
**CHAPTER 21. MEDICAL MARIJUANA BUSINESS LICENSE: REGULATION OF
POSSESSION, CONSUMPTION, DISTRIBUTION, TRANSPORTATION, CULTIVATION
AND GROWING**

6-21-1000 COMPLIANCE WITH LAWS, PURPOSE AND INTENT:

(a) The possession, consumption, distribution, transportation, cultivation and growing of medical marijuana in the unincorporated areas of the County of Tulare must comply with federal law, state law and local ordinances and regulations, including County ordinances and regulations. Upon such compliance, this Chapter shall apply and shall require continued compliance. It is the purpose and intent of this chapter to promote the health, safety, morals, and general welfare of the residents and businesses within Tulare County by regulating the possession, consumption, distribution, transportation, cultivation, criteria and growing of medical marijuana.

(b) Federal law currently does not recognize a medical use of marijuana.

(c) The Board of Supervisors, in adopting this section, takes legislative notice of the existence and content of the studies concerning potential adverse effects of medical marijuana in other counties and cities. The Board of Supervisors relies upon these studies, believes them to be true, and finds that certain potential adverse effects can be associated with medical marijuana, including: increases in crimes, specifically theft of marijuana from individual patients, caregivers or places of distribution of medical marijuana, and the sale of medical marijuana for non-medical purposes; and a negative effect on the general quality of life for areas surrounding such facilities that distribute medical marijuana.

(d) In 1996, the voters of the State of California approved Proposition 215, "the Compassionate Use Act" which was intended to permit cultivation and possession of medical marijuana by a single patient, or the patient's caregiver, for the patient's personal use, and to create a limited defense to the crimes of possessing or cultivating marijuana; and

(e) In 2004, the State Legislature enacted Senate Bill 420, "the Medical Marijuana Program Act," to clarify the scope of the Compassionate Use Act and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to the crimes of possession for sale, transportation or furnishing marijuana, maintaining a location for unlawfully selling, giving away, or using controlled substances, managing a location for the storage or distribution of any controlled substance for sale, and the laws declaring the use of property for these purposes a nuisance; and

(f) The Medical Marijuana Program Act defines a "primary caregiver" as an individual who is designated by a qualified patient or by a person with an identification card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person; and

(g) The Medical Marijuana Program Act allows cities and counties to adopt and enforce rules consistent with the Medical Marijuana Program Act; and

- (h) In August 2008, the California Attorney General issued guidelines that clarify the state's laws governing medical marijuana, and provide guidelines for patients and law enforcement to ensure that medical marijuana is not diverted to illicit markets; and
- (i) This Chapter is enacted pursuant to the Compassionate Use Act (Health and Safety Code §11362.5); the Medical Marijuana Program Act (Health and Safety Code §11362.7 et seq.); the Guidelines issued by the California Attorney General pursuant to Health and Safety Code §11362.81; as amended and herein incorporated by reference; and the County's constitutional police power to protect the health, safety and welfare of the residents of the County of Tulare; and
- (j) Since the sale of medical marijuana for profit is unlawful, it is necessary to place restrictions on the exterior appearance of medical marijuana collectives or cooperatives in order to prevent the misunderstanding that collectives or cooperatives are places where marijuana may be purchased; and
- (k) Since marijuana is a controlled substance, it is necessary to place restrictions limiting the cultivation through the establishment of development criteria that will secure visibility, secure access, limit potential unauthorized removal, and to prevent intrusion of the consumption of medical marijuana by limiting smoke and other airborne odors related to marijuana from intruding on adjacent residents, businesses, properties, or public areas; and
- (l) It is the purpose and intent of this chapter to adopt and enforce rules consistent with the Compassionate Use Act, the Medical Marijuana Program Act, and the Guidelines issued by the California Attorney General, as amended, which will provide for the health, safety and welfare of the public by regulating the collective cultivation and possession of medical marijuana with the unincorporated area of the County of Tulare, consistent with state and federal law; and
- (m) Nothing in this Chapter is intended to authorize, legalize or license the establishment, operation or maintenance of any facility distributing medical marijuana, building or use which violates any other county ordinance or any statute of the State of California, including those relating to public nuisances or unlawful use of marijuana.

