall terminate the membership of any member violating any of the provisions of this Chapter.

Article 4. Dispensaries.

Section 16B-40.10. Limitation on the Number of Dispensaries; Review and Report of Findings.

- (a) No more than three (3) dispensaries may operate within the city of Salinas at any one time and no more than three (3) permits shall be issued by the City for dispensaries to operate within the city of Salinas.
- (b) For the first twelve (12) months following the effective date of this Chapter, only one (1) dispensary may operate within the city of Salinas and during the first twelve (12) months following the effective date of this Chapter no more than one (1) permit shall be issued by the City for a dispensary to operate within the city of Salinas.
 - (1) At the six-month anniversary and the twelve-month anniversary of the City's issuance of the initial permit pursuant to this subsection (or as soon thereafter as the matter may be heard) the City Attorney, the Chief of Police, and the Community Development Director shall report to the City Council a report of findings on the operation of the dispensary permitted pursuant to this section and shall make a recommendation whether the dispensary should be permitted to continue in operation for the remaining six (6) months of the initial term (in addition to whatever other recommendations may be made) and whether the City should renew the permit for an additional twelve (12) month period and issue additional permits for additional dispensaries (for a total of no more than three (3) dispensaries. At the twelve-month review, the City Council may authorize the issuance of additional permits for dispensaries.
- (c) Verify the age and all necessary documentation of each customer to ensure the customer is not under the age of eighteen (18) years and that the potential customer has a valid doctor's recommendation. Doctor recommendations are not to be provided at the dispensary.
- (d) Entrance 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.
- (e) Uniformed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities.
- (f) Dispensaries may have on-site only that quantity of cannabis and cannabis products anticipated to meet the daily demand readily available for sale.

(g) All restroom facilities shall remain locked and under the control of management.

Article 5. Cultivation Facilities.

Section 16B-50.10. Limitation on the Number Cultivation Facilities.

- (a) No more than three (3) cultivation facilities may operate within the city of Salinas at any one time and no more than three (3) permits shall be issued by the City for cultivation facilities to operate within the city of Salinas.
- (b) For the first twelve (12) months following the effective date of this Chapter, only one (1) cultivation facility may operate within the city of Salinas and during the first twelve (12) months following the effective date of this Chapter no more than one (1) permit shall be issued by the City for a cultivation facility to operate within the city of Salinas.
 - 1. At the six-month anniversary and the twelve-month anniversary of the City's issuance of the initial permit pursuant to this subsection (or as soon thereafter as the matter may be heard) the City Attorney, the Chief of Police, and the Community Development Director shall report to the City Council a report of findings on the operation of the cultivation facility permitted pursuant to this section and shall make a recommendation whether the cultivation facility should be permitted to continue in operation for the remaining six (6) months of the initial term (in addition to whatever other recommendations may be made) and whether the City should renew the permit for an additional twelve (12) month period and issue additional permits for additional cultivation facilities (for a total of no more than three (3) cultivation facilities. At the twelve-month review, the City Council may authorize the issuance of additional permits for cultivation facilities.

Section 16B-50.20. Operating Requirements.

- (a) Outdoor Cultivation Prohibited. Except for the personal cultivation of a qualified patient or qualified caregiver for personal use, all cultivation of cannabis must occur indoors. All outdoor cultivation is prohibited.
- (b) In no case shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.
- (c) Association with Dispensaries. Except for personal cultivation of a qualified patient or qualified caregiver for personal use, all cultivation of cannabis must occur within the same site or upon the same premises as a dispensary permitted pursuant to this section. A dispensary may have only one cultivation site upon which cannabis is cultivated, produced, stored, harvested, manufactured, or packaged, and each of the dispensary and the cultivation site must be separately permitted pursuant to this Chapter.

- (d) So long as SB420 is in effect, or until full implementation of the MMRSA, no commercial cannabis business shall allow more medical cannabis plants or plants per member of a commercial cannabis business than the amounts permitted pursuant to State law, to be cultivated at the commercial cannabis business premises.
- (e) Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
- (f) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- (g) In no case shall any hazardous, flammable or explosive substances be used to process or manufacture cannabis products on site.
- (h) The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis for non-medical purposes.
- (i) All applicants for a cannabis cultivation permit shall submit the following in addition to the information generally otherwise required for a commercial cannabis business:
 - (1) A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities (indoor, mixed-light) and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting (indoor, mixed-light).
 - (2) A description of a legal water source, irrigation plan, and projected water use
 - (3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.
 - (4) Plan for addressing odor and other public nuisances which may derive from the cultivation site.

Article 6. Delivery Services.

