

MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. ___XXXX___

**ORDINANCE ADDING COUNTY OF MARIN CODE CHAPTER 6.86,
MEDICINAL CANNABIS DELIVERY-ONLY RETAILER LICENSING**

SECTION I: FINDINGS

1. **WHEREAS**, in 1996 the voters of the State of California approved Proposition 215 (codified at Health and Safety Code section 11362.5 et seq. and titled "The Compassionate Use Act of 1996"). The intent of Proposition 215 was to enable persons residing in California who are in need of cannabis for medical purposes to be able to obtain and use it without fear of criminal prosecution under limited, specified circumstances; and
2. **WHEREAS**, in 2004 the State enacted Senate Bill 420 (codified at Health and Safety Code section 11362.7 et seq., and titled the "Medical Cannabis Program"), to clarify the scope of the Compassionate Use Act of 1996 and to allow cities, counties and other governing bodies to adopt and enforce rules and regulations consistent with the Medical Cannabis Program; and
3. **WHEREAS**, in 2015 Assembly Bills 243 and 266 and Senate Bill 643 were enacted (codified at Business and Professions Code section 19300 et seq. and titled the "Medical Cannabis Regulation and Safety Act" (MCRSA), previously known as the Medical Marijuana Regulation and Safety Act); and
4. **WHEREAS**, on June 27th 2017, the State enacted Senate Bill 94, titled "Medicinal and Adult-Use Cannabis Regulation and Safety Act" (MAUCRSA), which repealed MCRSA; and
5. **WHEREAS**, to protect the public health, safety, and welfare, it is the desire of the Board of Supervisors to modify the Marin County Code to be consistent with MAUCRSA, regarding the control and regulation of medicinal cannabis retailers and to meet the medical needs of those residing in the county; and
6. **WHEREAS**, to protect the public health, safety, and welfare, it is the desire of the Board of Supervisors to place more restrictive location limits for a medicinal cannabis retailer beyond those required in MAUCRSA; and
7. **WHEREAS**, a medicinal cannabis delivery-only retailer use authorized by this ordinance is allowed within the zoning districts specified in this ordinance; and
8. **WHEREAS**, nothing in this Ordinance shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. § 841 or to license any activity that is prohibited under said Act except as mandated by State law; and
9. **WHEREAS**, this chapter is found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061 (b) (3) in that the Board of Supervisors finds and determines that there is nothing in this chapter or its implementation that could foreseeably have any significant effect on the environment; and
10. **WHEREAS**, nothing in this Ordinance shall be construed to (1) allow persons to engage in conduct that endangers others or causes a public nuisance; or (2) allow the use of cannabis for non-medicinal purposes, except as allowed pursuant to MAUCRSA; or (3) allow

any activity relating to the sale, distribution, possession or use of cannabis that is illegal under state or federal law; and compliance with the requirements of this Ordinance shall not provide a defense to criminal prosecution under any applicable law.

SECTION II: ACTION

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby adopts Ordinance No. [] and adds Chapter 6.86 Medicinal Cannabis Delivery-Only Retailer Licensing to the Marin County Code, consisting of Exhibit "A" to Marin County Ordinance No. [].

SECTION III: EFFECTIVE DATE AND PUBLICATION

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same, in the *Marin Independent Journal*, a newspaper of general circulation published in the County of Marin.

SECTION IV: VOTE

Introduced at a first reading of the Board of Supervisors on [] and adopted at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the [] day of [,], by the following vote to wit:

AYES: SUPERVISORS

NOES:

ABSENT:

JUDY ARNOLD, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

ATTEST:

Matthew H. Hymel
Clerk of the Board of Supervisors

EXHIBIT "A" TO MARIN COUNTY ORDINANCE NO. XXX

Marin County Code Chapter 6.86

Medicinal Cannabis Delivery-Only Retailer Licensing

Section: 6.86.010 Findings.

