

2.29 Amendment to Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program.

Recommendation:

(a) Approve an ordinance amending Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program to:

- (1) Remove the delivery zone restriction;
- (2) Increase the registration allowance from five retail storefronts/dispensaries to 10 for equity business owners;
- (3) Approve other changes to update the San José Municipal Code to better align with State regulations; and
- (4) Make other technical, non-substantive, or formatting changes.

(b) Adopt a resolution amending the Administrative Citation Schedule of Fines for violations of Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code related to the City's Cannabis Regulatory Program, and repealing Resolution No. RES2024-169.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Police)



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Paul Joseph

SUBJECT: SEE BELOW

DATE: June 6, 2024

Approved

Date

6/7/24

SUBJECT: AMENDMENT TO CHAPTER 6.88 OF TITLE 6 (BUSINESS LICENSES AND REGULATION) OF THE SAN JOSÉ MUNICIPAL CODE FOR THE CANNABIS REGULATORY PROGRAM

RECOMMENDATION

- (a) Approve an ordinance amending Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program to:
 - (1) Remove the delivery zone restriction;
 - (2) Increase the registration allowance from five retail storefronts/dispensaries to 10 for equity business owners;
 - (3) Approve other changes to update the San José Municipal Code to better align with State regulations; and
 - (4) Make other technical, non-substantive, or formatting changes.
- (b) Adopt a resolution amending the Administrative Citation Schedule of Fines for violations of Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code related to the City's Cannabis Regulatory Program, and repealing Resolution No. RES2024-24-169.

SUMMARY AND OUTCOME

Adopting the recommended actions allows registered cannabis businesses to deliver from certain commercial zoning districts, in addition to other previously approved zoning districts. The potential registration of equity owned retail storefront/dispensary businesses would increase from five to 10. The updates will better align City regulations with state regulations. Adopting the above resolution will update fine references for medical and non-medical cannabis violations of Chapter 6.88 of the San José Municipal Code. Additionally, if these updates are approved by City Council, staff will update the City Manager Regulations for Medical and Non-Medical Cannabis.

BACKGROUND

On February 15, 2022,¹ City Council approved an ordinance amending Title 20 of the San José Municipal Code allowing cannabis retail storefronts/dispensaries in the Commercial Zoning districts, disallowing new cannabis storefronts/dispensaries in Industrial Zoning districts, and changing distance requirements from cannabis businesses to sensitive uses with special consideration for the Downtown and Urban Village areas. Additionally, City Council approved an ordinance amending Chapter 6.88 of Title 6 (Business Licenses and Regulations) of the San José Municipal Code allowing delivery-only, allowing up to 10 new cannabis retail businesses with equity business owners to register (only five of which may be storefront dispensaries), and allowing currently registered cannabis dispensary businesses to dispense cannabis from a total of two locations.

Due to difficulty in finding viable retail storefront locations, on June 13, 2023,² City Council approved modifying distance requirements from cannabis retail businesses to schools, daycare centers, youth centers, community and recreation centers, and parks, eliminating the distance requirement between storefronts, adding standards to address the concentration of cannabis retail businesses and removing the police beat restriction.

Additionally, on March 19, 2024,³ when discussing cannabis annual operating fee comparisons, City Council directed staff to evaluate duplicative and burdensome regulations.

ANALYSIS

San José Municipal Code Updates – Recommendation (a)(1)

Title 20 (Zoning Code) allows for cannabis delivery from other zones including Commercial Retail Zoning districts. Staff proposes removing the delivery from industrial zone only restriction in the location table in Title 6 to match what is allowed in the Zoning Code. This change will allow greater flexibility for finding business locations for current and future cannabis businesses.

San José Municipal Code Updates – Recommendation (a)(2)

On February 15, 2022, the City Council approved the Cannabis Equity Assessment, program parameters, and updated eligibility requirements for the program. The City Council also approved allocating 10 cannabis retail (storefront or delivery-only) registrations to equity-owned businesses, restricting up to five of the 10 as storefront locations. (Note: San José does not restrict the number of registrations for cannabis manufacturing, distribution, or testing facilities; the City does not permit new cannabis cultivation facilities.)

¹ February 15, 2022, City Council meeting, Item 10.2. CC 22-152 [City of San José - File #: 22-152 \(legistar.com\)](#)

² June 13, 2023, City Council meeting, Item 10.3. CC 23-880 [City of San José - File #: 23-880 \(legistar.com\)](#)

³ March 19, 2024, City Council meeting, Item 4.1 CC 24-73508 [City of San José - Meeting of City Council on 3/19/2024 at 1:30 PM \(legistar.com\)](#)

A total of 89 residents completed the initial applications/pre-screening and 29 completed applications to enter the Cannabis Equity Business Academy. The City's Cannabis Equity Business Academy opened on April 1, 2023. All 29 potential equity owners successfully completed the Cannabis Equity Business Academy and met the qualifications to proceed in the cannabis equity business registration process. With the City Council authorizing 10 new retail registrations for equity owners, the program's goal is to set equity owners up for success in an industry that already has 15 businesses with over nine years of experience as regulated operators.

In order for these equity-owned businesses to be more successful, staff proposes removing the restriction of only allowing five of the 10 to be retail storefront. Rather, staff recommends allowing the equity owners to determine what type of retail opportunity best matches their business plans and funding strategies to have long-term success. This approach allows equity businesses to have the same opportunities as the existing registered businesses and removes the competitive disadvantage equity business owners face when entering San José's established marketplace with less opportunity than their peers.

San José Municipal Code and Regulation Updates – Recommendations (a)(3) and (a)(4)

Per City Council direction on March 19, 2024, staff updated the ordinance and regulations to remove some duplicative and burdensome regulations. The draft ordinance contains updates to align some of the City's regulations with state regulations.

Proposed changes include:

- Removing the Police Department's background investigation process for owners, managers, and individuals working at cannabis business locations;
- Removing the Police Department issued identification badge requirement;
- Clarifying enforcement of underage presence at cannabis business locations;
- Updating payment installment options;
- Revising property maintenance requirements from 300 feet to 20 feet of cannabis business premises and location; and,
- Updating burglar alarm, fire alarm, and security personnel requirements.

Additionally, there are a number of language changes/technical changes to update and clarify the San José Municipal Code with respect to the definitions, general provisions, operating regulations and conditions, records, and other administrative changes.

Administrative Citation Schedule of Fines Updates – Recommendation (b)

On November 14, 2023, City Council approved updates to the Schedule of Fines related to cannabis violations. The updates staff is proposing are section references related to the proposed changes to Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program in this memorandum.

EVALUATION AND FOLLOW-UP

Staff has consistently provided City Council with updates via informational memoranda regarding the progress of the City's cannabis regulatory program, changes in state law, and other developments potentially impacting the regulatory landscape.

Approval of this recommendation will be the first reading of the ordinance. The ordinance will return to City Council for its second reading and approval on August 6, 2024. If City Council approves these changes, the Police Department's Division of Cannabis Regulation will suspend the enforcement of the Police Department issued identification badge requirements effective July 1, 2024.

COST SUMMARY/IMPLICATIONS

The recommended ordinance changes are not anticipated to have a significant budgetary impact.

COORDINATION

This memorandum was coordinated with the City Attorney's Office, the City Manager's Budget Office, the City Manager's Office of Economic Development and Cultural Affairs, and the Planning, Building, and Code Enforcement Department.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the June 18, 2024 City Council meeting.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

CEQA

Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

HONORABLE MAYOR AND CITY COUNCIL

June 6, 2024

Subject: Amendment to Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program

Page 5

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

A handwritten signature in black ink, appearing to read "Paul Joseph".

PAUL JOSEPH
Acting Chief of Police

For questions, please contact Wendy Sollazzi, Division Manager, Division of Cannabis Regulation, San José Police Department, at wendy.sollazzi@sanjoseca.gov or (408) 537-9890.

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 6.88 OF TITLE 6 OF THE SAN JOSE MUNICIPAL CODE TO REMOVE THE DELIVERY ZONE RESTRICTION; INCREASE THE REGISTRATION ALLOWANCE FROM FIVE RETAIL STOREFRONTS TO TEN FOR EQUITY BUSINESS OWNERS; REVISE DEFINITIONS AND MAKE OTHER CHANGES TO BETTER ALIGN WITH STATE REGULATIONS; AND MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-008 (General Procedure and Policy Making resulting in no changes to the physical environment); and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and confirms the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 6.88.204 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.204 Cannabis

"Cannabis" shall have the definition given in California Business and Professions Code Section 26001(f). ~~California Health and Safety Code Section 11018. Cannabis includes marijuana.~~

SECTION 2. Section 6.88.205 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.205 Cannabis Activity

Each of the following is considered a "Cannabis Activity", whether for medical or non-medical use, or both:

- A. Cultivating of cannabis;
- ~~B. Processing cannabis, including packaging, trimming, and/or preparing cannabis for sale or distribution;~~
- ~~B.G. Manufactureing of cannabis, including extraction of Concentrated Cannabis as well as infusion of cannabis into other products;~~
- ~~C.D. Distributing of cannabis;~~
- ~~D.E. Retail sSaleselling or transfersing of cannabis at a dispensary or retail storefrontand/or ;~~
- ~~F. by dDelivering cannabis; or~~
- ~~E.G. Testing of cannabis at a testing laboratory.~~

SECTION 3. Section 6.88.208 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.208 Concentrated Cannabis

"Concentrated Cannabis" shall have the definition given in Title 4 of the California Code of Regulations Section 15000(h).~~California Health and Safety Code Section 11006.5.~~

SECTION 4. Section 6.88.209 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.209 Cultivation

"Cultivation" ~~shall have the definition given in Title 4 of the California Code of Regulations Section 15000(q).~~means any activity involving the planting, growing, harvesting, drying, curing, grading, storing or trimming of cannabis.

SECTION 5. Section 6.88.210 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.210 Cultivation Site

"Cultivation Site" shall have the definition given in Title 4 of the California Code of Regulations Section 15000(r).~~means the property, Location, or Premises where cannabis is cultivated.~~

SECTION 6. Section 6.88.212 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.212 Deliver

"Deliver" means to transport and transfer cannabis from the Location or Premises of the Cannabis Business to a Customer located at another property, Location, or Premises. Deliver does not include distribution.

SECTION 7. A new section 6.88.212.1 is added to Chapter 6.88 of Title 6 of the San José Municipal Code, to be numbered, entitled and to read as follows:

6.88.212.1 Delivery Employee

"Delivery Employee" shall have the definition given in Title 4 of the California Code of Regulations Section 15000(s).

SECTION 8. Section 6.88.212.5 of Chapter 6.88 of Title 6 of the San José Municipal Code is renumbered and amended to read as follows:

6.88.212.~~35~~ Delivery-Only Business

"Delivery-Only Business" means a business which only delivers cannabis and does not operate a premises or location where transfers of cannabis to customers occur. Also referred to as "Non-Storefront Retailer" per Title 4 of the California Code of Regulations Section 15414.

SECTION 9. Section 6.88.212.10 of Chapter 6.88 of Title 6 of the San José Municipal Code is renumbered as follows:

6.88.212.~~510~~ Delivery-Only Site

"Delivery-Only Site" means the property, Location, or Premises from which only deliveries of cannabis are initiated.

SECTION 10. A new section 6.88.212.7 is added to Chapter 6.88 of Title 6 of the San José Municipal Code, to be numbered, entitled and to read as follows:

6.88.212.7 Delivery Vehicle

"Delivery Vehicle" means a vehicle used to facilitate delivery.

SECTION 11. Section 6.88.215 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.215 Distribute

"Distribute" ~~shall have the same meaning as Title 4 of the California Code of Regulations Section 15000(u). means all activity involved in the procurement, sale, and transport of cannabis and cannabis products between Cannabis Businesses.~~ Distribute does not include delivery to a Customer.

SECTION 12. Section 6.88.217.6 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.217.6 Financial Interest in a Commercial Cannabis Business

"Financial Interest in a Commercial Cannabis Business" shall have the same meaning as ~~Title 4 of the California Code of Regulations Section § 15004 of the California Department of Cannabis Control regulations.~~

SECTION 13. Section 6.88.225 of Chapter 6.88 of Title 6 of the San José Municipal Code is hereby repealed.

6.88.225Manager

~~"Manager" means an individual who, directly or indirectly, is engaged in the management of a Cannabis Business, or any business entity owning a cannabis business, or any business entity owned by a cannabis business, as may be evidenced by the individual being responsible for the establishment, organization, registration, supervision, or oversight of the operation of the business and/or its employees, which oversight may include but not be limited to the following: performing the functions of president, vice president, board member, director, owner, operating officer, financial officer, secretary, treasurer, supervisor or manager.~~

SECTION 14. Section 6.88.227 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.227 Manufacture

"Manufacture" ~~shall have the definition given in Title 4 of the California Code of Regulations Section 15000(oo) and Section 15000(pp). means to blend, compound, convert, produce, derive, concentrate, extract, infuse, make, cook, bake, transform, package, or prepare cannabis, including, but not limited to, the production of Concentrated Cannabis, edible cannabis products, and/or cannabis infused products.~~

SECTION 15. Section 6.88.245 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.245 On-Site Designated Representative

“On-Site Designated Representative” means a natural person ~~Manager~~ that is designated by the Cannabis Business to be present, and who is present, at all times during the Cannabis Business’s hours of operation.

SECTION 16. Section 6.88.255 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.255 Owner

“Owner” shall have the definition given in Title 4 of the California Code of Regulations Section 15003. ~~means any person having more than a ten percent (10%) aggregate interest, legal or equitable, or otherwise, in a Cannabis Business. For purposes of this section, “aggregate” means the total ownership interest held by a single person through any combination of individually held ownership interests in a commercial cannabis business and ownership interests in an entity that has an ownership interest in the same commercial cannabis business. When a business entity is an owner in a commercial cannabis business, all entities and individuals with a financial interest in the entity shall be disclosed to the City Manager and may be considered owners of the commercial cannabis business. This includes all entities in a multi-layer business structure, as well as the chief executive officer, members of the board of directors, partners, trustees and all persons who have control of a trust, and managing members or non-member managers of the entity. Each entity disclosed as having a financial interest must disclose the identities of persons holding financial interests until only individual persons remain.~~

SECTION 17. Section 6.88.265 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.265 Physician’s Recommendation

“Physician’s Recommendation” shall have the definition given in California Business and Professions Code Section 26001(as). ~~means the verbal or written communication by an Attending Physician stating that a Qualified Patient has been diagnosed with a serious medical condition and that the medical use of cannabis is appropriate.~~

SECTION 18. Section 6.88.270 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.270 Premises

"Premises" shall have the definition given in Title 4 of the California Code of Regulations Section 15000(ccc).~~means each building or the portion of any building, on the Location, where the Cannabis Business is located, including any Cultivation Site.~~

SECTION 19. Section 6.88.280 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.280 Private Medical Record

"Private Medical Record" means documentation of the medical history of a Qualified Patient, and "Private Medical Record" shall not include the recommendation of an Attending Physician or doctor for the medical use of cannabis, an Identification Card, or the designation of a Primary Caregiver by a Qualified Patient.

SECTION 20. Section 6.88.282 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.282 Process

"Process" shall have the definition given in Title 4 of the California Code of Regulations Section 15000(eee).~~means to harvest, trim, dry, and/or cure cannabis.~~

SECTION 21. Section 6.88.295 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.295 Transport

"Transport" shall have the definition given in California Code of Regulations Section 15000(uuu). "Transport" means all activity involved in the movement of cannabis from one (1) location to another, including, but not limited to, loading, shipping and receiving. Transport does not include delivery to a Qualified Patient, Primary Caregiver or individual person age twenty-one (21) or older.

SECTION 22. Section 6.88.297 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.297 Type 6 Manufacturing

"Type 6 Manufacturing" shall have the definition given in Title 4 of the California Code of Regulations, Title 17, Division 1, Chapter 13, Section 4014817006.

SECTION 23. Section 6.88.300 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.300 Registration Required

- A. No Cannabis Business shall operate in the City of San José unless and until it has first filed a registration application in accordance with the provisions of this Chapter, has paid all fees required by this Chapter, and has received a Notice of Completed Registration from the City Manager.
- B. Effective January 1, 2018 or upon issuance of licenses by the State of California, no Cannabis Business shall operate in the City of San José unless and until it has first obtained the appropriate state license or licenses for the Cannabis Activity in which it is engaged.
- C. It shall be unlawful for a Person to maintain, manage, operate, conduct, control or own a Cannabis Business unless the Cannabis Business is maintained and operated in strict compliance with a Notice of Completed Registration issued by the City Manager.
- D. It shall be unlawful for a Person to maintain, manage, operate, conduct, control or own a Cannabis Business unless the Cannabis Business is maintained and operated in strict compliance with state law, including without limitation, possessing any applicable state licenses.
- E. Only a Medical Cannabis Collective or Medical Cannabis Business in possession of a Notice of Completed Registration from the City of San José as of December 18, 2015 and continually registered since that date is eligible to apply for and receive registration to cultivate, dispense, or deliver Medical and Non-medical Cannabis.
- F. Notwithstanding Section 6.88.300 E., up to ten (10) new cannabis businesses may be registered as dispensaries, dispensaries with delivery, or delivery only to equity business owners and only to conduct transfers of cannabis to customers (i.e., not eligible to engage in cultivation). ~~Up to five of these ten (10) cannabis businesses may be dispensaries and any number of the ten (10) may be delivery only businesses.~~
- G. To be eligible to register, a Cannabis Business must be able to provide a cannabis business tax return evidencing payment of any applicable taxes due to the City pursuant to Chapter 4.66 of this Code and have no outstanding compliance orders under Chapter 1.14 of this Code.