(Added by Ord. No. 3396, effective 12-10-09)

6-21-1010 DEFINITIONS:

For purposes of this chapter, the following definitions shall apply:

- (a) "Medical marijuana" is marijuana as defined in Health and Safety Code §11018 as amended, used for personal medical purposes of a patient upon the written or oral recommendation or approval of a physician, in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq., as amended.
- (b) "Medical marijuana collective" or "collective" means an entity, facility or location, at a fixed, immobile location, at which two (2) or more qualified patients, persons with an identification card, and the designated primary care givers of qualified patients and persons with an identification card, combined, associate within the unincorporated area

of the County of Tulare in order to jointly own and operate the business, facility or location and to collectively cultivate marijuana for medical purposes, as provided in Health & Safety Code Section 11362.775 and the Attorney General Guidelines issued pursuant to Health and Safety Code §11362.81, as amended.

(c) "Medical marijuana cooperative" or "cooperative" means an entity at a fixed, immobile location, properly organized, registered and operated as such a corporation pursuant to Corporations Code Section 12200 et seq. or Food and Agricultural Code Section 54001 et. seq., as amended, so that qualified patients, persons with an identification card, and the designated primary caregivers of qualified patients and persons with an identification card may cultivate marijuana for medical purposes pursuant to Health and Safety Code Section 11362.775 and the Attorney General Guidelines issued pursuant to Health and Safety Code §11362.81, as amended.

(d) "Cultivation of medical marijuana" means the growing of medical marijuana for medical purposes as defined in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq., as amended

(e) "Collective or cooperative cultivation" means a collective or cooperative that engages in the "cultivation of medical marijuana."

(f) "Qualified patient(s)" and "Person(s) with an Identification Card" are defined in strict accordance with California Health and Safety Code Section 11362.7, as amended.

(g) "Primary Caregiver(s)" are defined in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq., as amended. Further, a "Primary Caregiver" must comply with the 2008 decision in *People v. Mentch* (45 Cal.4th 274), unless subsequently superseded or overturned, and be able to prove, in addition to other requirements by law, that he or she (1) consistently assumed responsibility for the housing, health, or safety of that patient, (2) independent of any assistance in taking medical marijuana, and (3) at or before the time he or she assumed responsibility for assisting with medical marijuana.

(h) The following uses are allowed in the unincorporated areas of the County of Tulare as long as these uses comply strictly with Health and Safety Code Sections 11362.5 and 11362.7 et seq., as amended, and all other State and local laws pertaining to the uses, including zoning, permitting, and licensing requirements:

- (1) A clinic licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2 of the Health and Safety Code;
- (2) A health care facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code;
- (3) A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 (commencing with Section 1568.01) of Division 2 of the Health and Safety Code;
- (4) A residential care facility for the elderly licensed pursuant to Chapter 3.2 (commencing with Section 1569) of Division 2 of the Health and Safety Code;

(5) A residential hospice, or a home health agency licensed pursuant to Chapter 8 (commencing with Section 1725) of Division 2 of the Health and Safety Code.

(i) "License Requirements and Application" are requirements for a collective or cooperative and shall be subject to the fees as set by the Board of Supervisors by resolution and requirements of the Tulare County Code, and shall consist of an application, receipt of, and maintenance of a Business License in compliance with this Chapter and Chapter 1 of Part VI of the Tulare County Ordinance Code regarding "Business License and Regulation."

(j) "Development criteria" shall be the location criteria, exterior restrictions, interior improvements, and signage requirements for collectives and cooperatives.

