

## **ORDINANCE NO. 2025-1504**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING AMENDMENTS TO TITLE 17, AMENDING AND RESTATING CHAPTER 17.156 OF THE LAKE ELSINORE MUNICIPAL CODE REGARDING CANNABIS USES**

**Whereas**, Chapter 17.156 (Cannabis Uses) of the Lake Elsinore Municipal Code (LEMC) sets forth the regulation for cannabis related uses;

**Whereas**, the City desires to amend Chapter 17.156 of the LEMC to more efficiently regulate cannabis uses in accordance with State law in order to promote the health, safety, and general welfare of the residents and businesses within the City;

**Whereas**, pursuant to LEMC Section 17.415.040 (Zoning Amendments), the Planning Commission (Commission) has been delegated the responsibility of making recommendations to the City Council (Council) regarding zoning ordinance text amendments;

**Whereas**, on May 20, 2025, at a duly noticed Public Hearing, the Commission considered evidence presented by the Community Development Department and other interested parties with respect to this item, and adopted a resolution recommending that the Council approve the amendment to Title 17 of the LEMC; and

**Whereas**, on June 24, 2025, at a duly noticed Public Hearing, the Council considered the Commission's recommendation as well as evidence presented by the Community Development Department and other interested parties regarding this item.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE DOES HEREBY RESOLVE, DETERMINE, AND ORDAIN AS FOLLOWS:**

**Section 1:** The foregoing recitals are true and correct and are hereby incorporated into these findings by this reference.

**Section 2:** The Council has reviewed and analyzed the proposed amendment to Title 17 of the LEMC, pursuant to the California Planning and Zoning Laws (Cal. Gov. Code Sec 65000 et. seq.), Lake Elsinore General Plan (GP), and the LEMC and finds that the proposed amendment is consistent with the requirements of California Planning and Zoning Law and with the goals and policies of the GP and the LEMC.

**Section 3:** The Council hereby finds and determines that the proposed amendment to the Lake Elsinore Municipal Code is exempt from the California Environmental Quality Act (Cal. Publ. Res. Code §§21000 et seq. "CEQA") and the State CEQA Guidelines (14. Cal. Code Regs §§15000 et seq.), specifically pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility that it may have a significant effect on the environment, and because it is not a "project" as that term is defined in Section 15378 of the State CEQA Guidelines.

**Section 4:** In accordance with Government Code Section 65855, the Council makes the following findings regarding the amendment to Title 17 of the Lake Elsinore Municipal Code:

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1. The proposed zoning code amendments will not be: a) detrimental to the health, safety, comfort, or general welfare of the persons residing or working within the neighborhood of the proposed amendment or within the City, or b) injurious to the property or improvements in the neighborhood or within the City.

*The proposed amendments to Title 17 (Zoning) of the Municipal Code have been analyzed relative to their potential detrimental effects. It has been determined that the amendments have no impact on the public's health, safety, comfort, and general welfare because they will provide additional regulation of cannabis businesses within the City.*

2. The proposed zoning code amendments are consistent with the General Plan's Goals, Policies, and Implementation Programs and the development standards established with the LEMC.

*The proposed amendments to Title 17 (Zoning) of the Municipal Code do not create new zoning districts, remove existing zoning districts, or rezone property. They will also not interfere with the implementation of the General Plan's goals, policies, and implementation programs.*

**Section 5:** Based upon the evidence presented, both written and testimonial, and the above findings, the City Council hereby approves the amendment of Title 17 of the Lake Elsinore Municipal Code as follows:

#### **Chapter 17.156 CANNABIS USES**

Sections:

- 17.156.010 Purpose and intent.
- 17.156.020 Interpretation and applicability.
- 17.156.030 Exemptions
- 17.156.040 Definitions.
- 17.156.050 Permitted locations.
- 17.156.060 Limitation on uses.
- 17.156.070 Permits required.
- 17.156.080 Cannabis business license.
- 17.156.090 Requirements for all cannabis facilities.
- 17.156.100 Cannabis retail businesses.
- 17.156.110 Cannabis distribution.
- 17.156.120 Cannabis cultivation.
- 17.156.130 Cannabis manufacturing.
- 17.156.140 Cannabis testing laboratory.
- 17.156.150 Enforcement.
- 17.156.160 M-1 and M-2 district zones.