SECTION 24. Section 6.88.310 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.310 Number of Locations

- A. A Cannabis Business shall have a Notice of Completed Registration from the City for each Cannabis Activity and for each Location, and shall also have any applicable state license for each Cannabis Activity at each Location.
- B. A Cannabis Business shall comply with the provisions of this Chapter and of Title 20 of this Code at each of its Locations.
- C. All registered locations must remain registered to, and controlled by, the registered cannabis business listed on its Registration.
- D. A Cannabis Business's number of locations shall conform to the regulations and limitations set forth in Table 6.88-310.

Table 6.88.310
Number of Cannabis Business Locations

	Per business registered on or before December 18, 2015, and continuously registered since that date	Per business registered after December 18, 2015	Notes
Cultivation	Up to 2	None	
Processing	Up to 2	Up to 2	
Manufacturing	Up to 2	Up to 2	
Distributing	Up to 2	Up to 2	
Retail Storefront or Dispensary	Up to 2	Up to 1	1, 2, <u>3</u>
Delivery	Up to 1	Up to 1	<u>3</u> , 4 , 5
Testing	Up to 2	Up to 2	
MAXIMUM LOCATIONS	3	3	<u>46</u>

Notes:

- 1. Businesses registered on or before December 18, 2015, and continuously registered since that date: No more than a total of thirty-two (32) Retail Storefronts or Dispensaries in the City.
- 2. Businesses registered after December 18, 2015: No more than a total of ~~five~~ ten (105) Retail Storefronts or Dispensaries in the City.
- ~~3. Cannabis shall only be delivered from a location in an Industrial Zoning district.~~
- ~~34. Businesses registered on or before December 18, 2015 and continuously registered since that date:~~ No Medical Cannabis Transfers or Non-medical Cannabis Transfers from more than two (2) locations, including from any delivery location(s).

~~5 Businesses registered after December 18, 2015: No Medical Cannabis Transfers or Non-medical Cannabis Transfers, via delivery or otherwise, from more than 1 location.~~

- ~~46.~~ No cannabis business shall operate at more than three (3) locations in any combination of cannabis activities.

SECTION 25. Section 6.88.330 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.330 Registration Process

- A. Registration review. Pursuant to Section 6.88.300, no Collective or Cannabis Business shall operate in the City of San José without a Notice of Completed Registration from the City Manager. A Collective or Cannabis Business desiring to obtain a Notice of Completed Registration shall file a registration application with the City Manager that shall contain such accurate, complete and truthful information as is required pursuant to the application process set forth in the regulations promulgated by the City Manager pursuant to Section 6.88.315.
- B. Consent for inspection of records and Location.
1. Required consent for inspection and copying of records.
 - a. As part of the registration process, the Cannabis Business shall provide written consent for the inspection and copying by the Chief of Police, and any other City official charged with enforcing the provisions of this Code, of any recordings and records required to be maintained under this Chapter without requirement for a search warrant, subpoena or court order.
 - b. The Cannabis Business shall be subject to the inspection and copying set forth in Subsection 6.88.330 B.1.a. at any time and without notice during the Cannabis Business's hours of operation and at any other time upon reasonable notice.
 - c. Nothing in this Chapter requires the disclosure of any Qualified Patient's Private Medical Record.
 2. Required consent for inspection of Location and Premises.
 - a. As part of the registration process, the Cannabis Business shall provide written consent for the inspection of the Location and the Premises by the Chief of Police, and any other City official charged with enforcing the provisions of this Code, without requirement for a search warrant or court order.
 - b. The Cannabis Business Location and Premises shall each be subject to the inspection set forth in Subsection 6.88.330 B.2.a. at any time and without notice during hours of operation and at any other time upon reasonable notice.

- C. Signatories to registration. The person or persons authorized to sign on behalf of and legally bind the Cannabis Business shall print his or her name and sign the registration application under penalty of perjury certifying that all the information contained therein, and any attachments thereto, is true, complete and correct.
- D. Investigation and determination.
1. Upon receiving a Cannabis Business's registration application, the City Manager shall proceed to investigate the information provided by the Cannabis Business and evaluate the compliance of the Cannabis Business with the requirements of this Chapter.
 2. The City Manager shall also investigate the Location and the Premises for the purpose of assuring that each Cannabis Business complies with the requirements of this Chapter, including, but not limited to Part 4, and all public health, safety, welfare and zoning laws set forth in this Code and in state and local laws.
 3. The Chief of Police shall also verify the age of ~~conduct a criminal background investigation on~~ any Owner ~~or Manager~~ of the Cannabis Business and on any individual persons who participate in the cultivation, processing, manufacturing, distributing, transporting, transferring, dispensing, delivering, testing, or disposing of cannabis.
- E. Disqualification from registration.
1. Any Cannabis Business may be disqualified from the registration process for any of the following reasons:
 - a. The Cannabis Business or any person applying on behalf of a Cannabis Business knowingly made a false statement of fact or omitted a fact required to be revealed in the registration process, or any amendment or report or other information required to be made thereunder;
 - b. The Cannabis Business Location or Premises is in violation of any building, zoning, health, safety or other provision of this Code; or of any state or local law which substantially affects the public health, welfare or safety;
 - c. The Cannabis Business violates or has violated the terms and conditions of any requirement of this Code or any state law related to the operation of a Cannabis Business, other than solely because of its existence after the effective date of this Chapter;
 - d. The Cannabis Business or any one of its Owners ~~or Managers~~ have owned or leased a Location or Premises that has been the subject of an administrative, civil or criminal nuisance abatement

action and court judgment or administrative determination finding the Location or Premises to be a nuisance within the past five (5) years;

- e. The Cannabis Business was disqualified from the registration process under this Chapter on one or more of the grounds provided in this Section within five (5) years prior to the date of the current attempt to register;
- f. The Cannabis Business's registration under this Chapter has become null and void within the past five (5) years for any of the reasons set forth in Section 6.88.350;
- g. The Cannabis Business's registration, permit, license or any other authorization issued by the City or by any state or local agency and required to operate a cannabis Collective, cooperative, Dispensary, business or other such establishment, has been deemed null and void or has been suspended or revoked or otherwise nullified within the past five (5) years;
- h. The Cannabis Business has conducted itself in a manner that creates or results in a public nuisance, as defined in Section 1.13.050 of this Code or Sections 3479 and 3480 of the California Civil Code, on or within three hundred (300) feet of the Location;
- i. If the Cannabis Business is a corporation, the corporation is not in good standing or authorized to do business in the state;
- j. The Cannabis Business conducted, conducts or anticipates conducting a Cannabis Business on a Location or Premises and such operation is prohibited under the terms of the lease for the Location or Premises or under the terms of another such document which memorializes the Cannabis Business's right to possess the Location or Premises;
- k. The Cannabis Business has as an Owner, ~~Manager, or has persons participating, whether directly or indirectly, in the cultivation, processing, manufacturing, distributing, transporting, transferring, dispensing, delivering, testing, or disposing of cannabis, who had a cannabis-related application denied by the State.:~~
 - ~~i. Are on parole or probation for the possession, sale, manufacture, use, distribution or transportation of a controlled substance, excluding cannabis;~~
 - ~~ii. Have been convicted of a crime of moral turpitude; or~~
 - ~~iii. Have been convicted of any misdemeanor or felony within the last ten (10) years involving the following:~~
 - ~~1. The use of violence, force, fear, fraud or deception;~~
 - ~~2. The unlawful possession, sale, manufacture, use, distribution or transportation of a controlled substance, excluding cannabis;~~
 - ~~3. The use of money to engage in criminal activity;~~

~~4. Theft; or~~

~~5. The unlawful possession or use of a firearm.~~

- I. The Cannabis Business's operation from the Location or Premises results or will result in an imminent threat to the public's health, safety or welfare;
- m. The Cannabis Business or any one of its Owners ~~or Managers~~ owns or has owned or operated a cannabis business with any unpaid liability due to the City; or

~~n2.~~ If, based on the investigation conducted pursuant to this Section or Section 6.88.360, the City Manager finds that there are grounds for disqualification of a Cannabis Business because an Owner, ~~Manager, or a person participating, whether directly or indirectly, in the cultivation, processing, manufacturing, distributing, transporting, transferring, dispensing, delivering, testing, or disposing of cannabis~~ is found in violation of subsection E.1.k. above, and the Cannabis Business proves conclusively to the City Manager that it has terminated its relationship with that individual so that the individual is prohibited from being involved in the Cannabis Business as an Owner ~~or Manager or individual participating, whether directly or indirectly, in the cultivation, processing, manufacturing, transporting, dispensing, or testing of cannabis on behalf of the Cannabis Business~~, then in the City Manager's discretion, the Cannabis Business may be allowed to continue the registration process, or amended registration process, as the case may be, subject to compliance with all other requirements of this Code.

~~2. Appeal procedure.~~

~~a. Notice of intended decision.~~

- ~~i. Upon determining the existence of any of the grounds for disqualification of an Owner, Manager, or individual person participating, whether directly or indirectly, in the cultivation, processing, manufacturing, transporting, dispensing, or testing of cannabis from the registration process pursuant to Section 6.88.330 E.1.m., the Chief of Police may issue to such individual, with a copy to the Cannabis Business, a notice of intended decision to disqualify.~~
- ~~ii. The notice of intended decision shall state all the grounds and reasons upon which the disqualification is based.~~
- ~~iii. The notice of intended decision shall advise that the disqualification shall become final unless the individual files a written request for hearing before the Chief of Police within the time period specified below.~~
- ~~iv. The notice of intended decision shall specify the effective date of the disqualification.~~

~~b. Procedure for hearing before the Chief of Police.~~

- ~~i. The written request for a hearing before the Chief of Police must be received by the Chief of Police within ten (10) calendar days of the date of service of the notice of intended decision to disqualify.~~
- ~~ii. The Chief of Police shall schedule a hearing which shall be held no later than thirty (30) calendar days after receipt of a timely request for hearing.~~
- ~~iii. The Chief of Police shall serve a notice of hearing on the individual not later than ten (10) calendar days prior to the scheduled date of the hearing.~~
- ~~iv. At the hearing before the Chief of Police, the individual shall be given the opportunity to present witnesses and documentary evidence.~~
- ~~v. The hearing will be conducted informally and the technical rules of evidence shall not apply. Any and all evidence which the Chief of Police deems reliable, relevant and not unduly repetitious may be considered.~~
- ~~c. Decision of the Chief of Police.~~
 - ~~i. Within twenty (20) calendar days after the hearing, the Chief of Police shall serve a written decision sustaining, reversing or modifying his or her intended decision on the individual.~~
 - ~~ii. The decision by the Chief of Police after the hearing shall become final.~~
 - ~~iii. The written statement of decision shall contain a notice setting out Section 1.16.010 of this Code.~~

- F. Completed registration. After verification that all required application fees, as set forth in Section 6.88.380, have been timely and fully paid and that all necessary information has been provided and that the Cannabis Business is in compliance with all requirements of this Chapter, the City Manager shall notify the Cannabis Business that the annual operating fee and any applicable hourly inspection and/or investigative fee(s), as set forth in Section 6.88.380, are now due and payable to the City. Within ten (10) business days of receiving the Cannabis Business's payment of the annual operating fee, as set forth in Section 6.88.380, and any applicable hourly inspection or investigative fees, the City Manager shall mail a Notice of Completed Registration, and any subsequent updated registration, to the person authorized to accept service of process on behalf of the Cannabis Business.
- G. Notice of disqualification. If the Cannabis Business has not paid the fees or taxes required by this Code, has not provided all necessary information, is not in compliance with all the requirements of this Code, or has otherwise been disqualified from the registration process, the City Manager shall mail notice to the person authorized to accept service of process on behalf of the cannabis

business advising the Cannabis Business that it has been disqualified from the registration process.

SECTION 26. Section 6.88.350 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.350 Registration Null and Void

A registration deemed completed by the City Manager shall become null and void upon any of the following:

- A. Failure to pay the total amount due of any City-issued invoice or tax within thirty (30) days after the due date;
- B. Any of the reasons set forth in Subsection 6.88.330 E. regarding disqualification;
- CB. Relocation of the Cannabis Business to a different Location or Premises without following the procedures specified in this Code or the City Manager regulations;
- DG. One (1) year after the issuance of the registration, as set forth in Section 6.88.340 above;
- ED. Any attempt to assign, transfer or sell a registration without following the procedures set forth in Subsection 6.88.840 B.; or
- FE. Violation of the terms or requirements of this Chapter or Title 20 of this Code.

SECTION 27. Section 6.88.370 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.370 Renewal of Registration

- A. No registration issued under this Chapter may be renewed unless:
 - 1. A new registration application has been filed with the City Manager pursuant to the process set forth in Section 6.88.330 sixty (60) days prior to the expiration date of the current registration;
 - 2. A renewal application registration fee, as set forth in Section 6.88.380, has been paid by the Cannabis Business; and
 - 3. The Cannabis Business and its Owners ~~and Managers~~ all meet the requirements of this Chapter for registration.

- B. If a new registration application is not filed, or the required fees are not paid prior to the expiration date of the current registration, the registration shall be deemed to have expired on the date of expiration noted on the registration.

SECTION 28. Section 6.88.380 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.380 Fees and Charges

- A. The City Manager is hereby authorized to charge and collect from each Cannabis Business all fees associated with the registration of that Cannabis Business. Prior to operating in the City of San José, each Cannabis Business shall timely and fully pay all fees associated with the registration of that Cannabis Business.
- B. All fees associated with the registration of a Cannabis Business shall be as set forth in the schedule of fees and charges established by resolution of the City Council.
1. All fees must be paid within thirty (30) days of invoice date. Payment becomes delinquent thirty (30) days after invoice date unless otherwise noted. Failure to pay the total amount due by the due date can be subject to penalties, interest and fees.
 2. A Cannabis Business shall ~~have the option of paying~~ the annual operating fee in one annual, ~~semi-annual, or quarterly~~ payments.
 - a. The annual operating fee shall be paid on a fiscal year basis beginning July 1, 2017, and will be prorated accordingly.
 - ~~b. The selection of the payment dates shall be made prior to the date that the initial payment is due and shall remain unchanged for the duration of the year~~
 - be. The initial annual operating fee ~~or selected installment thereof~~ shall be paid prior to obtaining a Notice of Completed Registration. ~~Subsequent installment shall be paid on or before the fifteenth of the sixth month following the initial installment if the semi-annual payment term is selected. Subsequent installments shall be paid on or before the fifteenth of the three, six, and nine months following the initial installment if the quarterly payment term is selected.~~
 3. No refund of any operating fee collected pursuant to this Chapter shall be made because of the discontinuation, dissolution or other termination of a Cannabis Business.
 4. Whenever the amount of any operating fee, penalty or interest has been overpaid, paid more than once, or has been erroneously or illegally collected or received by the City under this Chapter, it may be refunded to

the Cannabis Business that paid the operating fee provided that a written claim for refund is filed with the Chief of Police.

5. The Chief of Police shall have the right to examine and audit all the books and business records of the Cannabis Business in order to determine the eligibility of the Cannabis Business to the claimed refund. No claim for refund shall be allowed if the Cannabis Business refuses to allow such examination of its books and business records after request by the Chief of Police to do so.
6. The Chief of Police shall initiate a refund of any operating fee which has been overpaid or erroneously collected whenever the overpayment or erroneous collection is uncovered by a City audit of operating fee receipts. In the event that the operating fee was erroneously paid and the error is attributable to the City, the entire amount of the operating fee erroneously paid shall be refunded to the Cannabis Business. If the error is attributable to the Cannabis Business, the City shall retain the amount to cover processing expenses from the amount to be refunded, as set forth in the schedule of fees and charges established by resolution of the City Council.

SECTION 29. Section 6.88.385 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.385 Payment Plans

- A. The director of finance is hereby authorized to enter into a payment plan for the payment of outstanding cannabis business taxes, finer, and/or fees if the director of finance determines that entering into a payment plan is in the best interest of the City.
- B. A payment plan approved by the director of finance and executed by the Cannabis Business and director of finance for the payment of cannabis business taxes, finer, and/or fees shall meet the requirement for registration under Subsection 6.88.300.G. of providing a cannabis business tax return evidencing payment of any applicable taxes due to the City, and/or finer due to the City, and/or fees due to the City under this Chapter.
- C. If a Cannabis Business is not eligible for a renewal of its registration based solely on its inability to provide a cannabis business tax return evidencing payment of any applicable taxes due to the City as required under Subsection 6.88.300.G., and/or inability to provide evidence showing that all fees due the City under this Chapter have been timely paid, but a payment plan is later approved by the director of finance and executed by the Cannabis Business and director of finance, then the City manager-Manager is hereby authorized to issue a renewal

of the Cannabis Business's registration and date the registration such as to effectuate no lapse in the registration.