(Added by Ord. No. 3396, effective 12-10-09)

6-21-1020 GENERAL BUSINESS LICENSE REGULATIONS:

Unless the provisions of this Chapter provide otherwise or conflict, all of the provisions of Chapter 1 of this Part are applicable to the licenses referred to in this Chapter.

(Added by Ord. No. 3396, effective 12-10-09)

6-21-1030 REQUIREMENT OF AND APPLICATION FOR COUNTY LICENSE:

(a) Medical marijuana collectives and cooperatives are required to obtain a business license to operate within the unincorporated area of the County of Tulare. The license procedure shall be as set forth in Part VI, Business Regulations and Licenses, Chapter 1, Licensing and Regulation of Business Operations, of this Code and in addition, shall be subject to the specific requirements as set forth in this Chapter and as may be established by State and Federal regulations and the Attorney General of the State of California guidelines issued pursuant to Health and Safety Code Section 11362.81, as amended.

(b) Investigations. The Licensing Agency shall conduct an investigation upon receipt of the completed application in accordance with the provisions of Sections [6-01-2010](#), [6-01-2020](#) and [6-01-2030](#) of Article 2 of Chapter 1 of this Part VI.

(c) An application for a license under this Chapter shall include information that will enable the License Collector to make a finding that the collective or cooperative meets the criteria that are included in this Chapter and complies with the law.

(d) In addition to the requirements of Part VI, Business Regulations and Licenses, Chapter 1, Licensing and Regulation of Business Operations, the applicant shall also include on the application for a medical marijuana collective or cooperative business license:

(1) a statement acknowledging that members of facilities where medical marijuana is cooperatively or collectively cultivated may be subject to prosecution under federal or state laws; and

(2) the applicant's agreement to waive, release, indemnify and defend the County from any and all legal liability related to or arising from the application for a license,

the issuance of the license, or the enforcement of the conditions of the license, and/or the operation of any facility at which medical marijuana is cooperatively or collectively cultivated.

(e) In addition to the findings ordinarily required for a County business license pursuant to Chapter 1 of this Part, the approval of a County business license for a collective or cooperative shall require the following specific findings by the License Collector:

(1) That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community or the health, safety or general welfare of the County or the people of the County.

(2) That the requested use at the proposed location will not adversely affect the use of any property used for school, playground, park, youth facility, child care facility, place of religious worship, or library. The Tulare County Resources Management Agency (RMA) shall conduct a location review to ensure that the proposed use location meets the standards of this Chapter. A fee as may be adopted by the County Board of Supervisors by resolution shall be paid before a location review is conducted. Pending the payment of required fees, the RMA shall not release its findings to the License Collector.

(3) That the requested use at the proposed location and structure meets the requirements as established in Chapter 21 of Part VI of the Ordinance Code of Tulare County. The Tulare County Resources Management Agency shall conduct a site plan review to ensure that the proposed use location meets the standards of this Chapter. A fee as may be adopted by the County Board of Supervisors by resolution shall be paid prior to when site plan review is conducted. Pending the payment of required fees, the RMA shall not release its findings to the License Collector.

(4) That the requested use at the proposed location and its proposed operation meets the requirements as established in Chapter 21 of Part VI of the Ordinance Code of Tulare County. The Tulare County Sheriff's Department shall conduct a review to ensure that the proposed use location and operation meets the standards of this Chapter. A fee as may be adopted by the County Board of Supervisors by resolution shall be paid prior to the review is conducted. Pending the payment of required fees, the Sheriff's Department shall not release its findings to the License Collector.

(5) No persons under the age of eighteen (18) are allowed on site, unless such individual is a qualified patient and accompanied by their licensed attending physician, parent or documented legal guardian.

(6) No individual, group or entity may cultivate or distribute marijuana for profit.

