

**ORDINANCE NO. 1442**

**AN ORDINANCE OF THE CITY OF BALDWIN PARK, CALIFORNIA,  
AMENDING CHAPTER 127 OF TITLE XI OF THE CITY'S MUNICIPAL CODE**

**WHEREAS**, Title XI Chapter 127 of the City of Baldwin Park Municipal Code establishes rules regarding medical and adult use commercial cannabis; and

**WHEREAS**, Government Code Section 5022.7 permits the amendment of municipal codes as often as deemed necessary by the legislative body, and

**WHEREAS**, The City determined that the proposed action (the "Project") is exempt from California Environment Quality Act (CEQA), and

**WHEREAS**, State CEQA Guidelines Section 15061 (b)(3), the General Rule that CEQA only applies to projects that may have an affect on the environment; and

**WHEREAS**, on September 25, 2019, after conducting a properly noticed public hearing, the Planning Commission adopted Resolution No. PC 19-18, recommending that the City Council amend Chapter 127 of the BPMC as it pertains to medical and adult use commercial cannabis.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BALDWIN PAK DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.** Title XI Chapter 127 shall be deleted in its entirety and replaced wit the following:

**CHAPTER 127. Medical and Adult Use Commercial Cannabis**

**127.01: Purpose**

**A.** The purpose of this article is to regulate all commercial cannabis activity in the City of Baldwin Park, as defined in Section 26000 of the California Business and Professions Code, to the extent authorized by state law and in a manner designed to minimize negative impact on the City, and to promote the health, safety, morals, and general welfare of residents and businesses within the city.

**B.** This article is further adopted and established pursuant to the specific authority granted to the City of Baldwin Park in Section 7 of Article XI of the California Constitution and Section 26000 of the California Business and Professions Code. These regulations shall govern all commercial cannabis activity that occurs within the jurisdiction of the City.

**127.02: Definitions**

Unless otherwise defined herein, the terms in this article shall have the same meaning as set forth

in the MAUCRSA (“Medicinal and Adult-Use Cannabis Regulation and Safety Act”) and any rules promulgated under it. In addition, the following terms shall be defined as follows:

**A.** "Adult-Use Cannabis" means the use of cannabis for recreational purposes as distinguished from cannabis for medicinal purposes.

**B.** "Adult-Use Cannabis Licensee" has the same meaning as that term “A-licensee” as defined by Section 26001(f) of the California Business and Professions Code.

**C.** "Applicant" has the same meaning as that terms is defined by Section 26001(c) of the California Business and Professions Code.

**D.** "Cannabis" has the same meaning as that terms is defined by Section 26001(f) of the California Business and Professions Code.

**E.** "City" means the City of Baldwin Park, California.

**F.** “Chief Executive Officer” shall mean the Chief Executive Officer of the City or a duly authorized designee.

**G.** “Code” means the Baldwin Park Municipal Code.

**H.** "Commercial cannabis activity" has the same meaning as that term is defined by Section 26001(k) of the California Business and Professions Code, including the exclusion in Section 19319 of the California Business and Professions Code.

**I.** "Cultivation site" has the same meaning as that term is defined by Section 26001(m) of the California Business and Professions Code.

**J.** “Day-care” means any child day care facility other than a family day care home and includes infant centers, preschools, extended day care facilities, and school-age child care centers.

**K.** “Distribution” has the same meaning as that term is defined by Section 26001(r) of the California Business and Professions Code.

**L.** “Dwelling Unit” means any building or portion thereof designed for living and sleeping purposes that contains independent cooking and sanitation facilities.

**M.** "Enclosed locked structure," means a structure that (1) does not allow for the visibility of the interior from the outside; (2) is secured with a non-residential lock; (3) is completely surrounded on all sides by a wall (i.e., fully enclosed); and (4) is roofed. Enclosed locked structures may include greenhouses, provided that only the roof of the greenhouse is made of transparent glass. All enclosed locked structures shall comply with the city and state building code, city and state fire code, and all other applicable laws.

N. "Good cause" for purposes of denying an initial license under this chapter, for revoking a permit, or for denying a permit renewal or reinstatement, means at least one of the following:

a. The applicant has not obtained approval by the city council of a development agreement setting forth the general terms for the operation of a business under this chapter or a licensee breaches the terms of an applicable development agreement.

b. The applicant or licensee has violated any of the terms, conditions or provisions of this chapter, state law, any regulations promulgated under state law, any applicable local rules and regulations, or any special terms or conditions placed upon its state license, local license, or permit;

c. The licensed premises has been or is operating in a manner that adversely affects the public health, safety, or welfare of the immediate neighborhood in which the establishment is located;

d. The applicant or licensee has knowingly made false statements, misrepresentations or material omissions on an application form, renewal form, or any other document submitted to the city;

e. The applicant or licensee's criminal history does not indicate that the applicant or licensee is of good moral character; or the applicant or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that, if the local licensing authority has issued a local license to the applicant or licensee, the City shall not consider any criminal history of the applicant or licensee that was disclosed to or discovered by the local licensing authority prior to the issuance of the local license and is confirmed by the applicant. For any criminal history that was not disclosed to or discovered by the local licensing authority prior to the issuance of the local license or that arose after the issuance of the local license, the City shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant or licensee, and shall evaluate the suitability of the applicant or licensee to be issued a permit based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the City shall consider the factors as set forth in Section 26057(b)(4) of the California Business and Professions Code;

f. The applicant or licensee is employing or allowing to volunteer any person whose criminal history indicates that person is not of good moral character;

g. The applicant or licensee fails to allow inspection of the security recordings, activity logs, or business records of the licensed premises by city officials; or

h. An applicant or licensee is a licensed physician providing written

recommendations to patients for cannabis.

