

(PROPOSED) ORDINANCE NO. 17-____

AN ORDINANCE AMENDING THE CITY OF MAYWOOD MUNICIPAL CODE TO ALLOW THE REGULATION OF DISPENSARIES, CULTIVATION, MANUFACTURING, DISTRIBUTION AND TESTING OF MEDICAL CANNABIS AS A CONDITIONAL USE AND IN CERTAIN SPECIFIED ZONES.

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

SECTION 1. Section 5-45.01 of Chapter 45 of Title 5 of the Maywood Municipal Code is hereby amended to read as follows:

For purposes of this chapter, Appendix A-1 of the Maywood Municipal Code Zoning Ordinance, and Appendix C of the Maywood Municipal Code Zoning Ordinance, the following definitions shall apply. Except as otherwise specifically designated below, all terms in this section chapter, Appendix A-1 of the Maywood Municipal Code Zoning Ordinance, and Appendix C of the Maywood Municipal Code Zoning Ordinance retain the definitions used in of the Maywood City Municipal Code, or Chapter 3.5 of Division 8 of the Business and Professions Code, or Division 10 of the Business and Professions Code, as those sources may be amended from time to time.

- (a) “Applicant” means the owner or owners of a proposed facility, including all persons or entities having ownership interest other than a security interest, lien, or encumbrance on property that will be used by the facility. If the applicant is an entity, “owner” includes within the entity each person participating in the direction, control, or management of, or having a financial interest in, the proposed facility. If the applicant is a publicly traded company, “owner” means the chief executive officer or any person or entity with an aggregate ownership interest of 5 percent or more.
- (b) “Building Official” means the Director of the Department of Building and Planning, or designee.
- (c) “Cannabis brick-and-mortar dispensing” means commercial cannabis activity involving the retail sale of cannabis or marijuana to qualified patients, primary caregivers, or customers within a licensed premises.
- (d) “Cannabis cultivation” means commercial cannabis activity involving the propagation, cutting, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis or marijuana.
- (e) “Cannabis distribution” means commercial cannabis activity involving the procurement, sale, or transport of cannabis or marijuana between persons engaged in commercial cannabis activity.
- (f) “Cannabis manufacturing” means commercial cannabis activity where cannabis or marijuana products are produced, prepared, propagated, or compounded, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

(g) “Cannabis testing” means commercial cannabis activity involving the performance of tests on cannabis or marijuana pursuant to a valid certificate of accreditation.

(h) “Cannabis vehicle dispensing” means commercial cannabis activity involving the retail sale of cannabis or marijuana to qualified patients, primary caregivers, or customers where a vehicle is used to convey the cannabis or marijuana from a licensed premises directly to the qualified patient, primary caregiver, or customer.

(i) “Commercial cannabis activity” means any cultivation, possession, manufacture, processing, storing, testing, labeling, transporting, delivering, distribution, or sale of cannabis or marijuana within the city and regulated under Chapter 3.5 of Division 8 of the Business and Professions Code or Division 10 of the Business and Professions Code.

~~“Dispensary” means a facility where medical 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 that delivers medical cannabis or medical cannabis products.~~

(j) “Enclosed locked structure” means a structure that:

- (1) does not allow for the visibility of the interior from the outside;
- (2) is secured with a lock;
- (3) is completely surrounded on all sides by a wall or other barrier; and

(4) is roofed or otherwise secured from. Enclosed locked structures may include greenhouses and accessory buildings. All enclosed locked structures shall comply with the city building code, fire code, and all other applicable laws.

(k) “Fire Chief” means the Chief of the Los Angeles County Fire Department, or designee.

(l) “Good cause” means:

(1) The licensee or applicant has violated any of the terms, conditions or provisions of this chapter, of state law, of any regulations and rules promulgated pursuant to state law, any applicable local rules and regulations, or any special terms or conditions placed upon its state license, local license or conditional use permit;

(2) The licensed premises have been operated in a manner that adversely affects the public health, safety or welfare or the safety of the immediate neighborhood in which the establishment is located;

(3) The licensee or applicant has knowingly made false statements, misrepresentations or material omissions on an application form, renewal form, or any other document submitted to the city;

(4) The applicant or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made; except that if the local licensing authority has issued a local license to the applicant or licensee the planning commission shall not consider any criminal history of the

applicant or licensee that was disclosed to or discovered by the local licensing authority prior to the issuance of the local license. For any criminal history that was not disclosed to or discovered by the local license authority prior to the issuance of the local license, or that arose after the issuance of the local license, the planning commission shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant or licensee, and shall evaluate the suitability of the applicant or licensee based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the planning commission shall consider the factors as set forth in Section 19323(b)(5) of the Business and Professions Code;

(5) The applicant or licensee fails to allow inspection of the security recordings, activity logs, or business records of the licensed premises by the city officials;

(6) The applicant or licensee is owned by or has an officer or director who is, a licensed physician making recommendations for medical cannabis; or

(7) The applicant or licensee operated a medical cannabis business in violation of this chapter.

(m) “License” means a document issued under this chapter, specifically authorizing a person to engage in commercial cannabis activity and may also be referred to as a “Commercial Cannabis Business Permit”.

(n) “Licensed premises” means premises to which a valid license issued under this chapter applies. A “licensed premises” is only one premises.

(o) “Licensee” means a person holding a license issued under this chapter.

(p) “Live plants” means living cannabis or marijuana flowers and plants, including seeds, immature plants, and vegetative stage plants.

(q) “Outdoors” means any location within the city that is not within an enclosed locked structure.

(r) “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.