- D. If a Cannabis Business's registration is deemed null and void pursuant to 6.88.350.A. based solely on the non-payment of invoices or taxes due to the City, the Cannabis Business may subsequently enter into a payment plan pursuant this Section. If a payment plan is approved by the director of finance and executed by the Cannabis Business and director of finance, then the City Manager is hereby authorized to issue a reinstatement of the Cannabis Business's registration and date the registration such as to effectuate no lapse in the registration if the Cannabis Business.
- E. If the Cannabis Business fails to comply with the terms and conditions of the payment plan, then the registration for the Cannabis Business shall be null and void, and all outstanding amounts owed the City shall be immediately due and payable.

SECTION 30. Section 6.88.420 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.420 Security

- A. Video Surveillance Systems shall comply with Title 4 of the California Code of Regulations Section 15044. The Premises or Location shall be equipped with, and at all times be monitored by, a closed-circuit video surveillance recording system for security purposes. The camera and recording system must be capable of and actually record with adequate quality, color rendition and resolution to allow the ready identification of any individual committing a crime anywhere on or adjacent to the Premises or Location.
1. The video surveillance ~~recording~~ system shall be fully functional prior to engaging in any Cannabis Activity at the Premises or Location.
 2. The video surveillance recordings shall be ~~maintained for a period of not less than thirty (30) days, or longer if required by state law, and shall be~~ made available and accessible to the Chief of Police and any other City official charged with enforcing the provisions of this Code immediately upon request for review and copying, without the need for a search warrant, subpoena or court order.
 3. The Cannabis Business shall provide the Chief of Police with remote access to the video surveillance ~~recording~~ system, including live and previously recorded video playback, at any time without a warrant, subpoena or court order.

B. The Premises or Location shall have a separate fire and burglar alarm systems which complies with Title 4 of the California Code of Regulations Section 15047.
~~Both~~

1. The burglar alarm systems shall be fully functional at all times and prior to engaging in any Cannabis Activity at the Premises or Location.

2. At a minimum, these the burglar alarm systems shall cover the perimeter of the Premises or Location and shall focus on those areas where cannabis is cultivated, stored, manufactured, distributed, processed, tested or dispensed.

3. The Both burglar alarm systems shall comply with all requirements of Chapters 17.12, 17.68, and 17.78 of this Code and Title 24 of this Code.

44. The burglar alarm system shall be installed and programed to be a functionally complete burglar alarm system per the manufacturer's guidelines.

5. The burglar alarm system shall be provided with secondary power, and monitoring by a UL-listed central station service. The secondary power shall provide at least 24 hours of continued operation time in case of power failure.

~~2. The fire alarm system shall be an automatic fire alarm system that provides both fire department and occupant notification. Where an approved automatic sprinkler system is installed and the notification devices/appliances activate via sprinkler water flow, the sprinkler system may be used as fire detection for the alarm system. A minimum of one (1) manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal. The system shall be provided with secondary power and monitoring by a UL-listed central station service.~~

C. The Premises or Location shall have and maintain a fire alarm system.

1. The fire alarm system shall be fully functional at all times and prior to engaging in any Cannabis Activity at the Premises or Location.

2. The fire alarm system shall comply with all requirements of Chapters 17.12, 17.68, and 17.78 of this Code and Title 24 of this Code.

3. The fire system shall be provided with secondary power. The secondary power shall provide at least 24 hours of continued operation time in case of power failure.

- 4. The fire alarm system shall be an automatic fire alarm system that provides both fire department and occupant notification.
 - a. Where an approved automatic sprinkler system is installed and the notification devices/appliances activate via sprinkler water flow, the sprinkler system may be used as fire detection for the alarm system.
 - b. A minimum of one (1) manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal. The system shall be monitored by a UL listed central station service.

D. If the Cannabis Business maintains records in a printed format pursuant to Section 6.88.500, then the Premises shall contain at least one (1) fire-proof safe and all records required by this Chapter shall be stored in one (1) or more fire-proof safes.

DE. Exterior lighting on the Premises and parking area lighting for the Location shall be balanced and shall not result in glare on adjoining properties, shall complement the security systems required in Subsections A and B above to ensure that all areas of the Location are visible, and shall provide increased lighting at all entrances to the Premises. The lighting required in this Subsection shall be turned on from dusk to dawn.

FE. Cannabis shall be stored in buildings that are completely enclosed, and in a locked vault or safe, or other secured storage structure which is bolted to the floor or structure of the Premises in compliance with all building and fire provisions of this Code.

GF. Windows and roof hatches of the Premises shall be secured from the inside with effective means so as to prevent unauthorized entry, and shall be equipped with latches or a similar mechanism that may be released quickly from the inside to allow exit in the event of emergency in compliance with all applicable provisions in the Code.

HG. Exterior doors to the Premises shall remain locked from the outside to prevent unauthorized ingress to the Premises. Ingress shall be allowed by means of a remote release operated from within the Premises of the Cannabis Business. In all cases, doors shall remain openable from the inside to allow egress without the use of a key or special knowledge. Access-controlled egress doors shall comply with all requirements of Chapter 17.12 of this Code and Title 24 of this Code.

IH. All areas of the Cannabis Business not open to the public shall be secured from unauthorized entry during public operating hours.

JL. No person shall be in possession of any firearm while on the Premises or Location or while working for a cannabis business without having first obtained a

license from the appropriate state or local agency authorizing the person to be in possession of such firearm.

KJ. Persons in possession of a firearm while on the Premises or Location or while working for a cannabis business must provide the City Manager and the Chief of Police, ten (10) days before bringing the firearm onto the Premises or Location, with the following:

1. A copy of the license issued to the person by the appropriate state or local agency authorizing him or her to possess such firearm;
2. A copy of his or her law enforcement identification (if he or she is employed by a law enforcement agency);
3. A copy of his or her California driver's license or California identification card; and
4. Any other information reasonably required by the Chief of Police to show that the individual is in compliance with the provisions of all laws regarding the possession and use of a firearm.

LK. Security Personnel shall be required and comply with Title 4 of the California Code of Regulations Section 15045. There shall be a minimum of one (1) Security Personnel at a dispensing Location during its hours of operation.

~~L. The Security Personnel shall provide security inside the Premises, along the outside perimeter of the Premises, at parking sites immediately adjacent to the Premises and used by Customers of the Cannabis Business, and at sidewalks adjacent to the Cannabis Business's Location.~~

~~M. All Security Personnel shall register and maintain valid registration status with the State of California's Department of Consumer Affairs. At no time shall any Security Personnel register with the state at any level that is less than that of a proprietary private security officer. Proof of application and registration for all Security Personnel shall be maintained by the Cannabis Business and shall consist of copies of all relevant documentation including the actual proof of registration.~~

~~N. While on duty, all Security Personnel shall have a nameplate containing the Security Personnel's full name and the word "SECURITY" printed in bold, capital letters. The nameplate shall be exhibited prominently on the clothing, at chest level, and shall be visible and easily read at all times. As an alternative to a nameplate, the Security Personnel may wear clothing with his or her name and the word "SECURITY" embroidered in a contrasting color on the Security~~

~~Personnel's outermost garment meeting the above specifications and located at chest level.~~

SECTION 31. Section 6.88.425 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.425 Identification Display Requirements

- A. A valid identification badge must meet the requirements of Section 15043 (Licensee Employee Badge Requirement) of Title 4 of the California Code of Regulations (Medicinal and Adult-Use Commercial Cannabis Regulations).
- B. While at the Cannabis Business's Premises or Location, each Owner, ~~Manager,~~ and individual person engaged, whether directly or indirectly, in the cultivation, processing, manufacturing, distributing, testing, transporting, delivery, handling or dispensing of cannabis shall, at all times while engaged in the duties of his or her position for the Cannabis Business, wear in plain sight, on his or her person and above the waist, a valid identification badge ~~., issued by the Chief of Police and containing such information, including a suitable photograph, as the Chief of Police may require.~~
- CB. While engaged, whether directly or indirectly, in the duties of his or her position for the Cannabis Business, but not at the Cannabis Business's Premises or Location, each Owner, ~~Manager~~ and individual person engaged in the cultivation, processing, manufacturing, distribution, transporting, transferring, dispensing, delivering, testing, handling or disposing of cannabis shall at all times have in his or her possession a valid identification badge ~~., issued by the Chief of Police.~~
- DC. Upon request by the Chief of Police or any other City official charged with enforcing the provisions of this Code, or any state official charged with enforcing state law pertaining to Cannabis Businesses, each Owner, ~~Manager~~ and individual person engaged, whether directly or indirectly, in the cultivation, processing, manufacturing, distribution, transporting, transferring, dispensing, delivering, testing, handling or disposing of cannabis shall produce such valid identification badge for inspection.
- ED. No Owner, ~~Manager,~~ or individual person engaged, whether directly or indirectly, in the cultivation, processing, manufacturing, distribution, transporting, transferring, dispensing, delivering, testing, handling or disposing of cannabis shall engage in any activities on behalf of the Cannabis Business, without first submitting obtaining a legible, valid government issued identification badge to the Chief of Police.
- ~~E. Identification badges shall be renewed one (1) year after the date of issuance.~~

- ~~F. Identification badges are the property of the City of San José and shall be provided to the Chief of Police within ten (10) days of termination of the Cannabis Business's relationship with the Owner, Manager, or individual person participating, whether directly or indirectly, in the cultivation, processing, manufacturing, distribution, transporting, transferring, dispensing, delivering, testing, handling or disposing of cannabis.~~
- ~~G. Identification badges shall remain at the Cannabis Business's Premises when not in use.~~
- ~~H. Owners, Managers, and individual persons participating, whether directly or indirectly, in the cultivation, processing, manufacturing, distribution, testing, transporting, delivery, handling or dispensing of cannabis shall not take identification badges home or off the Cannabis Business's Premises, except in the case of traveling off Premises on official business of the Cannabis Business, including delivery or transport of cannabis.~~

SECTION 32. Section 6.88.440 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.440 Cannabis Business Operations

- A. Only a Dispensary or Retail Storefront shall be open to the public. Cannabis Business Locations that are not Dispensaries or Retail Storefronts shall not be open to the public. A Dispensary or Retail Storefront shall be open to the public during hours of the day that are in accordance with the regulations promulgated by the City Manager pursuant to Section 6.88.315.
- B. All cannabis cultivated, processed, manufactured, distributed, transported, transferred, obtained, purchased, dispensed, delivered, or tested by the Cannabis Business must be stored and dispensed in strict accordance with state law, this Chapter and other provisions of this Code.
- C. All cannabis dispensed by a Cannabis Business must comply with all other provisions of this Chapter, all regulations promulgated by the City Manager pursuant to Section 6.88.315, and state law.
- D. All contributions (whether in-kind, monetary or property) shall be fully documented, in writing, at the time of their receipt by the Cannabis Business and in accordance with Part 5 of this Chapter.
- E. All sales and transfers of cannabis by a Medical or Non-medical Cannabis Business shall be fully documented, in writing, at the time of the sale or transfer.

- F. Each Cannabis Business shall account for all monetary contributions or payments. Monetary contributions or payments shall be made by cash, personal check, cashier's check, debit card or credit card. All accountings, billings, and contributions (whether in-kind, monetary or property) shall be fully documented, in writing and in accordance with Part 5 of this Chapter and shall be submitted to the Director of Finance on a quarterly basis.
- G. No persons under the age of twenty-one (21) shall be allowed at the Location. When enforcing this subsection, the Chief of Police shall consider circumstances such as site configuration, shared Location with other tenants or other constraints related to the unique circumstances of the incident.
- H. No person age twenty-one (21) or older accompanied by any person under age 21 shall be allowed at the Location, and shall be prohibited from receiving any cannabis transfers for the remainder of the business day.
- I. A Dispensary or Retail Storefront shall verify the age of every person entering the Premises with an Electronic Age Verification Device, excepting verified employees of the Dispensary; ~~verified employees of another Cannabis Business or State licensee~~; and City, County and/or State officials on official business. Manually entering identification information (for example, birthdate) is prohibited.
- J. No Medical Cannabis Transfers shall be made by a Cannabis Business to a person under the age of twenty-one (21).
- K. No Medical Cannabis shall be provided, sold, or transferred to any person who is not a Qualified Patient or Primary Caregiver, and who is not age twenty-one (21) or older.
- L. No Non-medical Cannabis shall be provided, sold, or transferred to any person who is not age twenty-one (21) or older.
- M. Prior to transferring Medical or Non-medical Cannabis to any person, an Electronic Age Verification Device shall be used to determine the age of the person attempting to obtain cannabis, without exception. The Electronic Age Verification Device may be mobile or fixed, and must retain a log of all scans that includes the following information: date, time, and age (or birthdate, or both).
- N. The electronic age verification log shall be kept for a minimum of one hundred eighty (180) days.
- O. Notwithstanding any other provision of state law, no Medical Cannabis provided to a Primary Caregiver may be provided by the Primary Caregiver to any person other than the Primary Caregiver's Qualified Patient for whose care the Primary Caregiver is responsible.

- PQ.** No Cannabis Business shall cause or permit the sale, dispensing, or consumption of alcoholic beverages at the Premises and/or Location or in the parking area for the Premises and/or Location.
- QP.** Cannabis may not be inhaled, smoked, eaten, ingested, vaped, or otherwise used or consumed at the Premises and/or Location, in the parking areas of the Premises and/or Location, within three hundred (300) feet of the Premises and/or Location on the public right-of-way, or in those areas restricted under the provisions of California Health and Safety Code Section 11362.79.
- RQ.** No cannabis shall be taken into a restroom at the Premises and/or Location, including temporary restrooms in the parking areas of the Premises and/or Location.
- SR.** Each Cannabis Business shall operate and maintain an on-site twenty-four (24)-hour landline telephone number at the Premises for receiving complaints and other inquiries regarding the Cannabis Business. A person engaged in the management of the Cannabis Business shall be responsible for receiving, logging, and responding to these complaints and other inquiries on a daily basis. The log shall be maintained in the records of the Cannabis Business and in accordance with Part 5 of this Chapter.
- TS.** None of the following items shall be allowed on the Premises or at the Location or in the parking area for the Premises or Location:
1. Any controlled substances, other than cannabis as defined herein;
 2. Any paraphernalia used for the ingestion of any type of controlled substance, except for cannabis;
 3. Alcoholic beverages; or
 4. Firearms, except in strict compliance with federal, state and local laws and with Section 6.88.420 J.
- UT.** A sign shall be posted in a conspicuous location inside the Premises advising, in English, Spanish and Vietnamese, the following: "Both the sale of cannabis and the diversion of cannabis to persons under age twenty-one (21) are violations of state law. The use of cannabis may impair a person's ability to operate a motor vehicle or heavy machinery. Loitering at the Location of a Cannabis Business for an illegal purpose is prohibited by California Penal Code Section 647(h). This Cannabis Business is registered in accordance with the laws of the City of San José."

- VU.** All water used in any Cannabis Activity shall be legally obtained and shall be applied in accordance with state and local laws.
- WV.** All electricity used in any Cannabis Activity shall be legally obtained and shall be used in accordance with state and local laws.
- XW.** The extraction and refinement of chemical compounds from cannabis by way of a Solvent-based method utilizing compressed flammable gases or alcohol in violation of state law is prohibited. No Cannabis Business shall possess, dispense or transport any cannabis manufactured unlawfully. All extraction and refinement equipment used by a Cannabis Business shall be subject to review by, and approval of, the City pursuant to Chapter 17.12 of this Code or Title 24 of this Code.
- YX.** Any hazardous materials shall be used and stored in full compliance with Chapter 17.68 of this Code.
- ZY.** All activities conducted at a Cannabis Business shall at all times fully comport with the provisions of California Health & Safety Code Section 11362.5 et seq., the Compassionate Use Act, the Medical Marijuana Program Act, the Adult Use of Marijuana Act, the Medicinal and Adult-Use Cannabis Regulation and Safety Act, and any other applicable state laws or regulations, as the same may be amended from time to time; provided, however, that if there is a conflict between the provisions of this Code and the provisions of state law, the most restrictive law allowed to apply shall govern and control.

SECTION 33. Section 6.88.445 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.445 Deliveries of Cannabis

- A.** Except as provided in Subsections **B** and C below, Cannabis Businesses are prohibited from delivering cannabis to any person or location within the City.
- B.** Cannabis dispensaries that are registered pursuant to this Chapter may apply for registration to deliver Medical Cannabis, Non-medical Cannabis, or both.
- C.** Delivery-only cannabis businesses that are registered pursuant to this Chapter may apply for registration to deliver Medical Cannabis, Non-medical Cannabis, or both.
- DC.** The City Manager shall promulgate regulations pursuant to Section 6.88.315 to establish an application process and procedures to allow Cannabis Businesses registered pursuant to this Chapter to deliver cannabis within the City. The regulations shall also include security procedures, vehicle requirements,

cannabis storage requirements, age verification requirements, and hours of the day during which deliveries may be made. The fees associated with the registration process for delivery shall be as set forth in the schedule of fees and charges established by resolution of the City Council.

