

REPORT TO THE PLANNING COMMISSION



DATE: July 31, 2014

TITLE: Medical Marijuana Dispensaries and Cultivation Sites

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RECOMMENDATION

That the Planning Commission recommend to the City Council where Medical Marijuana Dispensaries and/or Cultivation Sites should be permitted in the City.

BACKGROUND

Proposed Marijuana Tax Measures

On August 5, 2014, the City Council will be presented with several tax measure proposals (for the November 4, 2014 election) regarding the sale (or provision) and cultivation of medical marijuana. Proposed tax measures regarding recreational marijuana will also be presented to the City Council in the event the sale and cultivation of marijuana for recreational use is legalized in California. All the tax measures will be presented as general tax measures, which would require a simple majority vote to be approved – “simple majority” means 50% plus one. The tax on the sale or provision of marijuana will simply be a certain percent (as determined to be appropriate by the City Council) and the tax on the cultivation of marijuana will be a set dollar amount on the square footage dedicated to cultivation and all aspects associated with its cultivation.

In all cases, the tax will be the obligation of the collective, cooperative, dispensary, operator, establishment, provider or other type of entity legally dispensing medical marijuana consistent with the provisions of the Medical Marijuana Program Act (California Health & Safety Code § 11362.5 *et seq.*) within the jurisdictional boundaries of the City of Desert Hot Springs. This means that if the tax is not paid, the City’s recourse will be against the provider or cultivator of the marijuana – not the patient, caregiver or customer.

Planning Commissions Powers and Duties

Pursuant to Section 2.32.020 “Powers and duties” of the Desert Hot Springs Municipal Code, the Planning Commission has the powers and duties set forth in the City’s zoning ordinance (Title 17), in addition to any other authority prescribed by state and local laws or regulations. In Title 17, under Section 17.04.040 “Review authorities,” the Planning Commission is vested with the authority to make recommendations to the City Council on proposed General Plan Amendments and Zoning Ordinance Amendments, which are the decisions that may need to be made to formally permit the operation of medical marijuana dispensaries and related cultivation in certain land use zones (Districts) within the City.

Dispensaries and Cultivation Sites

In light of the foregoing, the City Council must adopt an ordinance that repeals the current ban on medical marijuana dispensaries and cultivation and identify where dispensaries and cultivation may be permitted to locate and operate within the City. Under the current laws governing medical marijuana, dispensaries and cultivation must be conducted in a closed circuit, which means that both must be conducted or performed by the members (patients and caregivers) of the same collective or cooperative. In other words, no one person or entity may engage in cultivation as an independent business; such cultivation must take place (operated and managed) by the collective or cooperative that is engaged in dispensing the medical marijuana. One court described it as tethering of the two activities.

In light of the foregoing, some collectives and cooperatives prefer to have their cultivation and dispensary operations either in the same location (under the same roof) or at the very least very close to one another to save on transportation costs. The problem, however, with having them at the same location (under the same roof) is that in some cases, cultivation is considered “agriculture” which is not permitted in most commercial zones. On the other hand, some jurisdictions consider cultivation of medical marijuana more akin to a plant nursery, which in most cases are permitted in most commercial zones.

If approved by the City Council (based on a recommendation of the Planning Commission), the place where medical marijuana cultivation takes place could be considered as a **“plant nursery,”** which is not specifically defined in the Municipal Code. However, under the Municipal Code, if the plants grown in a plant nursery are going to be sold at the same site (“on-site”), the nursery would be a **“permitted use”** in the Commercial Neighborhood (C-N) District; Commercial Community (C-C); Commercial General (C-G) District; Industrial Light (I-L) District; and Industrial Medium (I-M) District. It would also be a **“conditionally permitted use”** in the Visitor Serving (V-S) District. On the other hand, if the plants grown are going to be sold “off-site” (i.e., transported to a remote dispensary for sale or distribution), then the nursery would be a **“permitted use”** in the Industrial Light (I-L) District and Industrial Medium (I-M) District. It would also be considered an **“allowed use”** in the Industrial Energy Production (I-E) District. (See chart below.)