(s) “Police Chief” means the Chief of the Los Angeles County Sheriff’s Department, or designee.

(t) “Premises” means a parcel of land, whether vacant or occupied by a building, group of buildings, or accessory buildings, and includes the buildings, structures, yards, open spaces, lot width, and lot area where commercial cannabis activity is or will be conducted.

(u) “Processing room” means a room used for the propagation, cutting, drying, curing, grading, and storage of cannabis or marijuana.

(v) “State cannabis laws” means Chapter 3.5 of Division 8 of the Business and Professions Code or or Division 10 of the Business and Professions Code, as those laws may be amended from time to time.

(w) “Total canopy size” means the aggregate area of vegetative growth of live plants within a licensed premises.

(x) “Vehicle” means a device by which any person or property may be propelled, moved, or drawn upon a street, sidewalk or waterway, including but not limited to a device moved exclusively by human power. A “vehicle” is not a location.

SECTION 2. Section 5-45.02 of Chapter 45 of Title 5 of the Maywood Municipal Code is hereby amended to read as follows:

(a) No person shall engage in commercial cannabis activity within the City of Maywood without a valid license issued under this chapter. Any activity authorized under such a license shall additionally comply with all provisions of this chapter and state law at all times.

(b) The following license types are available for issuance under this chapter:

- (1) Cannabis cultivation
- (2) ~~Distribution~~ Cannabis manufacturing
- (3) ~~Dispensary~~ Cannabis distribution
- (4) ~~Product manufacturing / Processing~~ Cannabis testing
- (5) Cannabis brick-and-mortar dispensing
- (6) Cannabis vehicle dispensing

(c) ~~Recreational use businesses if adopted by the electorate or legislature.~~

(d) Additional license types, beyond those enumerated in paragraph (b) may be added by the city council by future resolution.

SECTION 3. Subsection (b) of Section 5-45.03 of Chapter 45 of Title 5 of the Maywood Municipal Code is hereby amended to read as follows:

The Building Official shall cause investigations to be made by the Chief of Police, Fire Chief, and Building Official to ascertain what effect, if any, the issuance of such license will have on the public peace, health, safety, moral, and general welfare of the City and its inhabitants. He shall also ascertain whether or not any of such persons have been convicted of or plead guilty or no-contest to (i) a felony or misdemeanor involving the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance within the past four (4) years, (ii) a violation of a city, county, or city and county law for unlicensed commercial cannabis activity within the past three (3) years, or (iii) any crime involving theft, embezzlement, or moral turpitude ~~or have had a license or license for a similar business.~~

SECTION 4. Appendix A-1 of the Maywood Municipal Code Zoning Ordinance is amended to permit all uses permitted in Section 5-45.02 in the Commercial Manufacturing [CM] and Industrial [M] zones only, subject to (i) conditional use permits, (ii) Chapter 45 of Title 5 of the Maywood Municipal Code, and (iii) state laws and regulations.

SECTION 5. Appendix C of the Maywood Municipal Code Zoning Ordinance is hereby amended to include the following:

Commercial Cannabis Activity (In General):

General Procedures:

- a. The following requirements apply to all forms of commercial cannabis activity.
- b. It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City commercial cannabis activity unless the person first obtains and continues to maintain a Commercial Cannabis Business Permit.
- c. Commercial cannabis activity shall be conducted in accordance with state laws and regulations. In the event of a conflict between the City's laws and regulations regarding commercial cannabis activity and state laws and regulations regarding commercial cannabis activity, the state laws and regulations shall control.

Location:

- a. A licensed premises for commercial cannabis activity shall only be located within the Mixed-Use General Plan land use designation with a corresponding zoning of Commercial Manufacturing [CM] and the Industrial land use designation with a corresponding zoning of Industrial [M]. Permitted uses are presented in Appendix A of the Maywood Zoning Ordinance.
- b. A licensed premises for commercial cannabis activity shall not be located within 600 feet of a public or private State-accredited K-12 school. The 600 feet shall be measured as the closest distance between property lines without regard to intervening structures.
- c. Unless otherwise specified in this Appendix or Chapter 45 of Title 5 of the Maywood Municipal Code, there shall be no other fixed and definitive location requirements on commercial cannabis activity. In other words, the City Council may impose additional location requirements on a case-by-case basis pursuant to Section 5-45.05(a) of the Maywood Municipal Code.

Building Size and Plan:

- a. The size and height of a building used for commercial cannabis activity shall be governed by the permitted development standards of the underlying zoning district.
- b. The licensed premises, all operations conducted therein, and all equipment used therein must be in compliance with all applicable state and local laws and regulations, including all building, electrical, and fire codes.

- c. A licensee shall comply with the City's lighting standards including, without limitation, fixture type, wattage, illumination levels, and shielding, and shall secure the necessary approvals and permits as needed.
- d. Different types of commercial cannabis activity (cannabis cultivation, cannabis manufacturing, etc.) may be located within the same building or structure only if following requirements are met:
 - i. Each type of commercial cannabis activity is located in a separate room(s) of the building or in a separate building within the same property.
 - ii. Each use shall have its own separate locked entrance door, except when the use does not have exterior access (in such a case, access to the use shall be through a common interior walkway connecting each use with a locked door separating each use).
 - iii. The particular requirements contained in this Appendix for each type of commercial cannabis activity are satisfied, including parking requirements which shall be cumulative.
 - iv. For signage, one business identification sign shall include a list of all uses.

