

Notice of Intent to Circulate Petition

Notice is hereby given by the person(s) whose name appears hereon of their intention to circulate a petition within the City of Long Beach for two purposes: (1) Adding to Chapter 3.80.243 A., Taxes on Service the following subsections 1 and 1(a), which sets out the tax rate for Medical Marijuana Collectives; and (2) amending in its entirety Chapter 5.89 Medical Marijuana Collective, which authorizes the City of Long Beach to issue business licenses to Medical Marijuana Collectives. A statement of the reasons of the proposed action contemplated by the petition follows:

First and foremost, the authorization of Medical Marijuana Collectives in the City of Long Beach will allow for safe access to qualifying patients seeking Medical Marijuana for relief from the effects of a medical condition.

The Scripps Research Institute, California Pacific Medical Center, Columbia University, University of California, San Diego School of Medicine, Complutense University of Madrid and other research centers have conducted studies -- and have reported that many patients with debilitating medical conditions have benefited from the use of Medical Marijuana/Cannabis. Some of the treated medical conditions include: nausea, vomiting, cachexia, cancer, premenstrual syndrome, unintentional weight loss, insomnia, lack of appetite, spasticity, neurogenic pain, movement disorders, asthma, glaucoma, alcohol abuse, bipolar disorder, epilepsy, Huntington's disease, HIV, Parkinson's disease, ALS, PTSD, multiple sclerosis and psoriasis.

Eighteen states plus the District of Columbia have legalized medical cannabis or effectively decriminalized it including Alaska, Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Maine, Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Virginia, and Washington. Other states are considering following their example.

The tax assessment set out in the amendment to chapter 3.80.243 A (1) and (1) (a) will provide additional revenue to the City of Long Beach's General Fund.

A well regulated industry, with clear operational standards, expectations, and limits, will reduce the dangers presented by illegal drug dealing and potentially unsafe medicinal products. Effective regulation, as provided by this measure, carries out the intent of California voters by providing compassionate relief to individuals who have received approval and recommendation from qualified physicians.

When used and distributed responsibly, medical marijuana will not increase crime. However, an unregulated system that forces desperate patients into back-alley procurement to ease to their suffering will most certainly endanger the safety of both patients and residents. Clear definitions, parameters and operational standards will provide the City, Law Enforcement, Dispensary Operators and Patients a clear set of guidelines that must be adhered to in order to remain in operation. Strict limitations in the

number and location of dispensaries will ensure safe access while maintaining a low profile and small footprint in Long Beach. The requirement of background checks of all dispensary employees will further increase oversight and control.

When California voters approved the *Compassionate use Act of 1996*, their intent was clear -- individuals suffering from debilitating conditions that could be improved by the use of medical marijuana should have access to that relief in a controlled, safe, and legal environment. This proposed initiative provides a way for the City of Long Beach not only to acknowledge that intent, but to ensure the safety and integrity of its citizens.

In accordance with California Election Code Section 9203 we request that the City of Long Beach prepare the ballot title and summary for the proposed measure regarding Medical Marijuana Collectives in the City of Long Beach.

Name / / _____

Address / _____

Phone number

Shall a ballot measure be submitted to the voters of the City of Long Beach at a special municipal election that will allow Medical Marijuana Collectives to operate in the City of Long Beach?

If approved by the voters of the City of Long Beach, that measure (hereinafter, the "Measure") shall add the following subsection to Chapter 3.80.243 Taxes on Service, of the Long Beach Municipal Code:

Chapter 3.80.243A.

- (1) An additional tax (hereinafter, the "Tax") shall be imposed on a licensed Medical Marijuana Collective, and shall not exceed four (4) per cent of gross sales as reported to the California State Board of Equalization. The Tax shall be paid quarterly to the City of Long Beach and within ten (10) days of filing a report of quarterly sales to the State Board of Equalization. A copy of that report shall accompany the Tax payment to the City of Long Beach.
 - (a) The Tax shall be set annually by the City Council, and any failure of the City Council to set the Tax for the following calendar year shall automatically set the Tax rate for that year at two (2) per cent of the gross sales as reported to the State Board of Equalization on a quarterly basis for that year.