PERMITTED, DEVELOPMENT PERMITTED, AND CONDITIONALLY PERMITTED USES

	C-N	C-C	C-G	I-L	I-M	I-E	VS	VSV	VSC
Agricultural, Resource and Open Space									
Plant nurseries, with on-site sales	P	P	P	P	P	X	C	X	X
Plant nurseries, without on-site sales	X	X	X	P	P	D	X	X	X

“P” which stands for “Permitted Uses” requires only a zoning review; **“D”** which stands for “Allowed Uses” requires a Development Plan Permit; **“C”** which stands for “Conditional Uses Permit” requires a Conditional Use Permit; and **“X”** simply means they are not permitted.

Commercial Zoning Districts

In Desert Hot Springs, Commercial Districts are broken down into three categories: (1) C-N which is Neighborhood Commercial; (2) C-G which is General Commercial; and (3) C-C which is Community Commercial.

The C-N (Neighborhood Commercial) District is intended for neighborhood scale shopping centers conveniently located near residential areas. These developments are typically anchored by supermarkets and super drugstores. A wide range of other uses, including banking, barbers/beauty salons, dry cleaners, restaurants and other related activities are typically found in these planned centers. Typical sizes are 8 to 10 acres providing approximately 80,000 to 100,000 square feet of gross leasable floor area.

The C-G (General Commercial) District include a wide variety of smaller commercial centers at nodes with development such as small scale convenience commercial centers that provide a limited range of convenience commercial services, smaller grocery and convenience stores, service stations, and other limited retail operations; and also along major commercial corridors, with shops including specialty retail shops, a broad range of clothing and apparel, jewelry stores and a variety of personal service businesses. Smaller, moderately priced department stores may also be appropriate under this designation. Development may range from freestanding retail buildings and restaurants, to planned commercial centers. Typical sizes range between 1 to 8 acres with gross leasable square footage varying with uses. Hotels and motels may also be appropriate on these lands.

The C-C (Community Commercial) District provides for larger, community scale shopping centers and malls, which may be anchored by several department stores, a variety of retail outlets, and restaurant and entertainment uses. Hotels and motels may also be appropriate on these lands. Typical sizes range between 100,000 to 200,000 square feet or more of gross leasable floor area. This type of development requires approval of a specific plan. While smaller than regional facilities, the community commercial center will serve the entire community, as well as the surrounding market area.

Industrial Zone Districts

In Desert Hot Springs, Industrial Districts are broken down into three categories: (1) I-L which is Industrial Light; (2) I-M which is Industrial Medium; and (3) I-E which is Industrial Scale Energy Production.

The I-L (Industrial Light) District is intended to retain, enhance, and intensify existing and provide for the new development of lighter industrial uses along major transportation routes serving the City.

The I-E (Industrial Scale Energy Production) District is intended to promote the developing and harvesting of the City's wind and other energy resources in the western areas, while ensuring their compatibility with adjacent land uses.

There is no definition for I-M (Industrial Medium), but it is reasonable to assume it is for anything between light industrial and heavy industrial which is not permitted in the City.

Visitor Serving District

This district is meant to foster increased tourist and visitor-related activities; support the maintenance and enhancement of existing hot mineral water spas and encourage development of similar new facilities in particular, "destination resort spas" and hotels that utilize the City's subsurface hot mineral waters.

Current State of the Law

The possession, cultivation, transportation, and distribution of marijuana are governed by a number of laws: the federal Controlled Substances Act (21 USC §801 *et seq.*); the Compassionate Use Act (Health & Safety Code §11362.5), which was approved by California voters as Proposition 215 in 1996; the Medical Marijuana Program Act (Health & Safety Code §11362.7 *et seq.*), which was adopted by the State Legislature in 2003; and other provisions of the California Uniform Controlled Substances Act (Health & Safety Code §11000 *et seq.*).

According to the 2008 Attorney General Guidelines, medical marijuana may only be cultivated and distributed within the context of a collective or cooperative, which are essentially non-profit organizations in which all persons who cultivate, distribute, sell and consume medical marijuana must be members of. In other words, it must be closed circuit which means outside participation at any stage in the process from cultivation to consumption cannot involve any non-member of the collective or cooperative. Basically, there cannot be any outside investors or any other third parties involved. Moreover, there are no provisions in the law that permit the City or the typical retail pharmacy to cultivate medical marijuana or to operate a medical marijuana dispensary -- yet.