Section 16B-60.10. Permitted; Association with Dispensaries. Mobile delivery of cannabis shall be permitted pursuant to this Chapter. A mobile delivery service may operate only as a part of an in conjunction with a dispensary permitted pursuant to State law and pursuant to this section. Delivery of cannabis from a dispensary permitted pursuant to this Chapter can only be made in a city or county that does not expressly prohibit it by ordinance.

Article 7. Manufactured Cannabis.

Section 16B-70.10. Cannabis Manufacturing: Edibles and Other Cannabis Products; Sale or Distribution of Edible and Other Cannabis Products. The manufacturing of food or other products infused with or which otherwise contain cannabis may be manufactured within the appropriate zoning districts as defined in Chapter 37 of the Salinas Municipal Code, subject to the regulations set forth in this section and subject to whatever additional regulations may be promulgated hereunder by an ordinance or resolution of the City Council or otherwise pursuant to this Chapter.

- (a) No edible cannabis products requiring refrigeration or hot-holding shall be sold or distributed at a commercial cannabis business operating under a permit issued pursuant to this Chapter.
- (b) Baked products (e.g., brownies, bars, cookies, cakes), tinctures, and other non-refrigerated type items may be sold or distributed at a commercial cannabis business operating under a permit issued pursuant to this Chapter.
- (c) All items to be sold or distributed shall be individually wrapped at the original point of preparation. Labeling must include a warning if nuts or other known allergens are used, and must include the total weight (in ounces or grams) of cannabis in the package. A warning that the item is a medication and not a food must be clearly legible on the front of the package. The package must have a label warning that the product is to be kept away from children. The label must also state that the product contains cannabis and must specify the date of manufacture.
- (d) Any edible cannabis product that is made to resemble a typical food product must be in a properly labeled opaque (non-see-through) package before it leaves the commercial cannabis business. Deliveries must be in a properly labeled opaque package when delivered.
- (e) Edible cannabis products being offered for sale or distribution must have been prepared by a member of that commercial cannabis business. No non-member edible cannabis products are allowed for sale or distribution at a commercial cannabis business.

Section 16B-70.20. Cannabis Manufacturing: Extraction, etc. Cannabis manufacturing facilities requiring a Type-6 state license (non-volatile manufacturing) and cannabis manufacturing facilities requiring a Type-7 state license (volatile manufacturing) may be permitted to operate

within the appropriate industrial districts as defined in the Chapter 37 of the Salinas Municipal Code.

In reviewing an application for a permit pursuant to this Chapter or in reviewing the proposed cannabis manufacturing business pursuant to the requirements of Salinas Municipal Code Chapter 37, the Chief of Police or his designee may request whatever additional information is deemed necessary to carry out the purposes of this Chapter.

Article 8. Application of Chapter; Other Legal Duties.

Section 16B-80.10. Promulgation of Regulations and Standards.

- (a) The City Manager is authorized to promulgate all regulations necessary to implement the requirements and fulfill the policies of this Chapter related to cannabis and cannabis products.
- (b) Regulations shall be published on the City's website.
- (c) Regulations promulgated by the City Manager shall have the same force and effect of law and become effective upon date of publication.

Section 16B-80.20. Community Relations.

- (a) Each commercial cannabis business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the commercial cannabis business can be provided. Each commercial cannabis business shall also provide the above information to all businesses and residences located within one hundred (100) feet of the commercial cannabis business and shall provide opportunity for those businesses and residents within one hundred (100) feet to visit and to tour the commercial cannabis business on a mutually convenient date and time.
- (b) During the first year of operation pursuant to this Chapter, the owner, manager, and community relations representative from each commercial cannabis business holding a permit issued pursuant to this Chapter shall attend a quarterly meeting with the City Manager or his designee 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 each such commercial cannabis business shall meet with the City Manager or his designee when and as requested by the City Manager or his designee.
- (c) Commercial cannabis businesses to which a permit is issued pursuant to this Chapter develop and make available to youth organizations and educational institutions a public education plan that outlines the risks of youth addition to marijuana as a "gateway drug" and that identifies resources available to youth related to drugs and drug addiction.

Section 16B-80.30. Fees Deemed Debt to City. The amount of any fee, cost or charge imposed pursuant to this Chapter shall be deemed a debt to the City that is recoverable in any court of competent jurisdiction.

Section 16B-80.40. Permit Holder Responsible for Violations. The person 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 the ordinances of the City of Salinas, whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence.

SECTION 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

SECTION 3. Effective Date. This ordinance shall be in full force and effect commencing thirty (30) days after its final passage and a summary hereof shall be published once within fifteen (15) days in the Salinas Californian, a newspaper of general circulation printed and published in the County of Monterey and circulated in the City of Salinas and hereby designated for that purpose by the Council of Salinas:

...

This Ordinance was introduced and read by title only on the ____ day of January 2016 and was passed and adopted on this ____ day of January 2016.

PASSED AND ADOPTED this ____ day of January 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney

DRAFT