SECTION 34. Section 6.88.446 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.446 Mobile Dispensaries Prohibited

- A. Only a Cannabis Business registered pursuant to this Chapter may dispense cannabis in the City of San José.
- B. Except as provided in Subsections 6.88.445 B and C, a registered Cannabis Business may only dispense from its registered dispensing Location or Locations.

SECTION 35. Section 6.88.450 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.450 Owner, ~~Manager~~ and Individual Person Requirements

- ~~A. No Owner, Manager, or individual person who will be participating, whether directly or indirectly, in the cultivation, processing, manufacturing, distributing, testing, transporting, delivery, handling or dispensing of cannabis shall:~~
 - ~~1. Be on parole or probation for the possession, sale, manufacture, use, distribution or transportation of a controlled substance, excluding cannabis; or~~
 - ~~2. Have been convicted of a crime of moral turpitude; or~~
 - ~~3. Have been convicted within the last ten (10) years of any misdemeanor or felony involving any of the following:~~
 - ~~a. The use of violence, force, fear, fraud or deception;~~
 - ~~b. The unlawful possession, sale, manufacture, use, distribution or transportation of a controlled substance, excluding cannabis;~~
 - ~~c. The use of money to engage in criminal activity;~~
 - ~~d. Theft; or~~
 - ~~e. The unlawful possession or use of a firearm.~~
 - ~~4. Be under the age of twenty-one (21).~~

- ~~A.B.~~ A Cannabis Business shall ban, prohibit, or otherwise refuse entry to any Person violating the provisions of this Chapter.
- ~~B.C.~~ A Cannabis Business shall maintain a log of persons banned, prohibited, or otherwise refused entry for violating the provisions of this Chapter. The log shall include any information required by the Chief of Police, including but not limited to the person's name (if available), brief description (if name is not available), date and time of the incident(s), section(s) of this Chapter violated, and the date the person was banned, prohibited, or otherwise refused entry.
- ~~C.D.~~ Each Cannabis Business shall designate an On-site Designated Representative who shall be present during all hours of the Cannabis Business's operation. The On-Site Designated Representative shall meet the following minimum requirements:
- ~~1. Be a Manager for the Cannabis Business;~~
 - ~~12.~~ Comply with all laws and ordinances;
 - ~~23.~~ Carry on his or her person, at all times when he or she is functioning as the On-site Designated Representative, a valid government issued photo identification card or license;
 - ~~34.~~ Upon request by the Chief of Police, any other City official charged with enforcing the provisions of this Code, or any state official charged with enforcing state law regarding Cannabis Businesses, produce such photo identification card or license for inspection;
 - ~~45.~~ Be available at the telephone number identified in the registration as the on-site landline telephone number for the Premises;
 - ~~56.~~ Cooperate fully with the Chief of Police, any other City official charged with enforcing the provisions of this Code, or any state official charged with enforcing state law regarding Cannabis Businesses with any inquiry, inspection, request, or investigation necessary or appropriate to implement the requirements of this Code or to enforce any other state or local law;
 - ~~67.~~ Immediately report to the Chief of Police any violations of state or local law or conditions which the On-Site Designated Representative knows, or reasonably should know, exist on the Premises and at the Location and could result or have resulted in harm or an imminent threat of harm to the health, safety or general welfare of any person or member of the public; and

78. Immediately report to the Chief of Police and the County health department, any information indicating that any person experienced an adverse reaction to, or other difficulty related to, any cannabis procured from the Cannabis Business.

DE. No Owner, ~~Manager,~~ or individual person participating, whether directly or indirectly, in the cultivation, processing, manufacturing, distribution, testing, transporting, delivery, handling or dispensing of cannabis shall fail to make a report to the Chief of Police, immediately upon discovery of any conduct which raises a reasonable suspicion that a misdemeanor or felony crime under the laws of the state has been committed on the Cannabis Business's Premises or Location.

EF. No Owner, ~~Manager,~~ or individual person participating, whether directly or indirectly, in the cultivation, processing, manufacturing, distribution, testing, transporting, delivery, handling or dispensing of cannabis shall fail to report any conduct which raises a reasonable suspicion of a violation of this Chapter to the Chief of Police within twenty-four (24) hours of its discovery.

SECTION 36. Section 6.88.460 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.460 Dispensing and Packaging of Cannabis

~~A. Prior to delivery or sale at a retailer, a~~ All cannabis and cannabis products ~~transferred to a Customer~~ shall be labeled and placed ~~packaged~~ in a tamper-evident, resealable, child-resistant package in accordance with Section 26120 of the Business and Professions Code and any other applicable state law or regulation.

~~B. In addition, Medical Cannabis and Medical Cannabis products transferred to a Customer shall contain a label that clearly states the following information:~~

- ~~1. The name, address and on-site landline telephone number of the Cannabis Business;~~
- ~~2. The container contains Medical Cannabis; 3. The amount of Medical Cannabis in the container;~~
- ~~4. The complete legal name of the Qualified Patient who will be using the Medical Cannabis;~~
- ~~5. If the person obtaining the Medical Cannabis is a Primary Caregiver obtaining Medical Cannabis on behalf of a Qualified Patient, the complete legal name of the Primary Caregiver and the name of the Qualified Patient for whom he or she serves as a Primary Caregiver;~~

~~6. The name of the Attending Physician recommending the use of Medical Cannabis for the Qualified Patient; and~~

~~7. The date the Medical Cannabis was provided.~~

SECTION 37. Section 6.88.480 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.480 Property Maintenance

The Owner and/or ~~operator~~**Manager** of a Cannabis Business shall keep the Premises and Location in a clean and safe condition by, at a minimum, performing all of the following tasks:

- A. Properly remove and store all trash, litter, rubbish and debris on the Premises and Location at the end of each business day; and
- B. Properly dispose of all trash, litter, rubbish and debris from the Premises and Location; and
- C. Remove graffiti placed upon the Premises and Location within forty-eight (48) hours of its occurrence; and
- D. Keep driveways, sidewalks, parkstrips, fire access roads and streets on or adjacent to the Premises and location clear and clean; and
- E. Provide lighting on the Premises and Location to ensure the safety of the public and the employees of the Cannabis Business; and
- F. Otherwise operate in a manner that does not create or result in any significant adverse impacts upon its Premises and Location or within ~~twentythree hundred~~ (~~20300~~) feet of the Premises and Location.

SECTION 38. Section 6.88.490 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.490 Performance Standards

- A. A Cannabis Business, including its Owner, ~~Manager~~ and/or operator shall conduct its operations in a manner that does not create or result in a public nuisance on the Premises and Location or within ~~twentythree hundred~~ (~~20300~~) feet of the Premises and Location, including but not limited to:

- 1. Disturbance of the peace;

2. Illegal drug activity;
3. Public drunkenness;
4. Drinking in public;
5. Gambling;
6. Prostitution;
7. Sale of stolen goods;
8. Public urination;
9. Theft;
10. Assaults;
11. Batteries; or
12. Acts of vandalism.

B. The Cannabis Business shall maintain a log of any public nuisance activity on the Premises and Location or within ~~twentythree hundred~~ (20300) feet of the Premises and Location. The log shall include any information required by the Chief of Police, including but not limited to the date and time of the occurrence; the type of activity; the circumstances surrounding the activity; the identity of any persons involved in the activity, if known; the corrective action taken by the Cannabis Business; and the police case number, if applicable.

C. When enforcing this subsection, the Chief of Police shall consider circumstances such as site configuration, shared Location with other tenants or other constraints related to the unique circumstances of the incident.

SECTION 39. Section 6.88.810 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.810 Compliance with this Chapter and State Law

A. It is unlawful for any person to cause, permit or engage in the cultivation, possession, manufacture, testing, sales, transfers, distribution, processing, transporting, delivery or giving away of cannabis. To establish an affirmative defense to civil and criminal enforcement of the provisions of the San José

Municipal Code, the person seeking to invoke the defense must establish compliance with all other applicable state and local laws.

- B. It is unlawful for any person to cause, permit or engage in any activity related to cannabis, and a person may not establish an affirmative defense to civil and criminal enforcement of the provisions of the San José Municipal Code unless in strict compliance with any and all state and local laws.
- C. It is unlawful for any person to knowingly make any false, misleading or inaccurate statements or representations in any forms, records, filings or documentation required to be maintained, filed or provided to the City under this Chapter, or to any other federal, state or local government agency having jurisdiction over any of the activities of Cannabis Businesses.
- D. It shall be the responsibility of the Owners, ~~Managers~~ or persons working at or for the Cannabis Business to ensure that the Cannabis Business is, at all times, operating in a manner compliant with all applicable state and local laws. Nothing in this Chapter shall be construed as authorizing any actions which violate state law with regard to the cultivation, processing, manufacturing, distributing, transporting, transferring, dispensing, delivering, testing, disposing, and sale of cannabis.

SECTION 40. Section 6.88.840 of Chapter 6.88 of Title 6 of the San José Municipal Code is amended to read as follows:

6.88.840 Registration Nontransferable

- A. No Person shall assign or transfer any Notice of Completed Registration issued under this Chapter and any attempt to assign or transfer any Notice of Completed Registration issued pursuant to this Chapter shall render the Notice of Completed Registration null and void.
- B. Notwithstanding Subsection A above and Subsection 6.88.350 ~~DE~~, a Cannabis Business wishing to transfer ownership or management of the Cannabis Business may do so provided that:
 - 1. The Cannabis Business shall submit all required forms, pay any associated fees, and follow any procedures specified in the City Manager regulations.
 - 2. The Cannabis Business receives a new or amended Notice of Completed Registration confirming the change in ownership or management.
- C. Notwithstanding Subsection B above, a Cannabis Equity Owner may not transfer ownership to a non-equity owner such that the total amount of equity ownership

falls below fifty-one percent (51%) for a period of five (5) years following the original date of receipt of a Notice of Completed Registration.

- D. Notwithstanding Subsection B above, a Cannabis Equity Business may not transfer shares of ownership to non-equity owners or partners such that the aggregate total of equity ownership falls below fifty-one percent (51%) for a period of five (5) years following the original date of receipt of a Notice of Completed Registration.

PASSED FOR PUBLICATION of title this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE AMENDING THE ADMINISTRATIVE CITATION
SCHEDULE OF FINES TO ESTABLISH AND UPDATE
FINES FOR VIOLATIONS OF CHAPTER 6.88 OF TITLE 6
(BUSINESS LICENSES AND REGULATION) OF THE SAN
JOSE MUNICIPAL CODE RELATED TO THE CITY'S
CANNABIS REGULATORY PROGRAM AND REPEALING
RESOLUTION NO. RES2024-169**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. STANDARD FINE: Except as otherwise specifically set forth in Section 2 below, the administrative citation fine amount for a first violation of the San José Municipal Code shall be Twenty-Five and no/100 Dollars (\$25.00).

SECTION 2. NON-STANDARD FINES: The administrative citation fine amounts set forth below are hereby established for violation(s) of the San José Municipal Code sections listed below:

<u>Section</u>	<u>Offense</u>	<u>Administrative Citation Fine</u>
4.50.050	Sale of untaxed cigarettes	\$500.00
4.50.070	Cigarette distributor records and statements requirements	\$250.00
4.50.080	Reporting and remitting requirements	\$250.00
4.76.300(C)	Transfer of business license	\$100.00
4.76.310	Failure to carry or post a business license	\$50.00
4.76.320	Failure to display vehicle I.D. sticker (Business license); no transfer.	\$75.00
4.76.770	Failure to produce business license upon demand	\$75.00
4.78.450	Disposal Facility Tax- Reporting Requirements	\$500.00
4.78.470	Disposal Facility Tax - Records Requirements	\$250.00

6.02.100	Posting and Exhibition of Permit or License.	\$250.00
6.08.050	Owner's License – Requirements	\$250.00
6.08.070	Exhibitor's License – Requirements	\$250.00
6.08.090	Display of License Sticker	\$250.00
6.08.130	Owner's Limitation	\$250.00
6.08.150	Use Restrictions	\$250.00
6.16.040	No profit, wage or salary permitted	\$250.00
6.16.050	Permit – Required	\$250.00
6.18.020	Permit required for business sales	\$250.00
6.18.080	Display of going out of business sale permit	\$250.00
6.24	Compliance with chapter – Christmas Tree Sales (any violation of Chapter)	\$100.00
6.26.010	Carnival and circus permit required	\$100.00
6.36.020	Handbill distribution - Prohibited when	\$100.00
6.36.030	Handbill distribution without license	\$100.00
6.39.080	Ice Cream Truck Business Permit required	\$500.00
6.39.090	Employee and Trainee License required.	\$250.00
6.39.210	Violations of Operating Regulations and Permit Conditions	\$500.00
6.39.330	Failure to obtain a Trainee Work License	\$150.00
6.44.090	Massage Business Permit required	\$1,000.00
6.44.100	Massage Ownership/ Management License required	\$500.00
6.44.110	Massage Therapy License required	\$500.00
6.44.200	Violations of Operating Regulations and Permit Conditions	\$1,000.00
6.46.030	Mobilehome or trailer parking	\$100.00
6.46.040	Use of trailers for living or sleeping quarters	\$100.00
6.50	Compliance with chapter – Patrol services/security (any violation of Chapter)	\$250.00
6.52	Pawnbrokers and Secondhand dealers - permit requirements (any violation of Chapter)	\$750.00
6.54.110	Peddlers Permit required First violation Second violation (within 12 month period from date of first violation) Third and subsequent violations (within 12 month period from date of first violation)	\$250.00 \$500.00 \$1,000.00

6.54.140	Approved Location Permit required First violation Second violation (within 12 month period from date of first violation) Third and subsequent violations (within 12 month period from date of first violation)	\$250.00 \$500.00 \$1,000.00
6.54.205	Hours of Business First violation Second violation (within 12 month period from date of first violation) Third and subsequent violations (within 12 month period from date of first violation)	\$100.00 \$200.00 \$500.00
6.54.210	ID Display requirements First violation Second violation (within 12 month period from date of first violation) Third and subsequent violations (within 12 month period from date of first violation)	\$100.00 \$200.00 \$500.00
6.54.215	General Operating Requirements First violation Second violation (within 12 month period from date of first violation) Third and subsequent violations (within 12 month period from date of first violation)	\$100.00 \$200.00 \$500.00
6.54.220	Noise Restrictions for Peddlers First violation Second violation (within 12 month period from date of first violation) Third and subsequent violations (within 12 month period from date of first violation)	\$100.00 \$200.00 \$500.00
6.54.230	Noise Restrictions for Motor Vehicle-Based and Mobile Unit Peddlers First violation Second violation (within 12 month period from date of first violation) Third and subsequent violations (within 12 month period from date of first violation)	\$100.00 \$200.00 \$500.00

6.54.240	Peddler Parking Restrictions First violation Second violation (within 12 month period from date of first violation) Third and subsequent violations (within 12 month period from date of first violation)	\$100.00 \$200.00 \$500.00
6.54.250	Congestion Restrictions for Peddlers First violation Second violation (within 12 month period from date of first violation) Third and subsequent violations (within 12 month period from date of first violation)	\$100.00 \$200.00 \$500.00
6.56	Compliance with chapter – Public pool and billiard rooms (any violation of Chapter)	\$250.00
6.58.020	Public Dancehalls - Permit Required First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$500.00 \$1,000.00 \$1,500.00
6.58.150(C)	Operating Regulations and Permit Conditions First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$500.00 \$1,000.00 \$1,500.00
6.58.160	Event Promoters, Record Retention And Security Provided By Event Promoter	\$1,250.00
6.60.040	Public Entertainment Business Permit Required First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$1,250.00 \$2,500.00 \$5,000.00

6.60.060	Ownership/Management License Required First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$1,250.00 \$2,500.00 \$5,000.00
6.60.200(C)	Violations of Operating Regulations and Permit Conditions First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$500.00 \$1,000.00 \$1,500.00
6.60.220	Conditional Use or Planned Development Permit First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$1,250.00 \$2,500.00 \$5,000.00
6.60.230	Noise	\$500.00
6.60.240	Security	\$1,250.00
6.60.250	Waiting Lines	\$500.00
6.60.260	Presence of Persons Under Twenty-one (21) Years of Age	\$1,250.00
6.60.270	Occupancy Limit	\$1,250.00
6.60.280	Reporting Requirements	\$1,250.00
6.60.290	Public Nuisance Prohibited First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$1,250.00 \$2,500.00 \$5,000.00
6.60.295	Event Promoters, Record Retention And Security Hired By Event Promoters	\$1,250.00

