draft
ORDINANCE NO. 617

AN ORDINANCE OF THE CITY OF BRISBANE AMENDING CHAPTERS 17.02, 17.06, 17.08, 17.10, 17.12, 17.16, 17.18, AND 17.19, AND ADDING NEW CHAPTERS 8.12 AND 17.33 TO TITLE 8, HEALTH AND SAFETY, AND TITLE 17, ZONING, OF THE BRISBANE MUNICIPAL CODE TO REGULATE PERSONAL CULTIVATION OF CANNABIS AND CANNABIS BUSINESSES

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: A new Chapter 8.12 is added to Title 8, Health and Safety, of the Municipal Code to read as follows:

Chapter 8.12 – Personal Cultivation of Cannabis

8.12.010 - Purpose

The purpose of this Chapter is to regulate the cultivation of cannabis for medicinal or adult use, lawfully incident to the residential use of that home.

8.12.020 – Authority

The primary responsibility for enforcement of the provisions of Chapter 8.12 shall be vested in the chief of police or his/her designee.

8.12.030 – Definitions

For the purpose of this chapter, unless the context clearly requires a different meaning, the words, terms, and phrases set forth in this section have the meanings given to them in this section:

"Accessory structure" shall have the same meaning as set forth in Chapter 17.02.

"Cannabis cultivation area," means the maximum dimensions allowed for the growing of cannabis. For outdoor cultivation areas, the cannabis cultivation area shall be measured by the aggregate area of vegetative growth of live cannabis plants on the premises. For indoor cultivation areas, the cannabis cultivation area shall be measured by the interior dimensions of the room or structure.

"City" means the City of Brisbane.

"Primary caregiver" shall have the same definition as set forth in California Health and Safety Code Section 11362.7, as may be amended.

"Primary residential dwelling" shall mean the primary residential dwelling of the primary caregiver, qualified patient, or adult 21 years of age or older who is eligible to cultivate cannabis for medicinal or adult use in compliance with this Chapter.

"Qualified patient" shall have the same definition as set forth in California Health and Safety Code Section 11362.7, as may be amended.

8.12.040 – Personal Cultivation of Cannabis

A. An individual qualified patient or primary caregiver shall be allowed to cultivate and process medicinal cannabis within his/her primary residential dwelling in compliance with the standards established by Section 8.12.050 of this Chapter and subject to the following limitations:

1. No more than six mature or 12 immature medicinal cannabis plants per qualified patient may be cultivated at any residence. Notwithstanding the foregoing, where multiple qualified patients reside in a residence, or a caregiver cultivates for multiple qualified patients, no more than a total of 25 plants may be cultivated at any residence.
2. A copy of documentation of qualified patient status and/or primary caregiver status consistent with the provisions of California Health and Safety Code Section 11362.7 et seq. shall be maintained at the primary residential dwelling.
3. A qualified patient or primary caregiver shall not participate in medicinal cannabis cultivation in any other property within the City of Brisbane.

B. An adult person 21 years of age or older shall be allowed to cultivate and process cannabis for personal use within his/her primary residential dwelling in compliance with the standards established by Section 8.12.050 of this Chapter and subject to the following limitation:

1. Not more than six (6) living plants may be planted, cultivated, harvested, dried, or processed for adult use within the adult person's primary residential dwelling, or upon the grounds of that primary residential dwelling, at one time.

8.12.050 – Standards for Personal Cultivation

A. To the extent that the City is required to allow the cultivation of cannabis for personal use and consumption under State law, the standards set forth in this section shall apply. Nothing in this section shall be interpreted to permit cultivation of cannabis for commercial purposes.

