

Section 1.10.020 “Definitions”

A. "Enforcement Officer" means any officer or employee with authority to enforce the Fullerton Municipal Code or applicable State Codes as provided in Section 2.09.080 of this code.

B. “Commercial Cannabis Activity” shall have the meaning set forth in Fullerton Municipal Code 7.18.020.

C. "Hearing Officer" means the person appointed by the City Manager, or designee, to serve as the hearing officer for administrative hearings.

~~C~~D. "Land Use Approval" means any approval required for a particular use of land, including but not limited to permits, licenses, conditional use permits, variances or subdivision maps.

~~D~~E "Owner" means the record owner of a parcel according to the latest County equalized property tax assessment roll.

~~F~~E. "Person" includes a natural person or legal entity and the owners, majority stockholders, corporate officers, trustees and general partners of a legal entity.

~~F~~G. "Residential dwelling" means a private structure designed and available, pursuant to applicable law, for use and occupancy by one or more individuals. "Residential dwelling" does not include a commercially operated hotel, motel, bed and breakfast inn or a time-share property as defined by Business and Professions Code Section 11212 subdivision (aa).

~~G~~H. "Responsible Person" means any person who causes or maintains a Fullerton Municipal Code or applicable state code violation, including the person occupying the premises which is the subject or location of a violation, the business owner of such location or the property owner or property owner agent / property manager. Responsible Person also includes the parent or legal guardian of any person under the age of eighteen years. There may be more than one Responsible Person for any one code violation for the purposes of this chapter.

~~H~~I. "Short-term rental" means a residential dwelling, or any portion of a residential dwelling, rented to a person or persons for 30 consecutive days or less.

~~I~~J. Unlicensed shall have the meaning set forth in Fullerton Municipal Code 7.18.020.

~~K~~. "Water theft" is an action to divert, tamper or reconnect water utility services as defined in Penal Code Section 498.

1.10.030 Administrative Citations

A. An Enforcement Officer may issue an administrative citation to any person violating any provision of the Fullerton Municipal Code or applicable state code as provided in this chapter. The Enforcement Officer shall allow a reasonable time after written notice of said violation for a Responsible Person to correct or otherwise remedy the violation prior to imposition of an administrative fine or penalty. Fourteen days shall be a reasonable time if the violation pertains to building, plumbing, electrical or other similar structural or zoning issues that do not create an immediate danger to health or safety. Immediate action may be required if the violation creates an immediate danger to health or safety and/or if the

violation exists due to or facilitates ~~illegal—~~unlicensed commercial cannabis ~~cultivation~~activity.

1. The City may immediately impose administrative fines or penalties for building, plumbing, electrical or other similar structural, health and safety, or zoning requirement violations that exist or facilitate ~~illegal—~~unlicensed commercial cannabis ~~cultivation~~activity. However, the City will give a reasonable time for violation correction or remedy prior to imposing administrative fines or penalties if all the following are true:

- a. A tenant possesses the property that is the subject of the violation.
- b. The property owner or agent can provide evidence that the rental or lease agreement prohibits the ~~cultivation of~~commercial cannabis ~~activity~~.
- c. The rental property owner or agent did not know the tenant ~~illegally cultivated~~ was engaging in unlicensed commercial cannabis activity for which a license is required and no complaint, property inspection or other information caused the rental property owner or agent to have actual notice of the ~~illegal—~~unlicensed commercial cannabis ~~activity~~cultivation.

B. Every person who applies for and receives any type of Land Use Approval shall comply with all conditions imposed upon the issuance of said Land Use Approval. Violation of any condition of such Land Use Approval may receive an administrative fine or penalty as provided under the provisions of this chapter.

C. The fine limits set forth by resolution for Short-term Rentals apply only to infractions that pose a threat to public health or public safety. The fines described in this subdivision shall not apply to a first-time offense of failure to register or pay a business license fee.

D. The City will consider each day a code violation exists a separate violation and subject to a separate fine. An Administrative Citation may charge a violation for one or more days on which a violation exists and for a violation of one or more code sections.

