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### Section 6.36.010 - Definitions.

Unless otherwise defined in this Chapter, the terms and phrases used in this Chapter shall have the same definitions as provided in Chapter 10A.17, ~~and~~ Chapter 20.243, and Chapter 20.538, as applicable.

"Cannabis Facility Business License" means a revocable, limited-term grant of permission to operate a cannabis processing, manufacturing, testing, retailing/dispensing, distributing, and/ or microbusiness within the County. The business license shall be in the form prescribed by the Tax Collector and must contain, at a minimum, the licensee's name, the business name, type of business, location of business, commencement and expiration dates of the license, and fee remitted. A Cannabis Facility Business License shall be required for the operation of any cannabis facility, as that term is defined in Section 20.243.030 or Section 20.538.015, as applicable.

### Section 6.36.020 - Requirement for Cannabis Facility Business License.

- (A) It shall be unlawful for any Person to transact any business in the unincorporated area of Mendocino County for which a license is required by this Chapter, without possessing a valid and current Mendocino County Cannabis Facility Business License for such business issued by the Mendocino County Treasurer-Tax Collector (Tax Collector).
- (B) Cannabis facilities shall be required to comply with other provisions of the Mendocino County Code, including but not limited to, Chapters 10A.17, 20.242, ~~and~~ 20.243, 20.537, and 20.538, as applicable.
- (C) All cannabis facilities, regardless of where located, shall comply with the following:
  - (1) Cannabis facilities other than Manufacturing Level 2 (Volatile) or Microbusinesses with a cultivation site shall not be allowed within a six hundred (600) foot radius of a youth-oriented facility, a school, a park, or any church or residential treatment facility, as those terms are defined in sections 10A.17.020 or 20.538.020, as applicable, of the Mendocino County Code, that is in existence at the time a Cannabis Facility Business License is applied for; Manufacturing Level 2 (Volatile) facilities and Microbusinesses with a cultivation site shall not be allowed within one thousand (1000) feet of such places or facilities. The distance between the uses listed in the preceding sentence and the cannabis facility shall be measured in a straight line from the nearest point of the cannabis facility to the nearest point of any fenced, maintained or improved area where the users of the facility are typically present during normal hours of operation. A cannabis facility not in compliance with the setback requirement of this paragraph (1) shall not be issued a cannabis facility business license unless the facility is first

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issued an administrative permit pursuant to Chapter 20.243 or Chapter 20.538 for a reduction in this required setback. The setback requirement of this paragraph (1) shall not apply to retailers/dispensaries which were operating with an approved business license as of the effective date of the ordinance adopting this Chapter 6.36.

- (2) A cannabis facility shall comply with the general limitations set forth in section 20.243.050, except for paragraph (B) of section 20.243.050.
- (D) Persons applying for a Cannabis Facility Business License shall obtain a valid California State license required under MAUCRSA as soon as such State licenses become available.
- (E) A Person who obtains a Cannabis Facility Business License under this Chapter 6.36 for a cannabis facility shall not be required to obtain a separate business license under Chapter 6.04 for the same activity.
- (F) The business license requirement set forth in this Chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law.
- (G) Cannabis facilities in existence prior to January 1, 2017, that had an approved County business license under Chapter 6.04 may continue to operate under that business license until that license is scheduled to be renewed, at which time the cannabis facility shall apply for a license under this Chapter 6.36.

### **Section 6.36.030 - License Fee and Category Types.**

The Board of Supervisors shall set license fees in an amount that covers all administrative costs for license issuance. The license fee shall be based on a flat rate set by Resolution passed by the Board of Supervisors. Cannabis facility business licenses shall be issued for the following facility types, as more particularly defined, described and limited in Chapter 20.243 or Chapter 20.538, as applicable:

- (A) Processing Facilities.
- (B) Manufacturing Facilities.
- (C) Testing Laboratories and Research Institutions.
- (D) Retailers/Dispensaries.
- (E) Distribution Facilities.
- (F) Microbusinesses.

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### Section 6.36.050 – Location.

Cannabis facilities may be located in the unincorporated areas of Mendocino County in conformance with Chapters 10A.17 of the Mendocino County Code, as well as the provisions of the Mendocino County Zoning Code, including but not limited to Chapters 20.242, ~~and 20.243~~, 20.537 and 20.538.

### Section 6.36.070 - Issuance of License.

Upon review of an application for a Cannabis Facility Business License and payment of the license fee and any other fee required by the County for review of the application, the Office of the Tax Collector shall perform the application review as stated in Section 6.36.060 and issue a license unless substantial evidence in the record demonstrates one of the following bases for denial:

- (A) The application is incomplete or inaccurate.
- (B) The application or the facility is not in compliance with the provisions of the Mendocino County Code including but not limited to this Chapter and Chapters 10A.17, 20.242, ~~and 20.243~~, 20.537 and 20.538.
- (C) The provision of false or misleading information by the Applicant to the County.
- (D) The failure or refusal of the owner or operator/manager of a licensed facility to comply with any of the provisions of this Chapter.
- (E) The failure or refusal to carry out the required policies and procedures or comply with the statements provided to the County with the business license application for the facility.
- (F) The failure or refusal to cooperate fully with an investigation or inspection by the County.

A business license issued pursuant to this Chapter does not provide any exception, defense, or immunity from other laws, nor does it create an exception, defense or immunity to any Person in regard to potential criminal liability the Person may have for the production, distribution or possession of cannabis.

### Section 6.36.080 - Business License Renewal.

- (A) A Cannabis Facility Business License renewal application and renewal fee must be submitted pursuant to Section 6.36.040(B). Failure to submit a renewal application will result in the automatic expiration of the Cannabis Facility Business License on the expiration date.
- (B) A Cannabis Facility Business License may not be renewed if any of the following occurred during the previous year or currently exist: violations of

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or non-compliance with the license, these regulations, or any of the provisions of the Mendocino County Code, including, but not limited to, Chapters 10A.17, ~~and Chapter~~ 20.243 ~~and~~ 20.538.

- (C) Cannabis Facility Business License renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations in place at the time of the initial or previous application(s) and may require the submittal of additional information to ensure that new standards are met. Renewal applications shall be referred to all relevant departments of the County to determine compliance with the Mendocino County Code.