1. Allowed Cultivation Areas. Cannabis may be cultivated in the interior or exterior of the primary residential dwelling, subject to the following limitations:

a. Cultivation must occur in one cannabis cultivation area. The cultivation area shall not exceed 100 square feet.

b. The cannabis cultivation and processing area shall be in compliance with the current, adopted edition of the California Building Code, including requirements for mechanical ventilation.

c. Interior cultivation areas are restricted to one room of a residence, or within a self-contained outside accessory structure that is secured, locked, and fully enclosed. Said accessory structure shall not violate any other ordinance regarding height, location, floor area, lot coverage, or any other zoning restrictions in Title 17, and shall not be constructed or covered with plastic or cloth. If located in a garage, the cultivation or processing use shall not result in a reduction of required off-street parking for the residence. The residence shall maintain kitchen, bathrooms, and primary bedrooms for their intended use and not be used primarily for personal cannabis cultivation or processing.

d. Exterior cultivation areas must be enclosed by a secure, opaque, solid fence or wall at least six feet in height, consistent with the fence and wall height regulations contained in Title 17. The fence or wall shall include a lockable gate or gates that are locked at all times when the qualified patient or caregiver is not in the immediate area. Said fence or wall shall not violate any other ordinance regarding height and location restrictions, and shall not be constructed or covered with plastic or cloth.

2. Lighting and Electricity Restrictions.

   a. Any cannabis cultivation lighting shall not exceed 1,200 watts unless specifically approved by the Building Official.

   b. All electrical equipment used in the cultivation or processing of cannabis (e.g., lighting and ventilation) shall be plugged directly into a wall outlet or otherwise hardwired; the use of extension cords to supply power to electrical equipment used in the cultivation or processing of cannabis is prohibited.

3. Only cannabis cultivated at the residence in conformance with this Chapter shall be allowed to be processed at the residence.

4. The use of gas products (CO2, butane, etc.) for cannabis cultivation or processing is prohibited.

5. From a public right-of-way, there shall be no exterior evidence, including but not limited to odor, view, or other indication of cannabis cultivation or processing on the property.

6. For the convenience of the qualified patient, primary caregiver, or adult person 21 years of age or older, to promote building safety, to assist in the enforcement of this chapter, and to avoid unnecessary confiscation and destruction of cannabis plants and unnecessary law enforcement investigations, persons cultivating cannabis pursuant to this Chapter may notify the City of Brisbane regarding the cultivation site. The names and addresses of persons providing such notice, or of cultivation sites permitted under these regulations shall not be considered a public record under the California Public Records Act.

7. The cannabis cultivation and processing area shall not adversely affect the health or safety of the nearby residents in any manner, including but not limited to by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

8. The cannabis cultivation or processing shall not adversely affect the health or safety of the occupants of the residence or users of the accessory building in which it is cultivated or processed, or occupants or users of nearby properties in any manner, including but not limited to creation of mold or mildew.

8.12.060 – Public Nuisance

It is declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any premises within any incorporated area of the City to cause or allow such premises to be used for the outdoor or indoor cultivation of cannabis plants, or processing thereof as

described herein, or to process, cultivate or allow the cultivation of cannabis plants in any manner that conflicts with the limitations imposed in this Chapter.

8.12.070 – Penalties

A. Any person who violates any provisions of this chapter shall be guilty of a misdemeanor, subject to a penalty of imprisonment in the county jail for a period of time not to exceed six months, or by a fine not to exceed $500.00, or both, for each violation. Notwithstanding the classification of a violation of this chapter as a misdemeanor, at the time an action is commenced to enforce the provisions of this chapter, the trial court, upon recommendation of the prosecuting attorney, may reduce the charged offense from a misdemeanor to an infraction.

B. Any person convicted of an infraction under this chapter shall be punished by:
   1. A fine not exceeding $150.00 for a first violation;
   2. A fine not exceeding $250.00 for each additional violation of this chapter within one year.

SECTION 2: A new Section 17.02.107 is added to Chapter 17.02 – Definitions of the Municipal Code to read as follows:

Section 17.02.107 – Cannabis

"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. "Marijuana" shall have the same meaning as cannabis for the purposes of this Title.

"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.

A. "Medicinal cannabis" means cannabis intended for use by qualified patients pursuant to Section 11362.7 of the California Health and Safety Code.

B. "Cannabis product" means a product containing cannabis, including, but not limited to, concentrates, extractions, topical treatments, or edible products intended to be sold for medicinal or adult use pursuant to Section 11018.1 of the California Health and Safety Code.

SECTION 3: A new Section 17.02.109 is added to Chapter 17.02 – Definitions of the Municipal Code to read as follows:

17.02.109 –Cannabis Business

"Cannabis business" means a business engaged in the distribution, manufacture, or warehousing of cannabis or cannabis products. Cannabis businesses do not include retail sale of cannabis or cannabis products, or commercial cultivation of cannabis.

