

ORDINANCE NO. 2019-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AMENDING TITLE 5, CHAPTER 5.50 OF THE HESPERIA MUNICIPAL CODE, RELATED TO COMMERCIAL CANNABIS REGULATIONS

WHEREAS, the City of Hesperia has the authority and responsibility to regulate businesses to protect the public health, safety, and welfare; and

WHEREAS, Title 5 of the Hesperia Municipal Code contains regulations related to commercial cannabis operations; and

WHEREAS, in 2017 the City Council adopted regulations related to the Commercial Cannabis operations, and in February 2019 ratified a tax on Commercial Cannabis businesses; and

WHEREAS, since that time there have been situations where it is apparent that the need for an audit of the financial records of the cannabis businesses may be required; and

WHEREAS, there are currently provisions in the existing regulations to allow the City to review any records related to the cannabis business, inclusive of financial records; and

WHEREAS, additionally, language is proposed to include a more extensive description of the audit requirement; and

WHEREAS, adopting a fee for the audit services will allow the City to recover fully any costs related to auditing the cannabis businesses, and allow the City to schedule audits as needed with each individual business owner being responsible for their audit costs; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE HESPERIA CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. All of the facts set forth in the forgoing recitals are true, correct and are adopted as findings.

Section 3. Title 5, Chapter 5.50 of the Hesperia Municipal Code is hereby amended as set forth in Exhibit "A", attached hereto.

Section 6. This Ordinance shall take effect on November 17, 2019.

Section 7. The City Council of the City of Hesperia hereby declares that should any provision, section, paragraph, sentence, or word of this Ordinance hereby adopted be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by any reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words shall remain in full force and effect.

Section 8. The City Clerk shall certify to the adoption of the Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution 93-78.

ADOPTED AND APPROVED this 15th day of October, 2019



Larry Bird, Mayor

ATTEST



Stephanie McClure, Assistant City Clerk

Exhibit A

5.50.100 - Records

3) All records required to be maintained by the delivery dispensary must be maintained for no less than 3 years and are subject to immediate inspection upon written request by the Director.


a. Records pertaining to the operation of the delivery dispensary, including but not limited to taxation remittance to State, County or City, revenue, product inventory, etc. shall be subject, at the City's discretion, to an audit, performed by a company selected by the City. The business owner shall pay any required fees, as adopted by the City Council, for the performance of the audit. Upon notification by City that there is an intent to perform an audit, the business owner shall remit the fee for the audit to the City within thirty (30) days.

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF HESPERIA)

I, Stephanie McClure, Assistant City Clerk of the City of Hesperia, California, do hereby certify that Ordinance No. 2019-13 was introduced at a Regular Meeting of the City of Hesperia City Council held on the 1ST day of October, 2019 by the following vote to wit:

AYES: Bird, Gregg, and Swanson
NOES: None
ABSTAIN: None
ABSENT: Holland



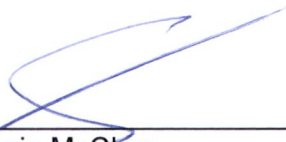

Stephanie McClure
Assistant City Clerk

Seal

I, Stephanie McClure, Assistant City Clerk of the City of Hesperia, California, do hereby certify that Ordinance No. 2019-13 was duly and regularly adopted at a Regular Meeting of the City of Hesperia City Council held on the 15th day of October, 2019 by the following vote to wit:

AYES: Bird, Gregg, and Holland
NOES: Swanson
ABSTAIN: None
ABSENT: None




Stephanie McClure
Assistant City Clerk

Seal

I, Stephanie McClure, Assistant City Clerk of the City of Hesperia, California, do hereby certify that the foregoing Ordinance No. 2019-13 is a full, true and correct copy of that now in file in this office.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF THE City of Hesperia, California, this _____ day of _____.



Stephanie McClure
Assistant City Clerk

Seal