It should be noted that the Compassionate Use Act and Medical Marijuana Program Act do not "legalize" marijuana, but provide limited defenses to certain categories of individuals with respect to certain conduct and certain state criminal offenses. Nor does the Compassionate Use Act or Medical Marijuana Program Act preempt or limit local regulation of medical marijuana uses through local land use authority, which was the holding in the recent California Supreme Court "unanimous" opinion in the case known as *City of Riverside v Inland Empire Patient's Health & Wellness Ctr.* (May 6, 2013)

In summary, under the current state of the law, cities may ban or regulate where medical marijuana dispensaries and cultivation may be permitted (via zoning) within their jurisdictional boundaries, with one noted exception regarding K-12 schools.

State Mandated Zoning Law Regarding K-12 Schools

With respect to zoning, state law imposes the following restrictions on the location of dispensaries and cultivation sites.

No medical marijuana cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medical marijuana licensed residential (other than one that is also a medical or elder care facility) may be located **within a 600-foot radius of a school**, which is measured in a straight line from the property line of the school to the closest property line of the lot on which the medical marijuana cooperative, collective, dispensary, operator, establishment, or provider is to be located without regard to intervening structures. Under this state law, "school" means any public or private school providing instruction in kindergarten or grades 1 to 12, but does not include any private school in which education is primarily conducted in private homes.

State law does not prohibit the City from adopting an ordinance that further restricts the location or establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider.

It is important to note that other than K-12 schools, there are no other state-mandated separation requirements regarding any other types of uses.

Other Zoning Considerations

The Planning Commission could also consider establishing an “Overlay District,” which could be overlaid over any zoning district in the City such as, but not limited, to commercial or industrial districts. This could be an alternative if the Planning Commission has any particular concerns with the operation of medical marijuana dispensaries within any given zoning district in the City. Such an overlay district could be used to impose certain standard regulations on dispensaries and/or related cultivation activities with the intent of mitigating or eliminating any potential secondary effects such uses generally may have on surrounding uses.

In addition, the Planning Commission could consider requiring that all medical marijuana dispensaries and related cultivation activities be subject to the issuance of a conditional use permit (in any approved zoning district) which would allow the Planning Commission (on a case-by-case basis) to impose particular conditions of approval on such uses which are crafted to mitigate any specific potential secondary negative impacts the particular proposed dispensary may have on surrounding uses, such as traffic, odor, etc. based on the existing circumstances at the time the application is being processed and considered by the Planning Commission.

Zoning Map

As directed by the Planning Commission, staff will have a zoning map available at the Planning Commission meeting to show where the various zoning districts are located within the City.

Contingency Ordinance

Prior to the California Supreme Court’s consideration of the issue of whether cities could regulate or ban medical marijuana dispensaries, some cities (including Desert Hot Springs) adopted “contingency ordinances.” These contingency ordinances set forth the regulations that would apply to medical marijuana dispensaries and cultivation operations in the event cities were not permitted to ban them. Currently, the Desert Hot Springs bans medical marijuana dispensaries and cultivation, but the City has a contingency ordinance in place that would take effect if, for any reason, the City would be prohibited (in the future) from banning them. Set forth below are the contingency provisions that are currently set forth in the Municipal Code.

Permit required.

Prior to initiating operations and as a continuing requisite to operating a medical cannabis dispensary, the legal representative of the persons wishing to operate a dispensary shall obtain a regulatory permit from the city manager or designee under the terms and conditions set forth in this section.

The legal representative shall file an application with the city manager or designee upon a form provided by the city and shall pay an application fee as established by resolution adopted by the city council as amended from time to time.

An application for a regulatory permit for a dispensary shall include, but shall not be limited to, the following information:

- A. An estimate of the size of the group of primary caregivers and/or qualified patients who will be served by the dispensary;
- B. Whether delivery service of medical cannabis to any location outside the dispensary will be provided and the extent of such service.
- C. The address of the location of the dispensary;

D. A site plan and floor plan of the dispensary denoting all the use of areas of the dispensary, including storage, employee areas, exterior lighting, restrooms, and signage.