A. “Cannabis distribution” means the procurement, sale, and transport of cannabis and cannabis products between commercial entities licensed by the State of California. Distribution does not include delivery of cannabis or cannabis products to a customer.

B. “Cannabis manufacturing” means the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

C. “Cannabis warehousing” means the storage, wholesale, and distribution of cannabis products. Cannabis warehousing does not include storage, wholesale, or distribution of cannabis.

SECTION 4: A new Section 17.02.208 is added to Chapter 17.02 – Definitions of the Municipal Code to read as follows:

17.02.208 – Dispensary

“Dispensary” means premises where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products as part of a retail sale. A dispensary also means a “retailer” of cannabis or cannabis products as defined by Section 26070 of the California Business and Professions Code.

SECTION 5: Section 17.02.410 in Chapter 17.02 – Definitions of the Municipal Code is amended to read as follows:

17.02.410 - Home occupation.

"Home occupation" means the conduct of a trade or profession, the offering of a service, the conduct of a business, or the handcraft manufacture or products, in a dwelling unit by the occupants thereof as an accessory use incidental to residential occupancy, and in accord with the regulations prescribed in this title. Home occupation does not include cultivation of cannabis.

SECTION 6: A new Section 17.02.602 is added to Chapter 17.02 – Definitions of the Municipal Code to read as follows:

17.02.602 – Personal cultivation of cannabis

“Personal cultivation of cannabis” means the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis for medicinal use by a qualified patient or for personal use by an adult 21 years of age or older**,** consistent with the standards established by Chapter 8.12, Section 8.12.030 of the Brisbane Municipal Code.

SECTION 7: Section 17.02.675 in Chapter 17.02 – Definitions of the Municipal Code is amended to read as follows:

17.02.675 - Research and development.

"Research and development" means a use engaged in studying, testing, designing, analyzing and experimenting with potential or existing products, processes or services, including cannabis and cannabis products.

SECTION 8: Section 17.02.685 in Chapter 17.02 – Definitions of the Municipal Code is amended to read as follows:

17.02.685 - Retail sales and rental

"Retail sales and rental" means an establishment engaged in the sale or rental of goods directly to the consumer and may include the rendering of services incidental to such sale or rental of goods, but does not include sale of medicinal or non-medicinal cannabis or cannabis products. See Section 17.02.208, Dispensary.

SECTION 9: Section 17.02.790 in Chapter 17.02 – Definitions of the Municipal Code is amended to read as follows:

17.02.790 - Warehousing.

"Warehousing" means an establishment engaged in the storage, wholesale and distribution of manufactured products, supplies or equipment. Warehousing does not include warehousing of cannabis or cannabis products. See Section 17.02.109.C, Cannabis warehousing.

SECTION 10: Section 17.06.020 in Chapter 17.06 – R-1 Residential District of the Municipal Code is amended to read as follows:

17.06.020 – Permitted Uses

A. Single-family dwellings.
B. Accessory structures and uses incidental to a permitted use, including personal cultivation of cannabis in compliance with Title 8, Chapter 8.12.
C. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title.
D. Small family day care homes.
E. Secondary dwelling units, when authorized by a permit granted pursuant to Chapter 17.43 of this title.

SECTION 11: Section 17.08.020 in Chapter 17.08 – R-2 Residential District of the Municipal Code is amended to read as follows:

17.08.020- Permitted Uses

A. Single-family dwellings.
B. Duplexes.
C. Multiple family dwellings containing not more than six (6) dwelling units.
D. Dwelling groups.
E. Accessory structures and uses incidental to a permitted use, including personal cultivation of cannabis in compliance with Title 8, Chapter 8.12.
F. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title.
G. Small family day care homes.

SECTION 12: Section 17.10.020 in Chapter 17.10 – R-3 Residential District of the Municipal Code is amended to read as follows:

17.10.020 – Permitted Uses

A. Multiple-family dwellings;
B. Single-family dwellings;
C. Duplexes;
D. Dwelling groups;
E. Accessory structures and uses incidental to a permitted use, including personal cultivation of cannabis in compliance with Title 8, Chapter 8.12;
F. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title;
G. Small family day care homes.