6.62.200(A)	Event Promoter Permit Required First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$1,250.00 \$2,500.00 \$5,000.00
6.62.210(B-C)	Event Promoter Permit Exemption	\$1,250.00
6.62.300(C)	Violations of Operating Regulations and Conditions Not Otherwise Enumerated First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$500.00 \$1,000.00 \$1,500.00
6.62.310	Posting of Permit	\$500.00
6.62.320	Identification Card Requirements	\$500.00
6.62.330	Event Promotion Contract Required	\$1,250.00
6.62.340	Record Keeping Required	\$1,250.00
6.62.350	Designated On-Site Representative	\$1,250.00
6.62.360	Other Legal Duties	\$1,250.00
6.62.370	Security and Management Functions	\$1,250.00
6.62.380(D)	Rules And Regulations First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$500.00 \$1,000.00 \$1,500.00
6.62.390	Violations Of Operating Regulations and Conditions for Persons Operating Pursuant to Exemption Under Section 6.62.210 First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$500.00 \$1,000.00 \$1,500.00
6.62.420	Permit Nontransferable	\$1,250.00
6.62.430(A)	Change of Name	\$500.00
6.62.440(B)	Applying for a Permit Following a Revocation	\$1,250.00

6.64	Compliance with chapter - Taxi and limousine permits (any violation of Chapter)	\$250.00
6.64.280	Additional passengers in taxicab	\$250.00
6.64.390	Failure to submit to inspection	\$250.00
6.64.450	Insurance requirements – taxicabs	\$250.00
6.66.040	Tow car business permit required	\$500.00
6.66.070	Employment of tow car business assistants - permit required	\$250.00
6.66.080	Tow car business assistants – permit required	\$250.00
6.66.240	Removal from private property under possessory lien-Towing	\$500.00
6.66.250	Display of required documents-Towing	\$250.00
6.66.270	Removal of vehicles from private property - approval required-Towing	\$500.00
6.66.290	Tow car business – charges	\$500.00
6.66.300	Removal of vehicles from private property – Responsibility of tow car company.	\$250.00
6.66.310	Keeper liens – drop charges – removal of vehicles (Towing)	\$250.00
6.66.320	Recordkeeping requirements (Towing)	\$500.00
6.66.330	Required Signs - (Towing)	\$250.00
6.70	Compliance with chapter – Vending Machines (any violation of Chapter)	\$500.00
6.74.020	Display and storage of spray paint & marker pens	\$1,000.00
6.80	Compliance with chapter - Peep shows (any violation of Chapter)	\$500.00
6.82.110	Compliance with chapter – Window tinting at beverage service businesses First violation Second violation (in same year) Third violation (in same year)	 \$250.00 \$500.00 \$1,000.00
6.82.120	Window tint specifications First violation Second violation (in same year) Third violation (in same year)	 \$250.00 \$500.00 \$1,000.00
6.86.230	Property Maintenance (Off-Sale Alcoholic Beverage Establishment) First Violation Second Violation (within same year) Third Violation (within same year)	 \$250.00 \$500.00 \$1,000.00

6.86.240(A)	Performance Standards (Off-Sale Alcoholic Beverage Establishment) – Preventing Public Nuisance Activities First Violation Second Violation (within same year) Third Violation (within same year)	 \$500.00 \$1,000.00 \$2,500.00
6.86.240(B)	Performance Standards (Off-Sale Alcoholic Beverage Establishment)—Produce State Department of Alcoholic Beverage Control license	\$250.00
6.86.240(C)	Performance Standards (Off-Sale Alcoholic Beverage Establishment) – Compliance with Section 23790.5 of the California Business and Professions Code by establishments engaged in the concurrent sale of off-sale alcoholic beverages and motor vehicle fuel First Violation Second Violation (within same year) Third Violation (within same year)	 \$250.00 \$500.00 \$1,000.00
6.87.200	Tobacco Retail License Required First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 \$500.00 \$750.00 \$1,000.00
6.87.210	Tobacco Retail License Exemption First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 \$500.00 \$750.00 \$1,000.00
6.87.300	Operating Regulations and Conditions First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 \$500.00 \$750.00 \$1,000.00
6.87.305	Lawful Business Operation First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 \$500.00 \$750.00 \$1,000.00

6.87.310	Posting of License	\$100.00
6.87.330	Positive Identification Required	\$2,500.00
6.87.340	Minimum Age for Persons Selling Tobacco Products and Paraphernalia	\$2,500.00
6.87.350	Self-Service Displays Prohibited First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.87.360(A)	False and Misleading Advertising Prohibited	\$2,500.00
6.87.360(B)	False and Misleading Advertising Prohibited First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.87.370	Limits on Location of Tobacco Retailing First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.87.380	Other Legal Duties First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.87.390(D)	Rules and Regulations First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.87.410	License Nontransferable	\$500.00
6.87.435(B)	Separate License First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00

6.87.445	Updated Information First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.88.300(A-D)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Registration Required First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$10,000.00 \$25,000.00 \$50,000.00
6.88.310(A)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Number of Locations First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$10,000.00 \$25,000.00 \$50,000.00
6.88.310(B-D)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Number of Locations First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.88.320(D)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Registration Submittal First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00

6.88.360	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Change in Location and Updated Registration Information First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.88.400(C)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Operating Regulations and Conditions First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.88.410	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Compliance with the Code First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.88.420(A- <u>BC</u> , <u>FE-GH</u> , <u>HKJ</u> , M)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Security First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$1,000.00 \$2,000.00 \$3,000.00

6.88.420(G-D , E, H, L, N)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Security First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.88.425(A-G , E-ID)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Identification Badge Display Requirements First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$250.00 \$500.00 \$1,000.00
6.88.425(D <u>E</u>)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Identification Display Requirements First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$1,000.00 \$2,000.00 \$3,000.00
6.88.430	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Cultivation of Cannabis First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$1,000.00 \$2,000.00 \$3,000.00

6.88.431	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Delivery-Only Site	
	First Violation	\$1,000.00
	Second Violation (within 12-month period from date of previous violation)	\$2,000.00
	Third and Subsequent Violations (within 12-month period from date of previous violation)	\$3,000.00
6.88.435	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Cultivation Site	
	First Violation	\$1,000.00
	Second Violation (within 12 month period from date of previous violation)	\$2,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	\$3,000.00
6.88.436	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Manufacturing Site	
	First Violation	\$1,000.00
	Second Violation (within 12-month period from date of previous violation)	\$2,000.00
	Third and Subsequent Violations (within 12-month period from date of previous violation)	\$3,000.00
6.88.437	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Distribution Site	
	First Violation	\$1,000.00
	Second Violation (within 12-month period from date of previous violation)	\$2,000.00
	Third and Subsequent Violations (within 12-month period from date of previous violation)	\$3,000.00

6.88.438	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Combined Manufacturing and Distribution Site First Violation Second Violation (within 12-month period from date of previous violation) Third and Subsequent Violations (within 12-month period from date of previous violation)	 \$1,000.00 \$2,000.00 \$3,000.00
6.88.439	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Testing Laboratory First Violation Second Violation (within 12-month period from date of previous violation) Third and Subsequent Violations (within 12-month period from date of previous violation)	 \$1,000.00 \$2,000.00 \$3,000.00
6.88.440(A, <u>G-I, M, T, S, XY-Z</u>)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Cannabis Business Operations First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	 \$1,000.00 \$2,000.00 \$3,000.00
6.88.440(B-F, <u>MN-SR, TU-VW, Y</u>)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Cannabis Business Operations First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	 \$500.00 \$750.00 \$1,000.00

6.88.440(G-H, L)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Cannabis Business Operations First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$1,000.00 \$2,000.00 \$3,000.00
6.88.440(I, K, J-L, WX)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Cannabis Business Operations First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$10,000.00 \$25,000.00 \$50,000.00
6.88.445(A)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Deliveries of Cannabis First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$1,000.00 \$2,000.00 \$3,000.00
6.88.446	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Mobile Dispensaries Prohibited First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$1,000.00 \$2,000.00 \$3,000.00

6.88.450	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Owner, Manager and Individual Person Requirements</p> <p>First Violation</p> <p>Second Violation (within 12 month period from date of previous violation)</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation)</p>	<p>\$1,000.00</p> <p>\$2,000.00</p> <p>\$3,000.00</p>
6.88.460	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Dispensing and Packaging of Cannabis</p> <p>First Violation</p> <p>Second Violation (within 12 month period from date of previous violation)</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation)</p>	<p>\$1,000.00</p> <p>\$2,000.00</p> <p>\$3,000.00</p>
6.88.470(A, C-E)	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Public Safety and Safety of Location</p> <p>First Violation</p> <p>Second Violation (within 12 month period from date of previous violation)</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation)</p>	<p>\$1,000.00</p> <p>\$2,000.00</p> <p>\$3,000.00</p>
6.88.470(B)	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Public Safety and Safety of Location</p> <p>First Violation</p> <p>Second Violation (within 12 month period from date of previous violation)</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation)</p>	<p>\$500.00</p> <p>\$750.00</p> <p>\$1,000.00</p>

6.88.480	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Property Maintenance</p> <p>First Violation \$250.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$500.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$1,000.00</p>	
6.88.490	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Performance Standards</p> <p>First Violation \$250.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$500.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$1,000.00</p>	
6.88.500	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Maintenance of Records</p> <p>First Violation \$1,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$2,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$3,000.00</p>	
6.88.600	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Audits</p> <p>First Violation \$1,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$2,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$3,000.00</p>	

6.88.700(B)	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Inspection and Enforcement</p> <p>First Violation \$1,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$2,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$3,000.00</p>	
6.88.810	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Compliance with Chapter and State Law</p> <p>First Violation \$1,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$2,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$3,000.00</p>	
6.88.840	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Registration Nontransferable</p> <p>First Violation \$10,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$25,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$50,000.00</p>	
6.88.900(B)	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Personal Use Requirements and Regulations</p> <p>First Violation \$250.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$500.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$1,000.00</p>	

6.88.900(C)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Personal Use Cultivation Requirements and Regulations, Per Non-Medical Plant Over Six (6) Plants First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	 \$250.00 \$500.00 \$1,000.00
7.20.010	Proper and Adequate Care of Animals Requirement – Compliance with provisions of Chapter 7.20, Part 1 unless a separate fine amount is expressly provided for a section within the same part First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.20.050	Veterinary Treatment Requirement First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$250.00 \$500.00 \$750.00
7.20.300(A)	Dangerous Animal Confinement Requirement	\$1,000.00 With no escalation of fines for subsequent violations
7.20.300(B)	Diseased Animal Prohibited	\$1,000.00 With no escalation of fines for subsequent violations
7.20.310	Dead Animals First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.20.320	Chain Collar Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00

7.20.500(A)	Vaccination Required of Dogs and Cats First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$250.00 \$500.00 \$750.00
7.20.510	Veterinarian Vaccination Certificate Requirement First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$250.00 \$500.00 \$750.00
7.20.520(A)	License Required of Adult Cats and Dogs First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.20.570	Metal Tags of Adult Cats and Dogs Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.20.580	Presentation of Adult Cat or Dog License on Request First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.20.700	Sale of Cats or Dogs Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$250.00 \$500.00 \$750.00
7.20.710	Immunization of Cats and Dogs and Disclosure Requirement First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$250.00 \$500.00 \$750.00
7.20.730	Location of Sale Restrictions First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$250.00 \$500.00 \$750.00
7.20.740	Raffle of Animals Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$250.00 \$500.00 \$750.00

7.30.010	Potentially Dangerous Dog Behavior Prohibited	\$500.00 With no escalation of fines for subsequent violations
7.30.500(A)	Special Dog Permit Required	\$1,000.00 With no escalation of fines for subsequent violations
7.30.540	Special Dog Permit Tag	\$500.00 With no escalation of fines for subsequent violations
7.30.590	Requirements for Notification	\$500.00 With no escalation of fines for subsequent violations
7.30.900	Potentially Dangerous, Dangerous, Vicious Dog Maintenance Requirement - Compliance with provisions of Chapter 7.30, Part 9 unless a separate fine amount is expressly provided for a section within the same part	\$500.00 With no escalation of fines for subsequent violations
7.40.010	Public Nuisance Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.40.020	Maximum Number of Dogs, Cats, or Litters Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.40.030	Animals Running at Large Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.40.040	Restraint of Dogs Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00

7.40.050	Dogs in Posted Off-Leash Areas Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.40.060	Bites by Dangerous Animals – Civil Damages	\$1,000.00 With no escalation of fines for subsequent violations
7.40.070	Animal Bites- Quarantine Requirement	\$1,000.00 With no escalation of fines for subsequent violations
7.40.080	Abandoned Animals Prohibited	\$500.00 With no escalation of fines for subsequent violations
7.40.090	Neglect of Animals in Vehicles Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$250.00 \$500.00 \$750.00
7.40.100	Animals in City Buildings Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.40.110	Poisoning and Abusing Domestic Animals	\$1,000.00 With no escalation of fines for subsequent violations
7.40.120	Ban on Feeding Wild Animals First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.40.130(A)	Animal Traps Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$250.00 \$500.00 \$750.00

7.40.130(B)	Requirements for Use of Animal Traps Not Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.40.140	Trapping and Snaring of Wild Birds Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.60.010	Animal Event and Animal Facility Permit Required First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$500.00 \$750.00 \$1,000.00
7.60.020	Animal Event and Animal Facility - Compliance with provisions of Chapter 7.60, Part 1 unless a separate fine amount is expressly provided for a section within the same part	\$500.00 With no escalation of fines for subsequent violations
7.60.050(D)	Application for Permit - Maintain records of persons from whom animals are received and sold, traded, or given.	\$100.00 With no escalation of fines for subsequent violations
7.60.120	Excessive Noise Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$250.00 \$500.00 \$750.00
7.60.130	Conditions Relating to Animal Events and Animal Facilities First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$250.00 \$500.00 \$750.00
7.60.500	Wild Swarms of Bees Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.60.510	Beekeeping Permit Required First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00

7.60.520	Beekeeping - Compliance with provisions of Chapter 7.60, Part 5 unless a separate fine amount is expressly provided for a section within the same part First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.60.700(A)	Small Animals and Livestock Permit Required First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.60.705	Small Animals and Livestock - Compliance with provisions of Chapter 7.60, Part 7 unless a separate fine amount is expressly provided for a section within the same part	\$100.00 With no escalation of fines for subsequent violations
7.60.750	Small Animals and Livestock Confinement Requirement First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.60.775	Veterinary Treatment Requirement First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$250.00 \$500.00 \$750.00
7.60.820	Roosters Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.60.910(A)	Permit Required for Dangerous Animal	\$500.00 With no escalation of fines for subsequent violations
7.60.910(D)	Dangerous Animal Sign Posting Required	\$500.00 With no escalation of fines for subsequent violations

7.60.990(C)	Compliance with Dangerous Animal Hearing Decision Required First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$250.00 \$500.00 \$750.00
9.08.1470	Regulations or procedures – noncompliance unlawful	\$500.00
9.08.1480	Permit required - domestic septic tank cleaning	\$250.00
9.08.1510	Bond required – domestic septic tank cleaning	\$250.00
9.08.1530	Insurance required - domestic septic tank cleaning	\$250.00
9.08.1550	Outside wastes prohibited	\$250.00
9.08.1560	Source certification	\$160.00
9.08.1580	Improper discharges designated	\$250.00
9.08.1590	Sludge and certain solids prohibited	\$250.00
9.08.1610	Record of deliveries and billing of charges	\$160.00
9.08.1620	Fees and charges - domestic septic tanks	\$160.00
9.10.400	Improper handling of solid waste	\$500.00
9.10.410	Improper storage or accumulation of solid waste	\$500.00 per occurrence
9.10.420	Placement of garbage in garbage containers required	\$50.00
9.10.430	Garbage container requirements, location	\$500.00 With no escalation of fines for subsequent violations
9.10.440	Placement of rubbish in rubbish containers required	\$50.00
9.10.450	Rubbish container requirements, location	\$500.00
9.10.510	Unauthorized placement of solid waste	\$50.00
9.10.520	Weekly disposal of solid waste First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	 \$100.00 \$250.00 \$500.00

9.10.525	Subscribing or paying for unauthorized solid waste collection services First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$100.00 \$250.00 \$500.00
9.10.530	More frequent disposal of solid waste	\$500.00 With no escalation of fines for subsequent violations
9.10.540	Dangerous accumulation prohibited First violation Second violation (within 12 month period from date of previous violation) Third violation (within 12 month period from date of previous violation) Fourth and subsequent violations (within 12 month period from date of previous violation)	\$100.00 \$250.00 \$500.00 \$1,000.00
9.10.545	Illegal dumping of solid waste or hazardous materials prohibited First violation Second violation Third and subsequent violations	\$2,500.00 \$5,000.00 \$10,000.00
9.10.550	Collection and transportation of solid waste	\$500.00
9.10.560	Interference with collector prohibited	\$50.00
9.10.565	Self haul violation First violation Second violation Third and subsequent violations	\$100.00 \$250.00 \$500.00
9.10.570	Doing business without authorization	\$500.00
9.10.590	Failure to maintain records, failure to make records available for audit and inspection	\$1,000.00
9.10.740	Unauthorized collection prohibited First Violation Second Violation (within 12 months) Third Violation (within 12 months)	\$100.00 \$200.00 \$500.00
9.10.800	Unauthorized disposal of solid waste	\$1,000.00