E. A security plan that addresses how the following measures shall be implemented or complied with:

1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 240 concurrent hours of digitally recorded documentation in a format approved by the city manager or designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras shall include, but are not limited to, the public areas, storage areas, employee areas, all doors and windows, and any other areas as determined to be necessary by the city manager or designee.

2. The dispensary shall be alarmed with an audible interior and exterior alarm system, unless waived for extenuating circumstances by the city manager or designee that is operated and monitored by a recognized security company, deemed acceptable by the city manager or designee. Any change in the security company shall be subject to the approval of the city manager or his designee. All current contact information regarding the dispensary's security company shall be provided to the city manager or designee.

3. Entrance to the dispensing area and any storage areas shall be locked at all times, and under the control of dispensary staff.

4. All medical cannabis shall be securely stored, and a reliable, commercial alarm system shall be installed and maintained where the medical cannabis is secured.

F. The name and address of any person who is managing or responsible for the dispensary's activities, the names and addresses of any employees, independent contractors or volunteers, if any, and a statement as to whether such person or persons has or have been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received for such conviction(s).

G. The name and address of the owner and lessor of the real property upon which the dispensary is to be operated. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical cannabis collective or cooperative dispensary will be operated on his/her property.

H. Authorization for the city manager or designee to seek verification of the information contained within the application.

I. Evidence that the organization operating the dispensary is organized as a bona fide non-profit cooperative, affiliation, association, or collective 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.

J. 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.

K. Any such additional and further information as is deemed necessary by the city manager or designee to administer this section.

Background check.

The city manager or designee shall conduct a background check of any applicant for a regulatory permit for a dispensary, including any person who is managing or is otherwise responsible for the activities of the cooperative or collective, and any employee, independent contractor or volunteer associated with the dispensary.

Grounds for denial.

The city manager or designee shall reject an application upon making any of the following findings:

A. The applicant made one or more false or misleading statements or omissions on the application or during the application process;

B. The dispensary's related cooperative or collective is not properly organized in strict compliance pursuant to the Compassionate Use Act of 1996, the Medical Marijuana Program Act, the 2008 Attorney General Guidelines and any other applicable law, rules and regulations;

C. The applicant is not a primary caregiver or qualified patient or the legal representative of the dispensary;

D. The applicant, or any person who is managing or is otherwise responsible for the activities of the dispensary, or any employee, independent contractor or volunteer, if any, has been convicted of a felony, or convicted of a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, with the exception of medical cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996; or

E. The applicant or any person who is managing or is otherwise responsible for the activities of the dispensary has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

Additional terms and conditions.

Based on the information set forth in the application, the city manager or designee may impose reasonable terms and conditions on the proposed operations of the dispensary in addition to those specified in this chapter.

Limitations on city's liability.

To the fullest extent permitted by law, the city shall not assume any liability whatsoever, with respect to approving any regulatory permit pursuant to this chapter or the operation of any dispensary approved pursuant to this chapter. As a condition of approval a regulatory permit as provided in this chapter, the applicant or its legal representative shall:

A. Execute an agreement indemnifying the city from any claims, damages, etc. associated with the operation of the dispensary;

B. Maintain insurance in the amounts and of the types that are acceptable to the city manager or designee;

C. Name the city as an additionally insured on all City required insurance policies;

D. Agree to defend, at its sole expense, any action against the city, its agents, officers, and employees related to the approval of a regulatory permit; and

E. Agree to reimburse the city for any court costs and attorney fees that the city may be required to pay as a result of any legal challenge related to the city's approval of a regulatory permit. 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 operator of its obligation hereunder.

Compliance with state law.

All dispensaries shall comply fully with all of the applicable restrictions and mandates set forth in state law and federal law, including without limitation the Compassionate Use Act of 1996, the Medical Marijuana Program Act and the 2008 Attorney General Guidelines.

Hours.

