

AN ORDINANCE OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ADDING TITLE 14 TO THE CODIFIED ORDINANCES OF IMPERIAL COUNTY, PERMITTING THE PERSONAL CULTIVATION OF CANNABIS AND THE COMMERCIAL OPERATION OF CANNABIS AND INDUSTRIAL HEMP-RELATED BUSINESSES WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL.

ORDINANCE NO. 1543

The Board of Supervisors of the County of Imperial, State of California, does hereby ordain as follows:

SECTION 1: The Codified Ordinances of the County of Imperial is hereby amended by adding Title 14, Cannabis and Industrial Hemp, to read in its entirety as follows:

TITLE 14 – CANNABIS AND INDUSTRIAL HEMP

Chapter 14.01 – General Provisions

14.01.010 Legislative Intent

The purpose of this Ordinance is to incorporate and adopt the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as defined in section 14.01.020 of the County of Imperial Codified Ordinances, and to further regulate, where permitted, the use and personal cultivation of Cannabis, and businesses engaged in Commercial Cannabis and Industrial Hemp activities, within the unincorporated areas of the County of Imperial.

14.01.020 Definitions

- A. Unless as otherwise specified herein, the terms used in this Title shall be as defined in the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), codified at California Health and Safety Code §11018 et seq., §11362.7, California

Business and Professions Code §26001 et seq., California Revenue and Tax Code §34010 and California Food and Agriculture Department Code §81000 et seq.

- B. For the purposes of this Title, the terms listed hereunder shall be defined as follows:
1. “Board” shall mean the Board of Supervisors for the County of Imperial.
 2. “Cannabis” has the same meaning as found in §26001 of the California Business and Professions Code, and encompasses both Medical Cannabis and Recreational Cannabis.
 3. “Cannabis Products” has the same meaning as found within §11018.1 of the California Health and Safety Code, and encompasses both Medical Cannabis Products and Recreational Cannabis Products.
 4. “Commercial Cannabis Activity License” or “CCA License” means the regulatory license issued by the Enforcement Agency that allows a person, firm, corporation, or nonprofit organization to operate a Commercial Cannabis Activity within the unincorporated areas of Imperial County.
 5. “Commercial Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis for commercial purposes.
 6. “Industrial Hemp Activity” means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or commercial sale of Industrial Hemp as provided for in this Title.
 7. “Enforcement Agency” means the Department or Departments of the County of Imperial responsible for interpreting and enforcing the provisions of Title 14, and

carrying out the duties and responsibilities designated to the Enforcement Agency within this Title. Enforcement Agency shall include its officers and agents.

8. “Medicinal and Adult-Use Cannabis Regulation and Safety Act” or “MAUCRSA” refers to the Control, Regulate and Tax Medicinal and Adult-Use Cannabis Regulation and Safety Act, as codified in the following California Codes; California Health and Safety Code §11018 et.seq., §11362 et.seq., §11357 et.seq., California Business and Professions Code §26000 et.seq., California Revenue and Tax Code §34010 et.seq., and California Food and Agriculture Department Code §81000, §81008, and §81010.
9. “Medical Cannabis” means Cannabis that is grown and sold pursuant to the provisions of the Compassionate Use Act of 1996 and §11362.7 et seq. of the California Health and Safety Code.
10. “Medical Cannabis Products” means Medical Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated Medical Cannabis, or an edible or topical product containing Medical Cannabis or concentrated Medical Cannabis and other ingredients.
11. “Operation” means any act for which licensure is required under the provisions of this Title or Division 10 of the California Business and Professions Code, or any commercial transfer of Cannabis or Cannabis Products.
12. “Personal Cultivation” means the cultivation, drying, and storing of Cannabis for personal, non-commercial purposes.
13. “Physical Address” shall mean a delivery to a location with a valid (legitimate) existing use (i.e. residence, business, etc.).