- (a) WHEREAS, in 1996 the voters of the State of California approved Proposition 215 (codified at Health and Safety Code section 11362.5 et seq. and titled "The Compassionate Use Act of 1996"). The intent of Proposition 215 was to enable persons residing in California who are in need of cannabis for medical purposes to be able to obtain and use it without fear of criminal prosecution under limited, specified circumstances; and
- (b) WHEREAS, in 2004 the State enacted Senate Bill 420 (codified at Health and Safety Code section 11362.7 et seq., and titled the "Medical Cannabis Program"), to clarify the scope of the Compassionate Use Act of 1996 and to allow cities, counties and other governing bodies to adopt and enforce rules and regulations consistent with the Medical Cannabis Program; and
- (c) WHEREAS, in 2015 Assembly Bills 243 and 266, and Senate Bill 643 were enacted (codified at Business and Professions Code section 19300 et seq. and titled the "Medical Cannabis Regulation and Safety Act" (MCRSA), previously known as the Medical Marijuana Regulation and Safety Act); and
- (d) WHEREAS, on June 27th 2017, the State enacted Senate Bill 94, titled "Medicinal and Adult-Use Cannabis Regulation and Safety Act" (MAUCRSA), which repealed MCRSA; and
- (e) WHEREAS, to protect the public health, safety, and welfare, it is the desire of the Board of Supervisors to modify the Marin County Code to be consistent with MAUCRSA, regarding the control and regulation of medicinal cannabis retailers and to meet the medical needs of those residing in the county; and
- (f) WHEREAS, to protect the public health, safety, and welfare, it is the desire of the Board of Supervisors to place more restrictive location limits for a medicinal cannabis retailer beyond those required in MAUCRSA; and
- (g) WHEREAS, a medicinal cannabis delivery-only retailer use authorized by this ordinance is allowed within the zoning districts specified in this ordinance; and
- (h) WHEREAS, nothing in this Ordinance shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. § 841 or to license any activity that is prohibited under said Act except as mandated by State law; and
- (i) WHEREAS, this chapter is found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061 (b) (3) in that the Board of Supervisors finds and determines that there is nothing in this chapter or its implementation that could foreseeably have any significant effect on the environment; and

- (j) WHEREAS, nothing in this Ordinance shall be construed to (1) allow persons to engage in conduct that endangers others or causes a public nuisance; or (2) allow the use of cannabis for non-medical purposes, except as allowed pursuant to MAUCRSA; or (3) allow any activity relating to the sale, distribution, possession or use of cannabis that is illegal under state or federal law; and compliance with the requirements of this Ordinance shall not provide a defense to criminal prosecution under any applicable law.

Section: 6.86.011 Purpose and intent.

It is the purpose and intent of this chapter to regulate medicinal cannabis retailers located within unincorporated Marin, in order to promote the health, safety, and general welfare of residents and businesses within the County. This Chapter only governs the establishment and operation of medicinal cannabis “retailers,” as defined below, within unincorporated Marin. Thus, this Chapter only governs a physical, delivery-only place of business in unincorporated Marin County.

Section: 6.86.020 Definitions.

For the purpose of this chapter, the following words and phrases shall mean:

- (a) "Applicant" means an owner applying for a License pursuant to this chapter.
- (b) "Bureau" means the Bureau of Cannabis Control within the California Department of Consumer Affairs.
- (c) "Community Development Agency Director" means the Community Development Agency Director or the authorized representative thereof.
- (d) "County" means the County of Marin.
- (e) "County Administrator" means the County Administrator of the County of Marin or the authorized representative thereof.
- (f) "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this section, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the California Health and Safety Code.
- (g) "Cannabis accessories" means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body, as defined by Section 11018.2 of the California Health and Safety Code.

- (h) "Cannabis concentrate" means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this division. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, or drug, as defined by Section 109925 of the California Health and Safety Code.
- (i) "Cannabis products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients, as defined by Section 11018.1 of the California Health and Safety Code.
- (j) "Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products.
- (k) "Customer" means a natural person 18 years of age or older who possesses a physician's recommendation, or a primary caregiver.
- (l) "Day Care Center" means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and schoolage child care centers, as defined by Section 1596.76 of the California Health and Safety Code.
- (m) "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. Delivery also includes the use by a retailer of any technology platform owned, leased, or controlled by the retailer.
- (n) "Edible cannabis product" means cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.
- (o) "Identification card" means a document issued by the State Department of Health that identifies a person authorized to engage in the medical use of cannabis and the person's designated primary caregiver, if any, as defined by Section 11362.7 of the California Health and Safety Code.
- (p) "Labeling" means any label or other written, printed, or graphic matter upon a cannabis product, upon its container or wrapper, or that accompanies any cannabis product.
- (q) "License" means a county license issued under this chapter.
- (r) "Licensee" means any person holding a license under this chapter.
- (s) "Medicinal cannabis" or "medicinal cannabis product" means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician's recommendation.