All dispensaries may only be open between the hours of 9:00 a.m. and 7:00 p.m. and may operate as many as seven days per week.

Patients/Qualified Caregivers.

All dispensaries shall maintain patient records in a secure location within the City of Desert Hot Springs, available to the city manager or designee to review upon demand. Such records shall include, without limitation, a copy of the physician's referral, proof of membership of the related collective or cooperative and, if using a primary caregiver, a notarized written authorization from the patient to be represented by such primary caregiver.

Membership Applications.

All dispensaries shall require all potential members to complete a written membership application to help ensure that any medical cannabis is not diverted to illegal uses. The following member application guidelines shall be followed:

A. The dispensary shall verify the individual's status as a qualified patient or primary caregiver. Unless the potential member has a valid state medical marijuana identification card, this verification shall involve personal contact with the recommending physician, verification of the physician's identity, as well as his or her state licensing status;

B. The potential member must agree not to distribute medical cannabis to non-members;

C. The potential member must agree not to use any medical cannabis for other than medical purposes;

D. The dispensary shall maintain membership records on-site or have them reasonably available for inspection by the city manager or designee during the dispensary's regular business hours;

E. The dispensary shall track when members' medical marijuana recommendations and/or identification cards expire; and

F. The dispensary shall enforce conditions of membership by excluding members whose identification card or physician recommendation are invalid or have expired, or who are found to be diverting marijuana for non-medical use.

Interior set-up.

All dispensaries shall include a separate reception area located at the front entrance to the dispensary where members are received. A separate area where medical cannabis and other products are sold or distributed shall be made accessible from the reception area via a self-securing door that can only be unlocked by a dispensary employee, volunteer or other person working for or on behalf of the dispensary.

Cannabis secured.

All cannabis and cannabis products shall be kept in a secured manner during business and non-business hours.

Consumable cannabis products.

If consumable medical cannabis products (including, but not limited to, lollipops, brownies, cookies, ice cream, etc.) are present on site or offered for distribution, then the dispensary shall secure any approval from the County of Riverside Department of Health Services required for handling food products.

Cash on premises.

Dispensaries shall not store more than two hundred dollars (\$200.00) in cash reserves overnight on the premises and shall make at least one daily bank drop that includes all excess cash on that business day.

Sales taxes.

All dispensaries must pay any applicable sales tax pursuant to federal, state, and local law.

Point of sale system.

Dispensaries shall have an electronic point of sale system that produces historical transactional data for review by the city manager or designee for auditing purposes.

Medical equipment and supplies.

Dispensaries may sell or otherwise provide medical cannabis related equipment, supplies and general information to any members of the dispensary's collective or cooperative, provided that such material is only displayed in the medical cannabis distribution area of the dispensary.

Consumption on premises prohibited.

On-site smoking, ingestion, or consumption of cannabis shall be prohibited on the premises of the dispensary. The term "premises" as used in this section includes the actual building, as well as any accessory structures and parking areas and all space within the property line of the parcel on which the building occupies. The building entrance to a dispensary shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis on the premises or in the vicinity of the dispensary is prohibited.

Signage.

Unless otherwise provided in this chapter, signage for the dispensary which is viewable from the exterior of the dispensary shall be limited to name of the business only and hours of operation, and no drawings or pictures shall be permitted that are viewable from the exterior of the dispensary.

Alcohol.

Alcoholic beverages shall not be kept, located, used, dispensed, sold, stored, distributed, or consumed on the premises of any dispensary.

Windows/entrances.

Except as otherwise provided in this chapter, windows and/or entrances at all dispensaries shall not be obstructed and must maintain a clear view into the premises during business hours.

Odor control.

Dispensaries shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the dispensary that is distinctive to its operation is not detected outside the dispensary, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the dispensary. As such, dispensaries must install and maintain the following equipment or any other equipment which the City Manager or designee determines has the same or better effectiveness:

A. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or

B. An air system that creates negative air pressure between the dispensary's interior and exterior so that the odors generated inside the dispensary are not detectable outside the dispensary.

Minors.

No one under 18 years of age shall be permitted in a dispensary, unless that person is a verified member of the dispensary's related collective or cooperative and accompanied by a parent or legal guardian.