(7) No money or any other thing of value shall be exchanged for medical marijuana, with the sole exception that a primary caregiver who pursuant to Health and Safety Code §11362.765(c), as amended, receives compensation of actual expenses, including reasonable compensation incurred for services provided to an

eligible qualified patient or person with an identification card to enable that person to use medical marijuana pursuant to California law, or for payment for out-of-pocket expenses incurred in providing those services, or both, shall not, on the sole basis of that fact, be subject to a violation, prosecution or punishment under this Part.

(8) The primary caregiver shall provide a procedural process that identifies and establishes a plan of transport or delivery of a medical marijuana product to a qualified patient and shall receive the Sheriff's written clearance prior to transportation or delivery for the possession of the medical marijuana.

(9) The Sheriff reserves the right to require additional security and safety conditions, if necessary, upon investigation or receipt of new or revised building plans.

(Added by Ord. No. 3396, effective 12-10-09)

6-21-1040 REGULATIONS APPLICABLE TO THE POSSESSION, CONSUMPTION, DISTRIBUTION, TRANSPORTATION, CULTIVATION AND GROWING OF MEDICAL MARIJUANA:

To the extent that the County is required to allow the possession, consumption, distribution, transportation, cultivation and growing of medical marijuana under State law, the rules set forth in this Chapter shall apply.

- (a) Sheriff Investigation and Monitoring. The County of Tulare Sheriff shall have the primary responsibility for the investigation, monitoring, and enforcement of this Chapter as well as State and Federal laws.
- (b) Distribution of medical marijuana to two (2) or more qualified patients, persons with an identification card or primary caregivers, combined, is unlawful in the unincorporated areas of the County of Tulare unless the distribution is from and within a collective or cooperative pursuant to this Chapter.
- (c) There is a limit of three (3) collectives or cooperatives, combined, allowed in the unincorporated areas of the County of Tulare.
- (d) Secure enclosed structure. The cultivation, growing or distribution of medical marijuana shall at all times occur in a secure, locked, and fully enclosed structure, including a ceiling, roof or top.
- (e) Maximum of ninety-nine (99) plants. The individual, collective or cooperative cultivation of more than ninety-nine (99) marijuana plants, whether mature or immature, is a prohibited use in all zones of the County.
- (f) Maximum of twenty-four (24) plants except where collective or cooperative is allowed. The individual, collective or cooperative cultivation of more than twenty-four (24) marijuana plants, whether mature or immature, shall occur only in zones where collective or cooperative cultivation is permitted pursuant to Tulare County Ordinance Code No. 352, the Zoning Ordinance of Tulare County.
- (g) Patient cultivation. For qualified patients and persons with an identification card, the

following shall apply: each qualified patient or person with an identification card may maintain up to six (6) mature or twelve (12) immature marijuana plants, and possess no more than eight (8) ounces of dried marijuana, or as otherwise recommended by a doctor in accordance with Section 11362.77, subject to the limits specified in this section and this Chapter. Cultivation of plants shall be within the main structure, shall not be visible from the public domain, shall be secured, and plants shall not be transported in or out of the main structure. Consumption shall be limited to the main structure and shall be prohibited in any accessory structure and residue smoke or smell related to marijuana shall not invade adjacent properties or public areas.

(h) Primary caregiver cultivation. For primary caregivers of two (2) more patients, the following shall apply: each primary caregiver may maintain up to six (6) mature or twelve (12) immature marijuana plants, and possess no more than eight (8) ounces of dried marijuana, or as otherwise recommended by a doctor, for each qualified patient or person with an identification card in accordance with Section 11362.77, subject to the limits specified in this section and this Chapter. The primary caregiver must not maintain marijuana plants or possess dried marijuana in amounts that exceed the limits for each qualified patient or person with an identification card, factoring in the amounts already maintained or possessed by the qualified patients or persons with an identification card. Cultivation of plants shall be within the main structure and plants shall not be transported in or out of the main structure and said structure shall meet the requirements of Section [5-11-1000\(d\)](#).