The Measure shall also amend, in its entirety, Chapter 5.89 of the Long Beach Municipal Code as follows:

Chapter 5.89 MEDICAL MARIJUANA COLLECTIVE

5.89.010 Purpose and intent

A. It is the purpose and intent of this Chapter is to promote the public health, safety and welfare of the residents of the City of Long Beach.

The Compassionate Use Act (Cal. Health & Safety Code §11362.5) and the Medical Marijuana Program Act (Cal. Health & Safety Code §11362.765) do not interfere with a patient's right to use medical marijuana as authorized under State Law (as defined below), nor do they criminalize the possession or cultivation of Medical Marijuana (as defined below) by classes of persons who are authorized to do so under State Law. Only Qualified Patient Members (as defined below), persons with identification cards, and primary caregivers may legally cultivate medical marijuana collectively under State Law. Medical Marijuana Collectives (as defined below) shall comply with all provisions of the Long Beach Municipal Code, State Law, and all other applicable local and state laws.

Nothing in this Chapter permits activities that are banned by federal, state, or local law.

5.89.015 Definitions

Unless the particular provision or the context otherwise requires, the definitions and provisions in this Section shall govern the construction, meaning, and application of words and phrases as used in this Chapter.

- A. “Attending Physician” shall have the same definition as provided in Cal. Health and Safety Code Section §11362.7 (as may be amended), which defines “Attending Physician” as an individual (1) who possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board of California or the Osteopathic Medical Board of California, and (2) who has taken responsibility for an aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient and who has conducted a medical examination of that patient before recording in the patient’s medical record the physician’s assessment of whether the patient has a serious medical condition and whether the medical use of marijuana is appropriate.
- B. “Business License” shall mean the license issued by the Director of Financial Management to a Collective that has applied for a City of Long Beach business license in accordance with this Chapter.
- C. “Chief of Police” shall mean the Chief of the Long Beach Police Department (or his or her designee).
- D. “Concentrated Cannabis” shall have the same definition as provided in Cal. Health and Safety Code §11006.5 (as may be amended), which defines “Concentrated Cannabis” as the separated resin, whether crude or purified, obtained from marijuana.
- E. “Director of Financial Management” shall mean the Director of Financial Management for the City of Long Beach (or his or her designee).
- F. “Edible Medical Marijuana” shall mean any article used for human food, drink, confectionery, condiment or chewing gum (regardless of whether that article is simple, mixed or compound) that (1) contains physician-recommended quantities of Medical Marijuana, and (2) within the City of Long Beach at a Collective in accordance with state law and this Chapter.
- G. “Identification Card” shall have the same definition as provided in Cal. Health and Safety Code §11362.7 (as may be amended), which defines “Identification Card” as a document issued by the State Department of Health Services which (1) identifies a person authorized to engage in the medical use of marijuana, and (2) identifies the person’s designated primary caregiver (if any).
- H. “Management Member” shall mean a Medical Marijuana Collective Member with responsibility for the establishment, organization, registration, supervision, or oversight of the operation of a Collective, including but not limited to members who perform the

functions of president, vice president, director, operating officer, financial officer, secretary, treasure, or manager of the Collective.

- I. "Marijuana" shall have the same definition provided in California Health and Safety Code Section 11018 (as may be amended), which defines "Marijuana" as Cannabis Sativa L. (whether growing or not) (hereinafter, the "Plant"); the seeds thereof; the resin extracted from any part of the Plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the Plant, its seeds or resin. It does not include the mature stalks of the Plant, fiber produced from the stalks, oil or cake made from the seeds of the Plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- J. "Medical Marijuana" shall mean Marijuana used for medical purposes in accordance with California Health and Safety Code §§11362.5 et seq.
- K. "Medical Marijuana Collective" (hereinafter, the "Collective") shall mean an incorporated or unincorporated association, composed of four (4) or more Qualified Patient Members and their designated Primary Caregivers who associate at a Property (as defined below) within the City of Long Beach to collectively or cooperatively cultivate Marijuana for medical purposes or distribute that Medical Marijuana to Collective members and Management Members, in accordance with California Health and Safety Code §§11362.5, et seq. For purposes of this Chapter, the term Medical Marijuana "Cooperative" shall have the same meaning as Medical Marijuana Collective.
- L. "Park" or "Public Park" shall mean publicly owned natural or open areas set aside for active and passive public use for recreational, cultural or community service activities.
- M. "Primary Caregiver" shall have the same definition as provided in California Health and Safety Code §§ 11362.5 and 11362.7 (as may be amended), which define "Primary Caregiver" as an individual, designated by a Qualified Patient, who has consistently assumed responsibility for the housing, health, or safety of that Qualified Patient.
- N. "Property" shall mean the location or locations within the the City of Long Beach at which the Medical Marijuana Collective members and Management Members associate to collectively or cooperatively cultivate or distribute Medical Marijuana exclusively for this Collective members and Management Members.
- O. "Qualified Patient" shall mean a person who (1) is entitled to the protections of Health and Safety Code §11362.5 for Patient Members, and (2) may obtain and use marijuana for medical purposes upon the recommendation of an Attending Physician,