- (t) “Medicinal Cannabis Delivery-Only Retailer (MCDORe) License” means a County of Marin license issued under this chapter for a medicinal cannabis retailer that is closed to the public and conducts sales exclusively by delivery.
- (u) “Owner” means any of the following, as defined in Section 26001 of the Business and Professions Code:
 - (1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
 - (2) The chief executive officer of a nonprofit or other entity.
 - (3) A member of the board of directors of a nonprofit.
 - (4) An individual who will be participating in the direction, control, or management of the person applying for a license.
- (v) “Person” includes any 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 the plural as well as the singular.
- (w) “Physician’s recommendation” means a recommendation by a physician or surgeon that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.
- (x) “Playground” means any park or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, football, soccer, or basketball, or any similar facility located on public or private school grounds, or on city, county, or state parks, as defined in Section 11353.1 of the Health and Safety Code.
- (y) “Premises” means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.
- (z) “Primary caregiver” has the same meaning as in Section 11362.7 of the Health and Safety Code.
- (aa) “Purchaser” means the customer who is engaged in a transaction with a licensee for purposes of obtaining cannabis or cannabis products.
- (bb) “Qualified patient” means a person who is entitled to the protections of Section 11362.5, but who does not have an identification card issued, as defined by Section 11362.7 of the Health and Safety Code.
- (cc) “Sell,” “sale,” and “to sell” include 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.

- (dd) "Tobacco store" means a retail business that meets all of the following requirements, as defined in Section 22962 of the Business and Professions Code:
 - (1) Primarily sells tobacco products.
 - (2) Generates more than 60 percent of its gross revenues annually from the sale of tobacco products and tobacco paraphernalia.
 - (3) Does not permit any person under 18 years of age to be present or enter the premises at any time, unless accompanied by the person's parent or legal guardian, as defined in Section 6903 of the Family Code.
 - (4) Does not sell alcoholic beverages or food for consumption on the premises.
- (ee) "Qualified patient" shall have the same definition as set forth in California Health and Safety Code Section 11362.7 et seq., and as may be amended.
- (ff) "Retailer" means any commercial activity that engages in retail sale and delivery of cannabis or cannabis products to customers. A retailer shall have a licensed premises which is a physical location from which commercial cannabis activities are conducted. A retailer's premises may be closed to the public. A retailer may conduct sales exclusively by delivery. As defined in Section 26070 of the Business and Professions Code.
- (gg) "School" means any facility providing instruction to kindergarten or any grades 1 through 12, as defined by Section 26054 of the Business and Professions Code.
- (hh) "Youth center" means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities, as defined in Section 11353.1 of the Health and Safety Code.

Section: 6.86.030 License requirements.

- (a) A medicinal cannabis retailer seeking to operate within unincorporated Marin must first obtain and maintain a license in accordance with this chapter prior to operating. The license is specific to the location where the medicinal cannabis retailer business will be operating. Multiple operating locations for the same medicinal cannabis retailer business will require separate licenses.
- (b) A Medicinal Cannabis Delivery-Only Retailer (MCDORe) license is required for any retail activities for which MAUCRSA requires a State "M-Retailer" license. The MCDORe license is more restrictive than a State "Retailer" license because it requires the retailer's premises to be closed to the public and to conduct sales exclusively by delivery.
- (c) The following activities are not regulated by this Ordinance and do not require any license under this chapter, provided the activity complies with other State and local laws:

- (1) A qualified patient or primary caregiver residing within unincorporated Marin County may receive medicinal cannabis deliveries from a licensed medicinal cannabis retailer located outside unincorporated Marin County.
- (2) A qualified patient, who cultivates, possesses, stores, manufactures, or transports cannabis exclusively for his or her personal medical use but who does not provide, donate, sell, or distribute cannabis to any other person.
- (3) A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 of the Health and Safety Code, but who does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Section 11362.765 of the Health and Safety Code.
- (4) The smoking of cannabis and cannabis products by a qualified patient, provided smoking is not prohibited under State law or Chapter 7.70 of this code.
- (5) The ingestion of cannabis or cannabis products by a qualified patient.