9.10.1010	Mandatory multi-family dwelling solid waste collection requirements First violation Second violation Third and subsequent violations	\$100.00 \$250.00 \$500.00
9.10.1040	Set out of residential solid waste	\$50.00 With no escalation of fines for subsequent violations
9.10.1050	Unauthorized garbage containers	\$50.00 With no escalation of fines for subsequent violations
9.10.1060	Unauthorized recyclables containers	\$50.00 With no escalation of fines for subsequent violations
9.10.1070	Unauthorized waste oil containers	\$50.00 With no escalation of fines for subsequent violations
9.10.1080	Recyclable materials set out requirements	\$50.00
9.10.1090	Debris boxes for residential rubbish requirements	\$500.00
9.10.1100	Unauthorized placement of solid waste or solid waste containers First Violation Second Violation (within 12 months) Third Violation (within 12 months)	\$25.00 \$50.00 \$100.00
9.10.1110	Unauthorized use of solid waste containers	\$50.00 With no escalation of fines for subsequent violations
9.10.1130	Additional multi-family requirements First Violation Second Violation (within 12 months) Third and subsequent violations	\$100.00 \$250.00 \$500.00

9.10.1350	Garbage collection authorization required First Violation Second Violation (within 12 months) Third Violation (within 12 months)	\$2,500.00 \$5,000.00 \$10,000.00
9.10.1360	Rubbish collection authorization required First Violation Second Violation (within 12 months) Third Violation (within 12 months)	\$2,500.00 \$5,000.00 \$10,000.00
9.10.1370(A)	Recyclables collection authorization required	\$1,000.00
9.10.1380	Mandatory commercial solid waste collection requirements First violation Second violation Third and subsequent violations	\$100.00 \$250.00 \$500.00
9.10.1410	Placement of solid waste containers	\$100.00
9.10.1420	Requirements for labeling solid waste containers	\$50.00 per day per container, cumulative
9.10.1430(A)	Collection outside prescribed hours	\$2,500.00
9.10.1436	Requirements for Commercial Businesses First violation Second violation Third and subsequent violations	\$100.00 \$250.00 \$500.00
9.10.1500(B)	Central business district solid waste collection requirement	\$500.00
9.10.1500(C, G)	Unauthorized placement of solid waste containers in the central business district	\$100.00
9.10.1500(F, H)	Central business district solid waste requirements	\$50.00
9.10.1500(E)	Collection in central business district outside prescribed hours	\$2,500.00
9.10.1510	Transit mall zone solid waste requirements	\$50.00
9.10.1520(F)	Collection in transit mall zone outside prescribed hours	\$2,500.00
9.10.1520(G,H)	Unauthorized placement of solid waste containers in the transit mall zone	\$100.00
9.10.1610	Commercial franchise required	\$500.00
9.10.2020(A)	Single-use carryout bag violation First Violation Second Violation within 36 month period Third Violation within 36 month period	\$500.00 \$750.00 \$1,000.00

9.10.3110	Polystyrene foam disposable food service ware prohibited	\$500.00
9.34.030	Mosquito abatement	\$750.00
9.36.150	Health effect warnings: Spanish and Vietnamese	\$50.00
9.44.010(A)	Smoking prohibited First Violation Second Violation within one year period Third Violation within one year period	\$250.00 \$500.00 \$1,000.00
9.44.010(B)	Allowing Smoking First Violation Second Violation within one year period Third Violation within one year period	\$250.00 \$500.00 \$1,000.00
9.45.020	Tobacco Vending Machines Prohibition	\$500.00
9.50.030	Aerial release of pesticides	\$500.00
9.52.030	Aerial release of pesticides	\$500.00
9.54.010	Discing to vacant parcels that are over two (2) acres in size	\$2,500.00
9.57.300	Real and Personal Property Defaced with Graffiti First violation (in same year) Second violation (in same year) Third violation (in same year)	\$250.00 \$500.00 \$1,000.00
9.57.310	Motor Vehicles, Boats and Trailers Defaced with Graffiti First violation (in same year) Second violation (in same year) Third violation (in same year)	\$250.00 \$500.00 \$1,000.00
9.60.300	Cart abandonment prohibited	\$50.00
9.60.320	Unauthorized removal of carts prohibited First violation (in same year) Second violation (in same year) Third violation (in same year)	\$50.00 \$100.00 \$250.00
9.60.330	Compliance with abandoned cart prevention plan First violation (in same year) Second violation (in same year) Third violation (in same year)	\$50.00 \$100.00 \$250.00
10.04.010	Interception of police broadcasts	\$500.00
10.08.010	Obstructing pedestrians on public ways	\$500.00
10.08.020	Obstructing entrances to places of public assembly	\$500.00

10.08.030	Impeding access to health care facilities	\$1,000.00
10.09.010	Targeted residential picketing	\$1,000.00
10.09.015	Picketing before or about a residential dwelling prohibited	\$1,000.00
10.12.010	Drinking alcoholic beverages on street	\$50.00
10.12.030	Nudity in public	\$250.00
10.12.110	Public urination and defecation prohibited	\$100.00
10.16.010	Disturbing the peace	\$100.00
10.16.030	Loudspeakers projecting noise outside	\$250.00
10.17.100	Sale, Use, Possession and Storage of Fireworks First Violation Second Violation (within 18 month period from date of previous violation) Third and Subsequent Violations (within 18 month period from date of previous violation)	\$1,000.00 \$2,000.00 \$3,000.00
10.20.020	Damaging city or public property	\$500.00
10.20.140	Trespass on private property	\$250.00
10.20.150	Trespass on city property	\$250.00
10.20.180	Prohibition of Unlawful Possession of Catalytic Converters First violation Second violation within a 36-month period from the date of the first violation Third and subsequent violations within a 36-month period from the date of the first violation	\$2,000.00 \$4,000.00 \$6,000.00
10.24.100	Solicitation of tow service at location of certain occurrences	\$500.00
10.28.120	Youth Protection Curfew	\$50.00
10.30.200	Underage Gatherings Prohibited	\$350.00
10.32.010	Discharge of firearms	\$1,000.00
10.32.020	Restriction on weapons for persons under 18 yrs. Old	\$1,000.00
10.32.140	Prohibition of bows and crossbows	\$1,000.00
10.32.150	Weapons - Dart projectors	\$1,000.00

10.32.240	Enforcement – Compliance with Gun Harm Reduction Ordinance First violation Second violation within a one-year period from the date of a previous violation Third and subsequent violations within one year from the date of a previous violation	\$250.00 \$500.00 \$1,000.00
10.38.010	Minors prohibited from premises: owner's responsibility (Paraphernalia)	\$750.00
10.38.020	Minors excluded (Paraphernalia)	\$750.00
10.38.030	Sale and display room (Paraphernalia)	\$750.00
10.39.100	Marketing, importing, selling imitation drug paraphernalia	\$1,000.00
10.42.140(B)	False alarms Second false alarm within 12 months of initial false alarm Third false alarm within 12 months of initial false alarm Fourth false alarms within 12 months of initial false alarm Fifth and subsequent false alarms within 12 months of initial false alarm	\$250.00 \$350.00 \$500.00 \$750.00
10.46.030	Failure of driver to obey lawful order to divert/ detour: First offense Second offense Third offense	\$50.00 \$100.00 \$500.00
11.14	Compliance with Chapter – Limitation on Hours of Construction in City Streets (any violation of chapter) First offense Second Offense (within 12-month period following first offense)	\$500.00 \$1,000.00
11.32.070	Restrictions on use of county expressways	\$50.00
11.44.340	Improper use of meter – airport	\$9.00
11.61.010	Prohibition on Police Escorts for Private Processions	\$500.00
11.62.010	Permit required for private funeral escorts	\$500.00
11.62.020	Authorized traffic direction	\$250.00
11.62.090	Nontransferability of permits	\$250.00
11.62.160	Private processions must obey all traffic laws	\$250.00

11.64.020	Standing in roadway	\$50.00
11.72.100	Locking bicycle	\$6.00
11.72.130	Permits for bicycle racks	\$6.00
11.80.030	Operation of motorcycles on public property	\$55.00
11.80.040	Landowners' permission required for operating motorcycle on private property	\$50.00
11.92.120	Prohibited Conduct	
	First offense	\$100.00
	Second offense	\$200.00
	Third and subsequent offenses	\$500.00
11.96.070	Restricted streets - 5 tons	\$100.00
11.96.080	Restricted streets - 7 tons	\$100.00
13.18	Compliance with chapter-Newsrack regulations (any violation of Chapter)	\$250.00
13.20.010	Display or storage on sidewalk	\$100.00
13.20.030	Signs	\$250.00
13.20.050	Painting numbers on curbs	\$250.00
13.28.300	Planting of Street Tree -- Permit required	\$50.00
13.28.310	Pruning or removal of Street Tree – Permit required	
	Tree Pruning:	
	00.0" – 5.99" dia.	\$150.00
	6" – 11.99" dia.	\$175.00
	12" – 17.99" dia.	\$200.00
	18" – 23.99" dia.	\$225.00
	24" or greater dia.	\$250.00
	Tree Removal:	
	00.00" – 5.99" dia.	
	First Violation:	\$500.00
	Second Violation within 3 years:	\$1,000.00
	Third Violation within 3 years:	\$1,500.00
	6" – 11.99" dia.	
	First Violation:	\$750.00
	Second Violation within 3 years:	\$1,500.00
	Third Violation within 3 years:	\$2,500.00
	12" – 17.99" dia.	
	First Violation:	\$1,000.00
	Second Violation within 3 years:	\$2,000.00
	Third Violation within 3 years:	\$3,000.00
	18" – 23.99" dia.	
	First Violation:	\$1,500.00
	Second Violation within 3 years:	\$3,000.00

	Third Violation within 3 years: 24" – 29.99" dia. First Violation: Second Violation within 3 years: Third Violation within 3 years: 30" – 35.99" dia. First Violation: Second Violation within 3 years: Third Violation within 3 years: 36" – 39.99" dia. First Violation: Second Violation within 3 years: Third Violation within 3 years: 40" or greater dia. First Violation: Second Violation within 3 years: Third Violation within 3 years:	\$4,500.00 \$2,000.00 \$4,000.00 \$6,000.00 \$3,000.00 \$6,000.00 \$9,000.00 \$4,000.00 \$8,000.00 \$12,000.00 \$5,000.00 \$10,000.00 \$15,000.00
13.28.400	Property owner maintenance responsibility and duty to public	\$75.00
13.28.420(A-C)	Interfering with maintenance work or injuring trees prohibited	\$500.00
13.28.420(E)	Permit required for use of public street trees for electrical lines	\$100.00
13.28.420(F)	Tree damage due to moving objects on public streets	\$100.00
13.28.440	Sight obstructions on private property	\$75.00
13.28.650	No Interference with enforcement of Chapter 13.28	\$75.00

13.32.030 and 13.32.040	Tree removal permits required on private property 56” – 74.99” circumference (approximately 18” – 23.99” diameter) First Violation: Second Violation within 3 years: Third Violation within 3 years: 75” – 93.99” circumference (approximately 24” – 29.99” diameter) First Violation: Second Violation within 3 years: Third Violation within 3 years: 94” – 112.99” circumference (approximately 30” – 35.99” diameter) First Violation: Second Violation within 3 years: Third Violation within 3 years: 113” – 125.49” circumference (approximately 36” – 39.99” diameter) First Violation: Second Violation within 3 years: Third Violation within 3 years: 125.5” or greater circumference (approximately 40” or greater diameter) First Violation: Second Violation within 3 years: Third Violation within 3 years:	\$1,000.00
13.32.090 and 13.32.140	Destruction of heritage trees First Violation Second Violation within 3 years Third Violation within 3 years	
13.36.340	Compliance with Construction Impact Mitigation Ordinance or Plan (when required)	\$5,000.00 per day
13.44.020	Failure to comply with rules at City park	\$100.00
13.44.040	Special uses in parks - permit required	\$250.00
13.44.050	Exclusive use of parks or facilities - permit required	\$375.00
13.44.060	Unauthorized entry into restricted area in park	\$500.00
13.44.090	Prohibited articles in park	\$100.00
13.44.100	Vehicle regulations in City park	\$75.00
13.44.110(A-E)	Animals and pets in certain City parks	\$150.00
13.44.110(F)	Killing, injuring, etc. - animals in City parks	\$500.00

13.44.120	Fire regulations in City park	\$250.00
13.44.130	Smoking in restricted area of City Park First violation Second Violation in same year Third Violation in same year	\$100.00 \$200.00 \$500.00
13.44.140	Consumption of intoxicating beverage in City Park	\$100.00
13.44.150	Amplified sound without permit in City Park	\$100.00
13.44.160	Powered models where prohibited in City Park	\$150.00
13.44.170	Golfing outside of designated area in City Park	\$100.00
13.44.180	Conducting business in City Park without authorization	\$250.00
13.44.190	Water pollution of any body of water in City Park	\$1,000.00
13.44.200	Guns and dangerous instruments at park	\$1,000.00
13.44.210	Disturbing the peace and refusing to leave the park	\$150.00
13.44.220	Damage to park property	\$500.00
13.44.230	Littering in City Park	\$50.00
13.44.240	Entering or remaining after closing time of park	\$100.00
13.44.250	Supervision of children	\$100.00
13.44.260	Operation requirements of vessels	\$100.00
15.10.200	Water waste prevention First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.210	Failure to repair plumbing, sprinkler and irrigation systems First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.220	Water run-off First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00

15.10.230	Food service establishments First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.235	Hotels, motels and other lodgings First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.240	Cleaning of structure/ surfaces First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.250	Washing of vehicles First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.255	Commercial car washes First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.260	Building & construction First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.270	Hydrants First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.290	Landscape irrigation restrictions First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00

15.10.310	Landscape irrigation restrictions First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.320	Ornamental lakes and ponds First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.325	Car washing First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.330	Residential swimming pools and outdoor spas First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.340	Cleaning of structures/ surfaces First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.350	Operation of certain decorative fountains First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.355	Failure to repair leaks First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.360	Landscape installation First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00

15.10.365	Hydrant water use First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.370	Landscape irrigation	\$160.00
15.10.375	Pool, spas and fountains First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.400	Landscape documentation package	\$500.00
15.10.410	Certification	\$160.00
15.14.510	Limitations on Point of Discharge	\$500.00
15.14.515	Discharge Into Storm Drain Prohibited	\$500.00
15.14.520	Regulation of Trucked or Hauled Waste	\$500.00
15.14.530	Protection From Accidental Discharge	\$500.00
15.14.535	Pretreatment by Owner	\$500.00
15.14.540	Monitoring Facilities	\$500.00
15.14.545	Storm And Other Waters	\$500.00
15.14.550	Obstructing or Injurious Substances	\$500.00
15.14.555	Flammable or Explosive Substances	\$500.00
15.14.560	Hot Substances	\$500.00
15.14.565(A)	Grease limit 1X<limit≤ 2X 1 st Violation in 1 year period 1X<limit≤ 2X 2 nd Violation in 1 year period 1X<limit≤ 2X 3 rd + Violation in 1 year period 2X < limit ≤4X 1 st Violation in 1 year period 2X < limit ≤4X 2 nd Violation in 1 year period 2X < limit ≤4X3 rd + Violation in 1 year period 4X < limit <10X 1 st Violation in 1 year period 4X < limit <10X 2 nd Violation in 1 year period 4X < limit <10X 3 rd + Violation in 1 year period 10X ≥ limit 1 st Violation in 1 year period 10X ≥ limit 2 nd Violation in 1 year period 10X ≥ limit 3 rd + Violation in 1 year period	\$250.00 \$312.50 375.00 \$500.00 \$625.00 \$750.00 \$1,000.00 \$1,250.00 \$1,500.00 \$1,500.00 \$1,875.00 \$2,250.00
15.14.565(B)	Grease Control Device required	\$500.00
15.14.565(C)	Discharge of Yellow Grease prohibited	\$500.00
15.14.565(D)	Grease – Failure to Resample Within 30 Days	\$250.00