Operations:

- a. A licensee shall post, in a prominent location within and on the exterior of the licensed premises, a copy of its Commercial Cannabis Business Permit and a document that provides (i) the name, telephone number, and address of a person(s) authorized to accept service of process on behalf of the licensee, (ii) the name, telephone number, and address of the licensee's community relations liaison, and (iii) the name, telephone number, and address of the licensee's security liaison.
- b. There shall be at least one responsible person at the licensed premises to act as manager and supervise employees at all times during business hours. The manager must be familiar with the requirements of the City regulation pertaining to commercial cannabis activity and be capable of communicating these provisions to employees and others conducting activities at the licensed premises, including any qualified patients, primary caregivers, and customers patronizing the licensed premises.
- c. Each applicant, manager, employee, and volunteer of the licensee shall complete a criminal background check. Employees, managers, and volunteers shall not have been convicted of or plead guilty or no-contest to a felony or misdemeanor involving the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance within the past four (4) years.
- d. No recommendations or approvals by a physician to use medical cannabis or medical cannabis products shall be issued at a licensed premises.

- e. No individual under the age of twenty-one (21) is allowed at, in or on a licensed premises, unless the individual is a qualified patient and is accompanied by his or her primary caregiver, parent(s), documented legal guardian, or licensed attending physicians.
- f. There shall be no onsite sales of alcohol or tobacco products, and no onsite consumption (smoked, eaten, or otherwise consumed or ingested) of food, alcohol, tobacco, cannabis, or marijuana at the licensed premises.
- g. All finished cannabis and marijuana (except for limited amounts used for display purposes, samples, or immediate sale) shall be secured and locked in a room, safe, or vault in a manner as to prevent diversion, theft, and loss. No outdoor storage of cannabis or marijuana is permitted at any time.
- h. Prior to retail sale or transfer to qualified patients, primary caregivers, or customers, cannabis or marijuana shall be packaged and labeled as required by the state cannabis laws.
- i. A licensee shall utilize a point-of-sale tracking system to track and report on all aspects of the licensee's business including, but not limited to, such matters as cannabis and marijuana tracking, inventory data, and gross sales (by weight and by sale). The licensee 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.
- j. All cannabis or marijuana sold, distributed, tested, or manufactured by a licensee shall be cultivated, manufactured, and transported by licensed persons and facilities that maintain operations in full conformance with state and local laws and regulations.
- k. A licensee shall use weighing or measuring devices that meet standards equivalent to Division 5 of the Business and Professions Code.
- l. A licensee shall notify the Police Chief or designee within twenty-four (24) hours after discovering any of the following:
 - i. Discrepancies identified during inventory;
 - ii. Diversion, theft, loss, or any criminal activity involving the licensee or any agent, manager, employee, or volunteer of the licensee;
 - iii. The loss or unauthorized alteration of records related to cannabis or marijuana, registering qualifying patients, primary caregivers, or customers, or agents, managers, employees, or volunteers of the licensee; or
 - iv. Any other breach of security.
- m. Agents or employees of the City requesting access to a licensed premises or the records required to be maintained by a licensee shall be given unrestricted access.

- n. A licensee shall comply with any other operational requirement imposed by the City Council on a case-by-case basis pursuant to Section 5-45.05(a) of the Maywood Municipal Code.

Security and Safety:

- a. Alarms and closed circuit television.
 - i. A licensed, 24-hour centrally monitored alarm system is required. The system shall automatically notify the Police Chief's (or designee's) dispatch and allow camera system access for dispatch to relay vital information to responding officers on alarm activations.
 - ii. Closed circuit television ("CCTV") video monitoring shall be installed that meets the following criteria:
 - (a) Continuous 24-hour operation and recording with minimum archival period of thirty (30) days.
 - (b) Sufficient cameras, angles of observation and lighting to allow facial feature identification of persons in interior and exterior areas where cannabis or marijuana is present at any time.
 - (c) Sufficient cameras, angles of observation and lighting to allow facial feature identification of persons in the immediate exterior areas of doors, windows, or other avenues of potential access.
 - (d) All CCTV recordings shall be accessible to the City and its agents or employees at all times during operating hours and otherwise upon reasonable request. All CCTV recording systems shall have the capability of producing tapes, DVDs or other removable media of recordings made by the CCTV system.
 - (e) To prevent tampering, the recorder shall be kept in a secure location and all recordings shall be date and time stamped.
- b. Windows.
 - i. Windows and glass panes shall have vandal-resistant glazing, shatter-resistant film, glass block, or bars installed equipped with latches that may be released quickly from the inside to allow exit in the event of emergency.
 - ii. Windows vulnerable to intrusion by a vehicle must be protected by bollards or landscaping grade separation reasonably sufficient to prevent such intrusion.
- c. Roofs, roof hatches, sky lights, and ceilings.
 - i. All means of gaining unauthorized access to the roof shall be eliminated. Exterior roof ladders shall be secured with locked ladder covers.
 - ii. Roof hatches and skylights shall be secured so as to prevent intrusion.