SECTION 13: Section 17.12.020 in Chapter 17.10 – R-BA Brisbane Acres Residential District of the Municipal Code is amended to read as follows:

17.12.020 - Permitted uses.

The following permitted uses shall be allowed in the R-BA district:

A. Single-family dwellings;
B. Accessory structures and uses incidental to a permitted use, including personal cultivation of cannabis in compliance with Title 8, Chapter 8.12;
C. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title;
D. Small family day care homes;
E. Secondary dwelling units, when authorized by a permit granted pursuant to Chapter 17.43 of this title.

SECTION 14: Section 17.16.030 in Chapter 17.16 - SCRO-1 Southwest Bayshore Commercial District of the Municipal Code is amended to read as follows:

17.16.030 - Conditional uses.

A. Allowable Conditional Uses. The following conditional uses, not otherwise permitted per Section 17.16.020(A), may be allowed in the Southwest Bayshore district, upon the granting of a use permit pursuant to Chapter 17.40 of this title and if conducted in accordance with the performance standards set forth in Section 17.16.050 of this chapter:

1. Commercial recreation/commercial gym and health facilities;
2. Contractor's yards;
3. Convalescent homes;
4. Cultural facilities;
5. Duplex dwelling units;
6. Educational facilities;
7. Emergency shelters with more than twelve (12) beds;
8. Financial institutions;
9. Food production;
10. Group care homes;
11. Hotels;
12. Large family day care homes;
13. Light fabrication;

14. Live/work developments;
15. Media studios;
16. Medical facilities;
17. Meeting halls;
18. Mobilehome parks in compliance with Section 17.32.110;
19. Motels;
20. Multiple-family dwellings and dwelling groups;
21. Offices;
22. Outdoor sales and rental;
23. Personal services;
24. Places of worship;
25. Printing;
26. Product showrooms;
27. Research and development, where the planning director determines, as a result of a risk analysis performed in accordance with Policy No. 166.1 of the general plan, that the use of hazardous materials will not constitute a major component of the research and development activities to be conducted on the site. Research and development involving cannabis is additionally subject to the requirements in Chapter 17.33;
28. Restaurants;
29. Retail sales and rental;
30. Single-family dwellings;
31. Storage;
32. Veterinary clinics;
33. Warehousing;

B. Mixed Uses. A combination of any residential and nonresidential uses listed in subsection A of this section, or in Section 17.16.020, may be allowed as a mixed use within the same structure or upon the same site when specifically authorized by the use permit granted for each individual conditional use and upon such additional conditions as the approving authority may deem necessary or appropriate to insure the compatibility of such mixed uses.

C. Night Operations. Night operations associated with the conduct of any uses listed in subsection A of this section (except residential uses) shall require a use permit when subject to the provisions of Section 17.16.070 of this chapter.

SECTION 15: Section 17.18.020 in Chapter 17.18 - SP-CRO Sierra Point Commercial District of the Municipal Code is amended to read as follows:

17.18.020 - Permitted uses.

The following uses shall be allowed in the SP-CRO district:

A. Offices;
B. Hotels;
C. Retail sales and rental;
D. Restaurants;
E. Bars;
F. Financial institutions;
G. Personal services;
H. Commercial gyms and health facilities;
I. Meeting halls;
J. Marinas;

K. Research and development, including the use of live insects, rodents, rabbits, fish, and amphibians subject to the performance standards set forth in Section 17.18.045. Research and development involving the use of live dogs (Canis genus) cats (Felis genus), or nonhuman primates is prohibited. Research and development involving the use of other live animals not otherwise permitted or prohibited herein may be permitted upon the granting of a conditional use pursuant to Section 17.18.030. Research and development involving cannabis is additionally subject to the requirements in Chapter 17.33.

SECTION 16: Section 17.19.030 in Chapter 17.19 - TC-1 Crocker Park Trade Commercial District of the Municipal Code is amended to read as follows:

17.19.030 - Conditional uses.