Section: 6.86.031 Prohibited medicinal commercial cannabis activities.

- (a) All other medicinal commercial cannabis activities, as defined above, are prohibited.

Section: 6.86.032 Limitation on number of licenses.

- (a) Up to four MCDORe Licenses may be issued for premises within the unincorporated areas of Marin County for a medicinal cannabis retailer which is closed to the public and conducts sales exclusively by delivery. The Board of Supervisors reserves the power to not grant any licenses under this Ordinance.

Section: 6.86.033 Limitation on location.

- (a) A MCDORe may only be located within the following coastal and non-coastal zoning districts: C1, CP, AP, OP, and IP.
- (b) A MCDORe shall not be allowed within the specified distances to the following uses that are in existence at the time the license is issued. The distance specified in this section shall be measured in the same manner as provided in subdivision (c) of Section 11362.768 of the Health and Safety Code, as may be amended from time to time. Specifically the following buffers shall apply:
 - (1) Within a 600-foot radius of a school, day care center, youth center, or another cannabis retailer, as required by Section 26054 of the Business and Professions Code, as may be amended from time to time.
 - (2) Within a 600-foot radius of a playground or tobacco store, which are in addition to the uses required per Section 26054 of the Business and Professions Code.

Section: 6.86.040 License application.

- (a) A complete application shall be submitted including all information and materials required by the County and this chapter. All applications for licenses shall be filed with the County Administrator or designee, using forms provided by the County, within the filing period that is established by the County, and which may be extended from time to time. It is the responsibility of the applicant to provide information required for approval of the license. The application shall be made under penalty of perjury.
- (b) An application shall be accompanied by an application review fee, as established by resolution of the Board of Supervisors from time to time. This application review fee shall not include fingerprinting, photographing, and background check costs and shall be in addition to any other business license fee or license fee imposed by this code or other governmental agencies.

Section: 6.86.041 Review of applications.

- (a) The County Administrator or designee shall specify the form and content of the application for a license, and develop and implement procedures for the processing and review of a license application related to this chapter. The processing of new license applications will include the following phases:
 - (1) Phase 1 - Prescreening: An applicant must first submit for a prescreening review by the Community Development Agency (CDA), which will include background checks of all owners of the business. The applicant selection decisions will be made by the CDA Director, and are not appealable. Only applicants who receive approval of the prescreening review may proceed to the next phase of the selection process.
 - (2) Phase 2 – Lottery: If the number of approved applicants exceeds 100% of the maximum number of licenses available, then a lottery will be conducted. Lottery winners do not obtain a license. Rather, they obtain the opportunity to continue to compete in Phase 3.
 - (3) Phase 3 - Application Pre-Submittal: Prior to applying for a medicinal cannabis delivery-only retailer license an applicant must first meet with Community Development Agency staff for a Pre-submittal Review. This review will include a site analysis and plan review of the proposed location.
 - (4) Phase 4 - Application Review: The County Administrator or designee shall refer the application to any other County departments as necessary to complete the review of the application. The review of the application will include the following application scoring system, based on a 100 point scale:
 - i. Business plan – 20 percent
 - ii. Operating plan – 20 percent
 - iii. Security plan – 20 percent
 - iv. Neighborhood compatibility – 25 percent

- v. Public benefits plan – 10 percent
 - vi. Site and architectural plans – 5 percent
- (b) The County Administrator or designee will provide selection recommendations to the Board of Supervisors at a duly noticed public hearing.
 - (c) The Board of Supervisors shall not select any applicant who scores less than 80 percent. It is the intent of this chapter to maintain at least two but no more than four MCDORe licenses. However, the Board of Supervisors reserves the discretion to deny all applications, even if their score exceeds 80 percent.
 - (d) The County may impose conditions, restrictions or require revisions to the proposal to comply with the purpose and intent of this chapter.

Section: 6.86.050 Operating standards.