**N.** "Good moral character" means having a personal history that demonstrates the propensity to serve the public in the licensed area in a manner that reflects openness, honesty, fairness, and respect for the rights of others and for the law. In determining good moral character, the following standards shall apply:

1. A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself, as proof of an individual's lack of good moral character. Such judgment may be used as evidence in the determination, and when so used the individual shall be notified and shall be permitted to rebut the evidence by showing that at the current time he or she has the ability to, and is likely to serve the public in a fair, honest and open manner, that he or she is rehabilitated, or that the substance of the former offense is not substantially related to the occupation or profession for which he or she seeks to be licensed.

2. Notwithstanding Chapter 2 of Division 1.5 of the California Business and Professions Code, a prior conviction where the sentence, including any term of probation, incarceration, or supervised release is completed for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance, is not considered substantially related, and shall not be the sole ground for denial of a local license, except that any of the following convictions shall be deemed substantially related and may be the sole grounds for denying a local license or permit:

a. A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance; or

b. A felony conviction for selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor; or

c. A felony conviction for drug trafficking with enhancements pursuant to Section 11370.4 or 11379.8 of the California Health and Safety Code.

d. Conviction for any controlled substance felony subsequent to issuance of a permit shall be grounds for revocation of a permit or denial of the renewal of a permit.

**O.** "Immature marijuana plant" means a marijuana plant, whether male or female, that has not yet flowered and that does not yet have buds that are readily observed by unaided visual examination. This is distinguished from a "mature" plant, which has flowered and has buds.

**P.** "Licensed premises" means the designated area on a single or immediately adjoining parcel(s) as identified by valid street address and Assessor Parcel Number, specified in an application for a permit under this chapter, which is owned or in possession of the applicant or

licensee and within which the applicant or licensee is applying for authorization to cultivate, manufacture, distribute, test, or is applying for multiple permitted uses, in accordance with the provisions of this chapter, the MAUCRSA, any development agreement approved by city council, and any rules adopted pursuant thereto.

**Q.** "Licensee" means a person who has been issued a commercial cannabis business permit under this chapter for a Licensed Premises.

**R.** "Limited access area" means a building, room, or other area that is part of the licensed premises, whose access is limited to certain authorized persons.

**S.** "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

**T.** "Manufacturer" means a licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

**U.** "Medicinal cannabis" has the same meaning as that term is defined by Section 26001(ai) of the California Business and Professions Code.

**V.** "Medical cannabis business" means any person engaged in commercial cannabis activity.

**W.** "Medicinal and Adult-Use Cannabis Regulation and Safety Act" or "MAUCRSA" means Division 10 of the California Business and Professions Code

**X.** "Outdoors" means any location within the city that is not within an enclosed structure.

**Y.** "Owner" means any of the following, pursuant to Section 26001(al) of the California Business and Professions Code:

1. A person or persons with an aggregate ownership interest of one (1) percent or more in the Entity applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
2. The Chief Executive Officer of a nonprofit or other entity.
3. A member of the board of directors of a nonprofit.
4. An individual who will be participating in the direction, control, or management of the person applying for a license.

**Z.** "Person" has the same meaning as that term is defined by Section 26001(an) of the California Business and Professions Code.

**AA.** "Permit" means a "cannabis permit" that authorizes an entity to conduct commercial cannabis activity under this chapter.

**BB.** "Physician," as used in this chapter, shall mean an individual who possesses a license in good standing to practice medicine or osteopathy from the state of California.

**CC.** "State law(s)" means and include California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996); California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act); the California Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued in August, 2008, as such guidelines may be revised from time to time by action of the Attorney General; MAUCRSA, and all other applicable laws of the state of California.

**DD.** "State license" has the same meaning as that term is defined by Section 26001(y) of the California Business and Professions Code.

**EE.** "State licensing authority" shall mean the Bureau of Cannabis Control within the State Department of Consumer Affairs, the State Department of Public Health, State Department of Food and Agriculture, or any other state agency responsible for the issuance, renewal, or reinstatement of a State license issued pursuant to Division 10 of the California Business and Professions Code or any state agency authorized to take disciplinary action against such local license.

**FF.** "Written documentation" shall have the meaning set forth in Section 11362.7(i) of the California Health and Safety Code.

**GG.** "Youth center" means any public or private facility that is primarily used to host social activities for minors, including, but not limited to, social service teenage club facilities, video arcades, or similar amusement park facilities.

### **127.03: Relationship to Other Laws**

Except as otherwise specifically provided herein, this chapter incorporates the requirements and procedures set forth in Division 10 (commencing with Section 26000) of the California Business and Professions Code. In the event of a conflict between the provisions of this chapter and state statutes or regulations, State law controls.