Conditional uses allowed in the Crocker Park district, subject to obtaining a use permit and if conducted in accordance with the performance standards set forth in Section 17.19.050 of this chapter, are as follows:

A. Active records management services;
B. Cannabis businesses subject to compliance with Chapter 17.33;
C. Commercial recreation;
D. Cultural facilities;
E. Day care centers when ancillary to other operation of another use;
F. Educational facilities;
G. Freight forwarders, subject to compliance with the provisions of Section 17.19.065 of this chapter;
H. Gasoline service stations;
I. Medical facilities;
J. Meeting halls;
K. Night operations, when subject to the provisions of Section 17.19.060 of this chapter;
L. Places of worship;
M. Research and development where the planning director determines, as a result of the risk analysis performed in accordance with Policy No. 166.1 of the general plan, that the use of hazardous materials will constitute a major component of the research and development activities to be conducted on the site. Research and development involving cannabis is additionally subject to the requirements in Chapter 17.33;
N. Temporary uses;
O. Veterinary clinics.

SECTION 17: A new Chapter 17.33 is added to Title 17, Zoning, of the Municipal Code to read as follows:

Chapter 17.33 – Cannabis Businesses

17.33.010 – Purposes of chapter

The purpose of this chapter is to regulate the operation of cannabis businesses, and the research and development of cannabis and cannabis products, to safeguard the public health and general welfare of business owners and employees and of the City of Brisbane at large.

17.33.020 – Performance standards for cannabis businesses

All cannabis businesses and research and development businesses involving cannabis must comply with all of the operating standards contained in this section, subject to review and determination by the Police Chief.

A. Location Limitations. A cannabis business or research and development business involving cannabis may not be located within 600 feet of a school, day care, or youth center, as those terms are defined in Section 26054 of the California Business and Professions Code, as may be amended.

B. State license and accreditation. Beginning at such a time that the State has begun to issue licenses and at all times thereafter, cannabis businesses shall hold a valid State license for the equivalent State license type. Research and development testing laboratories for cannabis must hold a valid certificate of accreditation from the State of California per the requirements of Section 26100 of the California Business and Professions Code, as may be amended from time to time.

C. Hours of Operation. All cannabis businesses shall be closed to the general public. Deliveries and pick-ups shall be prohibited between the hours of 7:00 p.m. and 8:00 a.m.

D. Odor Control. Odors shall be contained on the property on which the business is located. If the City receives any odor complaints, permittees shall work with the Building Official to correct odor concerns. Unresolved or repeated odor complaints may be the basis for suspension or revocation of the business license or use permit, as applicable.

E. Location of Business Activities. All aspects of the business, with the exception of incidental loading and off-loading of cannabis or cannabis products, shall occur within the building where the business is being conducted. No production, distribution, warehousing, display, or wholesale of cannabis products shall be visible from the exterior of the building.

F. Security Measures. All operators shall maintain a commercial burglar alarm monitoring system, and install a video surveillance system. Additional security measures may be required by the Police Chief consistent with the requirements of Section 17.33.030.B.8 of this Chapter.

G. Security Breach. All operators shall notify the Brisbane Police Department immediately after discovering any of the following:

1. Diversion, theft, loss, or any criminal activity involving the cannabis or any agent or employee of the business.

2. The loss or unauthorized alteration of business records related to employees or agents of the business.

3. Significant discrepancies identified during inventory.

4. Any other breach of security.

H. Labeling. Labels and packages of cannabis and cannabis products shall meet all State and Federal labeling requirements.

I. Inspections and Records. Inspections shall be scheduled by the Police Chief whenever deemed necessary by the Police Chief. Inspections shall take place at a reasonable time with prior notice to

the business operator. Upon request, the business operator shall timely provide the Police Chief with records related to the business, including, but not limited to, utility bills from the commercial energy provider for the premises. This section shall not limit any inspection authorized under any other provision of law or regulation.

J. Notification of Change in Ownership or Managerial Employee. All operators shall notify the Brisbane Police Department immediately upon a change in ownership or the hiring of new managerial employees. New business owners or managerial employees must provide all applicable information required by Section 17.33.030.B.

17.33.030 – Permit application for cannabis business

A. Prior to the City's granting of a use permit or business license for a cannabis business or research and development business involving cannabis, the applicant must demonstrate compliance with all operating standards contained in Section 17.33.020.

