

**AN ORDINANCE OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA,
AMENDING TITLES 5, 8, AND 14 OF THE CODIFIED ORDINANCES OF IMPERIAL
COUNTY, TO ESTABLISH FEES FOR CANNABIS-RELATED BUSINESSES WITHIN THE
UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL.**

ORDINANCE NO. 1525

The Board of Supervisors of the County of Imperial, State of California, does hereby ordain as follows:

SECTION 1: The Codified Ordinances of the County of Imperial is hereby amended by amending Section 5.56.020 of Chapter 5.56 of Title 5, Business Licenses and Regulations, to read in its entirety as follows:

5.56.020 – Definitions.

A. As used in this chapter:

1. “Agricultural land” means all that real property within the boundaries of Imperial County currently used for agricultural operations or upon which agricultural operations may in the future be established.
2. “Agricultural operation” means and includes, but is not limited to:
 - a. The cultivation and tillage of the soil; dairying; the production, irrigation, application of agricultural chemicals, frost protection, cultivation, growing, harvesting, packing and processing of any agricultural commodity, including production of vegetables, fruits, forage, grains, seeds, fiber and all other plants; viticulture, horticulture, apiculture, aquaculture; the raising of livestock, fur-bearing animals, game birds and all other kinds of animal husbandry; the culture or breeding of livestock, poultry, fish, marine life, and all other types of animal or plant life; and commercial practices performed as incident to or in conjunction with such agricultural operations, inclusive of the operation of equipment (including agricultural aircraft and machinery); selling, processing,

packing, preparation for market, delivery to storage or market or to carriers for transportation to market. Agricultural operations shall also include innovative and experimental methods of accomplishing agricultural operations when such methods are found and determined to be a reasonable alternative or improvement to currently accepted methods of operation.

- b. Agricultural operation does not include any Commercial Cannabis Activity or Cannabis Operation as defined in § 26001 of the California Business and Professions Code.

SECTION 2: The Codified Ordinances of the County of Imperial is hereby amended by adding Section 8.02.100 to Chapter 8.02 of Title 8, Health and Safety, to read in its entirety as follows:

8.02.100 – Public health department division of environmental health cannabis fees.

A. The following cannabis fees are hereby established:

Fee Description	Fee/Rate/Conditions
Physical Retail Dispensary Annual Permit – Prepackaged Edibles / Limited Potentially Hazardous Edible Products – No Preparation	\$1,525.00
Physical Retail Dispensary Annual Permit – Prepackaged Edibles / Non-Potentially Hazardous Edible Products – No Preparation	\$1,400.00
Virtual Retail Dispensary Annual Permit – Prepackaged Edibles / Limited Potentially Hazardous Edible Products – No Preparation	\$902.00
Virtual Retail Dispensary Annual Permit – Prepackaged Edibles / Non-Potentially Hazardous Edible Products – No Preparation	\$902.00
Production Manufacturing Annual Permit – Non-Volatile Non-Potentially Hazardous Edible Products – Full Preparation	\$2,771.00
Distribution Operation Annual Permit	\$1,292.00
Distributor Transport Only Annual Permit	\$662.00
Testing Laboratory Annual Permit	T/M + consultants (\$1,500.00 deposit)
Dispensary – Plan Review / Construction Inspection	\$796.00 plus T/M after six (6) hours
Product Manufacturing – Plan Review / Construction Inspection	\$1,544.00 + T/M after twelve (12) hours
Revisions to Product Label Approval	T/M

- B. Charges for Other Services. For all other services provided by the division of environmental health and not expressly referenced in this section, such services shall be billed at a rate of time and material, as defined in Section 8.02.070(L)(2).
- C. Implementation Date. All fees adopted under this section shall be implemented on the first day the ordinance takes effect.
- D. Definitions and Explanations. The definitions and explanations found in Section 8.02.070(L) shall apply to this Section.