- iii. Where a licensed premises is located in a building with other tenants, the licensed premises shall be secured against unauthorized access from other tenant spaces or common areas, including access through crawl spaces, ceiling spaces, ventilation systems or other access points concealed from the common areas.
- d. Visibility.
- i. Cannabis or marijuana or graphics depicting cannabis or marijuana within the licensed premises shall not be visible with the naked eye from the perspective of a pedestrian immediately exterior to the property line of the licensed premises.
 - ii. Exterior landscaping within 10 feet of a licensed premises shall be free of locations which could reasonably be considered places where a person could conceal themselves considering natural or artificial illumination.
 - iii. Exterior building lighting and parking area lighting must be of sufficient foot-candles and color rendition, so as to allow the ready identification of any individual committing a crime on site at a distance of no less than forty feet.
- e. Fire suppression system.
- i. An approved automatic fire sprinkler system, designed in compliance with International Fire Code is required.
- f. Entrances, exits, and doors.
- i. A licensed premises shall have a single plainly identified primary entrance/exit site that is visible from public or common areas.
 - ii. Any exit or entrance that is not visible from a public or common area shall be plainly marked as an emergency exit only. Such emergency exits shall be self-closing, self-locking, equipped with an alarm and not used except in an emergency.
 - iii. Any aluminum door shall be fitted with steel inserts at the lock receptacles.
 - iv. Any outward opening doors shall be fitted with hinge stud kits, welded hinges or set-screw hinge pins.
 - v. Panic exit hardware shall be “push-bar” design.
 - vi. Double doors shall be fitted with three-point locking hardware and push-bars consistent with fire agency regulations or requirements.
 - vii. All emergency exits shall be solid core doors featuring hinge-pin removable deterrence. Emergency exit doors shall have latch guards at least 12 inches in length protecting the locking bolt area. Latch guards shall be of minimum 0.125-inch thick steel, affixed to the exterior of the door with non-removable

bolts, and attached so as to cover the gap between the door and the doorjamb for a minimum of six inches both above and below the area of the latch.

- viii. All glass doors or doors with glass panes shall have shatter-resistant film affixed to prevent glass breakage.
- g. Identification and access badges.
 - i. Managers, employees, and volunteers of a licensee shall wear identification badges with photo identification on breakaway style lanyards, at chest height.
 - ii. The identification badges shall be the means to access areas of the licensed premises not designed for public access.
 - iii. The identification badge access system shall have a duress feature.
 - iv. The identification badge access system shall have a readily available recorded log for entry/exit time of areas of the licensed premises not designed for public access. The electronic logs must be retained for ninety (90) days.
- h. Security personnel.
 - i. A licensee shall utilize adequate security personnel and patrols to ensure the safety of persons and to protect the licensed premises from theft at all times.
 - ii. All security personnel utilized by the licensee shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times.
- i. Security liaison.
 - i. A licensee shall provide the City with the name, telephone number, and email address of a security liaison to whom the City can provide notice if there are security problems associated with the licensee or licensed premises or can refer members of the public who may have any concerns or complaints regarding the security of the licensed premises. Each licensee shall also provide the above information to all businesses and residences located within a 100-foot radius of the licensed premises.
 - ii. The security liaison shall be reasonably available to meet with agents or employees of the City regarding any security related measures or and operational issues.
- j. A licensee shall comply with any other security and safety requirement imposed by the City Council on a case-by-case basis pursuant to Section 5-45.05(a) of the Maywood Municipal Code.

Signage:

- a. A licensee's signage (i) shall be in compliance with the City's sign code, (ii) shall contain no advertising of any companies, brands, products, goods, or services, (iii) shall not include any drug-related symbols, and (iv) shall be limited to the

identification of the licensee's business, the notification of surveillance, and the notification of non-consumption.

- b. A licensee shall be limited to one wall-mounted business identification sign per licensed premises, provided:
 - i. Such sign is the lesser of, (a) six square feet in sign area when the sign is located less than 30 feet above ground level, measured at the base of the building below said sign or (b) does not exceed two percent of the exterior wall area of the building wall on which it is mounted, excluding penthouse walls, when the sign is located more than 30 feet above ground level measured at the base of the building below said sign.
 - ii. Such sign shall not extend above the highest point of a parapet wall or the lowest point of a sloping roof.
 - iii. Such sign shall not be internally or externally illuminated.
- c. A licensee shall post a sign in a conspicuous place near each monitored location on the interior or exterior of the licensed premises which shall be not less than 12 inches wide and 12 inches long, composed of letters not less than one inch in height, stating "All Activities Monitored by Video Camera" or "These Premises are Being Digitally Recorded", or otherwise advising all persons entering the licensed premises that a video surveillance and camera recording system is in operation at the facility and recording all activity.
- d. A licensee shall post a sign in a conspicuous place near the entry to the premises clearly and legibly posted indicating that smoking, ingesting, or consuming cannabis, marijuana, or alcohol on or in the vicinity of the licensed premises is prohibited.

Public Nuisance:

- a. Odor control devices and techniques shall be incorporated in all licensed premises to ensure that odors from cannabis or marijuana are not detectable offsite. Licensees shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the licensed premises that is distinctive to its operation is not detected outside of the premises, 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 licensed premises. As such, licensees must install and maintain the following equipment or any other equipment that the City Council determines is a more effective method or technology:
 - i. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally.
 - ii. An air system that creates negative air pressure between the licensed premises's interior and exterior, so that the odors generated inside the licensed premises are not detectable on the outside of the licensed premises.

- iii. A ventilation and filtration system that complies with Section 402.3 of the California Building Code, as now existing or hereafter amended.
- iv. The ventilation and filtration system must be approved by the Building Official and installed prior to commencing commercial cannabis activity within the licensed premises.
- b. A licensee shall prohibit loitering by individuals outside the licensed premises, whether the loitering is occurring immediately outside the licensed premises facility or anywhere else on the property or parcel.
- c. A licensee shall remove graffiti from the licensed premises within twenty-four (24) hours of its occurrence.
- d. Commercial cannabis activity shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.

Cannabis Cultivation:

Building Size and Plan:

- a. Cannabis cultivation shall take place within fully enclosed and in a secure structure.
- b. From a public right-of-way, there should be no exterior evidence of cannabis cultivation except for any signage authorized by this CUP.