B. In addition to the applicable submittal requirements associated with the use permit or business license application, the business operator must provide all of the following information on such forms provided by the City prior to use permit or business license issuance:

1. The name and address for each business owner and an explanation of the legal form of business ownership.

2. Until such time when State licenses are being processed and issued pursuant to California Business and Professions Code Chapter 3.5, as may be amended, each owner and managerial employee shall submit electronic fingerprint images and related information required by the Brisbane Police Department. The fingerprint images shall be used to determine the existence and content of a record of State or federal convictions or arrests, including those for which the person is free on bail or on his or her own recognizance pending trial or appeal.

3. The address and Assessor's Parcel Number(s) of the location of the proposed business, and the name and contact information for the property owner(s).

4. A description of the specific State license type(s) that the applicant either has obtained or plans to obtain. The applicant shall specifically document how it will meet the State licensing requirements.

5. A description of the nature of the business, product types, average production amounts for each product type, and source of cannabis material, as applicable.

6. Plans showing all proposed building and site improvements, including site plans, floor plans, mechanical, plumbing (including details showing all sewers, floor drains) and electrical plans. The plans shall clearly label and distinguish between the existing and proposed improvements and show all exterior building, interior building, and site modifications.

At a minimum, plans shall:

a. Show all fixtures, equipment, and building improvements to be utilized for the production and processing of cannabis products.

b. Comply with all applicable California Building Codes, as amended in Title 15.

c. Be reviewed and stamped by an appropriately licensed engineer.

7. A description of measures to reduce solid waste and green waste associated with the business.

8. A description and documentation of how the owner(s) will secure the premises 24 hours per day, seven (7) days per week, and how waste derived from cannabis will be disposed of in a

manner to ensure it may not be utilized for unlawful purposes. These security measures shall include, but may not be limited to, the following:

a. Preventing individuals from remaining on the premises if they are not engaged in activity expressly related to the operations of the permit.

b. Establishing limited access areas accessible only to authorized personnel including security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products.

c. Storing all finished cannabis and cannabis products in a secured and locked room, safe, or vault, and in a manner that prevents diversion, theft, and loss.

d. Providing tamper proof and tamper evident packaging for finished cannabis products.

e. Preventing off-site impacts to adjoining or near properties.

9. A written description of the weight in pounds of both raw and processed materials that will be received, stored on-site, and distributed from the site on a daily basis.

10. Application processing and permit fees, as applicable.

11. Signature of the business owner(s). The signature(s) shall be evidence of the owner's express consent to allow the Police Chief or his/her designee to enter and inspect the premises upon reasonable notice. The signature(s) shall additionally certify under penalty of perjury that the information submitted in the application, including all supporting documents and materials, is to the best of the owner(s) knowledge and belief, true, accurate, and complete.

12. The application shall be signed by the property owner(s). The signature(s) shall certify that he/she/it has reviewed the application, approves the use of the property for the purposes Stated in the application, and agrees to allow the Police Chief or designee to enter and inspect the premises upon reasonable notice.

17.33.040. Revocation of use permit or business license.

A. Should the Police Chief determine at any time that the cannabis business or research and development business involving cannabis does not comply with the performance standards set forth in Section 17.33.020, the use permit shall be subject to the revocation procedures outlined in Chapter 17.48 and the business license shall be subject to the revocation procedures outlined in Chapter 5.16.

B. Should the Police Chief determine at any time that the cannabis business or research and development business involving cannabis that is subject only to a building license does not comply with the performance standards set forth in Section 17.33.020, the business license shall be subject to the revocation procedures outlined in Chapter 5.16.

SECTION 18: Where a use permit, design permit or variance approval has been issued through final action by the City prior to the effective date of this Ordinance, or where such planning permit approval is not required and a complete building permit application has been submitted prior to the effective date of this Ordinance, the holder of such use permit, design permit or variance approval or complete building permit application may proceed to construct the improvements or establish the use authorized by such permit or approval and the same shall be exempted from any conflicting regulations that may be contained in this Ordinance.

SECTION 19: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect

the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 20: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

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The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Mayor Lori Liu

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Michael Rousch
_____
City Attorney