- (a) The County Administrator or designee shall develop and implement operating standards consistent with the Medicinal and Adult-use Cannabis Regulation and Safety Act, and shall modify such operating standards from time to time as required by applicable law and consistent with public health, welfare and safety.
- (b) The following operating standards shall be included:
 - (1) State and local licensing. Obtain and maintain a State license for the equivalent State cannabis license type. Obtain and maintain all other required State and local licenses, permits, or approvals as required.
 - (2) Limits on products sold: No alcoholic beverages or tobacco products shall be sold, per Section 26054 of the Business and Professions Code. In addition, no food products as defined in Section 113781 of the Health and Safety Code shall be sold.
 - (3) Security. Implement security measures that are designed to prevent unauthorized entrance and theft of cannabis or cannabis products. The security measures shall meet Section 26070 of the Business and Professions Code, and requirements set by the Bureau and County.
 - (4) Delivery. Implement delivery procedures that are designed to track and trace deliveries and protect confidential medical information. The delivery procedures shall meet Section 26090 of the Business and Professions Code, and requirements set by the Bureau and County.
 - (5) Testing. Cannabis or cannabis products shall not be sold unless a representative sample of the cannabis or cannabis product has been tested by a licensed testing laboratory, except as otherwise provided by Section 26070.I of the Business and Professions Code. All testing shall meet Section 26101 of the Business and Professions Code, requirements set by the Bureau, State Department of Public Health, and any applicable County department, such as the Health and Human Services, and Environmental Health.

- (6) Packaging and Labeling. Prior to delivery or sale at a retailer, cannabis and cannabis products shall be labeled and placed in a resealable, tamper-evident, child resistant package. All labels and packaging shall meet Section 26120 and 26121 of the Business and Professions Code, requirements set by Bureau, State Department of Public Health, and any applicable County department, such as the Health and Human Services, and Environmental Health.
- (7) Protection of Minors. Implement measures that are designed to prevent unauthorized sale of cannabis or cannabis products. The measures shall meet Section 26140 of the Business and Professions Code, and requirements set by the Bureau and County. In addition, a licensee shall not allow on the premises, employ, or retain persons under 18. A licensee shall not sell cannabis or cannabis products to persons under 21 without a State issued Identification Card.
- (8) Advertising and Marketing Restrictions. All advertising and marketing shall meet Sections 26150-20156 of the Business and Professions Code, and requirements set by the Bureau and County. In addition, all signage shall meet the County zoning code's sign requirements.
- (9) Records. All record keeping procedures shall meet Sections 26160-20162 etal of the Business and Professions Code, and requirements set by the Bureau and County. In addition, a current register of all employees shall be maintained.
- (10) Odor Control. No cannabis odors shall be detectable outside the facility or delivery vehicle. All odor control measures shall meet the Business and Professions Code, requirements set by Bureau, State Department of Public Health, and any applicable County department, such as the Health and Human Services, and Environmental Health.
- (11) Consumption. Cannabis and cannabis products shall not be consumed on the licensed premises or in a delivery vehicle.
- (12) Operating Hours. A licensee may operate between the hours of 9:00 a.m. to 9:00 p.m., up to seven days a week unless modified as condition of license to address site specific conditions.
- (13) Contact Person. A licensee shall provide the County with the name and phone number of an on-site community relations staff person or designee to whom one can provide notice if there are operating concerns. The licensee shall make every good faith effort to encourage neighborhood residents to call this person to try to solve operating concerns before any calls or complaints are made to the County.

Section: 6.86.060 Term of license and renewal procedure.

- (a) Licenses issued under this chapter shall be valid for 12 months from the date of issuance. The license may be renewed annually.
- (b) Licenses may be renewed by the County Administrator unless the license is suspended or revoked in accordance with the provisions of this chapter or if the application for renewal fails to comply with the provisions of this chapter.

- (c) Applications for renewal shall be made at least 60 days before the expiration date of the license and shall be accompanied by the nonrefundable application review fee. Applications for renewal shall be acted upon by the County Administrator. Applications for renewal made less than 60 days before the annual expiration date shall not stay the expiration date of the license.
- (d) A licensee shall be responsible for paying an annual license monitoring deposit, as established by resolution of the Board of Supervisors from time to time. This deposit shall cover the full cost borne by the County to administer the Licensing program and all responsibilities established in this Chapter.

Section: 6.86.061 License suspension, modification and revocation.