##### **17.156.010 Purpose and intent.**

The purpose and intent of this chapter are to regulate the retail sale, dispensing, cultivation, processing, manufacturing, testing, and distribution of cannabis in a manner that protects the public health, safety, and welfare of the City and mitigates the costs to the community of the oversight of these activities.

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Nothing in this chapter shall be construed to: allow persons to engage in conduct that endangers others or causes a public nuisance; or allow any activity relating to the cultivation, manufacturing, testing, distribution, or consumption of cannabis that is otherwise illegal under California law.

**17.156.020 Interpretation and applicability.**

Operation of cannabis facilities within the City shall be permitted upon the application and approval of a conditional use permit both pertaining to the location of the facility in accordance with the criteria and procedures set forth in this chapter and the City's municipal code, upon application and subject to such additional regulations as may be promulgated pursuant to this chapter.

- A. The cultivation, processing, and distribution of cannabis in the City are controlled by the provisions of this chapter.
- B. Nothing in this chapter is intended, nor shall it be construed, to burden any defense to criminal prosecution otherwise afforded by California law.
- C. Nothing in this chapter is intended, nor shall it be construed, to preclude a landlord from limiting or prohibiting cannabis cultivation, consumption, processing, and distribution or other related activities by tenants.
- D. Nothing in this chapter is intended, nor shall it be construed, to exempt any cannabis-related activity from any applicable local or State construction, environmental, electrical, plumbing, land use, labor, or employment laws or any other building or land use standards or permitting requirements.
- E. Nothing in this chapter is intended, nor shall it be construed, to make legal any sale, cultivation, transportation, manufacture, or other use of cannabis that is otherwise prohibited or noncompliant under California law, as amended from time to time.
- F. All cannabis cultivation, retail sales, dispensing, distribution, testing, and manufacturing facilities and/or recreational cannabis cultivation, retail sales, dispensing, distribution, testing, and manufacturing facilities within City limits shall be subject to the provisions of this chapter, regardless of whether the use existed or occurred prior to adoption of this chapter.

**17.156.030 Exemptions.**

- A. There shall be a limited exemption from enforcement for violations of this chapter by qualified patients for cannabis cultivation for their own use in all residential zone classifications when all of the following conditions and standards are complied with:
  - 1. The premises shall contain a legally permitted private residence. Any private residence where cultivation occurs shall remain at all times a residence with legal and functioning cooking, sleeping, and sanitation facilities with proper ingress and egress.

2. A qualified patient may cultivate up to 100 square feet of cultivation area for personal use. A primary caregiver may cultivate up to 100 square feet for the personal medical use of a single qualified patient, and may cultivate for no more than five maximum individual qualified patients. At least one qualified patient or one primary caregiver must live on the premises.
3. A person may cultivate up to 100 square feet of cultivation area for personal use.
4. All cannabis plants must be reasonably secured to prevent access by minors or theft, to a standard satisfactory to the enforcement officer.
5. All cannabis cultivation outside of any building must be fully enclosed by an opaque fence at least six feet in height. The fence must be adequately secure to prevent unauthorized entry. Bushes, hedgerows, plastic sheeting, tarps, or cloth material shall not constitute an adequate fence under this subsection. Premises larger than five acres are exempt from this fencing provision so long as all other standards and conditions of this subsection (A) are complied with and any barriers used are otherwise consistent with the municipal code.
6. Each building or outdoor area in which the cannabis plants are cultivated shall be set back at least 10 feet from all boundaries of the premises. Such setback distance shall be measured in a straight line from the building in which the cannabis plants are cultivated, or, if the cannabis plants are cultivated in an outdoor area, from the fence required by subsection (A)(6) of this section to the boundary line of the premises.
7. The designated cannabis cultivation area must not be visible from any public right-of-way.
8. Qualified patients for whom the cannabis plants are being cultivated shall have valid medical cannabis identification cards issued by the Riverside County Department of Public Health. Any primary caregiver cultivating cannabis plants for a qualified patient shall have a copy of the qualified patient's valid medical cannabis identification card issued by the Riverside County Department of Public Health, which shall be kept on the premises.
9. The cannabis cultivation site shall not be upon any premises containing a childcare center, church, or youth-oriented facility.