### **127.04: Outdoor Cultivation**

It is hereby declared to be unlawful, a public nuisance, and a violation of this chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the City to use or allow such premises to be used for the outdoor cultivation of cannabis plants.

### **127.05: Permitted Use**

**A.** Cannabis businesses shall only be permitted to operate in the city following issuance of a Permit approved by the City Council or staff designee and a business license issued by the City in accordance with the criteria and procedures set forth in Chapter 127 of this code and in compliance with the Baldwin Park Municipal Code. No land-use entitlement, permit (including building permit) approval, site plan, certificate of occupancy, zoning clearance, or other land-use authorization for a medical cannabis business shall be granted or permitted unless it complies with the provisions of this chapter and the applicable building standards and the Baldwin Park Municipal Code. If there is a conflict between the requirements of another chapter and this chapter, the requirements of this Chapter 127 prevail.

**B.** All persons who are engaged in or who are attempting to engage in commercial cannabis activity in any form shall do so only in strict compliance with the terms, conditions, and restrictions of the MAUCRSA, the provisions of this Chapter 127, and all other applicable state and local laws.

**C.** The Chief Executive Officer is authorized to make policies and procedures consistent with the intent and spirit of this chapter concerning the applications, the application process, the information required of applicants, the application procedures and the administration and procedures to be used and followed in the application and process.

### **127.06: Development Agreement Required**

Prior to operating in the City and as a condition of issuance of a Permit, the applicant shall enter into a development agreement with the City setting forth the terms and conditions under which the facility will operate that is in addition to the requirements of this chapter, including, but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed upon, approval of architectural plans (including site plan, floor plan, and elevation, to conform with manufacturing uses under the Baldwin Park Municipal Code), and such other terms and conditions that will protect and promote the public health, safety, and welfare of all persons in the City.

### **127.07: Permitted Zones-Distance and Other Conditions for Approval**

No more than 25 (twenty-five) Permits, each with a maximum of 22,000 square feet of permitted commercial cannabis use may be allowed, maintained, or operated in the City at any time. If there is a conflict between the requirements of this chapter and any other chapter, the requirements of this chapter shall prevail.

#### **A. Manufacturing Site.**

1. No manufacturing shall be located within 600 feet of a school, day-care center, or youth center or within 50 feet of a dwelling unit within a residential zone, pursuant to section E of this Code; except when exclusively manufacturing food

and/or edible cannabis products and no other products, and no extraction of cannabis or cannabis products is taking place on the premises, the distance will be as specified in section 2 below.

2. Manufacturing of edible cannabis products and no other products, and where no on-site extraction occurs, shall not be located within 600 feet of a school, day-care center, or youth center and shall not be located within 25 feet of a dwelling unit within a residential zone, pursuant to Section E of this Code.

3. Subject to the distance and other requirements of this chapter and the Code, a licensed premises may only be a property within the Industrial (I) or the Industrial-Commercial (I-C) zones, and following the application for and granting of a development agreement by the city council and a business permit in accordance with this chapter. The proposed use shall comply with the minimum requirements set forth in this chapter for distance separations between specific land uses.

4. All manufacturing of cannabis shall occur in an enclosed structure.

5. Licensed sites shall not exceed the 22,000 square feet maximum authorized pursuant to the controlling development agreement.

6. From a public right-of-way, there should be no exterior evidence of the manufacturing of cannabis or manufactured cannabis products except for any signage authorized by this Code.

7. All licensed sites shall comply with the city's lighting standards including, without limitation, fixture type, wattage, illumination levels, shielding, and secure the necessary approvals and permits as needed.

8. All windows on the licensed premises of the manufacturing site shall be appropriately secured and all cannabis securely stored.

9. A licensed site, all operations conducted therein, and all equipment used must be in compliance with all applicable state and local laws, including all building, electrical, and fire codes.

10. If hazardous materials, flammable gas, flammable liquefied gas, flammable and combustible liquids, or other flammable material, as those terms are defined in CFC Section 202, are to be used in the processing of medical cannabis or adult use, then the provisions of CFC Section 407 shall be applicable where hazardous materials subject to permits under CFC Section 50 (Hazardous Materials) are located on the licensed premises.

11. Storage, use, and handling of compressed gases in compressed gas containers, cylinders, tanks and systems shall comply with CFC Chapter 53. Partially full compressed gas containers, cylinders or tanks containing residual gases



shall be considered as full for the purposes of the controls required. Compressed gases classified as hazardous materials shall also comply with CFC Chapter 50 for general requirements and CFC Chapter 53 addressing specific hazards, including CFC Chapter 58 (Flammable Gases), CFC Chapter 60 (Highly Toxic and Toxic Materials), CFC Chapter 63 (Oxidizers, Oxidizing Gases and Oxidizing Cryogenic Fluids) and CFC Chapter 64 (Pyrophoric Materials). A manufacturer shall prevent, control and mitigate of dangerous conditions related to storage, use, dispensing, mixing and handling of flammable and combustible liquids shall be in accordance with CFC Chapters 50 and 57.

12. Licensed sites are permitted under this chapter under a Group F-1 (Factory Industrial Moderate-Hazard) Occupancy under the Fire Code. All new construction shall be fire sprinkled per the Fire Code. For manufacturing sites that will be sited in an existing structure, an automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

- a. A Group F-1 fire area exceeds 12,000 square feet.
- b. A Group F-1 fire area is located more than three stories above grade plane.
- c. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 22,000 square feet.