regardless of whether that person applied for and received a valid identification Card issued pursuant to State Law.

- P. "Reasonable Compensation" shall mean compensation commensurate with reasonable wages and benefits paid to employees of IRS-qualified nonprofit organizations who have similar job descriptions and duties, required level of education and experience, prior individual earnings history, and number of hours worked. The payment of a bonus shall not be considered "Reasonable Compensation."
- Q. "State Law" shall mean the state regulations set forth in the Compassionate Use Act and the Medical Marijuana Program Act, codified at California Health and Safety Code §§11362.5, et seq.
- R. "Personal Service Type Business." A Medical Marijuana Collectives shall be considered a personal service type business in the City of Long Beach with respect to issuing a Business License and setting taxes.
- S. "Sale" shall mean any sale, exchange, donation, reimbursement or barter.

5.89.020 Business License Required

It shall be unlawful for any person or entity to engage in, operate, or conduct a Medical Marijuana Collective on any Property, unless that Collective has obtained and continues to maintain in full force and effect a Business License.

5.89.030 Medical Marijuana Collective Business License

Any Medical Marijuana Collective seeking to operate a Collective in the City of Long Beach shall first fill out a Business License application provided by the Director of Financial Management (or his or her designee). If the Collective's location (a) meets the general requirements for doing business in a commercial, retail and/or industrial zone, and (b) meets the City of Long Beach's building code requirements for businesses that fall under the personal service section of the licensing code, the Collective shall be issued a Business License.

5.89.040 Operating Conditions

No Medical Marijuana Collective shall be allowed to operate in the City of Long Beach without meeting the following conditions and standards:

- A. The Collective's Property shall not be located in an area zoned in the City for exclusive residential use. Medical Marijuana Collectives shall not be permitted to operate in an exclusive residential zone as established pursuant to Title 21 of this Code.
- B. The Medical Marijuana Collective shall not be located within a one-thousand-five-hundred (1,500) foot radius of a public or private High School or Educational Partnership

High School (hereinafter, "EPHS") or within a one-thousand (1,000) foot radius of a public park, public beach or a public or private kindergarten, elementary, middle or junior high school. The distances specified in this subdivision shall be determined by the horizontal distance measured in a straight line from the property line of the school to the closest property line of the lot on which the Medical Marijuana Collective is located, without regard to intervening structures.

- C. The Medical Marijuana Collective shall not be located within a one-thousand (1,000) foot radius of any other Medical Marijuana Collective. The distance specified in this subdivision shall be determined by the horizontal distance measured in a straight line from the property line of any other Medical Marijuana Collective, to the closest property line of the lot on which the licensed Medical Marijuana Collective is located, without regard to intervening structures. Any Collective that had been permitted by the City Council to operate after February 14, 2012 shall be exempted from the requirements of this provision.
- D. Exterior building and parking area lighting on the Property shall be in compliance with all applicable provisions of this Code.
- E. Any exterior or interior sign visible from the exterior of the Property shall be unlighted.
- F. Windows and roof hatches at the Property shall be secured so as to prevent unauthorized entry, and shall be equipped with latches that (1) may be released quickly from the inside to allow exit in the event of an emergency, and (2) are in compliance with all applicable building code provisions.
- G. Each Collective shall designate a Community Relations Liaison (hereinafter, the "Liaison"), who shall be at least eighteen (18) years of age; and shall provide the Liaison's name to the Director of Financial Management. The Liaison shall receive all complaints received by the Director of Financial Management (or his or her designee), regarding his or her own Collective. The Liaison shall have the responsibility and duty to address and promptly resolve all complaints. To address community complaints and concerns, the name and telephone number for the Liaison shall be made publicly available.
- H. The Property shall contain an odor-absorbing ventilation and exhaust system to ensure that odor generated inside the Property is not detected outside the Property.
- I. The Collective shall install and maintain a video surveillance system that monitors at least the front and rear of the Property. The surveillance system shall:
 - 1. Capture a full view of the public right-of-way and any parking lot under the control of the Collective.