#### **17.156.040 Definitions.**

When used in this chapter, the following words shall have the meanings ascribed to them in this section. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision. Words and phrases not specifically defined in this chapter shall have the meanings ascribed to them by the following sources:

- A. The CUA of 1996 (California Health and Safety Code Section 11362.5), and as may be amended from time to time;
- B. The MMPA (California Health and Safety Code Sections 11362.7 through 11362.83);



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C. The MMRSA (California Business and Professions Code Sections 19300 through 19355) as may be amended from time to time;

D. The AMUA (Proposition 64, The Adult Use of Cannabis Act).

“Cannabis” has the same meaning as in California Health and Safety Code Section 11018 and Proposition 64, Cannabis Legalization, as may be amended from time to time. For the purpose of this chapter, “cannabis” does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

“Cannabis business license” means a business license issued by the City pursuant to Title 5 LEMC allowing for the lawful operation of cannabis facility within the City.

“Cannabis cultivation” means the planting, growing, harvesting, drying or processing of any cannabis plants or any part thereof for use consistent with the Compassionate Use Act (California Health and Safety Code Section 11362.5), the Medical Cannabis Program Act (California Health and Safety Code Section 11362.7 et seq.), and Proposition 64, Cannabis Legalization.

“Cannabis delivery” means the commercial transfer of cannabis or cannabis products from a cannabis retail business with an approved conditional use permit, up to an amount allowed by the State of California Department of Cannabis Control, to a primary caregiver, qualified patient, or customer at a physical address in California in compliance with all State laws and regulations.

“Cannabis distribution facility” means any facility or location, the primary function of which is the procurement, sale, and/or transport of cannabis and/or cannabis products between entities operating in strict accordance with the CUA, the MMPA, the MMRSA, and the AMUA as may be amended from time to time, and subject to the provisions of this chapter and the City’s municipal code.

“Cannabis facility” means any business that conducts cannabis cultivation, retail sales, dispensing, distribution, testing, or manufacturing.

“Cannabis manufacturing facility” means a facility where the production of cannabis concentrate, and/or the preparation, propagation, or compounding of manufactured cannabis, either directly or indirectly or by extraction methods or independently by means of chemical synthesis, or the packaging or repackaging of cannabis products, or the labeling or relabeling of its containers, occurs, provided the facility holds a valid conditional use permit, and a development agreement if applicable, all issued in accordance with this chapter and the City’s municipal code, and operating in strict accordance with the CUA, the MMPA, the MMRSA, and the AMUA as may be amended from time to time, and subject to the provisions of this chapter and the City’s municipal code.

“Cannabis non-retail business” means any part of the facility or location that is not part of the cannabis retail business including but not limited to cultivation, distribution, manufacturing, and/or testing laboratory.

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“Cannabis retail business” means any facility or location where cannabis is made available to or distributed by or distributed to one or more individuals operating in strict accordance with the CUA, the MMPA, the MMRSA, and the AMUA as may be amended from time to time, and subject to the provisions of this chapter and the City’s municipal code.

“Cannabis testing laboratory” means a facility for testing, analysis, and/or research. Similar types of lab uses include medical labs, soils, materials testing labs, and forensic labs. Laboratories are a necessary component of the cannabis licensing scheme because testing is required to be done on each cannabis crop to determine constituents such as cannabinoids (CBDs), tetrahydrocannabinol (THC), pesticide residuals, mold, and fungus.

“Enforcement officer” means any City employee or any agent of the City with the authority to enforce any provision of this code, codes adopted by the City, or State laws enforceable by the City. Enforcement Officers are authorized to issue citations for all violations of this chapter.

“Indoor” means any location within the City that is within a fully enclosed, occupied (as defined in this section) dwelling, dwelling unit, or housing unit.

“Occupied” means currently, presently, and lawfully utilized in accordance with an issued certificate of occupancy.