SECTION 3: The Codified Ordinances of the County of Imperial is hereby amended by amending Section 14.03.050 of Chapter 14.03 of Title 14, Cannabis and Industrial Hemp, to read in its entirety as follows:

14.03.050 – [Reserved].

SECTION 4: The Codified Ordinances of the County of Imperial is hereby amended by amending Section 14.04.020 of Chapter 14.04 of Title 14, Cannabis and Industrial Hemp, to read in its entirety as follows:

14.04.020 – Lottery.

The following CAA Licenses shall be awarded through a qualified applicant lottery process as determined by the Board:

- A. Five (5) CCA Licenses for Virtual Dispensaries;
- B. One (1) CCA License for a Physical Dispensary; and
- C. Five (5) CCA Licenses for Distribution services.

SECTION 5: The Codified Ordinances of the County of Imperial is hereby amended by amending Section 14.04.050 of Chapter 14.04 of Title 14, Cannabis and Industrial Hemp, to read in its entirety as follows:

14.04.050 – CCA License Fees.

- A. Every application for a CCA License or renewal of a CCA License to operate a Commercial Cannabis Activity or Cannabis Operation shall be accompanied by the applicable fees as set forth in the fee schedule below:

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CCA LICENSE FEE SCHEDULE

Activity	Fee
Application Review: <ul style="list-style-type: none"> • First Application • Each Additional Application 	\$4,000.00 \$1,000.00
Security Plan Review	\$1,000.00
Annual License	\$1,500.00
Additional or Extraordinary Work	T/M

- B. An applicant that simultaneously submits multiple applications for Commercial Cannabis Activities that are proposed to be located on the same premises, and are determined by the Enforcement Agency to be part of the same Cannabis Operation, shall be charged the full amount for the first application, and a reduced rate for each additional application, as specified in the CCA License Fee Schedule. However, the applicant shall still be required to pay the Annual License fee for each CCA License issued by the Enforcement Agency.
- C. Additional or Extraordinary Expenses.
1. In addition to the standard fees stated in the CCA License Fee Schedule, all applicants shall be required to pay for any additional or extraordinary work conducted by the Enforcement Agency or its agents. Such additional or extraordinary work shall include, but not be limited to substantial modification or corrections to submitted paperwork, additional environmental review, and/or additional legal review.
 2. All additional and extraordinary work shall be billed on a time and materials (“T/M”) basis. T/M charges are based on the hourly rate of the Enforcement Agency or its agents, and the cost of any materials or services required for providing the service.
- D. In addition to the fees stated in the CCA License Schedule, all applicants shall be required to pay all other fees, charges, assessments, and taxes required under the

Imperial County Codified Ordinances and any other applicable federal, State, or local laws.


SECTION 6: This Ordinance shall take effect and shall be in force thirty (30) days after the date of its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, a summary of this Ordinance shall be published at least once in the Holtville Tribune, a newspaper of general circulation, printed and published in the County of Imperial, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

SECTION 7: Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other ordinance provisions or clauses or applications thereof that can be implemented without the invalid provision or clause or application, and to this end the provisions and clauses of this ordinances are declared to be severable.


SECTION 8: If a court of competent jurisdiction finds the Medicinal and Adult-Use Cannabis Regulation and Safety Act to be unlawful due to Federal preemption, this ordinance shall be void in its entirety.

PASSED, ADOPTED, AND APPROVED by the Board of Supervisors of the County of Imperial this 19th day of December, 2017.

AYES: Renison, Plancarte, M. Kelley, R. Kelley
NOES: None
ABSENT: None
ABSTAIN: Castillo



MICHAEL W. KELLEY, Chairman
Board of Supervisors

ATTEST: 

BLANCA ACOSTA, Clerk of the
Board of Supervisors, County of Imperial,
State of California



I hereby certify that the foregoing instrument is a correct copy of the original on file with this office.

Date: 1-3-18

Approved by the Board of Supervisors

12-19-17 16a

Clerk of the Board of Supervisors
County of Imperial

Date

Minute Order #

By: Arcupez
Deputy