2. Be of adequate quality, color rendition and resolution to allow the ready identification of any individual who commits a crime anywhere on or adjacent to the exterior of the Property.
3. Record and maintain video for a minimum of thirty (30) days.

Each Collective shall produce recordings from the video surveillance system to the Police Department of the City of Long Beach when a search warrant, subpoena or court order has been provided.

- J. The Property shall have a centrally monitored fire and burglar alarm system.
- K. A sign shall be posted in a conspicuous location inside the Property advising:
1. The diversion of marijuana for non-medical purposes is a violation of State Law.
 2. The use of marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery.
 3. Loitering at the location of a Medical Marijuana Collective for an illegal purpose is prohibited by California Penal Code §647(h).
 4. This Medical Marijuana Collective is licensed in accordance with the laws of the City of Long Beach.
 5. The sale of marijuana and the diversion of marijuana for non-medical purpose are violations of State Law.
- L. Each Collective shall meet all applicable state laws consistent with the protection of the health, safety, and welfare of (1) the community, (2) Qualified Patient Members, and (3) Primary Caregivers.
- M. Collective cultivation of Medical Marijuana shall be limited to the Medical Marijuana Collective Members and Management Members.
- N. Cultivation of Medical Marijuana by the Medical Marijuana Collective Members and Management Members shall occur exclusively within the City of Long Beach.
- O. Every Medical Marijuana Collective shall maintain cultivation records, signed under penalty of perjury by each Management Member, that identify (1) the location within the City of Long Beach at which the Medical Marijuana was cultivated, and (2) the total number of Plants cultivated at each location.
- P. Representative samples of Medical Marijuana distributed by the Collective shall be analyzed by an independent laboratory to ensure that they are free of harmful pesticides and other contaminants regulated under local, state or federal law.

- Q. Any Medical Marijuana whose representative sample has tested positive for a harmful pesticide or other contaminant at a level which exceeds the local, state, or federal regulatory or statutory standards shall be promptly destroyed.
- R. Any Medical Marijuana provided to Collective Members shall be properly labeled in strict compliance with state and local laws.
- S. The operation of medical Marijuana Collectives shall be limited to the hours between nine o'clock (9:00) A. M. and eight o'clock (8:00) P. M.
- T. Any and all business identification signs comply with the provisions of Chapter 21.44 "On Premises Signs" as set forth in this Code.

5.89.050 Each Medical Marijuana Collective shall cultivate Medical Marijuana on a membership basis and in accordance with the needs of its members.

5.89.060 License Not Transferable and Required Conduct.

A. A Business License issued pursuant to this Chapter shall become null and void if a Collective (1) closes or dissolves, and/or (2) relocates to a different Property.

B. The lawful conduct of activity regulated by this Chapter by a Collective shall be limited to those activities expressly indicated on the Business License application.

C. The holder of a Business License shall not allow non-members of a Collective to cultivate Medical Marijuana on the Collective's Property.

5.89.070 Maintenance of Records

A. A Medical Marijuana Collective shall maintain the following records on the Property.

1. The full name, address, and telephone number(s) of the owner, landlord and/or lessee of the Property.

2. The full name, address and telephone number(s) and a fully legible copy of a government issued form of identification of each Collective member engaged in the management of the Collective and a description of the exact nature of the participation in the management of the Collective. Acceptable forms of government issued identification include, but are not limited to: Driver licenses or photo identity cards issued by State Department of Motor Vehicles (or equivalent) that meets REAL ID benchmarks, a passport issued by the United States or by a foreign government, U.S. Military ID cards (active duty or retired military and their dependents), or a Permanent Resident Card.

3. The full name, address, and telephone number(s) of each Collective member and Management Member who participates in the Collective cultivation of Medical Marijuana.