15.14.570	Solid or Viscous Matter	\$500.00
15.14.575	Corrosive Matter	
	5.0<pH<6.0 1 st Violation in 1 year period	\$250.00
	5.0<pH<6.0 2 nd Violation in 1 year period	\$312.50
	5.0<pH<6.0 3 rd + Violation in 1 year period	\$375.00
	2.0<pH≤5.0 1 st Violation in 1 year period	\$500.00
	2.0<pH≤5.0 2 nd Violation in 1 year period	\$625.00
	2.0<pH≤5.0 3 rd + Violation in 1 year period	\$750.00
	pH≤2.0 1 st Violation in 1 year period	\$1,000.00
	pH≤2.0 2 nd Violation in 1 year period	\$1,250.00
	pH≤2.0 3 rd + Violation in 1 year period	\$1,500.00
	pH ≥ 12.5 1 st Violation in 1 year period	\$1,000.00
	pH ≥ 12.5 2 nd Violation in 1 year period	\$1,250.00
	pH ≥ 12.5 3 rd + Violation in 1 year period	\$1,500.00
15.14.575(B)	Corrosive Matter – Failure to Resample Within 30 Days	\$250.00
15.14.580	Toxic Gases, Vapors or Fumes	\$500.00
15.14.585	Interfering Substances	
	1X<limit≤ 2X 1 st Violation in 1 year period	\$250.00
	1X<limit≤ 2X 2 nd Violation in 1 year period	\$312.50
	1X<limit≤ 2X 3 rd + Violation in 1 year period	\$375.00
	2X < limit ≤4X 1 st Violation in 1 year period	\$500.00
	2X < limit ≤4X 2 nd Violation in 1 year period	\$625.00
	2X < limit ≤4X 3 rd + Violation in 1 year period	\$750.00
	4X < limit <10X 1 st Violation in 1 year period	\$1,000.00
	4X < limit <10X 2 nd Violation in 1 year period	\$1,250.00
	4X < limit <10X 3 rd + Violation in 1 year period	\$1,500.00
	10X ≥ limit 1 st Violation in 1 year period	\$1,500.00
	10X ≥ limit 2 nd Violation in 1 year period	\$1,875.00
	10X ≥ limit 3 rd + Violation in 1 year period	\$2,250.00
15.14.585(D)	Interfering Substances – Failure to Resample Within 30 Days	\$250.00
15.14.590	Prohibition on Use of Diluting Waters	\$500.00
15.14.595	Suspended Solids; Dissolved Matter	\$500.00
15.14.610	Noxious or Malodorous Matter	\$500.00

15.14.615	Radioactive Matter	\$500.00
15.14.620	Colored Matter	\$500.00
15.14.625	Garbage	\$500.00
15.14.630	Installation of Grease Control Devices	\$500.00
15.14.635	Screened Industrial Wastes	\$500.00
15.14.640	Fixer Solution Prohibition	\$500.00
15.14.645(A)	Installation of Amalgam Separators	\$500.00
15.14.645(D)	Maintenance of Amalgam Separators	\$750.00
15.14.650	Maintenance and Operation of Grease Control Devices	\$500.00
15.14.675	Record Keeping	\$250.00
15.14.680	Federal Pretreatment Regulations	\$500.00
15.14.685(A)	Falsification of Information	\$1,000.00
15.14.695	Discharge Reports	\$500.00
15.14.695(F)	Late Reporting (6-30 days)	\$250.00
	Late Reporting (31-45 days)	\$500.00
	Late Reporting (46-60 days)	\$750.00
	Late Reporting (61 or more days)	\$1,000.00
15.14.695(G)	Failure to Use Proper Sample Methods	\$250.00
15.14.725	Mandatory Wastewater Discharge Permits	
	Standard Discharger	\$1,050.00
	Low Flow Discharger	\$560.00
	Zero Categorical Discharger	\$560.00
	Short Term Discharger	\$560.00
	Dental Discharger	\$250.00
15.14.765	Permit Conditions	\$500.00
15.14.770	Best Management Practices	A-E \$300.00
		F,G \$500.00
15.14.771	Private Land Drainage Area Registration	\$500.00
15.14.772	Private Land Drainage Area Requirements	\$500.00
	Control of Polychlorinated Biphenyls and Mercury from Old Industrial Areas	
15.14.773	Source Property and Control of Mercury, Polychlorinated Biphenyls, or Other Pollutants	\$500.00
15.16.350	Sewer lateral permit required	\$500.00
15.16.510	Sewer connection-permit required	\$500.00
15.16.730	Treatment plant connection-permit required	\$500.00
15.28.160	Cable TV franchise required	\$1,000.00
15.28.210	Cable Franchise - Information Required	\$500.00
15.28.370	Compliance With Council orders - Cable Franchisee	\$500.00
15.28.410	Restricted use of cable system	\$500.00

15.28.520	Operational Standards – cable TV	\$500.00
15.28.530	Report requirements - Cable TV	\$500.00
15.28.540	Map of installations - Cable TV	\$500.00
15.28.550	Inspection of property and records - Cable Franchisee	\$500.00
15.28.560	Installation and construction of Cable TV	\$500.00
15.28.570	Undergrounding of facilities – cable TV	\$500.00
15.28.580	Changes Required by public improvements - Cable TV	\$500.00
15.28.590	Streets – Occupancy requirements generally - Cable TV	\$500.00
15.28.600	Streets - Use restrictions – Cable TV Franchisee	\$500.00
15.28.610	Restoration of Streets - Cable TV Franchisee	\$500.00
15.28.620	Relocation of Facilities – Cable TV Franchisee	\$500.00
15.28.630	Temporary Removal of Facilities - Cable TV Franchisee	\$500.00
15.28.640	Removal of Abandoned Property - Cable TV Franchisee	\$500.00
15.28.710	Franchisee Office for Maintenance Service	\$500.00
15.28.730	Line Extension Charges	\$500.00
15.28.740	Charges for Repair or Replacement - prohibited	\$500.00
15.28.750	Limitation on denial of Cable TV service	\$1,000.00
15.28.870	Franchise Fee – when payable	\$500.00
15.28.880	Statement to Accompany Franchise Fee Payment	\$500.00
15.28.900	Accounting and Recordkeeping Requirements	\$500.00
15.28.950	Unauthorized connection with system prohibited cable TV	\$500.00
15.28.960	Receiving signals without payment prohibited-- cable TV	\$500.00
15.28.970	Tampering with cable system prohibited	\$500.00
15.36.160	Towing activities unlawful	\$500.00
15.36.370	Towing: Compliance with Council orders	\$250.00
15.36.480	Towing: Operational Standards	\$250.00
15.36.490	Towing: Report requirements	\$250.00
15.36.500	Towing: Inspection of Property and Records	\$250.00
15.36.640	Minimum Requirements for Towing Applicants and Grantees	\$250.00
15.36.650	Requirements and operation of adequate storage facility	\$250.00
15.36.700	Records of Grantees: Towing	\$250.00

15.36.710	Charges for Services: Towing	\$250.00
15.36.870	Towing: Franchise Fee – when payable	\$250.00
15.36.880	Towing: statement to accompany Franchise Fee payment	\$250.00
15.36.900	Towing: Accounting and recordkeeping requirements	\$250.00
15.38.080	Leasing permit required: solar devices	\$250.00
16	Compliance with Title –Cardroom regulations (any violation of Title)	\$1,000.00
17.02.050	Obstruction or interference with abatement work prohibited	\$250.00
17.02.470	Compliance with Restriction from Use or Occupancy Notice	\$250.00
17.10	Compliance with Chapter – Geologic Hazard (any violation of Chapter)	\$1,000.00
17.12	Fire Code Any violation, unless a specific fine amount has been established in this resolution for a particular Code section within the Chapter. First violation Second violation (within one-year period) Third violation (within one-year period)	 \$500.00 \$750.00 \$1,000.00
17.12.400 (California Fire Code §1302.3)	False Alarms Nonresidential occupancy/residential over 4 units (R-1 greater than 4 units) and/or activation by any alarm service company during servicing First false alarm Second false alarm Third false alarm within 90-day period Fourth false alarm within 90-day period Fifth and subsequent false alarm within 90-day period	 No fine No fine \$350.00 \$750.00 \$1,000.00
	Residential occupancy up to 4 units (R-3 and R-1 up to 4 units) except activation by any alarm service company during servicing First false alarm Second false alarm Third false alarm within 90-day period Fourth false alarm within 90-day period Fifth and subsequent false alarm within 90-day period	 No fine No fine \$100.00 \$150.00 \$200.00

17.12.700 (California Fire Code §8001.3.1)	Failure to obtain permit to store, dispense, use or handle hazardous materials, or to install, repair, abandon, remove, temporarily or permanently close or substantially modify a hazardous materials storage facility or other regulated area. First violation Second violation within one-year period Third violation within one-year period	 \$1,000.00 \$1,500.00 \$2,000.00
17.23.050(A)	Notice of Apartment Rent Ordinance to Tenant Households – Posting Notice on Building Note: Fine is levied per Property	\$500.00
17.23.050(B)	Notice of Apartment Rent Ordinance to Tenant Households – Written Notice Prior to Lease	\$500.00
17.23.060	Limit on Electronic Payment	\$500.00
17.23.300(A)	Initial Rent and Vacancy Decontrol – Valid Decontrol	\$5,000.00
17.23.310(A, B)	Limits on Rent Increases – Annual Rent Increase Limit	\$5,000.00
17.23.310(C)	Limits on Rent Increases – Rent Increase Frequency Limit	\$5,000.00
17.23.520(B)	Waivers – Attempt to Waive Tenant Rights	\$5,000.00
17.23.560(A)	Disclosure to Purchasers of Real Property Note: Fine is levied per Property	\$5,000.00
17.23.600(B)	Notices of Termination of Tenancy – Mandatory Notice to City	\$500.00
17.23.600(C)	Notices of Termination of Tenancy – Notice of Re-Rental to the City	\$500.00
17.23.705	Tenant Buyout	\$5,000.00
17.23.900(A)	Rent Registry – Failure to Register – Registration	\$500.00
17.23.900(B)	Rent Registry – Failure to Register – Copy of Registration to Tenant	\$500.00
17.23.900(E)	Rent Registry – Failure to Register – Collusion	\$5,000.00
17.23.900(F)	Rent Registry – Failure to Register	\$500.00
17.23.1130(B)	Copies of Forms – Failure to provide forms to tenants	\$500.00
17.23.1130(C)	New Tenants During the Withdrawal Process – Failure to provide withdrawal notice to the new tenants	\$10,000.00
17.23.1130(E)	Notices of Tenants Right to Extend Tenancy – Failure to provide notice of right to extend	\$10,000.00

17.23.1130(F)	Withdrawal of less than an entire building –	\$10,000.00
17.23.1130(H)	Non-Rent Stabilized Properties – Failure to meet requirements to withdraw	\$10,000.00
17.23.1140(A)	Notices of Intent to Withdraw – Service on Tenants	\$10,000.00
17.23.1140(B)	Notices of Intent to Withdraw – Service on City	\$10,000.00
17.23.1140(C)	Notices of Intent to Withdraw – Contents	\$10,000.00
17.23.1145	Recording of Memorandum – Failing to record with the County Clerk’s Office Note: Fine is levied per Property	\$10,000.00
17.23.1150(A)	Relocation Assistance – Failing to pay to a tenant household	\$10,000.00
17.23.1150(B)	Relocation Assistance – Depositing Relocation Benefits in Escrow Account	\$10,000.00
17.23.1150(C)	Relocation Assistance – Failing to pay entire relocation assistance entitled to tenant household	\$10,000.00
17.23.1150(E)	Relocation Assistance – Relocation Specialist Services	\$10,000.00
17.23.1151(A)	Voluntary Alternative Relocation	\$10,000.00
17.23.1151(C)	Voluntary Alternative Relocation – Failing to pay relocation benefits if alternative housing not accepted	\$10,000.00
17.23.1160(A)	One Hundred Twenty (120) Day Notice Required to Tenant Household	\$10,000.00
17.23.1160(B)	Provide Notice of Right to Extend Tenancy up to One Year	\$10,000.00
17.23.1160(C)	Effective date of withdrawal; extension of tenancy	\$10,000.00
17.23.1180(A)	Right to Return Offered to Former Tenant Households	\$5,000.00
17.23.1180(B)	Re-Control of New-Construction	\$5,000.00
17.23.1180(C)	Affordable Housing Requirement	\$5,000.00
17.23.1240(A)	Just Cause Required in Notice	\$5,000.00
17.23.1240(C)	Just Cause Protections – notice of rights	\$5,000.00
17.23.1240(D)	Termination Notice Statement	\$5,000.00
17.23.1250(B)	Just Cause Termination – Relocation Assistance	\$5,000.00
17.23.1260(D)	Notice of Termination to the Tenant and City	\$500.00
17.23.1260(E)	Summons and Complaint Sent to the Tenant and City	\$1,000.00

17.48.010	Compliance with chapter – signs, marquees and awnings	\$250.00
17.68	Hazardous materials storage Any violation, unless a specific fine amount has been established in this resolution for a particular Code section within the Chapter. First violation Second violation (within one-year period) Third violation (within one-year period)	 \$500.00 \$750.00 \$1,000.00
17.68.310	Failure to submit timely updated Hazardous Materials Management Plan First violation Second violation within one-year period Third violation within one-year period	 \$500.00 \$750.00 \$1,000.00
17.68.350	Failure to submit timely updated Hazardous Materials Management Inventory Statement First violation Second violation within one-year period Third violation within one-year period	 \$500.00 \$750.00 \$1,000.00
17.72.030	Prohibition of blighted property First violation Second violation Third violation	 \$250.00 \$500.00 \$1,000.00
17.72.300	Enforcement – compliance with chapter First violation Second violation (in same year) Third violation (in same year)	 \$250.00 \$500.00 \$1,000.00
17.72.600	Parking on Unpaved Surfaces	\$100.00
17.74.040(E)	Identification procedures – Hazardous Buildings	\$250.00
17.74.060	Engineering reports	\$500.00
17.78.260	Compliance with Chapter – Toxic gasses	\$1,000.00
17.80.040	Maintaining private property in unsafe condition	\$500.00
17.85.300(A)(B)	Annual Energy and Water Benchmarking and Reporting Buildings 20,000 to 50,000 sq. ft. No owner shall be liable for a total fine of more than \$2,500.00 per calendar year Buildings 50,000 sq. ft. and above No owner shall be liable for a total fine of more than \$5,000.00 per calendar year	 \$25.00 per day per violation \$50.00 per day per violation
17.85.400(B)	Performance Standards for Energy and Water Efficiency	

	Buildings 20,000 to 50,000 sq. ft. No owner shall be liable for a total fine of more than \$2,500.00 per calendar year Buildings 50,000 sq. ft. and above No owner shall be liable for a total fine of more than \$5,000.00 per calendar year	\$25.00 per day per violation \$50.00 per day per violation
17.85.500	Record Maintenance Buildings 20,000 to 50,000 sq. ft. No owner shall be liable for a total fine of more than \$2,500.00 per calendar year Buildings 50,000 sq. ft. and above No owner shall be liable for a total fine of more than \$5,000.00 per calendar year	\$25.00 per day per violation \$50.00 per day per violation
17.85.510	Schedule for Benchmarking Report Compliance Buildings 20,000 to 50,000 sq. ft. No owner shall be liable for a total fine of more than \$2,500.00 per calendar year Buildings 50,000 sq. ft. and above No owner shall be liable for a total fine of more than \$5,000.00 per calendar year	\$25.00 per day per violation \$50.00 per day per violation
17.85.550	Non-compliance Unlawful; Penalty for Violations Buildings 20,000 to 50,000 sq. ft. No owner shall be liable for a total fine of more than \$2,500.00 per calendar year Buildings 50,000 sq. ft. and above No owner shall be liable for a total fine of more than \$5,000.00 per calendar year	\$25.00 per day per violation \$50.00 per day per violation
20.30.430	Front setback – parking and storage prohibited	\$50.00
20.40.500	Late night use and activity without a Conditional Use Permit in Commercial Zoning District First violation Second violation within one-year period Third violation within one-year period	\$250.00 \$500.00 \$1,000.00
20.40.520	Outdoor uses within 150 feet of residentially zoned property in Commercial Zoning District First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	\$250.00 \$500.00 \$1,000.00

20.40.560	Screening adjacent to residentially zoned properties in Commercial Zoning District First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	 \$250.00 \$500.00 \$1,000.00
20.50.220	Late night use and activity in Industrial Zoning District First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	 \$250.00 \$500.00 \$1,000.00
20.75.300	Late-night use and activity in Pedestrian Oriented Zoning District First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	 \$250.00 \$500.00 \$1,000.00
20.75.320	Outdoor uses within 150 feet of residentially zoned property in Pedestrian Oriented Zoning District First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	 \$250.00 \$500.00 \$1,000.00
20.75.370	Screening adjacent to residentially zoned properties in Pedestrian Oriented Zoning District First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	 \$250.00 \$500.00 \$1,000.00

20.80.810	Outdoor vending --Administrative permit required First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	 \$250.00 \$500.00 \$1,000.00
20.80.830	Restriction on type of outdoor vending First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	 \$250.00 \$500.00 \$1,000.00
20.80.840	Outdoor vending -- Fixed-base host required First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	 \$250.00 \$500.00 \$1,000.00
20.80.860	Displays of wares – Outdoor vending facilities First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	 \$250.00 \$500.00 \$1,000.00
20.80.870	Signage standards – Outdoor vending facilities First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	 \$250.00 \$500.00 \$1,000.00
20.80.890	Conditions of issuance – Outdoor vending facilities First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	 \$250.00 \$500.00 \$1,000.00