Operations:

- a. Cannabis cultivation including all cannabis or marijuana plants at any stage of growth shall not be visible from the exterior of any structure, facility, or building containing cannabis cultivation. All cannabis cultivation must take place within an enclosed locked structure. Outdoor cannabis cultivation shall be prohibited.
- b. The general public is not permitted on the cannabis cultivation licensed premises except for the agents, applicants, managers, employees, and volunteers of the cannabis cultivation licensee and agents or employees of the City.
- c. Pesticides or insecticides prohibited by federal, state, or local law for fertilization or production of edible produce shall not be used for cannabis cultivation.
- d. A cannabis cultivation licensee shall comply with all applicable federal, state, and local laws regarding use and disposal of pesticides and fertilizers.
- e. Until regulatory implementation of the state cannabis laws, a cannabis cultivation licensee shall send (or make arrangements for a cannabis distribution licensee or distributor to send) cannabis or marijuana cultivated by the licensee for batch testing to a cannabis testing licensee, testing laboratory, or testing service that

maintains operations in full conformance with the state and local regulations prior to distribution to a cannabis brick-and-mortar dispensing licensee, cannabis vehicle dispensing licensee, or dispensary.

- f. Prior to transportation, a cannabis cultivation licensee shall package and seal all cannabis or marijuana in tamper-evident packaging and use a unique identifier, such as a batch and lot number or bar code, to identify and track the cannabis or marijuana.

Parking:

- a. A cannabis cultivation licensee shall provide the following number of parking spaces based on total canopy size:
 - i. For total canopy size up to 10,000 square feet – 4 parking spaces
 - ii. For total canopy between 10,001 to 22,000 square feet – 10 parking spaces
 - iii. For total canopy size greater than 22,000 square feet – 15 parking spaces plus any additional parking spaces as determined by the City Council pursuant to Section 5-45.05(a) of the Maywood Municipal Code

Cannabis Manufacturing:

Building Size and Plan:

- a. Cannabis manufacturing shall take place within fully enclosed and in a secure structure.
- b. From a public right-of-way, there should be no exterior evidence of cannabis manufacturing except for any signage authorized by this CUP.

Operations:

- a. Cannabis manufacturing including all cannabis or marijuana shall not be visible from the exterior of any structure, facility, or building containing cannabis manufacturing. All cannabis manufacturing must take place within an enclosed locked structure.
- b. The general public is not permitted on the cannabis manufacturing licensed premises except for the agents, applicants, managers, employees, and volunteers of the cannabis manufacturing licensee and agents or employees of the City.
- c. A cannabis manufacturing licensee shall (i) employ full time quality control personnel and (ii) establish standard operating procedures and batch records that comply with current Good Manufacturing Practices, as outlined by the State Department of Public Health and the U.S. Food and Drug Administration.
- d. Until regulatory implementation of the state cannabis laws, a cannabis manufacturing licensee shall comply with the requirements (other than the

requirement to act as a collective or cooperative) contained in Section 11362.775(b) of the Health and Safety Code.

- e. Until regulatory implementation of the state cannabis laws, a cannabis manufacturing licensee shall send (or make arrangements for a cannabis distribution licensee or distributor to send) cannabis or marijuana products manufactured by the cannabis manufacturing licensee for batch testing to a cannabis testing licensee, testing laboratory, or testing service that maintains operations in full conformance with the state and local regulations prior to distribution to a cannabis brick-and-mortar dispensing licensee, cannabis vehicle dispensing licensee, or dispensary.
- f. A cannabis manufacturing licensee shall comply with sanitation standards equivalent to the California Retail Food Code (Part 7 (commencing with Section 113700) of Division 104 of the Health and Safety Code) for food preparation, storage, handling and sale of edible cannabis or marijuana products. Under this Appendix, edible cannabis or marijuana products are deemed to be unadulterated food products.
- g. A cannabis manufacturing licensee shall produce, distribute, provide, donate, or sell non-potentially hazardous food, as established by the State Department of Public Health pursuant to Section 114365.35 of the Health and Safety Code.

Security and Safety:

- a. No toxic chemicals or volatile liquids or materials may be used in the manufacturing process. Only carbon dioxide (CO₂), solvents “generally recognized as safe” by the U.S. Food and Drug Administration, pressure, water, and nonchemical lipid extractors may be used for the production of cannabis or marijuana concentrates and extractions
- b. Storage and use of compressed gases in compressed gas containers, cylinders, tanks, and systems used for cannabis manufacturing shall comply with the Chapter 53 of the California Fire Code.

Parking:

- a. A cannabis manufacturing licensee shall provide one parking space per every 300 square feet of industrial or manufacturing space plus one parking space per every 300 square feet of warehousing space plus one parking space per every 250 square feet of office space.

Cannabis Distribution:

Building Size and Plan:

- a. From a public right-of-way, there should be no exterior evidence of cannabis distribution except for any signage authorized by this CUP.