13. Suitability of the proposed. All licensed facilities shall have air scrubbers or a filtration system capable of eliminating odors from escaping the building.

14. The manufacture, distribution, and transportation of edible cannabis products shall be conducted in a manner that complies with all applicable food safety laws for the protection of humans consuming cannabis.

15. All products, storage facilities, utensils, equipment, and materials used for the manufacture of edible cannabis products shall be approved, used, managed, and handled in accordance to the provisions of all State and County Health and Safety Laws regarding the preparation, distribution, labeling, and sale of food.

16. Any manufacturing site that proposes to prepare, store, dispense, and distribute edible cannabis products shall comply with the relevant provisions of all State and County Health and Safety Laws regarding the preparation, distribution, labeling, and sale of food.

17. No food production shall be allowed in a facility where edible cannabis products are manufactured to avoid the unintentional contamination of non-cannabis foods with cannabis.

18. All owners, employees, volunteers, or other individuals that participate in the production of edible cannabis products shall be State certified food handlers. The valid certificate number of each such owner, employee, volunteer, or other individual shall be on record at the permitted premises where said individual participates in the production of edible cannabis products.

**B. Cultivation Sites.**

1. No cultivation site shall be located within 600 feet of a school, day-care center, or youth center, or within 50 feet of a dwelling unit within a residential zone, pursuant to section E of this Code.

2. Subject to the distance and other requirements of this chapter and the Code, a licensed premises may only be a property within the Industrial (I) or Industrial-Commercial (I-C) zones, and following the application for and granting of a development agreement by the city council and a business permit in accordance with this chapter. The proposed use will comply with the minimum requirements set forth in this chapter for distance separations between specific land uses.

3. All cultivation of cannabis shall occur in an enclosed locked structure.

4. Licensed sites shall not exceed the 22,000 square feet maximum authorized pursuant to the controlling development agreement.

5. From a public right-of-way, there should be no exterior evidence of the cultivation of medical and adult use cannabis except for any signage authorized by this chapter.

6. All cultivation sites shall comply with the city's lighting standards including, without limitation, fixture type, wattage, illumination levels, shielding, and secure the necessary approvals and permits as needed.

7. All windows on the licensed premises of a cultivation site shall be appropriately secured and all cannabis securely stored.

8. Areas where cannabis is cultivated are wet locations, and the electrical system in such areas must comply with Title 8 of this code, Article 300.6(D) of the National Electric Code, city and California building codes, fire codes, electrical codes and all other applicable laws.

9. Cultivation sites are under a Group F-1 (Factory Industrial Moderate-Hazard) Occupancy under the Fire Code. All new construction is required to be fire sprinkled under the Fire Code. For cultivation sites that will be sited in an existing structure, an automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

- a. A Group F-1 fire area exceeds 12,000 square feet.
- b. A Group F-1 fire area is located more than 3 stories above grade plane.
- c. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 22,000 square feet.

10. In addition to a Manufacturing or Cultivation permit, a cannabis business applicant may apply for another use as permitted by MAUCRSA, a development agreement approved by city council, this chapter, and any rules adopted pursuant thereto.

11. Suitability of the proposed property. All licensed facilities shall have air scrubbers or a filtration system capable of eliminating odors from escaping the building.

**C. Distribution of Cannabis.** A cannabis distribution Licensee shall carry or move cannabis within the city in accordance with MAUCRSA and State regulations.

1. No distribution site shall be located within 600 feet of a school, day-care center, or youth center or within 50 feet of a dwelling unit within a residential zone, pursuant to section E of this Code.

2. Subject to the distance and other requirements of this chapter and the Code, a licensed premises may only be a property within the Industrial (I) or the Industrial-Commercial (I-C) zones, and following the application for and granting of a development agreement by the city council and a business permit in accordance with this chapter. The proposed use shall comply with the minimum requirements set forth in this chapter for distance separations between specific land uses.

3. All distribution of cannabis activities, including but not limited to packaging, repackaging, loading and unloading of products shall occur in an enclosed structure.

4. Licensed sites shall not exceed the 22,000 square feet maximum authorized pursuant to the controlling development agreement.

5. From a public right-of-way, there should be no exterior evidence of commercial cannabis activity except for any signage authorized by this Code.

6. All licensed sites shall comply with the city's lighting standards including, without limitation, fixture type, wattage, illumination levels, shielding, and secure the necessary approvals and permits as needed.

7. All windows on the licensed premises of the distributing site shall be appropriately secured and all cannabis securely stored.

8. A licensed site, all operations conducted therein, and all equipment used must be in compliance with all applicable state and local laws, including all building, electrical, and fire codes.

9. Licensed sites are permitted under this chapter under a Group F-1 (Factory Industrial Moderate-Hazard) Occupancy under the Fire Code. All new construction shall be fire sprinkled per the Fire Code. For distributing sites that will be sited in an existing structure, an automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

- a. A Group F-1 fire area exceeds 12,000 square feet.
- b. A Group F-1 fire area is located more than three stories above grade plane.
- c. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 22,000 square feet.

10. Suitability of the proposed property. Staff reserves the right to require a licensed distribution facility to install air scrubbers or a filtration system capable of eliminating odors from escaping the building if the facility is found to emit cannabis odors.