“Outdoor” means any location within the City that is not within a fully enclosed, occupied (as defined in this section) dwelling, dwelling unit, or housing unit.

“Parcel” means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (California Government Code Section 66410 et seq.).

“Private residence” means a house, apartment unit, mobile home, or other similar dwelling, and includes any accessory structure that is fully enclosed, secure, and located upon the grounds of the private residence.

“School” means any educational facility that primarily provides educational services to individuals under the age of 18.

“State cannabis track-and-trace system” means the State of California Cannabis Track-and-Trace (CCTT) system used statewide to record the inventory and movement of cannabis and cannabis products through the commercial cannabis supply chain and administered by the California Department of Food and Agriculture.

#### **17.156.050 Permitted Locations.**

- A. Cannabis uses shall only be located in the Limited Manufacturing (M-1) or General Manufacturing (M-2) zoning districts.
- B. Cannabis uses shall not be located within 1,000 feet of any school, community center, or park that is in existence at the time a complete conditional use permit application is submitted for a new cannabis use.

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**17.156.060 Limitation on uses.**

- A. In no case shall the maximum number of permits issued for cannabis facilities be more than 10 permits combined within the City's M-1 and M-2 zoning districts. A cannabis facility legally established prior to the effective date of this ordinance, codified in this Chapter, shall be allowed to continue operating so long as it is operated and maintained in accordance with the conditions of approval prescribed at the time of its establishment.
- B. No further cannabis licenses for new locations will be issued by the City until the total number of cannabis uses is less than 10, after which time the City may issue further licenses not to exceed 10 total cannabis facilities operating at one given time.
- C. Section 17.156.050.A is only intended to establish a maximum number of cannabis facilities that may be permitted to operate in the City. Nothing in this Chapter shall mandate that the City Council issue all the cannabis use permits that are potentially available.

**17.156.070 Licenses and permits required.**

- A. All cannabis facilities shall obtain the following permits prior to commencing operation:
  - 1. Valid a conditional use permit
  - 2. Building permit(s)
  - 3. Certificate of occupancy
  - 4. A City cannabis business license

**17.156.080 Cannabis business license.**

- A. Except as otherwise set forth in this chapter, it shall be unlawful for any person or entity to operate or maintain, in or upon any property, a cannabis facility without first obtaining all required State licenses and a cannabis business license issued by the City. Each State license type available in the MMRSA or AMUA is eligible to apply for a cannabis business license. Unless otherwise set forth in this chapter, no person shall engage in a cannabis use or operate a cannabis facility without possessing all applicable State licenses and all applicable City permits and licenses. Revocation of a State license shall constitute grounds for the City to suspend or revoke any permit or license issued by the City.
- B. All cannabis facility permittees shall be subject to an annual regulatory inspection by the City to ensure compliance with all of the applicable provisions of this chapter.
- C. It shall be unlawful for the owner of a building to allow or maintain the use of any portion of a building by a cannabis facility unless the tenant has a valid conditional use permit, cannabis business license, and certification of occupancy issued by the City. Each owner of a building whose tenant is applying for a cannabis facility to operate in the City shall execute an acknowledgement that the applicant has the owner's permission and consent to operate a cannabis facility at the subject property.

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- D. The cannabis facility permittee shall display its current valid State license and cannabis business license issued in accordance with this chapter at all times inside the lobby or waiting area of the main entrance to the site, in a conspicuous manner so that it may be readily seen by all persons entering the site.
- E. It shall be unlawful to operate or maintain any cannabis facility without fully complying with all terms, requirements, and conditions of applicable State licenses and City permits, licenses, and other approvals.