Operations:

- a. The general public is not permitted on the cannabis distribution licensed premises except for the agents, applicants, managers, employees, and volunteers of the cannabis manufacturing licensee and agents or employees of the City.
- b. A cannabis distribution licensee shall only procure, sell, or transport cannabis or marijuana that is packaged and sealed in tamper-evident packaging that uses a unique identifier, such as a batch and lot number or bar code, to identify and track the cannabis or marijuana.
- c. A cannabis distribution licensee shall maintain a database and provide a list of the individuals and vehicles authorized to conduct transportation on behalf of the cannabis distribution licensee to the City.
- d. Individuals authorized to conduct transportation on behalf of the cannabis distribution licensee shall have a valid California Driver's License.
- e. Individuals authorized to conduct transportation on behalf of the cannabis distribution licensee shall complete a criminal background check. Individuals authorized to conduct transportation on behalf of the cannabis distribution licensee shall not have been convicted of or plead guilty or no-contest to a felony or misdemeanor involving the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance within the past four (4) years.
- f. Individuals transporting cannabis or marijuana on behalf of the cannabis distribution licensee shall maintain a physical copy of the transportation request (and/or invoice) and shall make it available upon request of agents or employees of the City requesting documentation.
- g. During transportation, the individual conducting transportation on behalf of the cannabis distribution licensee shall maintain a copy of the cannabis distribution licensee's Commercial Cannabis Business Permit and shall make it available upon request of agents or employees of the City requesting documentation.
- h. A cannabis distribution licensee facility shall only transport cannabis or marijuana in a vehicle that is (i) insured at or above the legal requirement in California, (ii) capable of securing (locking) the cannabis or marijuana during transportation, and (c) capable of being temperature controlled if perishable cannabis or marijuana products are being transported.

Parking:

- a. A cannabis distribution licensee shall provide one parking space per every 1,000 square feet of industrial or distribution space plus one parking space per every 1,000 square feet of warehousing space plus one parking space per every 250 square feet of office space.

Cannabis Testing:

Building Size and Plan:

- a. Cannabis testing shall take place within fully enclosed and in a secure structure.
- b. From a public right-of-way, there should be no exterior evidence of cannabis testing except for any signage authorized by this CUP.

Operations:

- a. Cannabis testing including all cannabis or marijuana shall not be visible from the exterior of any structure, facility, or building containing cannabis manufacturing. All cannabis testing must take place within an enclosed locked structure.
- b. A cannabis testing licensee shall adopt a standard operating procedure using methods consistent with general requirements established by the International Organization for Standardization, specifically ISO/IEC 17025, to test cannabis or marijuana.
- c. A cannabis testing licensee shall be accredited by a body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement.
- d. A cannabis testing licensee shall establish standard operating procedures that provide for adequate chain of custody controls for samples transferred to the testing laboratory for testing.
- e. A cannabis testing licensee shall destroy the remains of samples of cannabis or marijuana product upon completion of analyses.

Parking:

- a. A cannabis testing licensee shall provide one parking space per every 1,000 square feet of industrial or testing space plus one parking space per every 1,000 square feet of warehousing space plus one parking space per every 250 square feet of office space.

Cannabis Brick-and-Mortar Dispensing:

Location:

- a. A licensed premises for cannabis brick-and-mortar dispensing shall not be located within 1,000 feet of another licensed premises for cannabis brick-and-mortar dispensing. The 1,000 feet shall be measured as the closest distance between property lines without regard to intervening structures.

Building Size and Plan:

- a. Cannabis brick-and-mortar dispensing shall take place within fully enclosed and in a secure structure.
- b. From a public right-of-way, there should be no exterior evidence of cannabis brick-and-mortar dispensing except for any signage authorized by this CUP.

- c. A licensed premises for cannabis brick-and-mortar dispensing shall be in a visible location that provides good open views of the licensed premises' entrance and windows from a public right-of-way.
- d. A licensed premises for cannabis brick-and-mortar dispensing shall not have a drive-through lane or drive-up window and no cannabis or marijuana may be dispensed from a drive-through lane or drive-up window.

Operations:

- a. Cannabis brick-and-mortar dispensing including all cannabis or marijuana shall not be visible from the exterior of any structure, facility, or building containing cannabis brick-and-mortar dispensing. All cannabis brick-and-mortar dispensing must take place within an enclosed locked structure.
- b. Until regulatory implementation of the state cannabis laws, a cannabis brick-and-mortar dispensing licensee shall ensure that all cannabis or marijuana sold, given away, or donated by the cannabis brick-and-mortar dispensing licensee were batch tested by a cannabis testing licensee, testing laboratory, or testing service that maintains operations in full conformance with the state and local regulations prior to sale, being given away, or donation.
- c. Prior to sale, being given away, or donation, a cannabis brick-and-mortar dispensing licensee shall ensure that all cannabis or marijuana is packaged and sealed in tamper-evident packaging that includes a unique identifier, such as a batch and lot number or bar code, to identify and track the cannabis or marijuana.
- d. A cannabis brick-and-mortar dispensing licensee shall participate in clinical or academic research seeking to understand the efficacy and adverse effects of cannabis and marijuana as pharmacological agents.
- e. A cannabis brick-and-mortar dispensing licensee shall maintain a limited access area where cannabis or marijuana is sold, given away, or donated to qualified patients, primary caregivers, and customers. A "buzz-in" electronic/mechanical entry system shall be utilized to separate the limited access area from a reception or reception/lobby area. A cannabis brick-and-mortar dispensing licensee shall verify an individual's (a) status as a qualified patient, primary caregiver, or customer and (b) identification via valid government issued identification card before allowing an individual to access the limited access area and purchase or receive cannabis or marijuana.
- f. A cannabis brick-and-mortar dispensing licensee shall notify qualified patients, primary caregivers, and customers of the following verbally (or by written agreement) and by posting of a sign (or signs) conspicuously within the licensed premises:
 - i. "The sale or diversion of cannabis or marijuana without a permit issued by the City of Maywood is a violation of state law and the Maywood Municipal Code."
 - ii. "Secondary sale, barter, or distribution of cannabis or marijuana purchased from [Insert Name of Licensee] is a crime and can lead to arrest."