E. The City shall issue an Administrative Citation on a form approved by the City Manager and contain the following information:

1. Name of the Responsible Person;
2. Date, time and address or definite identification of the location where the City observed the violation(s);
3. The code section(s) violated and a description of the violation(s);
4. The specific actions required to correct the violation(s);
5. The amount of the fine for the violation(s);
6. A description of the fine payment process, including a specified timeframe and the place to pay the fine;
7. Notification of the right to appeal, including the timeframe for the recipient of the citation to contest the Administrative Citation and the process to request a Hearing and/or the process to submit a Request for Hearing with Advance Deposit Hardship Waiver to contest the Administrative Citation;
8. Notification of the right to submit a Hardship Waiver to request a reduction of the fine amount for a Responsible person issued a second or multiple additional fine(s) for violations of the same ordinance in the same year pursuant to Section [1.10.060](#)(E);
9. The name and signature of the Enforcement Officer; and
10. Citation issuance date.

7.18 COMMERCIAL CANNABIS ACTIVITIES

7.18.010 Intent and purpose.

- A. The City Council finds that enforcing prohibitions on unlicensed commercial cannabis activity is necessary for the preservation and protection of the public health, safety, and welfare for the City and its community. The City Council's prohibition of such activities is within the authority conferred upon the City Council pursuant to sections 5 and 7 of Article XI of the California Constitution and the provisions of Division 10 of the Business and Professions Code, to adopt ordinances that prohibit unlicensed commercial cannabis activity.
- B. The City Council finds that this chapter: (1) expresses its intent to prohibit unlicensed commercial cannabis activity in the City consistent with the existing zoning code; (2) exercises its local authority to enact and enforce local business regulations and ordinances, including those regarding unlicensed commercial cannabis activities; and (3) exercises its police power to enact and enforce regulations for the public benefit, safety, and welfare of the City and its community.

7.18.020 Definitions.

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

- A. "Cannabis" shall have the meaning set forth in California Health and Safety Code 11018.
- B. "Commercial cannabis activity" shall have the meaning set forth in California Business and Professions Code 26001.
- C. "Delivery" shall have the meaning set forth in California Business and Professions Code 26001.
- D. "Dispensing" means any activity involving the retail sale of cannabis or cannabis products.
- E. "Distribution" shall have the meaning set forth in California Business and Professions Code 26001.
- F. "License" shall have the meaning set forth in Business and Professions Code 26001.
- G. "Manufacturing" shall have the meaning set forth in California Business and Professions Code 26001.

H. “Processing” means any method used to prepare cannabis or its byproducts for commercial retail and/or wholesale, including but not limited to drying, cleaning, curing, packaging, and extraction of active ingredients to create cannabis related products and concentrates.

I. “Sell,” “sale,” and “to sell shall have the meaning set forth in California Business and Professions Code 26001.

J. Unlicensed shall mean the failure to acquire or lack of a License required by Division 10 (commencing with Section 26000) of the Business and Professions Code for commercial cannabis activity.

7.18.030 Commercial Cannabis Activities Prohibited.

Except where the City is preempted by Federal or State law from establishing a prohibition:

A. No person shall establish, operate, conduct, permit, allow, or facilitate any commercial cannabis activity in the city. Commercial cannabis activity is expressly prohibited in the city of Fullerton.

B. No city license or permit, whether administrative or discretionary, shall be approved or issued for activities that relate in any way to commercial cannabis activities.

7.18.040 Owner/Agent Liability.

A. It shall be unlawful for any record owner of property as shown on the county’s latest equalized property tax assessment roll, or owners agent in control of a property to permit or fail to prevent unlicensed commercial cannabis activity on the property.

B. There is a rebuttable presumption that the record owner, or owner’s agent in control of a property, have notice of unlicensed commercial cannabis activity occurring on the property.

C. This section shall not apply to an owner or owner’s agent in control of a property who has terminated or has commenced legal proceedings to terminate the unlicensed commercial cannabis activity before any other person contacts the city to report the unlicensed commercial cannabis activity.

7.18.050 Violations.

A. Public nuisance. Unlicensed commercial cannabis activity, violation of the provisions of this chapter, and violations of the zoning restrictions on marijuana related use and/or activity are hereby deemed unlawful and a public nuisance. As a nuisance per se, violations shall be subject to injunctive relief, costs of

abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity.

B. Civil Penalties. Each and every violation of the provisions of this chapter shall constitute a separate violation and shall be subject to the imposition and payment of an administrative fine or fines.

C. Criminal penalties. Each and every violation of the provisions of this chapter may be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed \$1,000 or imprisonment in the county jail for a period of not more than 6 months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

A.D. Remedies cumulative and not exclusive. The remedies provided herein are not to be construed as exclusive remedies. The city is authorized to pursue any proceedings or remedies provided by state or local law.