14. “Physical Dispensary” means an Operation with a storefront engaged in the Retail Sale of Medical Cannabis and Medical Cannabis Products and Recreational Cannabis and Recreational Cannabis Products, in which consumers may purchase and receive Medical Cannabis and Medical Cannabis Products and Recreational Cannabis and Recreational Cannabis Products in person.
15. “Private Residence” means a house, an apartment unit, a mobile home, or similar dwelling.
16. “Recreational Cannabis” means Adult-Use Cannabis that is grown and sold pursuant to the provisions of the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) for non-medicinal purposes.
17. “Recreational Cannabis Products” means Recreational (Adult-Use) Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated Recreational (Adult-Use) Cannabis, or an edible or topical product containing Recreational Cannabis or concentrated Recreational (Adult-Use) Cannabis and other ingredients
18. “Retail Sale” means any transaction whereby, for any consideration, title to Cannabis or Cannabis Products is transferred from one person to another, and includes the Delivery of Cannabis or Cannabis Products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of Cannabis or Cannabis Products by a licensee to the licensee from whom the Cannabis or Cannabis Product was purchased.
19. “Virtual Dispensary” means an Operation without a storefront engaged in the Retail Sale of Cannabis and Cannabis Products, in which the Retail Sale of

Cannabis and Cannabis Products is through internet or telephonic orders to be delivered directly to consumers.

20. "Volatile Solvent" means volatile organic compounds that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures, including (1) explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O₂ or H₂; and (2) dangerous poisons, toxins, or carcinogens, such as Methanol, Is-propyl Alcohol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene and Pentane.

Chapter 14.02 – Cannabis Use and Personal Cultivation

14.02.010 Medical Cannabis Use

Use of Medical Cannabis and Medical Cannabis Products is allowed within the unincorporated areas of Imperial County, in accordance with the Compassionate Use Act of 1996 and §11362.7 et seq. of the California Health and Safety Code.

14.02.020 Recreational Cannabis Use

Use of Recreational Cannabis and Recreational (Adult-Use) Cannabis Products is allowed within the unincorporated areas of Imperial County, by persons twenty-one (21) years of age or older, in accordance with §11357 et seq. of the California Health and Safety code.

14.02.030 Personal Cultivation

Personal Cultivation of Medical and Recreational Cannabis shall be allowed in the unincorporated areas of Imperial County, in accordance with §11362.2 and §11362.77 of the California Health and Safety Code, and subject to the following restrictions:

- A. All Personal Cultivation of Cannabis shall be conducted either inside a private residence, or within a fully enclosed and secured accessory structure located in the rear yard of a private residence that is not visible by normal unaided vision from a public place.
- B. Accessory structures used for Personal Cultivation of Cannabis shall be constructed with all applicable permits in accordance with Title 9 of the County of Imperial Codified Ordinances.

Chapter 14.03 – Commercial Cannabis Activities

14.03.010 Commercial Cannabis Activities - General Provisions

All Commercial Cannabis Activities identified in this Chapter are subject to the following restrictions:

- A. No person or business shall engage in a Commercial Cannabis Activity, or open or operate a Commercial Cannabis Operation, without possessing the licenses and permits required by the State of California’s Bureau of Cannabis Control, CalCannabis Cultivation Licensing, Manufactured Cannabis Safety Branch, and the County of Imperial Codified Ordinances
- B. All Commercial Cannabis and Industrial Hemp activities must be located within the allocated zoning areas established by Title 9 of the County of Imperial Codified Ordinances.

1) Permitted Use with a Commercial Cannabis Activity License:

- a. Cannabis Operations: All Forms (unless otherwise directed below) permitted within the:

1. Gateway Industrial (GI) of the Gateway of the America’s Specific Plan
2. Light Industrial (MLI1) of the Mesquite Lake Specific Plan Area
(cultivation, microbusiness and retail only)
3. Medium Industrial (MLI2) of the Mesquite Lake Specific Plan