(i) Collective or cooperative cultivation and distribution. Collectives and cooperatives shall be confined to the zones indicated in Section 15.3 of Tulare County Ordinance No. 352 and shall comply with the provisions of Tulare County Ordinance No. 352. Collectives and cooperatives shall be subject to the following requirements:

(1) Any requirements set forth in local or state laws, ordinances, resolutions or regulations.

(2) Cultivation of medical marijuana at a collective or cooperative must occur solely by the member qualified patient(s), person(s) with an identification card, or primary caregiver(s). No employees, independent contractors, or other persons may be utilized for the cultivation except pursuant to Health and Safety Code Section 11362.765, as amended. Collectives and cooperatives may not purchase from other entities, and may not sell or distribute medical marijuana to anyone other than a qualified patient, person with an identification card, or their primary caregiver, who is a member of the same collective or cooperative.

(3) No compensation or sales – Distribution only among members. No member of a collective or cooperative may compensate any other member to cultivate on its behalf except pursuant to Health and Safety Code Section 11362.765(c), as amended. All distribution of the cultivated marijuana shall be solely among members of the association and shall be without compensation except pursuant to Health and Safety Code Section 11362.765(c). Nothing in this subsection shall be deemed to prevent a primary caregiver from subsequently providing the cultivated marijuana to one of his or her qualified patients who is part of the same collective or cooperative.

(4) No on-site consumption. No on-site consumption, use or smoking of medical marijuana shall occur at collectives or cooperatives. No consumption, use or smoking of marijuana in the parking areas of a collective or cooperative, or in vehicles located at or near or under said collective or cooperative, or under any circumstances in which the consumption, use, or smoking of marijuana is prohibited by law. No cooking, sale, distribution, preparation, manufacturing or consumption of marijuana-enhanced, edible or drinkable products, including but not limited to cookies, candy, drinks, brownies or baked goods, is allowed in a collective or cooperative.

(5) Record requirements – Collectives and Cooperatives. The owner or lessee of the property or operator of the collective or cooperative upon which the cultivation and/or distribution occurs shall provide the following information to the Sheriff Department in a form and manner approved by the Sheriff Department:

- a. full name, address, and working telephone number(s) of the owner, lessee and operator of the collective or cooperative at which such person will be reached within a reasonable time, including all alias names used in the previous ten (10) years. Failure to reach the owner/lessee/operator of the collective or cooperative within two weeks of attempted contact by the County shall be a violation of this Chapter.
- b. the address where correspondence is to be mailed;
- c. a list of all qualified patients, Medical Marijuana Program identification card numbers, primary caregivers participating in the cultivation and distribution, and number of qualified patients or primary caregivers without a Medical Marijuana Program identification card to the extent allowed by law;
- d. a copy of all participant physician recommendations, identification cards, and primary caregiver evidence to the extent allowed by law;
- e. a sketch or diagram showing the property with the location of all buildings on the property, including a statement showing the total area occupied within the building for cultivation;
- f. a statement setting forth the number of plants to be cultivated and demonstrating that the cultivation does not exceed the maximums set forth under State law or this Chapter, including patient maximums and the cap of ninety-nine (99) plants;
- g. a statement identifying all persons who will be tending to the cultivation and describing the cultivation process;
- h. such other information as the Sheriff Department determines is necessary to ensure compliance with the law and this Chapter. This information shall be provided prior to the commencement of the collective or cooperative cultivation, except that for existing collective or cooperative cultivation operations, the information shall be provided within ten (10) days of the effective date of the

ordinance codified in this Chapter. The information provided shall be updated upon any change within ten (10) days. The Sheriff Department shall keep patient personal information and documentation confidential to the extent required by law.