**17.156.090 Requirements for all cannabis facilities.**

- A. **Safety.** Cannabis facilities shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public. Cannabis facilities shall not create a public nuisance or adversely affect the health or safety of the nearby residents, businesses or employees working at the cannabis facility by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, and runoff of water, pesticides or wastes.
- B. **Criminal History.** No cannabis facility permittee or manager of a cannabis facility shall operate a cannabis facility if such person has been convicted of a felony or is currently on parole or probation for the sale or distribution of a controlled substance. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Notwithstanding the above, a person may not be denied the ability to obtain a permit or operate a cannabis use facility solely on the basis that the person has been convicted of a felony if the person has obtained a certificate of rehabilitation (expungement of felony record) under California law or similar Federal statute or State law under which the expungement was granted.
- C. **Hours of Operation.** The maximum hours of operation that a cannabis retail business is may be open to the public shall be daily from 7:00 a.m. to 10:00 p.m. unless the more restrictive hours have been imposed as a condition of approval on the cannabis facility's conditional use permit. All other cannabis non-retail uses, including distribution, manufacturing, cultivation, and testing laboratory, may operate only during the hours specified in the conditional use permit granted by the City.
- D. **Odor Control.** All cannabis facilities shall be sited and operated in a manner that prevents cannabis odors from being detected offsite and shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the cannabis use facilities that is distinctive to its operation is not detected outside of the operation's facility, anywhere on adjacent lots or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the cannabis facility. In order to control nuisances such as odors, humidity, and mold, cannabis facilities shall install and maintain at a minimum the following equipment, or any other equipment that can be proven to be an equally or more effective method or technology to control these nuisances:

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1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
2. An air system that creates negative air pressure between the cannabis use facility's interior and exterior, so that the odors generated by the cannabis use facility are not detectable on the outside of the cannabis use facility.

E. Exterior Signs. Signage for a cannabis facility shall comply with the following:

1. In addition to the requirements set forth in this section and California Business and Professions Code section 26152 as may be amended, business identification signage for a cannabis use facility shall comply with the provisions of Chapter 17.196 LEMC.
2. No cannabis facility shall advertise by having a person or device holding a sign or an air dancer sign advertising the activity to passersby, whether such person, device, or air dancer is on the lot of the cannabis use facility or elsewhere, including, but not limited to, the public right-of-way.
3. No cannabis facility shall publish or distribute advertising or marketing that is attractive to children.
4. No cannabis use facility shall advertise or market cannabis or cannabis products on motor vehicles.
5. No sign shall advertise or market cannabis or cannabis products in a manner intended to encourage persons under 21 years of age to consume cannabis or cannabis products.
6. No signs placed on the lot of a cannabis use facility shall obstruct any entrance or exit to the building or any window.
7. Each entrance to a cannabis use facility shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the lot of the cannabis facility is prohibited.
8. No banners, flags, billboards, or other prohibited signs may be used at any time.
9. Additional signs required to be posted inside the cannabis facility shall follow the requirements as stated in the sections below pertaining to the specific operating requirements for each cannabis use type.

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- G. Site Security. Each cannabis facility shall submit a site security plan, which must include the following:
1. Security surveillance cameras and a video recording system must be installed to monitor all doors into the buildings on the site, the parking lot, loading areas, and all exterior sides of the property adjacent to the public rights-of-way. The cameras and recording system must be of adequate quality, color rendition, and resolution to allow the identification of any individual present on the site. The recording system must be capable of exporting the recorded video in standard MPEG formats to another common medium, such as a DVD or USB drive.
  2. Video from the security surveillance cameras must be recorded at all times (24 hours a day, seven days a week) and maintained for at least 30 days. The video recordings shall be made available to the City upon request.
  3. Professionally and centrally monitored fire, robbery, and burglar alarm systems must be installed and maintained in good working condition. The alarm system must include a private security company that is required to respond to every alarm.
  4. A site security plan must be submitted with the conditional use permit planning application and approved prior to occupancy.
- H. Consumption prohibited. No person shall smoke, ingest, or otherwise consume cannabis in any form on, or within 20 feet of, the site.
- I. Alcohol prohibited. No cannabis distribution permittee or manager shall cause or permit the sale, distribution, or consumption of alcoholic beverages on the distribution facility property; hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages; or operate a business on or adjacent to the distribution facility property that sells alcoholic beverages. No alcoholic beverages shall be allowed or stored on the distribution facility property.
- J. Persons younger than 21 prohibited. No person younger than 21 years of age shall be on the site (except within a cannabis retail business if such person has a valid medical prescription) or operate a cannabis facility in any capacity, including but not limited to, as a manager, staff, employee, contractor, or volunteer.
- K. Parking. Parking shall be provided in accordance with Chapter 17.148 LEMC, Parking Requirements.
- L. Visibility. In no case shall live cannabis plants be visible from a public or private road, sidewalk, park, or common public viewing area.