4. Heavy Industrial (MLI3) of the Mesquite Lake Specific Plan
- b. Cannabis Operations: Retail Sales (Only):
 1. Gateway Commercial (GC) of the Gateway of the America's Specific Plan Area
 2. Light Industrial (MLI1) of the Mesquite Lake Specific Plan Area
 3. Imperial Center Commercial Zone (IC CZ) of the Imperial Center Specific Plan
- 2) Permitted Use with a Conditional Use Permit and Commercial Cannabis Activity License Cannabis Operations:
 - a. All Forms (unless otherwise directed below):
 1. Light Industrial (M-1)
 2. Medium Industrial (M-2)
 3. Agricultural Related light Industrial (AM-1) (manufacturing only)
 4. Agricultural Related Medium Industrial (AM-2) (manufacturing only)
 - b. Cannabis Operations: Retail Sales (Only):
 1. General Commercial (C-2)
 2. Heavy Commercial (C-3)
- 3) Industrial Hemp Permitted Use
 - a. Industrial Hemp: including, the cultivation, harvesting, and testing, and light processing:
 1. Medium Agricultural (A-2)
 2. Heavy Agricultural (A-3)
 3. Gateway Industrial (GI) of the Gateway of the America's Specific Plan
 4. Gateway Commercial (GC) of the Gateway of the America's Specific Plan Area
 5. Medium Industrial (MLI2) of the Mesquite Lake Specific Plan
 6. Heavy Industrial (MLI3) of the Mesquite Lake Specific Plan

7. Agricultural Related light Industrial (AM-1)
8. Agricultural Related Medium Industrial (AM-2)
- b. Industrial Hemp manufacturing into semi-finished and finished products:
 1. Light Industrial (M-1)
 2. Medium Industrial (M-2)
 3. Agricultural Related light Industrial (AM-1)
 4. Agricultural Related Medium Industrial (AM-2)
 5. Medium Industrial (MLI2) of the Mesquite Lake Specific Plan
 6. Heavy Industrial (MLI3) of the Mesquite Lake Specific Plan
- 4) Industrial Hemp Permitted Use with a Conditional Use Permit
 - a. Industrial Hemp manufacturing into semi-finished and finished products:
 1. Heavy Agricultural (A-3)
- C. A Cannabis Operation may engage in multiple Commercial Cannabis Activities; provided that the operation of multiple Commercial Cannabis Activities does not conflict with the licensing provisions found within MAUCRSA.
- D. All Commercial Cannabis Activities are subject to those rules and regulations that may be promulgated from time to time by the Enforcement Agency, as further detailed in Chapter 14.05

14.03.020 Commercial Cultivation

The Commercial Cultivation of Cannabis is allowed within the unincorporated areas of Imperial County, in accordance with the applicable provisions of MAUCRSA, and subject to the following restrictions:

- A. The Commercial Cultivation of Cannabis must be located within an enclosed and secured facility.
- B. Each Commercial Cultivation Operation is limited to twenty-two thousand (22,000) square feet of total canopy size per premise.

14.03.030 Manufacturing

The Manufacturing of Cannabis and Cannabis Products is allowed within the unincorporated areas of Imperial County, in accordance with the applicable provisions of MAUCRSA, and subject to the following restrictions:

- A. All Manufacturing of Cannabis and Industrial Hemp Products may be done with non-volatile solvents or volatile solvents.
- B. Volatile solvents for Cannabis and Industrial Hemp processing may be approved provided that the operation goes through a CEQA review process and an approved Conditional Use Permit (CUP).
- C. Imperial County shall develop a list of acceptable volatile solvents.
- D. Manufacturing operations that utilize volatile solvents in any part of process shall be located more than one thousand (1,000) feet from residential uses and places where sensitive receptors are present at the time of initial permitting.

14.03.040 Retail Sales

The Retail Sale of Cannabis and Cannabis Products is allowed within the unincorporated areas of Imperial County, in accordance with the applicable provisions of MAUCRSA, and subject to the following restrictions:

- A. Virtual Dispensary with Delivery must comply with the following:
 - 1. Virtual Dispensaries with delivery shall be allowed to engage in the Retail Sale of Cannabis and Cannabis Products, for both Medicinal and Recreational Products.

2. Cannabis and Cannabis Products sold through a Virtual Dispensary shall be made exclusively by delivery.
3. The licensed Virtual Dispensary shall be closed to the public.
4. Cannabis Goods and Cannabis Products shall only be delivered to a legitimate physical address.
5. A physical delivery address shall not be located on publicly owned land or address on land or in a building leased by a public agency.

B. Physical Dispensary with Delivery must comply with the following:

1. Physical Dispensary with delivery shall be allowed to engage in the Retail Sale of Cannabis and Cannabis Products, for both Medicinal and Recreational Products.
2. Cannabis Products may be made available through onsite transactions or through the utilization of delivery services.
3. Cannabis Products shall only be delivered to a legitimate physical address.
4. On-Site Consumption shall only be within a designated “private smoking room or cannabis lounge” provided patrons are twenty-one (21) years of age, there is no sale or consumption of alcohol or tobacco and it is not visible from any public place or nonage-restricted area. Limited promotional activities may occur including live music, food, games and poetry readings as conditioned under the CCA license.