(6) Primary Care Giver – Record requirements. Primary Care Givers at collectives or cooperatives shall obtain and maintain current documentation showing designation by each qualified patient or person with an identification card, and signatures of all parties, in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq., as amended. The Primary Care Givers shall provide the following information to the Sheriff Department in a form and manner approved by the Sheriff Department, to the extent allowed by law:

- a. full name, address, and telephone number(s) of the Primary Care Giver including all alias names used in the previous ten (10) years;
- b. the address where correspondence is to be mailed;
- c. a list of Medical Marijuana Program identification card numbers, documentation that designates the individual as a primary caregiver and a list of qualified patients to the extent allowed by law;
- d. a copy of all participant physician recommendations and identification cards for each qualified patient to the extent allowed by law;
- e. a statement setting forth the number of plants to be cultivated and demonstrating that the cultivation does not exceed the maximums set forth under State law or this Chapter;
- f. such other information as the Sheriff Department or license collector determines is necessary to ensure compliance with the law, this Code, and County of Tulare Ordinances or other regulations. This information shall be provided prior to the commencement of the cultivation or cultivation operations; the information shall be provided within ten (10) days of the effective date of the ordinance codified in this Chapter. The information provided shall be updated upon any change within ten (10) days and shall be provided to the Sheriff. The County and Sheriff's Department shall keep patient information confidential to the extent required by law.

(7) Inspections. The cultivation operation shall be open for inspection by any law enforcement officer or county code enforcement officer between the hours of 8:00 a.m. and 9:00 p.m. seven (7) days a week, or at any time upon responding to a call for service related to the property where the cultivation is occurring.

(Added by Ord. No. 3396, effective 12-10-09)

6-21-1050 REGULATIONS APPLICABLE TO PRIMARY CAREGIVERS SERVING MORE THAN ONE QUALIFIED PATIENT:

Primary caregivers who provide medical marijuana to two or more qualified patients or persons with an identification card must reside in the same city or county as the two or

more qualified patients as provided in Health & Safety Code section 11362.7(d)(2), as amended, and all such persons must be a part of the same collective or cooperative as defined in this Chapter. In situations other than this, a primary caregiver shall not provide medical marijuana to more than one qualified patient.

(Added by Ord. No. 3396, effective 12-10-09)

6-21-1060 LICENSE DURATION:

A medical marijuana business license shall be valid for a period of one year from the date of license approval.

(Added by Ord. No. 3396, effective 12-10-09)

6-21-1070 LICENSE REQUIREMENTS: EFFECT OF NONCOMPLIANCE:

In addition to any other penalties and remedies provided by law, including the provisions of this Chapter, the requirements described in this Chapter shall be deemed conditions of license approval, and failure to comply with any such requirements during the term of the license shall be grounds for revocation of any medical marijuana business license issued pursuant to this Chapter.

(Added by Ord. No. 3396, effective 12-10-09)

6-21-1080 LICENSE OR PERMIT REVOCATION:

The license collector may revoke or suspend a medical marijuana business license on the grounds stated in and through procedures set forth in Chapter 1, or when:

- (a) Any of the applicable requirements for a license set forth in this Part for a license ceases to be satisfied; or
- (b) The application for license is discovered to contain materially incorrect, false or misleading information.

(Added by Ord. No. 3396, effective 12-10-09)

6-21-1090 LICENSE RENEWAL:

A medical marijuana business license shall be renewed on a year-to-year basis; provided, that the licensee continues to meet all applicable requirements. A request for license renewal must be accompanied by medical marijuana business license application, completed in full detail with current information. The application and appropriate fee must be received by the license collector at least sixty (60) calendar days prior to the expiration of the existing license. A request for license renewal shall be processed in the same manner as the original application.

(Added by Ord. No. 3396, effective 12-10-09)

6-21-2000 EXISTING PLACES WHERE MEDICAL MARIJUANA IS DISTRIBUTED TO TWO OR MORE PERSONS:

Any medical marijuana business lawfully operating on the effective date of this Chapter and serving two or more qualified patients, persons with an identification card or primary caregivers, combined, shall become a nonconforming use by reason of the adoption of

this Chapter and shall cease operation or otherwise be brought into full compliance with the provisions of this Chapter.