20.80.1100	Permits required for Recycling facilities First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	\$250.00 \$500.00 \$1,000.00
20.80.1130	Criteria and standards for Recycling facilities First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	\$250.00 \$500.00 \$1,000.00
20.80.1140	Adhering to criteria – Recycling facilities First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	\$250.00 \$500.00 \$1,000.00
20.80.1150	Site clean-up required – Recycling facilities First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	\$250.00 \$500.00 \$1,000.00
20.95.110	Compliance with Design, Maintenance, Notification, and Documentation Requirements	\$100.00 per day
20.95.120(B)	Failure to retain records of inspection and maintenance activities performed on installed stormwater treatment measures First and subsequent violations (within 12 month period from date of previous violation)	\$100.00 per day
20.95.120(A,C)	Alteration, removal, or failure to maintain installed stormwater runoff treatment measures First and subsequent violations (within 12 month period from date of previous violation)	\$500.00 per day, per installed stormwater treatment measure

20.100.310(A)	Development Permit Compliance Required (Violations of a Development Permit that are of a transient and intermittent nature and that directly and specifically involve the off-sale of alcoholic beverages) First violation Second violation (within 12 month period from date of previous violation) Subsequent violations (within 12 month period from date of previous violation)	 \$1,000.00 \$2,500.00 \$2,500.00
	Permit Compliance Required (Violations involving property maintenance and performance standards) First violation Second violation within one-year period Third violation within one-year period	 \$250.00 \$500.00 \$1,000.00
20.100.450	Hours of Construction Within 500 Feet of a Residential Unit	\$2,500.00
20.100.465	Compliance with Design, Maintenance, Notification, and Documentation Requirements	\$100.00 per day
20.100.470	Compliance with NPDES Storm Water Permit, including BMP's, submittal of and compliance with Erosion Control Plan (if required)	\$500 per event per day
20.100.480	Compliance with NPDES General Construction Activities Permit (including development, implementation and maintenance of SWPPP and filing of NOI); submittal of and compliance with Erosion Control Plan (if required); implementation and maintenance of BMP's or control measures	
	Sites of 1-5 acres in size Sites greater than 5 acres in size	\$500 per event per day \$2,500 per event per day
22.01.010	Authorization required to use Convention and Cultural facilities	\$250.00
23.02.820	Compliance with title	\$250.00
23.02.900	Construction and maintenance of signs	\$250.00
23.02.1120	Portable signs at parking lots	\$250.00
23.04.240	Signs in airport zone – temporary signs	\$100.00

23.04.340	Signs in A, R and T-M districts-temporary signs	\$100.00
23.04.610	Temporary signs	\$100.00
23.04.730	Election signs on public property	\$250.00
23.04.740	Election signs not authorized by owner or person in control of property	\$150.00
23.04.750	Election signs in residential districts or on residential uses	\$100.00
23.04.760	Time limit on display of election signs	\$100.00
23.04.810	Private signs on public property	\$350.00
23.04.830	Signs allowed on public property	\$350.00
24.01.130	Compliance with Title – Building Codes	\$1,000.00
25.06.010	Violation of airport rules and regulations	\$100.00
25.06.300	Advertising without approval	\$250.00
25.06.310	Animals at airport prohibited	\$75.00
25.06.320	Entering restricted areas at airport	\$1,000.00
25.06.340	Restrictions in operating motorized equipment	\$75.00
25.06.360	Preservation of Property at the Airport	\$500.00
25.06.370	Roads and walkways at airport restricted use	\$250.00
25.06.380	Violation of sanitation requirements	\$75.00
25.08.010	Commercial activities without authorization	\$250.00
25.08.020	Operation at the Airport Without Authorization	\$250.00
25.08.350	Services/delivery on airport apron-permit required	\$250.00
25.08.500	On-Airport Car Rental Agencies	\$250.00
25.08.510	Off-Airport Car Rental Agencies- permit requirements	\$250.00
25.08.700	Ground Transport Providers – permit requirements.	\$250.00
25.08.720	Ground transportation permit requirements	\$75.00
25.08.730	Ground Transportation Providers – Restrictions and Requirements	\$75.00
25.08.740	Circling Solicitation Prohibited (Ground Transportation Providers	\$75.00
25.08.750	Operation by Taxicab Service Providers at the Airport Without Authorization	\$250.00
25.08.900	Aircraft maintenance permit	\$75.00
25.08.910	Airport maintenance insurance and other requirements	\$75.00
25.08.920	Aircraft maintenance fees and deposit	\$75.00
25.08.940	Flying club maintenance	\$75.00
25.08.1100	Telephone line agreement required	\$75.00
25.08.1110	Telephone line agreement terms	\$75.00

25.08.1310	General aviation fees and charges	\$75.00
25.08.1500	Other commercial activities permit or license required	\$250.00
25.08.1520	Parking/storage G.A. aircraft permit/license required	\$250.00
25.12.010 to 25.12.920	Aircraft operations and air traffic rules	\$75.00
25.12.590	Cleaning with inflammable or volatile liquids	\$1,000.00
25.12.600	Doping restrictions	\$1,000.00
25.12.630	Open-flame operations	\$1,000.00
25.12.640	Fire Hazard	\$1,000.00
25.12.650	Improper storage inflammable material	\$1,000.00
25.12.670	Waste oil storage and removal	\$500.00
25.12.1200	Smoking near airport fuel facilities prohibited	\$1,000.00
25.14.300	Flying club permit required	\$75.00
25.14.310	Flying club nonprofit restriction	\$75.00
25.14.320	Flying club – member classes	\$75.00
25.14.330	Flying club-compensation	\$75.00
25.14.340	Flying club - aircraft use by non-members	\$75.00
25.14.350	Flying club - aircraft lessor	\$75.00
25.14.360	Flying club – insurance	\$75.00
25.14.400	Flying club - reporting requirements	\$75.00
25.14.410	Flying club permit not assignable	\$75.00

SECTION 3. Except as otherwise specifically set forth in Section 2 above, the fine amount for a second violation of the same Municipal Code section by the same person within a thirty-six (36) month period shall be and equal one hundred twenty-five percent (125%) of the fine amount listed in this Resolution for a first violation of that Municipal Code section at the time of the second violation.

SECTION 4. Except as otherwise specifically set forth in Section 2 above, the fine amount for a third and subsequent violation of the same Municipal Code section by the same person within a thirty-six (36) month period shall be and equal one hundred fifty percent (150%) of the fine amount listed in this Resolution for a first violation of that Municipal Code section at the time of the third or, as applicable, subsequent violation.

SECTION 5. Any fine amount imposed pursuant to Chapter 1.15 of the San José Municipal Code and this Resolution shall be deemed delinquent if it is not paid in accordance with the terms and provisions of Chapter 1.15. Any person who fails to pay to the City the amount of any fine imposed pursuant to the provisions of Chapter 1.15 of the San José Municipal Code and this Resolution on or before the date that fine amount is due shall be liable for the payment of an additional delinquency penalty. The delinquency penalty is equal to ten percent (10%) of the amount of the fine due to the City, or ten percent (10%) of the amount of the fine remaining unpaid to the City if a portion of the fine amount was timely paid. Interest shall accrue on all delinquent fine amounts, exclusive of delinquency penalties, at the rate of one half of one percent per month, pro rata, of the total delinquent fine amount, from the date the fine amount becomes delinquent until the date that all delinquent fine amounts are paid to the City.

SECTION 6. The Administrative Citation Schedule of Fines set forth in this Resolution shall supersede the administrative fine amounts and other provisions set forth in Resolution No. RES2024-169, adopted on June 4, 2024, which is hereby repealed.

ADOPTED this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

FW: San Jose Cannabis Equity Program

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/17/2024 2:57 PM

To:Agendadesk <Agendadesk@sanjoseca.gov>

From: Ernie Arreola <[REDACTED]>
Sent: Monday, June 17, 2024 2:00 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: San Jose Cannabis Equity Program

[External Email]

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Allowing an additional five retail storefronts bringing the total to 10 will further negatively impact the existing businesses in San Jose. Five storefronts is plenty for the time being.

Sales have decreased in 2021, 2022, 2023 and now in 2024 per the CDTFA.

Now is not the time to be adding to a saturated San Jose.

Thank You,

[REDACTED]
Ernie Arreola

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FW: Item 2.29 Amendment to Chapter 6.88

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/17/2024 3:04 PM

To:Agendadesk <Agendadesk@sanjoseca.gov>

From: Sharmi Shah [REDACTED]
Sent: Monday, June 17, 2024 1:31 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Item 2.29 Amendment to Chapter 6.88

[External Email]

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Hello,

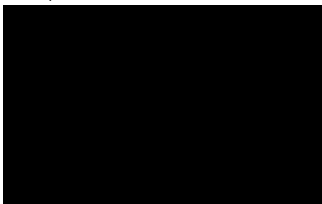
I am legal counsel for several registered cannabis businesses in San Jose. My clients object to an increase in the number of equity retail storefronts/dispensaries. The DCR did not reach out to the existing businesses before making this unilateral and detrimental recommendation. My clients' businesses are already suffering financially due to the increase in illegal cannabis and hemp product sales in San Jose. Some San Jose cannabis businesses have seen sales decrease approximately 20% in the last 2 years.

Per the CDTFA, sales in Santa Clara County have decreased over 8% between 2021 and 2022 and almost 9% between 2022 and 2023 – this was an 16.46% decrease between 2021 and 2023. For Q1 2024, sales are down an average of 9.61%. See <https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=CannabisSalesByCounty> from which the following data was extracted; see also https://www.washingtonexaminer.com/news/business/3033458/cannabis-sales-stall-by-the-millions-in-san-francisco-as-dispensary-owners-bemoan-black-market-operations/?utm_source=ground.news&utm_medium=referral.

	Year	Quarter	Per Capita	Total Taxable Sales by Quarter	Total Taxable Sales	Average	Increase/Decrease by Year	Average Increase/Decrease	
Santa Clara	2019	1	\$22.41	\$43,586,992					
Santa Clara	2019	2	\$24.60	\$47,844,550					
Santa Clara	2019	3	\$25.70	\$49,985,898					
Santa Clara	2019	4	\$24.52	\$47,690,601	\$189,108,041	\$47,277,010	50.12%	12.59%	
Santa Clara	2020	1	\$24.88	\$48,189,961					
Santa Clara	2020	2	\$24.76	\$47,960,987					
Santa Clara	2020	3	\$27.97	\$54,175,826					
Santa Clara	2020	4	\$28.45	\$55,104,459	\$205,431,233	\$51,357,808	8.63%	8.63%	
Santa Clara	2021	1	\$29.42	\$56,308,942					
Santa Clara	2021	2	\$30.15	\$57,712,062					
Santa Clara	2021	3	\$28.82	\$55,168,373					
Santa Clara	2021	4	\$28.32	\$54,217,056	\$223,406,433	\$55,851,608	8.75%	8.75%	
Santa Clara	2022	1	\$27.60	\$52,327,911					
Santa Clara	2022	2	\$27.70	\$52,526,190					
Santa Clara	2022	3	\$26.34	\$49,940,193					
Santa Clara	2022	4	\$26.49	\$50,228,496	\$205,022,790	\$51,255,698	-8.23%	-8.23%	
Santa Clara	2023	1	\$25.18	\$47,922,386					
Santa Clara	2023	2	\$25.19	\$47,935,128					
Santa Clara	2023	3	\$24.89	\$47,379,015					2021-2023
Santa Clara	2023	4	\$22.80	\$43,394,896	\$186,631,425	\$46,657,856	-8.97%	-8.97%	-16.46%
Santa Clara	2024	1	\$22.15	\$42,173,372				-9.61%	

Allowing an additional five retail storefronts will further negatively impact the existing businesses in San Jose.

Sincerely,
Sharmi Shah, Esq. (she/her)
Founder/Principal
Sharmi Shah, Attorney at Law, A PLC
Campbell Office Center



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FW: No to additional equity locations in San Jose

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/17/2024 3:02 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (357 KB)

No to additional equity stores.pdf;

From: Angela Long [REDACTED]

Sent: Monday, June 17, 2024 2:43 PM

To: City Clerk <city.clerk@sanjoseca.gov>

Cc: nate [REDACTED] Kim Hoang [REDACTED] Josh Santaga [REDACTED]

Subject: No to additional equity locations in San Jose

[External Email]

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Hello,

This letter is for the city council meeting to be held 6/18/24 with DCR. Please find attached our letter not in support of additional equity locations in San Jose/

Thank you.

Angela Long
Operations Manager
[REDACTED]

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June 17, 2024

To San Jose City Council,

I, Nathan Lessard, am one of the owners of [REDACTED] Dispensary, one of the original 16 dispensaries which is now down to 14.

I am writing in opposition to opening additional equity ran dispensaries in San Jose.

What would be the point of hurting existing dispensaries sales and those that have stuck with this process since the beginning. These will not be run by equity owners, they will be run by big businesses, fronted by equity owners. It happens in every situation where equity licenses are 49% controlled by big business and charge heavy management fees that suck up all the company's money, leaving the equity person with very little. I object to an increase in the number of retail storefronts/dispensaries. The DCR did not contact the existing businesses before making this unilateral and detrimental recommendation. My business is already suffering financially. I have had a decrease in sales of 35% in 2024. Allowing an additional five retail storefronts will further negatively impact my business.

Also, signing this in support of the statements above are Joshua Santaga (Owner), Angela Longm (Operations Manager) and Kim Hoang (Inventory Manager).

I appreciate your consideration in this matter.

Sincerely,

[REDACTED]
Nathan Lessard

6/17/24
Date

[REDACTED]
Joshua Santaga

6/17/24
Date

[REDACTED]
Angela Long

6/17/24
Date

[REDACTED]
Kim Hoang

6/17/24
Date

FW: Purple Lotus Comments on Agenda Item 2.29 for the June 18 City Council Meeting – Amendment to Title 6 of the San Jose Municipal Code for Cannabis Regulatory Program

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/17/2024 4:48 PM

To:Agendadesk <Agendadesk@sanjoseca.gov>

From: Dan Georgatos <[REDACTED]>
Sent: Monday, June 17, 2024 4:38 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Purple Lotus Comments on Agenda Item 2.29 for the June 18 City Council Meeting – Amendment to Title 6 of the San Jose Municipal Code for Cannabis Regulatory Program

[External Email]

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Honorable Mayor Mahan and Councilmembers:

Thank you for taking the time to review these comments on the proposed Amendments to Title 6 and San Jose's Cannabis Regulatory Program.

My name is Dan Georgatos and I represent Purple Lotus, who operates registered cannabis retail locations in the City of San Jose.

Purple Lotus is wholeheartedly supportive of the Social Equity program in San Jose. In fact, Purple Lotus' owners would have qualified as social equity owners at the time they launched their business in 2010—as would many of the small businesses that were initially registered in 2014. But we are concerned with Recommendation (a)(2) of the proposal: and that allowing ten (10) retail storefronts instead of the currently allotted five (5) will have a negative and detrimental impact to all involved in the City's Cannabis Regulatory Program.

Therefore, we suggest maintaining the current course and awarding five (5) Social Equity retail storefront opportunities and five (5) Social Equity delivery only opportunities in the upcoming lottery.

As you may know, legal retail sales of cannabis have been down in San Jose and the State of California since their peak in 2021. This has been true for the whole market and retailers on an individual basis. Large and small businesses alike in the legal cannabis market have been failing as of late, including two storefront retailers here in San Jose.

Meanwhile, the illicit cannabis market, smoke and vape shops, and outside delivery services, both legal and illegal, continue to saturate San Jose's cannabis market with little to no oversight from SJPDCR or the Finance Department. These operators are not registered with SJPDCR and do not pay the 10% Cannabis Business Tax even though they routinely operate in the City.

This competitive disadvantage that already exists for the registered businesses will persist for the Social Equity businesses. Doubling the number of allowed equity storefronts will further saturate the Santa Clara County market, making success for the social equity applicants less likely. The legal cannabis market is not growing and adding ten (10) new storefronts (instead of five (5)) may cause a number of the existing registered businesses to fail as their market share inevitably drops.

Furthermore, other California jurisdictions who have implemented similar programs have had issues with Social Equity applicants entering disadvantageous deals with investor partners. These deals usually conceal the true nature of ownership of the business. Awarding ten new retail storefront licenses

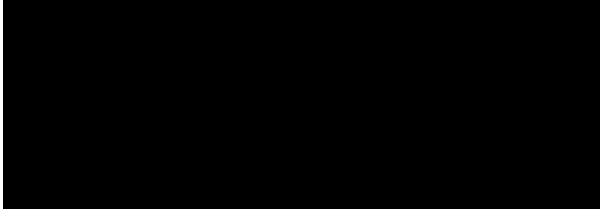
immediately will likely exacerbate the problem of lack of transparency in who really owns and profits from the social equity business.

Therefore, Purple Lotus respectfully requests removal of Recommendation (a) (2) while maintaining the current structure of the Social Equity program in awarding five (5) retail storefront opportunities and five (5) delivery only opportunities.

Thank you.

Regards,

Dan J. Georgatos, Attorney at Law



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