C. Microbusiness must comply with the following:

1. In order to hold a microbusiness license, a licensee must engage in at least three (3) of the following commercial cannabis activities: cultivation, manufacturing, distribution, and retail sale.

2. A holder of a microbusiness license shall comply with all the security rules and requirements applicable to the corresponding license type suitable for the activities of the licensee.
3. Areas of the licensed premises for manufacturing and cultivation shall be separated from the distribution and retail areas by a wall and all doors between the areas shall remain closed when not in use.
4. A Microbusiness with a retail component could also include on-site consumption which shall only be within a designated “private smoking room or cannabis lounge” provided patrons are twenty-one (21) years of age, there is no sale or consumption of alcohol or tobacco and it is not visible from any public place or nonage-restricted area. Limited promotional activities may occur including live music, food, games and poetry readings as conditioned under the CCA license.

D. Temporary Special Cannabis Events must comply with the following:

1. A Special Event is defined as any commercial cannabis gathering of more than one hundred (100) individuals assembled for a period of one hour or longer.
2. Temporary Cannabis Events can only be licensed at the Imperial Valley Expo (Imperial 45 DAA) provided they meet all state and local regulations.
3. The special event, if authorized by the IV Expo, may include cannabis and cannabis related sales, consumption, food, educational exhibits, presentations, live music, and other acceptable activities. Alcohol and tobacco sales are prohibited.
4. Prior to the start of the event the organizer shall provide the County a copy of the issued Bureau of Cannabis Control (BCC) Temporary Cannabis Event License.
5. Special Events shall not exceed four (4) consecutive days.

14.03.050 Reserved for Future Use

14.03.060 Testing

The Operation of Testing Laboratories for Cannabis and Cannabis Products is allowed within the unincorporated areas of Imperial County, in accordance with the applicable provisions of MAUCRSA.

14.03.070 Distribution (Wholesale)

The Distribution (Wholesale) of Cannabis and Cannabis Products is allowed in the unincorporated areas of Imperial County in accordance with the applicable provisions of MAUCRSA, and subject to the following restrictions:

- A. A licensed distributor shall only distribute sealed and registered cannabis goods, cannabis products, cannabis accessories and licensees' branded merchandise or promotional materials that are in compliance with the State of California codes and regulations.
- B. A licensed distributor shall only transport cannabis goods and cannabis products between approved and authorized licensees.

14.03.080 Commercial Cannabis Standards

Commercial cannabis activities, prior to initial operation commencement and where applicable continuous through the life of the operation, must comply with the following:

- A. Comply with County of Imperial Zoning Ordinance Title 9 et al.
- B. Provide the County proof of all Local, and State licenses to operate their commercial cannabis operation.
- C. Commercial cannabis activities shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, commercial day care center(s), or youth center(s) that are in existence at the time the license is issued. The horizontal distance shall be measured in a straight line from the property line of the school to the closest property line of the commercial cannabis activities lot.

- D. Where industrial, commercial and residential zones abut, commercial cannabis activities shall be not less than twenty-five (25) feet away from any existing residential structure located within a residential zone. When adjacent to property zoned for residential purposes, a six (6) foot high solid masonry or stucco wall shall be constructed between the proposed development and the adjacent property. The side yard walls shall be aligned with the front of the building or front of the residence on adjacent lot, whichever is closest to the street. The proposed wall design and materials shall be approved by the County of Imperial Planning & Development Services Department and applicable permit(s) must be obtained.
- E. All commercial cannabis activities shall be conducted only in the interior of fully enclosed structures, facilities, buildings, or other fully enclosed spaces consistent with the purpose and intent of this Chapter. No commercial cannabis activity shall be visible from any public right of way or public way.
- F. An Odor Control Plan providing air treatment/filtration systems to eliminate the cannabis operation detection from outside the facility shall be submitted for County of Imperial Air Pollution Control District (APCD).
- G. A Security Plan providing twenty-four (24) hour protection, including but not limited to, electronic surveillance and alarm measures, structural (interior and exterior), lighting, perimeter fencing, personnel (experience, training, quantity), etc. The Security Plan will require approval by the County of Imperial Enforcement Agency.
- H. A Business plan, providing fire, and hazardous materials management, if required, shall be reviewed and approved by the County of Imperial Fire Department.
- I. A product handling and storage plan, if required, shall be reviewed and approved by the County of Imperial Public Health Department.
- J. Cultivation, nurseries, and manufacturing activities will need to identify the source of water supply, treatment and discharge as well as legal access to the property.
- K. Perimeter fencing to prevent public access and obscure cannabis activities from public view. Screening can be done through solid fencing material, such as slatted chain link or