4. The full name, date of birth, residential address, and telephone number(s) of each Collective member and Management Member; the date each member and management Member joined the Collective; the exact nature of each member's and management Member's participation in the Collective; and the status of each member and Management Member as a Qualified Patient or Primary Caregiver.

5. A written accounting of all cash and in-kind contributions, reimbursement, and reasonable compensation provided by the Collective Management Members and members of the Collective, and all expenditures and costs incurred by the Collective.

6. An inventory record documenting the dates and amounts of Medical Marijuana cultivated at the Property, and the daily amounts of Medical Marijuana stored on the Property.

7. Proof of a valid Business License issued by the Director of Financial Management Department, in accordance with this Chapter.

8. Any and all records described in §5.89.070 (A) shall be maintained by the Medical Marijuana Collective for a period of five (5) years, and shall be made available by the Collective to the City upon request, subject to the authority set forth in §5.89.080.

B. Annual Reports. Each Medical Marijuana Collective operating in the City shall submit to the City Manager (or his or her designee) an annual financial report (hereinafter, the "Annual Report") prepared by the Collective, using the following criteria.

1. Each Annual Report shall be filed and submitted every calendar year no later than April 30 for each preceding calendar year (for example a Collective's 2010 Annual Report shall be submitted to the City manager no later than April 30, 2011).

2. The Annual Report shall be a summary of the quarterly reports that were filed with the State Board of Equalization in the previous year.

3. The Annual Report shall document the number of Medical Marijuana transactions that took place during the reporting year to a Qualified Patient or Management Member for cash, credit, or in-kind contributions.

4. Appended to the Annual Report shall be a copy of any and all documents, records or forms submitted to the State Board of Equalization for the reporting year, including but not limited to Board of Equalization Form 401 (or its electronic equivalent) which in any manner documents transaction activities relating to the operation of the Medical Marijuana Collective.

5. Appended to the Annual Report shall be an accounting of the number of Plants or clones cultivated by the dispensary during the reporting year.

6. Any and all records or documents that serve as the basis for preparing the annual report shall be maintained by the Medical Marijuana Collective for a period of five (5) years and shall be made available to the city upon request, pursuant to §5.89.080.

5.89.080 Inspection Authority

City representatives (Fire and Building inspectors) may enter and inspect the Property of every Medical Marijuana Collective between the hours of nine o'clock (9:00) A. M. and eight o'clock (8:00) P.M. or at any reasonable time to ensure compliance and enforcement of the provisions of City Codes. The Police Department may be allowed to enter the Property if invited by a member of the Collective or in case of an emergency. Otherwise access shall only be available to the Police Department through a properly executed search warrant, subpoena, or court order. It shall be unlawful for any Property owner, landlord, and lessee, Medical Marijuana Collective member or Manager Member or any other person having any responsibility over the operation of the Medical Marijuana Collective to refuse to allow, impede, obstruct or interfere with an inspection.

5.89.090 Existing Medical Marijuana Collectives

A. Any existing Medical Marijuana Collective, dispensary, operator, establishment, or provider that does not comply with the requirements of this Chapter must immediately cease operation until it fully complies with the requirements of this Chapter. No Medical Marijuana Collective, dispensary, operator, establishment, or provider that existed before this Chapter was enacted shall be deemed to be a legally established use or a legal non-conforming use under the provisions of this Chapter or the Code.

5.89.100 Prohibited Activity

A. It shall be unlawful for any person to cause, permit or engage in the cultivation, possession, distribution, exchange or giving away of Marijuana for medical or non-medical purposes except as provided in this Chapter, and pursuant to all other applicable local and state law.

B. It shall be unlawful for any person to cause, permit or engage in any activity related to Medical Marijuana except as provided in this Chapter and in Health and Safety Code §§11362.5 et seq., and pursuant to all other applicable local and state law.

C. It shall be unlawful for any person to knowingly make any false, misleading or inaccurate statement or representation in any form, record, filing or documentation required to be maintained, filed or provided to the City of Long Beach under this Chapter.

D. No Medical Marijuana Collective, Management Member or member shall cause or permit the sale, distribution or exchange of Medical Marijuana or of any Edible Medical Marijuana product to any non-Collective Management Member or Member.