- iii. "Patrons must immediately leave the dispensary and not consume cannabis or marijuana until at home or in an equivalent private location. Staff shall monitor the location and vicinity to ensure compliance."
 - iv. "The use of cannabis or marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery."
 - v. "Forgery of medical documents is a felony crime. Entry into the premises by persons under the age of twenty-one (21) is prohibited unless they are a qualified patient and accompanied by a licensed attending physician, parent, or legal guardian."
 - vi. "CALIFORNIA PROP. 65 WARNING: Smoking of cannabis and cannabis-derived products will expose you and those in your immediate vicinity to cannabis smoke. Cannabis smoke is known by the State of California to cause cancer."
- g. A cannabis brick-and-mortar dispensing licensee shall maintain a database identifying all qualified patients, primary caregivers, and customers that have received cannabis or marijuana from the cannabis brick-and-mortar dispensing licensee. The database shall identify each qualified patient's designated primary caregiver (if any), the name of the physician providing the recommendation for medical cannabis, and shall reflect whether the recommendation is written or oral. The database shall also identify the city and county of residence for each qualified patient and his or her primary caregiver and each customer.
- h. A cannabis brick-and-mortar dispensing licensee shall facilitate the sale, giving away, or donation of cannabis or marijuana with a technology platform owned by or licensed to the cannabis brick-and-mortar dispensing licensee that uses point-of-sale technology to track and database technology to record and store the following information for each transaction involving the exchange of cannabis or marijuana between the cannabis brick-and-mortar dispensing licensee and qualified patient, primary caregiver, or customer:
- i. The identity of the individual dispensing cannabis or marijuana on behalf of the licensee.
 - ii. The identity of the qualified patient, primary caregiver, or customer receiving cannabis or marijuana from the licensee.
 - iii. The type and quantity of cannabis or marijuana dispensed and received.
 - iv. The dollar amount charged by the licensee and received by the individual dispensing cannabis or marijuana on behalf of the licensee for the cannabis or marijuana dispensed and received.
- i. A cannabis brick-and-mortar dispensing licensee shall not sell, give away, or donate cannabis or marijuana to qualified patients, primary caregivers, or customers between the hours of 8:00 p.m. and 10:00 a.m. Monday through Saturday and between the hours of 7:00 p.m. and 11:00 a.m. Sunday.

- j. A cannabis brick-and-mortar dispensing licensee shall not store more than two hundred dollars (\$200.00) in cash reserves overnight on the licensed premises.
- k. A cannabis brick-and-mortar dispensing licensee may sell, give away, or donate specific devices, contrivances, instruments, or paraphernalia necessary for consuming cannabis or marijuana, including but not limited to rolling papers and related tools, pipes, water pipes, and vaporizers. The equipment may only be provided to qualified patients, primary caregivers, or customers in accordance with Section 11364.5 of the Health and Safety Code.

Parking:

- a. A cannabis brick-and-mortar dispensing licensee shall provide one parking space per every 250 square feet of gross floor area.

Cannabis Vehicle Dispensing:

Operations:

- a. Cannabis or marijuana shall not be visible from the exterior of any structure, facility, or building containing cannabis brick-and-mortar dispensing
- b. Until regulatory implementation of the state cannabis laws, a cannabis vehicle dispensing licensee shall ensure that all cannabis or marijuana sold, given away, or donated by the cannabis vehicle dispensing licensee were batch tested by a cannabis testing licensee, testing laboratory, or testing service that maintains operations in full conformance with the state and local regulations prior to sale, being given away, or donation.
- c. Prior to vehicle dispensing, a cannabis vehicle dispensing licensee shall ensure that all cannabis or marijuana is packaged and sealed in tamper-evident packaging that includes a unique identifier, such as a batch and lot number or bar code, to identify and track the cannabis or marijuana.
- d. A cannabis vehicle dispensing licensee shall participate in clinical or academic research seeking to understand the efficacy and adverse effects of cannabis and marijuana as pharmacological agents.
- e. Upon vehicle dispensing, a cannabis vehicle dispensing licensee shall notify qualified patients, primary caregivers, and customers of the following in writing:
 - i. "The sale or diversion of cannabis or marijuana without a permit issued by the City of Maywood is a violation of state law and the Maywood Municipal Code."
 - ii. "Secondary sale, barter, or distribution of cannabis or marijuana purchased from [Insert Name of Licensee] is a crime and can lead to arrest."
 - iii. "Patrons shall not consume cannabis or marijuana until at home or in an equivalent private location."