block/masonry materials. In cases where location is adjacent to residential zones a block wall will be required as outlined in item “D” above.

- L. Lighting for indoor cultivation may be natural, artificial, or a mixed-light.
- M. Commercial general liability insurance and any other insurance necessary for the operation of the cannabis activity(ies) on the premises, shall be in accordance to County and State standards, whichever is greater.
- N. All Commercial Cannabis Activities shall be bonded and insured to County and State standards, whichever is greater.
- O. Track-and-Trace /Unique Identifier State protocols will be observed at all times.
- P. Provide parking, landscaping, and signage shall be in accordance to County standards.
- Q. Operators and employees must be at least twenty-one (21) years of age.
- R. Local hiring for business is preferred.
- S. Compliance with occupational safety requirements shall be in accordance with Cal/OSHA, wage and hour laws, etc.
- T. All scales must be registered by the County of Imperial Department of Agriculture Weights and Measures.
- U. All operators of commercial cannabis activities, including owners, management and other personnel responsible for the day-to-day operations and activities shall be required to submit to fingerprint-based criminal history records check. Livescan applications shall be available at the County of Imperial Planning & Development Services Department to be completed and taken to a licensed livescan operator for the search to be conducted.
- V. Commercial Cannabis Activity licensees shall be responsible for maintaining property in a clean, safe and sanitary condition.

Chapter 14.04 – Commercial Cannabis Activity Licenses

14.04.010 CCA License Required.

- A. All Commercial Cannabis Activities or Cannabis Operations located in or conducting business within the unincorporated areas of Imperial County shall be required to procure and maintain a CCA License. Engaging in a Commercial Cannabis Activity or Cannabis Operation without a valid CCA License shall be a violation of this Title.
- B. The CCA License required by this Chapter is in addition to any licenses or permits required by the County of Imperial, the State of California's Bureau of Cannabis Control, the CalCannabis Cultivation Licensing, and the Manufactured Cannabis Safety Branch. All Commercial Cannabis Activities and Cannabis Operations shall be in compliance with the permitting and licensing requirements under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).
- C. The Enforcement Agency will process the application in accordance with all applicable County Ordinances. If at any time during the processing of the application for a Commercial Cannabis License (CCA), the applicant becomes non-responsive to the request of the Enforcement Agency for a period more than sixty (60) days, the Enforcement Agency may consider the application abandoned and terminate the application. If the CCA application is terminated the applicant will be required to submit a new application along with all supporting documents and will be subject to a new application processing fee.
- D. For the purposes of this Chapter the County of Imperial Planning & Development Services Department shall be the Commercial Cannabis Activity Enforcement Agency.

14.04.020 Reserved for Future Use

14.04.030 Possession of Multiple CCA Licenses.

- A. A Cannabis Operation wishing to engage in multiple Commercial Cannabis Activities shall obtain a separate CCA license for each Commercial Cannabis Activity being operated.
- B. Multiple CCA licenses shall only be issued to a Cannabis Operation when the operation of multiple Commercial Cannabis Activities does not conflict with the licensing provisions found within MAUCRSA.

14.04.040 Conspicuous Display of Licenses and Permits.

Every permit and license required by the County of Imperial or State of California shall be conspicuously displayed in the place of business for which it is issued.