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**17.156.100 Cannabis retail businesses.**

- A. A cannabis retail business shall be permitted only in conjunction with either a cannabis cultivation, distribution, or manufacturing facility. A standalone cannabis retail business is strictly prohibited.
- B. A cannabis retail business shall have adequate locked storage on the property, identified and approved as a part of the security plan, for after-hours storage of cannabis. Cannabis shall be stored at the property in secured rooms that are completely enclosed or in a safe that is bolted to the floor.
- C. A cannabis delivery retailer operating without a storefront shall be closed to the public. A cannabis delivery retailer shall also operate in accordance with the applicable provisions pursuant to Section 17.156.100.
- D. Cannabis and cannabis products not in the cannabis retail business display area shall be maintained in a locked, secure area.
- E. Restroom facilities shall be locked and under the control of the cannabis retail business.
- F. A cannabis retail business shall ensure that all cannabis and cannabis products held for sale by the cannabis retail business are cultivated, manufactured, transported, distributed, and tested by California-licensed and permitted facilities that are in full conformance with State laws and regulations.
- G. Cannabis retail businesses shall not sell any cannabis or cannabis product unless such products are labeled and, in a tamper-evident package, in compliance with the California Business and Professions Code and any additional rules promulgated by a licensing authority.
- H. Cannabis retail businesses shall not provide free samples of any type, including cannabis products, to any person and shall not allow any person to provide free samples on the cannabis retail business's lot.
- I. Deliveries of cannabis and cannabis products shall be to a customer at a physical address and conducted in accordance with California Business and Professions Code section 26090, as may be amended, and all State laws and regulations pertaining to the delivery of cannabis and cannabis products.
- J. Cannabis retail businesses shall not include a drive-in, drive-through, or walk-up window where retail sales of cannabis or cannabis products are sold to persons or persons within or about a motor vehicle.
- K. Cannabis retail businesses with an approved conditional use permit may provide cannabis deliveries consistent with State law.



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L. The following signs in measurements of not less than eight by 10 inches shall be clearly and legibly posted in a conspicuous location inside the cannabis retail business where they will be visible to members and customers in the normal course of a transaction, stating:

1. "Smoking, ingesting, or consuming cannabis on this property or within 20 feet of the business is prohibited."
2. "Persons younger than 21 years of age are prohibited from entering this property unless they are a qualified patient or a primary caregiver."
3. "Neither the City of Lake Elsinore, nor any other governmental agency, has tested or inspected any cannabis product for pesticides, or other regulated contaminants, distributed at this location."

M. Access to the cannabis retail business shall be restricted as follows:

1. All entrances into a cannabis retail business's building shall be locked from the exterior at all times, with entry controlled by business personnel.
2. A manager must be on the cannabis retail business site at all times when any other person, except for security guards, is on the site.
3. While on the cannabis retail business site, managers and staff of the cannabis retail business permittee must wear their cannabis retail business identification badge at all times.
4. Any person other than managers or staff shall be escorted by a manager at all times while in the cannabis retail business building.

**17.156.110 Cannabis distribution.**

- A. Cannabis and cannabis products shall only be transported between permitted and licensed cannabis facilities.
- B. A cannabis distribution facility shall have adequate locked storage on the distribution facility property, identified and approved as a part of the security plan, for after-hours storage of cannabis. Cannabis shall be stored at the distribution facility property in secured rooms that are completely enclosed or in a safe that is bolted to the floor.
- C. Cannabis and cannabis products shall be tracked utilizing the State track-and-trace system for cannabis and cannabis products.