**D. Nonconforming Use.** Any cannabis business or cannabis dispensary established or operating in the city in violation of this Chapter or the ban established by Part 10, of Chapter 153 Section 153.120.320 of the Baldwin Park Zoning Code, shall not be considered a lawful or permitted nonconforming use, and no cannabis business operating unlawfully is eligible for a cannabis business permit. Further, any such unlawfully established cannabis business shall constitute a public nuisance subject to abatement by the city, pursuant to Chapter 95, Section 95.09.

**E. Distances.** All distances specified in this section shall be measured in the following manner:

1. For schools, day-care centers, parks, or youth centers, the distance shall be measured in a straight line from the subject property line to the closest property line of the lot on which the cannabis business is to be located without regard to intervening structures.

2. For determining distance to residential zones, the distance shall be measured in a straight line from the subject building to the closest dwelling unit on the lot on which the cannabis business is to be located without regard to intervening structures.

**F. Factors Considered for Permit Approval.** Approval of a permit shall take into account the safety of the public, including, but not limited to, the following factors:

1. Suitability of the proposed property;
2. Suitability of the security plan;
3. Suitability of business plan and financial record keeping;
4. Criminal history;
5. Regulatory compliance history;
6. Good legal standing;
7. Community engagement;
8. Environmental impact; and
9. Labor relations.

**127.08: No Transfer or Change in Ownership or Location.**

An owner of a cannabis business who obtains a permit under this chapter may not sell, transfer, pledge, assign, grant an option, or otherwise dispose of his or her ownership interest in the medical and adult cannabis business covered by any permit issued under this chapter without a written request deemed appropriate by Chief Executive Office of the City or his/her designees and a City Council approved, full executed, and effective development agreement.

The licensed premises shall only be the geographical area that is specifically and accurately described in executed documents verifying lawful possession. No Licensee is authorized to relocate to other areas or units within a building structure without first filing a change of location application, paying any applicable processing fees and obtaining approval from the city council, regardless of any possessory interest or right to possession to such additional space.

**127.09: Altering or Modifying Location**

**A.** Persons permitted pursuant to the provisions of this chapter or those making application for such permits, must demonstrate proof of lawful possession of the licensed premises Evidence of lawful possession consists of properly executed deeds of trust, leases, or other written documents.

**B. Modifying Location.** No Licensee shall add additional units or areas, thereby altering the initially approved premises, without filing an application to modify the location on forms prepared by the Chief Executive Officer, paying any applicable processing fees, and obtaining approval from the city council.

**C. Subletting Not Authorized.** No Licensee is authorized to sublet any portion of any Licensed Premises for any purpose, unless all necessary forms and application to modify the existing location to accomplish any subletting have been approved by the city council.

**D. Application Required to Alter or Modify Licensed Premises.** After issuance of a permit, the licensee shall not make any physical change, alteration, or modification of the Licensed Premises that materially or substantially alters the premises, production estimates, or the usage of the premises from the plans originally approved with

the development agreement, without the prior written approval of the city council or its designee. The licensee whose premises are to be materially or substantially changed is responsible for filing an application for approval on current forms provided by the City.

**E. What Constitutes a Material Change.** Material or substantial changes, alterations, or modifications requiring approval include, but are not limited to, the following:

1. Any increase or decrease in the total physical size or capacity of any licensed premises or Permit approved square footage;
2. The sealing off, creation of, or relocation of a common entryway, doorway, passage, or other such means of public ingress and/or egress, when such common entryway, doorway, or passage alters or changes limited access areas within the Licensed Premises;
3. The installation or replacement of electric fixtures or equipment, the lowering of a ceiling, or electrical modifications made for the purpose of increasing power usage to enhance cultivation activities.

**F. Application.** The city council or its designee may grant approval for the types of changes, alterations, or modifications described herein upon the filing of an application by the Licensee and payment of any applicable fee. The Licensee must submit all information requested by the city council or its designee including but not limited to documents that verify the following:

1. The Licensee will continue to have exclusive possession of the premises, as changed, by ownership, lease, or rental agreement, and sole control of all production; and
2. The proposed change conforms to any and all City restrictions related to the time, manner, and place of regulation of the commercial cannabis activity.

#### **127.10: Grounds for Denial of Permit-Additional Conditions Imposed**

A. The chief Executive Officer or designee may reject an application upon making any of the following findings:

1. The applicant made one or more false or misleading statements or omissions on the registration application or during the application process;
2. The applicant's business entity, if applicable, is not properly organized in strict compliance pursuant to the applicable law, rules, and regulations;
3. The applicant fails to meet the requirements of this chapter or any regulation adopted pursuant to this chapter;

4. The applicant's facility or its location is in violation of any building, zoning, health, safety, or other provision of this Code, or of any state or local law or the facility or its location is not permitted in the proposed area, or the issuing or continuation of a permit would be contrary to the public health, welfare, safety, or morals;

5. The applicant, or any of its officers, directors, owners, managers, or employees is under twenty-one (21) years of age;