Physician services prohibited.

Physician services shall not be provided on the premises of any dispensary. "Physician services" does not include social services, including counseling, help with housing and meals, hospice and other care referrals which may be provided on site.

Records.

All dispensaries shall perform an inventory on the first business day of each month and shall record the total quantity of each form of cannabis on the premises. These records shall be maintained for two (2) years from the date created and shall be made available to the city manager or designee upon request.

Community relations.

Each dispensary shall provide the city manager or designee with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom the city can provide notice if there are operating problems associated with the dispensary or refer members of the public who may have any concerns or complaints regarding the operation of the dispensary. Each dispensary shall also provide the above information to its business neighbors located within 100 feet of the dispensary as measured in a straight line without regard to intervening structures, between the front doors of each establishment.

Compliance.

All dispensaries and their related collectives or cooperatives shall fully comply with all the provisions of the Compassionate Use Act of 1996, the Medical Marijuana Program Act, the 2008 Attorney General Guidelines, all applicable provisions of this Code, and any specific, additional operating procedures and measures as may be imposed as conditions of approval of the regulatory permit.

Inspections and Enforcement.

A. Recordings made by security cameras at any dispensary shall be made immediately available to the city manager or designee upon verbal request; no search warrant or subpoena shall be needed to view the recorded materials.

B. The city manager or designee shall have the right to enter all dispensaries from time to time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this chapter.

C. Operation of the dispensary in non-compliance with any conditions of approval or the provisions of this chapter shall constitute a violation of the Municipal Code and shall be enforced pursuant to the provisions of this Code.

D. The city manager or designee may summarily suspend or revoke a medical cannabis regulatory permit if any of the following, singularly or in combination, occur:

1. The city manager or designee determines that the dispensary has failed to comply with this chapter or any condition of approval or a circumstance or situation has been created that would have permitted the city manager or designee to deny the permit under section 5.48.030;
2. Operations cease for more than 90 calendar days, including during change of ownership proceedings;
3. Ownership is changed without securing a regulatory permit;
4. The dispensary fails to maintain 240 continuous hours of security recordings; or
5. The dispensary fails to allow inspection of the security recordings, the activity logs, or the premise by authorized city officials.

Appeals.

Any decision regarding the denial, suspension or revocation of a regulatory permit may be appealed to a hearing officer pursuant to the provisions set forth in Chapter 4.36. The procedures governing suspension and revocation in chapter 4.36 shall apply equally to the denial of a regulatory permit. Said appeal shall be made by a notice of appeal from the person appealing within thirty (30) days from the date of the decision.

Cessation of operations.

In the event a qualified dispensary that receives a regulatory permit ceases to operate for any reason, the city manager or designee shall consider the next qualified applicant on the waiting list placed in order of application and provide an opportunity for new applicants to be considered for a permit.

Permits not transferable.

Regulatory permits issued pursuant to this chapter are not transferrable.

Violations.

A. Any violation of any of the provisions of this chapter is unlawful and a public nuisance.

B. Any violation of any of the provisions of this chapter shall constitute a misdemeanor violation and upon conviction thereof any violation shall be punishable by a fine not to exceed one thousand dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

C. In lieu of issuing a misdemeanor citation, the city may issue an administrative citation, and/or assess an administrative fine of up to one thousand dollars (\$1,000.00) for each violation of this ordinance pursuant to the procedures set forth in Title 14.

D. A separate offense occurs for each day any violation of this chapter is continued and/or maintained.

E. The remedies provided herein are not to be construed as exclusive remedies, and in the event of violation, the city may pursue any proceedings or remedies otherwise provided by law.

City of Palms Springs

At the previous Planning Commission, staff was directed to provide the Planning Commission with a copy of the medical marijuana regulations governing the location and operation of medical marijuana dispensaries and cultivation. (See attached.)

EXHIBITS

- 1) City of Palm Springs Municipal Code Regulations Regarding Medical Marijuana (Note: There are only 27 pages rather than 35 pages as indicated in the header of the attached document.)
- 2) Staff e-mail regarding taverns and liquor stores, dated July 21, 2014.