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- D. Records of distribution, both internal and as part of the State track-and-trace system, must be made available to enforcement officers upon request.
- E. Cannabis distribution facilities shall ensure that appropriate samples of cannabis or cannabis products are tested by a permitted and licensed testing facility prior to distribution and shall maintain a copy of the test results in its files.
- F. Cannabis distribution facilities shall not be open to the public.
- G. Cannabis distribution facilities shall not transport or store non-cannabis goods.
- H. Access to the cannabis distribution facility shall be restricted as follows:
  - 1. No cannabis distribution permittee shall open their facility to the public.
  - 2. No cannabis distribution permittee shall allow anyone on the distribution site, except for managers, staff, and other persons with a bona fide business or regulatory purpose for being there, such as contractors, inspectors, and cannabis transporters.
  - 3. A manager must be on site at the facility at all times when any other person, except for security guards, is on the site.

**17.156.120 Cannabis cultivation.**

- A. No person owning, renting, leasing, occupying, or having charge or possession of any parcel shall cause or allow such parcel to be used for the outdoor cultivation of any cannabis plant, except as provided pursuant to Section 17.156.030.
- B. Cannabis cultivation shall be limited to interior areas. No person owning, renting, leasing, occupying, or having charge or possession of any parcel shall cause or allow indoor cultivation of cannabis on such parcel to be visible from any street, sidewalk, or other place freely accessible by the public.
- C. Plants cultivated shall be tracked utilizing the State track-and-trace system for cannabis and cannabis products.
- D. Records of cultivation, both internal and as part of the State track-and-trace system, must be made available to enforcement officers upon request.
- E. The cultivation site shall have a building with a main entrance that is visible from the public street or sidewalk. The main entrance shall be maintained clear of barriers, landscaping, and other obstructions. Inside of the main entrance, there shall be a lobby to receive persons into the site and to verify whether they are allowed in the cultivation areas.

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- F. All cultivation areas in any building on the cultivation site shall be separated from the main entrance and lobby, and shall be secured by a lock accessible only to managers and staff of the cannabis cultivation permittee.
- G. Each building with a cultivation area shall have an area designed for the secure transfer of cannabis from the cultivation area to a vehicle for transportation.
- H. Any person cultivating cannabis with the use of grow lights, fans, ventilation devices, or any other electrical or mechanical equipment shall comply with all applicable building and fire code requirements adopted by the City of Lake Elsinore, and shall obtain all permits required for such installation.
- I. No person shall conduct any retail sales of any goods or services on or from a permitted cultivation site unless a cannabis retail business has also been approved to operate in conjunction with the cultivation facility. Retail sales shall only occur within the cannabis retail business portion of the facility.
- J. Access to the cannabis cultivation facility shall be restricted as follows:
  - 1. No cannabis cultivation permittee shall open their facility to the public.
  - 2. No cannabis cultivation permittee shall allow anyone on the cultivation site, except for managers, staff, and other persons with a bona fide business or regulatory purpose for being there, such as contractors, inspectors, and cannabis transporters.
  - 3. A manager must be on site at the facility at all times when any other person, except for security guards, is on the site.

**17.156.130 Cannabis manufacturing.**

- A. Cannabis manufacturing shall be conducted only in the interior of fully enclosed structures, facilities, buildings, or other fully enclosed spaces consistent with the purpose and intent of this chapter. No cannabis manufacturing shall be visible from any public right-of-way.
- B. Manufacturing facilities with a State license of a Type 6 (nonvolatile) or a Type 7 (volatile) classification may be allowed to operate under this chapter.
- C. All product manufacturing must conform to rules and requirements set forth by the California Department of Public Health for cannabis manufacturing, including those for testing, labeling, and quality assurance.
- D. No person shall conduct any retail sales of any good or services on or from a permitted cannabis manufacturing site unless a cannabis retail business has also been approved to

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operate in conjunction with the manufacturing facility. Retail sales shall only occur within the cannabis retail business portion of the facility.

- E. Rules, regulations, and local permitting requirements imposed on a manufacturer and its associated product manufacturing site by the City shall conform to the state licensing requirements for manufacturers, as set forth by the California Business and Professions Code, Division 10.
- F. Access to the cannabis manufacturing facility shall be restricted as follows:
  - 1. No cannabis manufacturing permittee shall open their facility to the public.
  - 2. No cannabis manufacturing permittee shall allow anyone on the manufacturing site, except for managers, staff, and other persons with a bona fide business or regulatory purpose for being there, such as contractors, inspectors, and cannabis transporters.
  - 3. A manager must be on site at the facility at all times when any other person, except for security guards, is on the site.