6. The applicant, or any of its officers, directors, or owners, or any person who is managing or is otherwise responsible for the activities of the Licensed Premise, or any employee who participates in the dispensing, cultivation, processing, manufacturing, delivery, or transporting of medical and/or adult commercial cannabis and/or cannabis products or who participates in the daily operations of the medical and/or adult use commercial cannabis facility, has been convicted of a violent felony, a felony or misdemeanor involving fraud, deceit, embezzlement, or moral turpitude;

7. The applicant or any of its officers, directors, owners, or managers is a licensed physician making patient recommendations for cannabis;

8. The applicant or any of its officers, directors, owners, or managers has been sanctioned by the City, the State of California, or any county for unregistered medical cannabis activities or has had a registration revoked under this chapter in the three (3) years;

9. The applicant did not pay to the city the required application and processing fees;

10. Good cause exists to deny the application, as defined in this chapter.

11. Applicant's application does not reflect the purpose of this chapter, to promote the health, safety, morals, and general welfare of residents and businesses within the city.

## **127.11: Security**

### **A. General Security Requirements**

1. Security cameras shall be installed and maintained in good working condition, and used in an on-going manner with at least 240 continuous hours of digitally recorded documentation in a format approved by the Chief of Police and/or his designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, manufacturing or cultivation areas, all doors and windows, and any other areas as determined by the Chief of Police and/or his designee.

2. Entrances to any storage areas shall be locked at all times and under the control of Licensee's staff.

3. The business entrance(s) and all window areas shall be illuminated during evening hours. The applicant shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etc., and secure the necessary approvals and permits as needed.

4. All windows on the Licensee's building shall be unopenable or locked and all product securely stored.

5. Each Licensee shall implement a system to track the cultivation and manufacturing of cannabis in order to prevent the Licensee from diverting or transporting cannabis to any location not authorized by state laws or any local law or regulation.

6. All waste and disposal containers shall be stored in a secure area, and under the control of Licensee's staff.

**B. Security Alarm Systems - Minimum Requirements**

1. Each Licensed Premises shall have a Security Alarm System, installed by a licensed alarm company that alters the alarm monitoring company on all premises entry points and windows.

2. Each Licensed Premises must be continuously monitored by an alarm monitoring company.

3. The Licensed Premises shall maintain up-to-date records and existing contracts on the premises that describe the location and operation of each security alarm system, a schematic of security zones, the name of the licensed alarm company, and the name of any vendor monitoring the premises.

4. Upon request, each licensee shall make available to the Chief Executive Officer or any state or local law enforcement agency, for a purpose authorized by this chapter or state or local law enforcement purpose, all information related to security alarm systems, recordings, monitoring, and alarm activity.

**C. Lock Standards-Minimum Requirement.** On all doors, the Licensee shall ensure the use of commercial-grade, nonresidential door locks.

**D. Video Surveillance Requirements:**

1. Prior to exercising the privileges of a permit under this chapter, an applicant must install fully operational video surveillance and camera recording system. The recording system must record in digital format and meet the requirements outlined in this Section.

2. All physical, non-cloud based, video surveillance recordings must be



stored in a secure area that is only accessible to the management staff of the Licensed Premises.

3. Video surveillance records and all recordings must be made available upon request to the Chief of Police or any other state or local law enforcement agency for a purpose authorized by this chapter or for any other state or local law enforcement purpose.

4. Video surveillance records shall be held in confidence by all employees and representatives of the Chief Executive Officer, except that the Chief of Police or his designee may provide such records and recordings to a state or local law enforcement agency for a purpose authorized by this Chapter or for a state or local law enforcement purpose.

5. A sign shall be posted in a conspicuous place near each point of entry and/or exit that shall be not less than 12 inches wide and 12 inches high, composed of letters not less than one inch in height, stating "All Activities Monitored by Video Camera" or "These Premises Are Being Digitally Recorded" or other similar language advising all persons entering the Licensed Premises that a video surveillance and camera recording system is in operation at the Licensed Premises and recording all activity as provided in this Chapter.

6. The Licensed Premises shall use video surveillance equipment and a camera system that can be accessed remotely 24 hours a day by the Baldwin Park Police Department and the City, as specified in each development agreement.

#### **E. Video Surveillance Equipment**

1. Video surveillance equipment shall, at a minimum, consist of digital or video recorders, cameras capable of meeting the recording requirements described in this section, video monitors, digital archiving devices, and a color printer capable of delivering still photos.

2. All video surveillance systems must be equipped with a failure notification system that provides prompt notification to the licensed permit holder of any prolonged surveillance interruption and/or the complete failure of the surveillance system.

3. Licensed Premises are responsible for ensuring that all surveillance equipment is properly functioning and maintained so that the playback quality is suitable for viewing and the surveillance equipment is capable of capturing the identity of all individuals and activities in the monitored areas.

4. All video surveillance equipment shall have sufficient battery backup to support a minimum of 4 hours of recording in the event of a power outage.

#### **F. Placement of Cameras and Required Camera Coverage**

1. Camera placement shall be capable of identifying activity occurring within 20 feet of all points of ingress and egress and shall allow for the clear and certain identification of any individual and activities on the Licensed Premises.

2. All entrances and exits to the facility shall be recorded from both indoor and outdoor vantage points.

3. The system shall be capable of recording all pre-determined surveillance areas in any lighting conditions. If the Licensed Premises has a cannabis cultivation area, a rotating schedule of lighted conditions and zero-illumination can occur as long as ingress and egress points to those areas remain constantly illuminated for recording purposes.