14.04.050 CCA License Fees.

- A. Every application for a Special Temporary Cannabis Event, a CCA License or renewal of a CCA License to operate a Commercial Cannabis Activity or Cannabis Operation shall be accompanied by the applicable fees as set forth in the fee schedule below:

CCA LICENSE FEE SCHEDULE

Activity	Fee
Application Review: <ul style="list-style-type: none"> • First Application • Each Additional Application 	\$4,000.00 \$1,000.00
Security Plan Review	\$1,000.00
Annual License	\$1,500.00
Special Temporary Cannabis Event (each event)	\$150.00
Additional or Extraordinary Work	T/M

- B. An applicant that simultaneously submits multiple applications for Commercial Cannabis Activities that are proposed to be located on the same premises, and are determined by the Enforcement Agency to be part of the same Cannabis Operation, shall be charged the full amount for the first application, and a reduced rate for each additional application, as specified in the CCA License Fee Schedule. However, the applicant shall still be required to pay the Annual License fee for each CCA License issued by the Enforcement Agency.
- C. Additional or Extraordinary Expenses
1. In addition to the standard fees stated in the CCA License Fee Schedule, all applicants requesting a CCA License or renewal, Security Plan Review or a Special Temporary Cannabis Event, shall be required to pay for any additional or extraordinary work conducted by the Enforcement Agency or its agents. Such additional or extraordinary work shall include, but not be limited to substantial modification or corrections to submitted paperwork, additional environmental review, and/or additional legal review.
 2. All additional and extraordinary work shall be billed on a time and materials ("T/M") basis. T/M charges are based on the hourly rate of the Enforcement Agency or its agents, and the cost of any materials or services required for providing the service.
- D. In addition to the fees stated in the CCA License Schedule, all applicants shall be required to pay all other fees, charges, assessments, and taxes required under the Imperial County Codified Ordinances and any other applicable federal, State, or local laws.

14.04.060 Expiration of CCA License

- A. CCA Licenses issued pursuant to this Chapter shall be valid for twelve (12) months from the date of issuance and shall be renewed annually. The business/operator shall request

a renewal of the CCA License in writing within from the Enforcement Agency sixty (60) days prior to the expiration date.

- B. Proof of a valid state license for Commercial Cannabis Activity license issued by the State of California shall be required prior to renewal of a CCA License.

14.04.070 Failure to Reapply for CCA License

Every person, firm, corporation, or nonprofit organization having a CCA License as required under this Chapter who fails to reapply for such license within the time prescribed by Section 14.04.060 shall, in addition to the required fee, pay a penalty fee in the amount of twenty-five percent (25%) of the required fee.

14.04.080 Transfer of CCA License.

CCA Licenses issued pursuant to this chapter are nontransferable. It shall be the responsibility, upon sale or transfer of ownership or controlling interest, of the new person involved to notify the Enforcement Agency and apply for a new CCA License.

14.04.090 Suspension and revocation of CCA License.

- A. Any CCA License issued pursuant to this Chapter may be suspended or revoked for good cause by the Enforcement Agency. "Good Cause," for the purpose of this section, means a violation of any of the applicable provisions of MAUCRSA, these Codified Ordinances of Imperial County, any applicable rules or regulations adopted thereunder, or any conditions of the CCA License.
- B. The Enforcement Agency shall issue and serve upon the licensee a notice setting forth in clear and concise language the acts or omissions with which the licensee is charged and informing licensee of licensee's right to a hearing and take remedial action as necessary.

- C. At any time within the fifteen (15) day period after service of such notice, the licensee may request a hearing before the Enforcement Agency to show cause as to why the CAA License should not be suspended or revoked.
- D. A failure to request a hearing within fifteen (15) days shall be deemed a waiver of a right to such hearing. The Enforcement Agency may call a hearing for the purpose of investigating any violations of this Title.

14.04.100 Reinstatement of Suspended CCA License.

Before a suspended CAA License shall be reinstated, the owner, operator, or manager of any Commercial Cannabis Activity or Cannabis Operation for which the CCA License has been suspended, shall be required to correct the conditions, which caused the Enforcement Agency to suspend the CAA License. The corrections shall be done within sixty (60) days. Upon such corrections, the CCA License shall be returned at to the licensee. The cost for reinstatement will be as follows: first offence \$0.00; second offence \$500.00; third offense \$1,000.00. In the event the operator has a fourth or greater offence the operator shall pay \$1,500.00 and will be require County of Imperial Board of Supervisor approval to reinstate their CCA License.