- iv. "The use of cannabis or marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery."
 - v. "Forgery of medical documents is a felony crime. Consumption of cannabis or marijuana by persons under the age of twenty-one (21) is prohibited unless they are a qualified patient."
 - vi. "CALIFORNIA PROP. 65 WARNING: Smoking of cannabis and cannabis-derived products will expose you and those in your immediate vicinity to cannabis smoke. Cannabis smoke is known by the State of California to cause cancer."
- f. A cannabis vehicle dispensing licensee shall maintain a database identifying all qualified patients, primary caregivers, and customers that have received cannabis or marijuana from the cannabis vehicle dispensing licensee. The database shall identify each qualified patient's designated primary caregiver (if any), the name of the physician providing the recommendation for medical cannabis, and shall reflect whether the recommendation is written or oral. The database shall also identify the city and county of residence for each qualified patient and his or her primary caregiver and each customer.
- g. A cannabis vehicle dispensing licensee shall facilitate the vehicle dispensing of cannabis or marijuana with a technology platform owned by or licensed to the cannabis vehicle dispensing licensee that uses point-of-sale technology to track and database technology to record and store the following information for each transaction involving the exchange of cannabis or marijuana between the cannabis vehicle dispensing licensee and qualified patient, primary caregiver, or customer:
- i. The identity of the individual dispensing cannabis or marijuana on behalf of the licensee.
 - ii. The identity of the qualified patient, primary caregiver, or customer receiving cannabis or marijuana from the licensee.
 - iii. The type and quantity of cannabis or marijuana dispensed and received.
 - iv. The dollar amount charged by the licensee and received by the individual dispensing cannabis or marijuana on behalf of the licensee for the cannabis or marijuana dispensed and received.
- h. A cannabis vehicle dispensing licensee shall maintain a database and provide a list of the individuals and vehicles authorized to conduct vehicle dispensing on behalf of the cannabis vehicle dispensing licensee to the City.
- i. Individuals authorized to conduct vehicle dispensing on behalf of the cannabis vehicle dispensing licensee shall have a valid California Driver's License.
- j. Individuals authorized to conduct vehicle dispensing on behalf of the cannabis vehicle dispensing licensee shall complete a criminal background check. Individuals authorized to conduct vehicle dispensing on behalf of the cannabis vehicle dispensing licensee shall not have been convicted of or plead guilty to no-

contest to a felony or misdemeanor involving the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance within the past four (4) years.

- k. Individuals conducting vehicle dispensing of cannabis or marijuana on behalf of the cannabis vehicle dispensing licensee shall maintain a physical copy of the vehicle dispensing request (and/or invoice) and shall make it available upon request of agents or employees of the City requesting documentation.
- l. During vehicle dispensing, the individual conducting vehicle dispensing on behalf of the cannabis vehicle dispensing licensee shall maintain a copy of the cannabis vehicle dispensing licensee's Commercial Cannabis Business Permit and shall make it available upon request of agents or employees of the City requesting documentation.
- m. A cannabis vehicle dispensing licensee shall conduct vehicle dispensing of cannabis or marijuana in a vehicle that is (i) insured at or above the legal requirement in California, (ii) capable of securing (locking) the cannabis or marijuana during transportation, (iii) capable of being temperature controlled if perishable cannabis or marijuana is being transported, and (iv) does not display advertising or symbols visible from the exterior of the vehicle that suggest the vehicle is used for vehicle dispensing or affiliated with a cannabis vehicle dispensing licensee.
- n. A cannabis vehicle dispensing licensee shall facilitate vehicle dispensing with a technology platform owned by or licensed to the cannabis vehicle dispensing licensee that uses Global Positioning System technology to track and database technology to record and store the following information:
 - i. The time that the individual conducting vehicle dispensing on behalf of the cannabis vehicle dispensing licensee departed the licensed premises.
 - ii. The time that the individual conducting vehicle dispensing on behalf of the cannabis vehicle dispensing licensee completed vehicle dispensing to the qualified patient, primary caregiver, or customer.
 - iii. The time that the individual conducting vehicle dispensing on behalf of the cannabis vehicle dispensing licensee returned to the licensed premises.
 - iv. The route the individual conducting vehicle dispensing on behalf of the cannabis vehicle dispensing licensee traveled between departing and returning to the licensed premises to conduct vehicle dispensing.
 - v. For each individual vehicle dispensing transaction, the identity of the individual conducting vehicle dispensing on behalf of the cannabis vehicle dispensing licensee.
 - vi. For each individual vehicle dispensing transaction, the vehicle used to conduct vehicle dispensing on behalf of the cannabis vehicle dispensing licensee.

- vii. For each individual vehicle dispensing transaction, the identity of the qualified patient, primary caregiver, or customer receiving cannabis or marijuana from the cannabis vehicle dispensing licensee.
- viii. For each individual vehicle dispensing transaction, the type and quantity of cannabis or marijuana dispensed and received.
- ix. For each individual vehicle dispensing transaction, the dollar amount charged by the cannabis vehicle dispensing licensee and received by the individual conducting vehicle dispensing on behalf of the cannabis vehicle dispensing licensee for the cannabis or marijuana dispensed and received.
- o. The individual conducting vehicle dispensing on behalf of the cannabis vehicle dispensing licensee shall personally verify for each individual vehicle dispensing transaction (i) the identity of the qualified patient, primary caregiver, or customer receiving cannabis or marijuana from the cannabis vehicle dispensing licensee and (ii) the validity of the qualified patient's recommendation from a physician to use cannabis for medical purposes or primary caregiver's status as a primary caregiver for the particular qualified patient.
- p. No vehicle dispensing transactions shall occur in the City between the hours of 8:00 p.m. and 10:00 a.m. Monday through Saturday and between the hours of 7:00 p.m. and 11:00 a.m. Sunday.
- q. A cannabis brick-and-mortar dispensing licensee may sell, give away, or donate specific devices, contrivances, instruments, or paraphernalia necessary for consuming cannabis or marijuana, including but not limited to rolling papers and related tools, pipes, water pipes, and vaporizers. The equipment may only be provided to qualified patients, primary caregivers, or customers in accordance with Section 11364.5 of the Health and Safety Code.

Parking:

- a. At its licensed premises, a cannabis vehicle dispensing licensee shall provide one parking space per every 1,000 square feet of industrial or order processing space plus one parking space per every 1,000 square feet of warehousing space plus one parking space per every 250 square feet of office space.

SECTION 6. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.