(Added by Ord. No. 3396, effective 12-10-09)

6-21-2010 LICENSE: NONTRANSFERABLE:

No medical marijuana business license shall be sold, transferred, or assigned by any licensee, or by operation of law, to any other person, group, partnership, corporation or entity, and any such sale, transfer or assignment, or attempted sale, transfer, or assignment shall be deemed to constitute a voluntary surrender of such license, and such license shall thereafter be null and void. A medical marijuana business license held by an individual in a corporation, partnership, limited liability company or limited liability partnership is subject to the same rules of transferability described above, and a transfer of a controlling interest in such entities shall be considered a transfer of the medical marijuana license. Any change in the nature or composition of the medical marijuana business use shall also render the license null and void. A medical marijuana business license shall be valid only for the exact location specified in the license.

(Added by Ord. No. 3396, effective 12-10-09)

6-21-2020 PUBLIC NUISANCE:

Any medical marijuana business in violation of this Chapter, operated without a license as required by this Chapter, or determined to be in violation of the conditions of such license after appeal as provided in this Chapter, is hereby declared to be a public nuisance, and is subject to abatement as provided in Article 11 of Chapter 1 of Part IV of this Code.

(Added by Ord. No. 3396, effective 12-10-09)

6-21-2030 PENALTIES AND ENFORCEMENT:

The Sheriff or the Sheriff's designee shall have the duty and responsibility to investigate and enforce any violations of this Chapter, and to report and enforce against any violations of the conditions of approval attached to licenses required by and obtained pursuant to this Chapter. The Sheriff shall provide a report of all violations of these provisions to the License Collector, for possible revocation of the license obtained pursuant to this Chapter and Chapter 1 of Part VI of the Tulare County Ordinance Code.

Violations of this Chapter shall be considered misdemeanors and are punishable in accordance with Section 125 of the Tulare County Ordinance Code. Each and every day, or portion thereof, a violation exists is a separate offense. The County may also pursue all applicable civil and administrative remedies, including but not limited to injunctive relief and administrative citations and any other remedy provided by law.

In addition to the remedies provided in this Chapter, if the collective or cooperative cultivation or distribution occurs in violation of this Chapter or any other local or State law or regulation, the owner or lessee shall be prohibited from further collective or cooperative cultivation or distribution at any location within the unincorporated areas of the County for a period of one year after notice by the County of the violation unless the violation is successfully appealed. Subsequent violations shall result in a three (3) year

prohibition.

(Added by Ord. No. 3396, effective 12-10-09)

6-21-2040 DENIAL OF APPLICATION: PROCEDURES:

If the license collector denies an application for a medical marijuana business license, the applicant may request reconsideration and may appeal as provided in Chapter 1 of this Part.

(Added by Ord. No. 3396, effective 12-10-09)

6-21-2050 SEPARATE AND DISTINCT PROVISIONS:

If any section, subdivision, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision, and that holding shall not affect the validity of the remaining portion of this Chapter thereof.

(Added by Ord. No. 3396, effective 12-10-09)

6-21-2060 JUDICIAL REVIEW:

Judicial review of a decision made under this Chapter may be had by filing a petition for a writ of mandate with the superior court in accordance with the provisions of the California Code of Civil Procedure Section 1094.5. Any such petition shall be filed within ninety (90) days after the day the decision becomes final as provided in California Code of Civil Procedure Section 1994.6, which shall be applicable for such actions.

(Added by Ord. No. 3396, effective 12-10-09)

This page of the Tulare County Code is current through Ordinance 3402, passed March 2, 2010.

Disclaimer: The Clerk of the Board's Office has the official version of the Tulare County Code. Users should contact the Clerk of the Board's Office for ordinances passed subsequent to the ordinance cited above.

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