**17.156.140 Cannabis testing laboratory.**

- A. Cannabis testing shall be conducted only in the interior of fully enclosed structures, facilities, buildings, or other fully enclosed spaces consistent with the purpose and intent of this chapter. No cannabis testing laboratory operations shall be visible from any public right-of-way.
- B. All entrances into the building(s) of the cannabis testing laboratory site shall be locked at all times, with entry controlled by the cannabis testing laboratory permittee's managers and staff.

The cannabis testing laboratory site shall have a building with a main entrance that is clearly visible from the public street or sidewalk. The main entrance shall be maintained clear of barriers, landscaping, and other obstructions. Inside of the main entrance, there shall be a lobby to receive persons into the site and to verify whether they are allowed in the testing areas.

- C. All testing areas in any building of the cannabis testing laboratory site shall be separated from the main entrance and lobby, and shall be secured by a lock accessible only to managers and staff of the cannabis testing laboratory permittee.
- D. Each building with a testing area shall have an area designed for the secure transfer of cannabis from a vehicle to the testing area.
- E. Each building with a testing area shall have adequate storage space for cannabis that has been tested or is waiting to be tested. The storage areas shall be separated from the main

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entrance and lobby, and shall be secured by a lock accessible only to managers and staff of the cannabis testing laboratory permittee.

F. No person shall conduct any retail sales of any goods or services on or from a permitted cannabis testing laboratory site.

G. Access to the cannabis testing facility shall be restricted as follows:

1. No cannabis testing permittee shall open their facility to the public.
2. No cannabis testing permittee shall allow anyone on the testing site, except for managers, staff, and other persons with a bona fide business or regulatory purpose for being there, such as contractors, inspectors, and cannabis transporters.
3. A manager must be on site at the facility at all times when any other person, except for security guards, is on the site.

**17.156.150 Enforcement.**

A. Violations of this chapter shall constitute a public nuisance and may be enforced according to the procedures set forth in Chapter 8.18 of the LEMC and by the enforcement remedies conferred upon the City by Civil Code Section 3494, Code of Civil Procedure Section 731, Government Code Section 38773, or other remedies provided by law, including injunctive relief. Nothing in this provision is intended to impair any viable legal defense to a person using or in possession of cannabis pursuant to the CUA, the MMPA, the MMRSA, and the AMUA as may be amended from time to time.

B. Each day a violation of this chapter continues constitutes a separate and distinct violation.

C. The remedies provided in this chapter are intended to be cumulative and may be used in lieu of or in conjunction with each other.

**17.156.160 M-1 and M-2 district zones.**

Should there be a conflict between the provisions of this chapter and Chapter 17.136 or 17.140 LEMC, this chapter shall control.

**Section 6: Severability.** If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

**Section 7: Effective Date.** This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

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**Section 8: Certification.** The City Clerk shall certify to the passage of this Ordinance and shall cause a synopsis of the same to be published according to law.

**Passed, Approved, and Adopted** at a regular meeting of the City Council of the City of Lake Elsinore, California, on this 8<sup>th</sup> day of July 2025.

Signed by:

*Brian Tisdale*

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Brian Tisdale  
Mayor

Attest:

DocuSigned by:

*CAJ*

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Candice Alvarez, MMC  
City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    ) ss.  
CITY OF LAKE ELSINORE    )

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Ordinance No. 2024-1504 was introduced by the City Council of the City of Lake Elsinore, California, at its Regular meeting of June 24, 2025, and adopted at its Regular meeting of July 8, 2025, and that the same was adopted by the following vote:

AYES:     Council Members Manos, Johnson, and Sheridan; Mayor Pro Tem Magee; and Mayor Tisdale

NOES:     None

ABSENT:   None

ABSTAIN:  None

DocuSigned by:

*CAJ*

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Candice Alvarez, MMC  
City Clerk