Chapter 14.05 – Rules, Regulations, and Enforcement

14.05.010 Promulgation of Rules and Regulations of Commercial Cannabis Activities.

- A. The Enforcement Agency is authorized to establish and promulgate such rules and regulations governing Commercial Cannabis Activities, as are consistent with the directions of this Title, and are necessary to carry out the provisions hereof.
- B. For the purposes of this Chapter and Section 14.03.010, the County of Imperial Board of Supervisors shall assign a County Department to be the Enforcement Agency.

14.05.020 Inspection of Commercial Cannabis Activities.

Any officer or agent of the Enforcement Agency may enter and inspect any premises operating or believed to be conducting a Commercial Cannabis Activity or Cannabis Operation for purposes of ensuring compliance with, or to prevent a violation of, the provisions of this Title. Inspections may be made at any reasonable time the business is in operation.

Chapter 14.06 – Industrial Hemp

14.06.010 Promulgation of Rules and Regulations of Industrial Hemp Activities.

Industrial Hemp Activities are allowed with the unincorporated areas of Imperial County, in accordance with the applicable provisions of MAUCRSA, and subject to the following restrictions:

- A. No person or business shall engage in Industrial Hemp Activities without compliance with the Imperial County Codified Ordinances and proper registration as required by the California Laws and Regulations.
- B. For the purposes of this Chapter, the Imperial County Agricultural Commissioner's Office shall be the industrial hemp activity enforcement agency.
- C. The Enforcement Agency is authorized to establish and promulgate such rules and regulations governing Industrial Hemp Activities, as are consistent with the directions of this Title, and are necessary to carry out the provisions thereof.
- D. Any officer or agent of the Enforcement Agency may enter and inspect any premises operating or believed to be conducting an industrial hemp activity for purposes ensuring compliance with, or to prevent a violation of, the provisions of this Title. Inspections may be made at any reasonable time the business is in operation.

14.06.020 Industrial Hemp Activities Fees.

- A. Industrial hemp growers shall pay all registration fees established in Title 3, of the California Code of Regulations Division 4, Chapter 8.
- B. Industrial hemp growers shall pay for all costs including time and mileage and any fees necessary to reimburse direct costs incurred by the Agricultural Commissioner's Office in implementing, administering and enforcing: the State of California Food and Agricultural Code Division 24, California Code of Regulations Title 3 Division 4 Chapter 8 and any Imperial County ordinances regarding industrial hemp activities. Said activities may include, but are not limited to sampling, investigations, abatement and inspections.

14.06.030 Industrial Hemp Activities within the Unincorporated Areas of Imperial County.

Industrial Hemp Activities are allowed within the unincorporated areas of Imperial County in accordance with applicable provisions of Division 24 of the California Food and Agricultural Code, and must be located within the allocated zoning areas established by Title 9 of the County of Imperial Codified Ordinance.

SECTION 2: This Ordinance shall take effect and shall be in force thirty (30) days after the date of its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, a summary of this Ordinance shall be published at least once in the Holtville Tribune, a newspaper of general circulation, printed and published in the County of Imperial, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

SECTION 3: Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other ordinance provisions or clauses or

applications thereof that can be implemented without the invalid provision or clause or application, and to this end the provisions and clauses of this ordinances are declared to be severable.

SECTION 4: If a court of competent jurisdiction finds the Medicinal and Adult-Use Cannabis Regulation and Safety Act to be unlawful due to Federal preemption, this ordinance shall be void in its entirety.

PASSED, ADOPTED, AND APPROVED by the Board of Supervisors of the County of Imperial this 18th day of June, 2019.

AYES: Escobar, Plancarte, M. Kelley, R. Kelley, Castillo

NOES: None

ABSENT: None

ABSTAIN: None



RYAN E. KELLEY, Chairman

Board of Supervisors

ATTEST: 

BLANCA ACOSTA, Clerk of the Board

Board of Supervisors, County of Imperial,
State of California



I hereby certify that the foregoing instrument is a correct copy of the original on file with this office.

Date: 07-24-19

Clerk of the Board of Supervisors
County of Imperial

BY: 
Deputy

Approved by the Board of Supervisors
06-18-19 18
Date Minute Order #