4. Areas in which cannabis is grown, tested, cured, manufactured, or stored shall have camera placement in the room at a height that provides a clear, unobstructed view of activity without sight blockage from lighting hoods, fixtures, or other equipment.

5. Cameras shall also be placed at each location where weighing, packaging, transport, preparation, or tagging activities occur.

6. At least one camera must be dedicated to record the access points to the secured surveillance recording area.

7. All outdoor cultivation areas must meet the same video surveillance requirements applicable to any other indoor Limited-Access Areas.

#### **G. Location and Maintenance of Surveillance Equipment**

1. Surveillance recording equipment must be housed in a designated, locked and secured enclosure with access limited to authorized employees, agents of the Chief Executive Officer, state or local law enforcement agencies for a purpose authorized by this chapter or for any other state or local law enforcement purpose, and service personnel or contractors.

2. The Licensee must keep a current list of all authorized employees and service Personnel who have access to the surveillance system and/or room on the Licensed Premises. Licensed Premises must keep a surveillance equipment maintenance activity log on the Licensed Premises to record all service activity, with the identity of the individual(s) performing the service, the service date and time, and the reason for service to the surveillance system.

3. Each Licensed Premises located in a shared building must have a separate surveillance room/area that is dedicated to that specific Licensed Premises. All minimum requirements for equipment and security standards as set forth in the section apply to the review station.

## **H. Video Recording and Retention Requirements**

1. All camera views of all recorded areas must be continuously recorded 24 hours a day.
2. All surveillance recordings must be kept for a minimum of 90 days and be in a format that can be easily accessed for viewing on premises. Video recordings must be archived in a format that ensures authentication of the recording as legitimately-captured video and guarantees that no alteration of the recorded image has taken place.
3. The surveillance system or equipment must have the capabilities to produce a color still photograph from any camera image, live or recorded.
4. The date and time must be embedded on all surveillance recordings without significantly obscuring the picture.
5. Time is to be measured in Pacific Standard Time in accordance with the U.S. National Institute of Standards and Technology.
6. After the 90-day surveillance video retention schedule has lapsed, surveillance video recordings must be erased or destroyed prior to being discarded or disposed of for any other purpose. Surveillance video recordings may not be destroyed if the licensed Permit Holder knows or should have known of a pending criminal, civil, or administrative investigation or any other proceeding for which the recording may contain relevant information.

## **I. Other Records**

All records applicable to the surveillance system and cannabis tracking system shall be maintained on the Licensed Premises. At a minimum, Licensed Premises shall maintain a map of the camera locations, direction of coverage, camera numbers, surveillance equipment maintenance activity log, user authorization list, and operating instructions for the surveillance equipment.

## **J. Suitability of Security Plan**

The applicant's security plan shall include twenty-four (24) hours per day security. The presence of security personnel on premises and/or periodic patrolling of the premises within the twenty-four (24) hours per day is permitted.

## **127.12: Fees and Charges.**

**A.** Prior to operating in the city, the commercial cannabis permit holder for each licensed premises shall timely and fully pay all fees associated with the establishment of that business. The fees shall be as set forth in the schedule of fees and charges established by resolution of the city council, including, but not limited to, the following:

1. Application fee for accepting a registration application; due and payable in full at the time an application is submitted;
2. Processing fee for the cost to the city of processing an application and reviewing, investigating, and scoring each application in accordance with any evaluation system to determine eligibility for issuance of a Permit, due and payable in full at the time a registration application is submitted;
3. Permit issuance fee for the cost to the city of preparing a development agreement, city council review and approval of the development agreement and the Permit, and preparation and issuance of the Permit as authorized by the city council, due and payable in full at the time the city issues a Permit;
4. Amended registration fee for the cost to the city of reviewing amendments or changes to the registration form previously filed on behalf of the Licensed Premises; due and payable in full at the time amendments or changes to any Permit form is submitted to the city;
5. Permit renewal fee for the cost to the city of processing an application to renew a Permit; due and payable in full at the time application is made to renew a Permit;
6. Any fees for inspection or investigation that are not included within the other fees associated with registration; due and payable in full upon request of the city; and
7. Any fees set forth in the applicable development agreement.

### **127.13: Limitations on City's liability**

A. To the fullest extent permitted by law, the City does not assume any liability whatsoever, with respect to approving any permit pursuant to this chapter or the operation of any cannabis facility approved under to this chapter.

B. As a condition of approval of a permit as provided in this chapter, the applicant or its legal representative shall do the following:

1. Execute an agreement indemnifying the city from any claims, damages, injuries, or liabilities of any kind associated with the registration or operation of the cannabis facility or the prosecution of the cannabis facility or its owners, managers, directors, officers, employees, or its qualified patients or primary caregivers for violation of federal or state laws;
2. Maintain insurance in the amounts and of the types that are acceptable to the city Council or designee;
3. Name the City as an additional insured on all City-required insurance policies;

4. Agree to defend, at its sole expense, any action against the City, its agents, officers, and employees related to the approval of the Licensee's regulatory permit; and

5. Agree to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to the City's approval of the Licensee's regulatory permit. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

#### **127.14. Inspections**

**A.** The Chief Executive Officer, Chief of Police or their designees, shall have the right to enter all Licensed Premises from time to time unannounced during the facility's hours of operation for the purpose of making reasonable inspections to observe and enforce compliance with this chapter, to inspect and copy records required to be maintained under this chapter, or to inspect, view, and copy recordings made by security cameras, all without requirement for a search warrant, subpoena, or court order, and subject to appropriate fees as specified in the development agreement.