- (a) Any license issued under the terms of this chapter may be suspended, modified, or revoked by the County Administrator or Board of Supervisors for cause including but not limited to violation of any of the requirements or provisions of this chapter, or conflicts with State law.
- (b) Except as otherwise provided in this chapter, no license shall be suspended, modified, or revoked by virtue of this section until written notice of the intent to consider revocation or suspension of the license has been served upon the person to whom the license was granted at least 10 days prior to the date set for such review. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such license. Notice may be given either by personal delivery to the person to be notified, or by depositing it in the U.S. mail in a sealed envelope, postage prepaid, return receipt requested, addressed to the person to be notified at his/her address as it appears in his/her application for a license.
- (c) If any person holding a license or acting under the authority of such license under this chapter is convicted of a public offense in any court for the violation of any law which relates to his or her license, the County Administrator may revoke such license forthwith without any further action thereof, other than giving notice of revocation to the licensee.

Section: 6.86.062 Appeal from decision of the County Administrator.

- (a) An applicant aggrieved by the County Administrator's decision to renew, suspend, modify, or revoke a license may appeal such decision to the Board of Supervisors by filing a written notice stating all grounds on which the appeal is based and paying applicable appeal fee with the Clerk of the Board of Supervisors within 10 business days of the County Administrator's written notice of decision. If an appeal is not taken within such time, the County Administrator's decision shall be final.
- (b) The Board of Supervisors shall consider the appeal within 90 days of the date of filing the appeal. The Clerk of the board shall give 10 days' notice to the person filing the appeal of the time and place of the meeting scheduled on the appeal by serving notice personally or by depositing it in the United States post office at San Rafael, California, postage prepaid, addressed as shown on the appeal papers. The Board of Supervisors shall have the authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provision of this chapter.

Section: 6.86.063 Effect of revocation.

- (a) When the County Administrator shall have revoked any license provided for in this chapter and the time for appeal to the Board of Supervisors shall have elapsed, or, if after appeal to the Board of Supervisors, the decision of the County Administrator has been affirmed by the Board of Supervisors, no new application for a license shall be accepted from the applicant and no such license shall be issued to such person in which the applicant shall have any beneficial interest for a period of three years after the action revoking the license.

Section: 6.85.064 Transfer of licenses.

- (a) A licensee shall not operate under the authority of a medicinal cannabis retailer's license at any place other than the address stated in the application for the license.
- (b) The license is nontransferable unless the transferee obtains an amendment to the license from the County Administrator stating that the transferee is now the licensee. Such an amendment may be obtained only if the transferee files an application with the County Administrator in accordance with this all provisions of this chapter accompanied by a transfer fee in an amount set by resolution of the Board of Supervisors, and the County Administrator determines in accordance this chapter that the transferee would be entitled to the issuance of an original license.
- (c) No license may be transferred when the County Administrator has notified the licensee that the license has been or may be suspended or revoked.
- (d) Any attempt to transfer a license either directly or indirectly in violation of this section is declared void, and the license shall be deemed revoked.

Section: 6.86.070 Enforcement.

- (a) It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. A violation of this chapter shall be punishable in accordance with the County Code.
- (b) All remedies prescribed under this chapter shall be cumulative and the use of one or more remedies by the County shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.
- (c) Any person that violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.
- (d) Any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be and is declared a public nuisance and may be summarily abated by the County.
- (e) Any person who violates, causes, or permits another person to violate any provision of this chapter commits a misdemeanor.

- (f) The violation of any provision of this chapter shall be and is declared to be contrary to the public interest and shall, at the discretion of County Administrator, create a cause of action for injunctive relief.
- (g) In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this chapter may be subject to administrative remedies as set forth by the Marin County Code.

Section: 6.86.080 Severability.

- (a) The provisions of this chapter are declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter.

Section: 6.86.081 Judicial review.

- (a) Judicial review of a decision made by the Board of Supervisors under Section 6.86.041 of this chapter may be had by filing a petition for a writ of mandate with the Superior Court in accordance with the provisions of the California Code of Civil Procedure Section 1094.5. Any such petition shall be filed within 90 days after the day the decision becomes final as provided in California Code of Civil Procedure Section 1094.6 which shall be applicable for such actions.