E. No cultivation of Medical Marijuana on the Property shall be visible with the naked eye from any public or other private property, nor shall cultivated Medical Marijuana or dried Medical Marijuana be visible from the building exterior. No cultivation shall occur on the Property unless the area devoted to the cultivation is secured from public access by means of a locked gate and any other security measures necessary to prevent unauthorized entry.

F. The manufacture of Concentrated Cannabis in violation of California Health and Safety Code §11379.6 is hereby banned.

G. No Medical Marijuana Collective shall be open to or provide Medical Marijuana to its members or Management Members between the hours of eight o'clock (8:00) P.M. and nine o'clock (9:00) A.M.

H. No person under the age of eighteen (18) shall be allowed on the Property, unless that minor is a Qualified Patient and is accompanied by his or her licensed Attending Physician, parent(s) or documented legal guardian.

I. No Medical Marijuana Collective, Management Member or member shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on the Property or in the parking area of the property.

J. No dried Medical Marijuana shall be stored at the property in structures that are not completely enclosed, in an unlocked vault or safe, in any other unsecured storage structure, or in a safe or vault that is not bolted to the floor of the property.

K. Medical Marijuana may not be inhaled, smoked, eaten, ingested, or otherwise consumed on the Property, or in the parking areas of the Property or in those areas restricted under the provisions of California Health and Safety Code §11362.79, which include:

1. Any place where smoking is prohibited by law.
2. Within one thousand (1,000) feet of the grounds of a school, recreation center, or youth center.
3. While on a school bus.
4. While in a motor vehicle that is being operated.
5. While operating a boat

L. No person who has been convicted within the previous ten (10) years of a felony or a crime of moral turpitude, or who is currently on parole or probation for the sale or distribution of a controlled substance shall be engaged directly or indirectly in the management of the Medical Marijuana Collective nor, further, shall manage or handle the receipts and expenses of the Collective.

5.89.110 Violations and Enforcement.

A. Any person violating any provision of this Chapter or knowingly or intentionally misrepresenting any material fact in procuring the license herein provided for, shall be deemed guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than twelve (12) months, or both such fine and imprisonment.

B. Any person who engages in any Medical Marijuana Collective operations (1) after a Business License has been denied, or (2) after a Business License has been suspended or revoked; but before a new license is issued, shall be guilty of a misdemeanor.

C. Any violation of the terms and conditions of the Business License, of this Chapter, or of applicable local or state regulations and laws shall be grounds for suspending or revoking its license.

5.89.120 Suspension, Revocation, and Appeals Process

A. If a City Department determines that a Collective has failed to comply with any provision of this Chapter on at least three occasions, the Director of Financial Management shall revoke or suspend the Business License.

B. The Director of Financial Management shall notify a Collective that its license has been suspended or revoked by means of a dated written notice, which shall advise the Collective of its right to appeal the decision to the City Council. The request for appeal shall be in writing, shall set forth the specific ground(s) on which it is based, and shall be filed with the Director of Financial Management within thirty (30) calendar days from the date the notice was mailed along with an appeal deposit, in an amount determined by the City Council by resolution. If an appeal is filed, a license may not be suspended or revoked before that appeal has been fully adjudicated.

C. The City Council shall conduct a hearing (hereinafter, the "City Council Hearing") on the appeal or refer the matter to a hearing officer pursuant to Chapter 2.93 of this Code, within forty-five (45) calendar days from the date the completed request for appeal was received by the Director of Financial Management, except where good cause exists to extend this period. The appellant shall be given at least fifteen (15) calendar days' written notice of the City Council Hearing. The City Council Hearing shall be conducted pursuant to Chapter 2.93 of this Code. The determination of the City Council on the appeal shall be final, unless the licensee chooses to file a court action within thirty (30) calendar days of that determination.

D. Whenever a Medical Marijuana Collective's license has been revoked or suspended, no other Business License application shall be considered for that Collective for a period of one (1) year from either (a) the date on which the notice of the revocation or suspension was mailed, or (b) the date of the final decision of the City Council, whichever is later.

5.89.130 Operative Date of Cultivation Requirement

Each Medical Marijuana Collective that has been issued a Business License pursuant to this Chapter shall have one-hundred-and-twenty (120) calendar days from the date the license is issued to comply with the Medical Marijuana cultivation requirements set forth in §5.89.040.

5.89.140 Severability

The provisions of this Chapter are severable. If any provision of this Chapter is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.