

DeSoto County Medical Cannabis Ordinance Summary

General Provisions Applicable to all Medical Cannabis Facilities

- 1) The following must be done before any Medical Cannabis business activities are started:
 - a) A business privilege license must be obtained from the County Tax Collector
 - b) A business permit must be obtained from the County Planning Department
- 2) All Applicants shall submit facility location with confirmation it meets distance requirements
- 3) All Cannabis business applications, reports, and document that applicants send to the state, must also be sent to the County including, but not limited to, annual licenses, revocations, reports, notices, etc.
- 4) A Medical Cannabis Activities privilege permit may be denied or revoked for failure to comply with the Ordinance requirements

Required Fees: The following fees must be paid to the Planning Department

- Application Fee: \$1,000
- Yearly Renewal Fee: \$500

Site Plans: All Applicants are required to submit a comprehensive Site Plan with the following;

1. Property survey
2. Odor and ventilation control plan: no excessive odor escapes to neighboring property
3. Lighting plans: no excessive light escapes to neighboring property between sunset & sunrise
4. Security plans
5. Water and wastewater service plans
6. Materials management plan for proper disposal of related waste
 - a. If the activities involve storage and use of hazardous materials at a reportable quantity, applicants shall include a hazardous materials management plan

Remediation Plan: May be required by the County Planning Department

1. Remediation if facility remains inactive for 12 or more consecutive months
2. Surety bond or letter of credit may be required
 - a. Amount sufficient to cover costs of proposed remediation plan

Inspections: All Medical Cannabis facilities must allow access to County code enforcement, law enforcement officers, or other agents or employees

1. To determine compliance with ordinance standards
2. Annual on-site compliance inspection
 - a. At least 24-hour notice
 - b. Conducted by County officials during regular business hours
3. Elements of Inspections may include:
 - a. Facility
 - b. Equipment
 - c. Books
 - d. Records
 - e. Licenses
 - f. Real and personal property that are part of Medical Cannabis Activities

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Hours of Operation:

1. Cultivation
 - a. A Zone: 7:00 am - 7:00 pm Monday - Sunday
 - b. M1, M2: No hours of operation limit
2. Dispensary
 - a. C1, C2, C3, PB: 8:00 am – 7:00 pm Monday - Sunday
3. Disposal
 - a. A Zone: 7:00 am - 7:00 pm Monday - Sunday
 - b. M1, M2: No hours of operation limit
4. Processing
 - a. A Zone: 7:00 am - 7:00 pm Monday - Sunday
 - b. M1, M2: No hours of operation limit
5. Research
 - a. A Zone: 7:00 am - 7:00 pm Monday - Sunday
 - b. M1, M2, C2, C3, C4, O, PB: No hours of operation limit
6. Testing
 - a. A Zone: 7:00 am - 7:00 pm Monday - Sunday
 - b. M1, M2, C2, C3, C4, O, PB: No hours of operation limit
7. Transportation
 - a. A Zone: 7:00 am - 7:00 pm Monday - Sunday
 - b. M1, M2, C2, C3: No hours of operation limit

NOTE: Inactive operations of minimal activity, such as security surveillance, automated irrigation and “grow lighting,” are not limited by these hours of operation.

Enforcement: A violation of any provision of this Ordinance or any state or local laws, regulations, ordinances, or codes shall be deemed to be a public nuisance and subject to enforcement

1. A person violating this ordinance (if no other penalty is specifically mentioned)
 - a. First offense: \$100-\$250 fine
 - b. Second offense within two years: \$250-\$500 fine and/or incarceration up to 30 days
 - c. Third and subsequent offenses within two years: \$500-\$1,000 and/or incarceration up to 180 days.
 - d. No portion of fines may be suspended
 - e. Each violation of any provision of ordinance is deemed a separate offense
 - f. The Court may order the violator to pay restitution
2. The County may seek to stop violations by taking civil action
 - a. County may request injunctive relief
 - i. Court order prohibiting ongoing violations
 - ii. Requiring compliance with this ordinance
 - b. If the County is the prevailing party
 - i. County will be entitled to recovery of cost of prosecution
3. Civil Penalty imposed in addition to the penalties above
 - a. \$200 a day per violation
 - i. Accrue each day of each violation until violation is abated.
 - ii. Penalty begins 72 hours after notice of violation has been provided to operator
 1. Notice provided via hand delivery, certified mail, or posted on property