**B.** Operation of a Licensed Premises in noncompliance with any conditions of approval or the provisions of this chapter shall constitute a violation of the Code and shall be enforced pursuant to the provisions of this Code.

**C.** The Chief Executive Officer or designee may summarily suspend or revoke a Permit, or disqualify an applicant from the registration process, or elect not to renew a regulatory permit if any of the following, singularly or in combination, occurs:

1. The Chief Executive Officer or designee determines that the cannabis facility has failed to comply with any requirement of this chapter or the approved development agreement or any condition of approval or a circumstance or a situation has been created that would have permitted the Chief Executive Officer or designee to deny the regulatory permit under this chapter or elect not to renew or revoke the permit under this chapter;

2. The licensee or applicant has conducted itself or is being conducted in a manner that creates or results in a public nuisance, as defined in Chapter 95 of the Baldwin Park Municipal Code;

3. The licensee Premises ceased operations for more than 90 calendar days, including during change-of-ownership proceedings;

4. Ownership is changed without the City Council approval and authorization under this chapter;

5. The licensee relocates to a different location or premises without City

Council approval and authorization; and

6. The licensee fails to allow inspection or copying of the security recordings or the activity logs or records required to be kept under this chapter or denies entry to the premises to city officials authorized to inspect the premises.

**D. Abatement**

The city shall initiate abatement proceedings as authorized by the Code if necessary to correct any violation of this chapter or Code.

**E. Violation Deemed Misdemeanor-Penalty**

Any person violating any of the provisions of this chapter or any applicable rule in this chapter or Code, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by the maximum penalties provided for in the Penal Code section 19.

**127.15: Public Nuisance Prohibited**

It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge of any parcel within the city to create a public nuisance in the course of cultivating, manufacturing, testing or distributing cannabis or any part thereof in any location, indoor or outdoor. A public nuisance may be deemed to exist, if such activity produces:

A. Odors which are disturbing to people of reasonable sensitivity or present on adjacent or nearby property or areas open to the public.

B. Repeated responses to the Premises by law enforcement personnel.

C. A repeated disruption to the free passage of persons or vehicles in the neighborhood, excessive noise, exceeding the noise levels set by Baldwin Park Zoning Code Section 153.140.070, which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public.

D. Any other impacts on the neighborhood that are disruptive of normal activity in the area including, but not limited to, grow lighting visible outside the building, excessive vehicular traffic or parking occurring at or near Premises, and excessive noise emanating from the Premises.

E. Outdoor growing and cultivation of cannabis.

**127.16: Appeals**

Any decision regarding or pertaining to the permit process set forth in this chapter, or any action taken by the Chief Executive Officer or designee pursuant hereto, may be appealed to the

city council. Such appeal shall be taken by filing with the city clerk, within ten (10) days after notice of the action or decision complained of has been issued, a written statement setting forth the grounds for the appeal. The city clerk shall transmit the written statement to the city council, and at its next regular meeting, the council shall set a time and place for a hearing on the appeal. Notice of the time and place of such hearing shall be mailed to the appellant. The decision of the city council on such appeal shall be final and binding on all parties concerned.

**127.17: Statewide Regulation.**

This chapter, and the provisions herein, shall be read consistent with any statewide regulation of cannabis now and in the future. This ordinance shall govern the conduct of a business allowed to operate a commercial cannabis activity in the City.

**127.17: Interpretation.**

The provisions of this chapter shall be read to be consistent with State laws, this chapter, and this Code. At no time shall a commercial cannabis business in compliance with state law and this Code be deemed to be an unlawful business.

**127.18: Severability.**

Should any provision of this chapter, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this chapter or the application of this chapter to any other person or circumstance, and the provisions of this chapter are severable.

**SECTION 2.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion or the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 3.** This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final reading and adoption.

First read at a regular meeting of the City Council of the City of Baldwin Park held on the 6<sup>th</sup> day of November, 2019, and adopted and ordered published at a regular meeting of said Council on the 20<sup>th</sup> day of November, 2019.

**PASSED AND APPROVED ON THE 20<sup>th</sup> DAY OF NOVEMBER, 2019.**

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MANUEL LOZANO  
MAYOR

**ATTEST:**

**STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES 55:  
CITY OF BALDWIN PARK**

I, JEAN M. AYALA, City Clerk of the City of Baldwin Park, do hereby certify that the foregoing ordinance was introduced and placed upon its first reading at a regular meeting of the City Council on November 6, 2019. Thereafter, said Ordinance No. 1445 was duly approved and adopted at a regular meeting of the City Council on November 20, 2019 by the following vote to wit:

AYES:                    COUNCIL MEMBERS:

NOES:                    COUNCIL MEMBERS:

ABSENT:                    COUNCIL MEMBERS:

ABSTAIN:                    COUNCIL MEMBERS:

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JEAN M. AYALA  
CITY CLERK