COUNCIL AGENDA: 11/14/2023
ITEM: 4.1
FILE NO: 23-1544

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: **SEE BELOW**

DATE: November 14, 2023

SUBJECT: San José Police Department Cannabis Regulations

Recommendation

(a) As recommended by the Public Safety, Finance and Strategic Support Committee on October 19, 2023:
(1) Adopt a resolution amending the Administrative Citation Schedule of Fines for violations of Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code related to the City's Cannabis Regulatory Program, making other administrative corrections, and repealing Resolution No. RES2023-222.
(2) Accept the update to the hours of operation in the City Manager Regulations for Medical and Non-medical Cannabis to align with the State of California's allowed operating hours.
(b) Approve an ordinance amending Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program to:
(1) Update the identification badge requirements; and
(2) Make other technical, non-substantive, or formatting changes.
CEQA: Not a Project, File No. PP17-004, Government funding mechanism or fiscal activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Police)
[Public Safety, Finance, and Strategic Support Committee on 10/19/2023 - Item (d)3]

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: PUBLIC SAFETY, FINANCE AND STRATEGIC SUPPORT COMMITTEE

FROM: Anthony Mata

SUBJECT: **SAN JOSE POLICE DEPARTMENT CANNABIS REGULATIONS**

DATE: October 4, 2023

Approved  Date 10/11/2023

RECOMMENDATION

(a) Accept the update on staff's proposed changes to the Administrative Citation Schedule of Fines for violations of Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program.

(b) Cross-reference this report to be heard at the November 14, 2023 City Council meeting.

SUMMARY AND OUTCOME

Accepting the staff recommendation will update fines for medical and non-medical cannabis violations of Chapter 6.88 of the San José Municipal Code.

BACKGROUND

City Council Direction

On June 13, 2023, City Council directed staff to conduct a comprehensive review of the Administrative Citation Schedule of Fines related to fines for violations of Chapter 6.88 of Title 6 of the San José Municipal Code to compare the competitiveness of San José's cannabis industry to other California cities.[1] Staff was directed to return to City Council with an analysis of how San José's Schedule of Fines related to cannabis compares to similar California cities. Staff was also directed to provide recommendations to bring San José's Schedule of Fines related to cannabis more in line with comparable California cities.

[1] June 13, 2023 City Council Meeting, Item 4.1.
23-877 - Memorandum from Foley, Jimenez, Torres, Cohen & Ortiz, 6/9/2023 (legistar.com)

Opportunities for Future City Council Action

As staff conducted research related to cannabis fines, they also found opportunities to make the identification badge process less burdensome for the industry. While these enhancements are not included as recommendations in this memorandum, they are described below and will be taken to the City Council at a future date.

ANALYSIS

Assessment of Cannabis Regulatory Program Fines

Fines related to the City of San José's Cannabis Regulatory Program were originally drafted in 2014 to encourage compliance with the new program and deter violations of the City's Municipal Code. When the fine structure was developed, the City was one of the first in the state to develop this type of program and the State of California (State) had not yet established a regulatory program for adult-use recreational and medicinal cannabis. Since 2015, 16 cannabis businesses successfully registered and have been operating in the City.[2] The State began its regulatory program in 2018.

In response to City Council direction, staff reviewed the fine schedules for cannabis-related violations for various California cities, including Oakland, Sacramento, Redwood City, San Francisco, and Mountain View. While there is no uniform approach to violations, many cities do apply an escalation framework for repeat offenses. Cities typically start with a courtesy notice and then escalate to a citation similar to San José's violation framework, however, San José's fines were significantly higher. Below are items of note from this review:

- The City of Oakland typically sends a courtesy notice, then a cease-and-desist letter, and escalates with a fine, if needed. The typical first fine for a cannabis violation is $1,000 per violation, which can be assessed each day, with a maximum cumulative fine of $365,000 each calendar year depending on the seriousness of the violation.
- In the City of Sacramento, the first fine for a cannabis violation is $1,000 per violation and can go as high as $2,499.99 for the first administrative penalty issued; each day a violation continues or occurs constitutes a separate violation. Even though it's allowed, Sacramento typically does not impose a penalty for each day the violation occurs. Instead, a certain amount of time is given for the violator to correct a violation before another penalty is assessed; only in the most extreme circumstances is a penalty imposed daily. In determining the amount of the administrative penalty to be imposed, the City officials consider factors including, but not limited to, the seriousness of the violation, the responsible party's efforts to correct the violation, the injury/damage, if any, suffered by

[2] Cannabis Regulation information can be viewed here: https://www.sjpd.org/about-us/organization/chief-executive-officer/cannabis-regulation

any member of the public, any instances in which the responsible party has been in violation of the same or similar code provisions in the previous three years, the amount of City staff time expended investigating or addressing the violation, and the amount of administrative penalties that have been imposed in similar situations.

- The City of Redwood City has penalties on the remittance of cannabis business taxes and does not have a schedule of fines specific to cannabis business violations. General penalties are applicable to all businesses using a tiered fine schedule of $100/$200/$500 across all violation categories, with fines increasing after each violation of the same provision or ordinance within one year. Every day any violation of any provision of City Code or ordinance continues to constitute a separate offense. Redwood City staff typically do not impose a penalty for each day the violation occurs; a specified amount of time is given for the violator to correct the violation before another penalty is assessed.
- The City of San Francisco's penalty imposed on unpermitted cannabis business operators, or permitted operators who are non-compliant with applicable codes and regulations, is subject to an assessment based on the nature and duration of violation(s). The Director of the Office of Cannabis can issue an order imposing fines and penalties to the responsible party with an amount not to exceed $1,000 for each violation, and for each day such violation occurs. In addition, unpermitted cannabis business operators are subject to the costs of enforcement assessed by the Director of the Office of Cannabis.
- City of Mountain View considers cannabis business violations a nuisance and handles them through civil legal action.

San José's current fine schedule related to cannabis violations is tiered, with the lowest offenses starting at $1,200 and escalating to $5,000, and the more significant offenses starting at $10,000 and escalating to $50,000. However, other comparable offenses in the Schedule of Fines, such as those related to off-sale alcoholic beverage establishments, are typically tiered at $250/$500/$1,000 and tobacco retail violations are typically tiered at $500/$750/$1,000.[3]

The purpose of establishing a fine schedule related to regulated activity is to encourage compliance with the City's Municipal Code. Compliance can improve when administrative fines are reasonable and proportional to the violation being cited and when fines are escalated for repeat violations.[4] As the regulatory environment has changed since the City first established its cannabis-related violations in 2014, staff recommends updating and decreasing the Schedule of Fines. Staff believes the proposed updates will continue to encourage compliance and deter violations.

[3] One important distinction between some of the cities reviewed and San José related to how the fines were enforced. While San José uses administrative citations, other cities approach compliance and determent with civil legal action.
[4] Fines escalate for each violation within one year of a previous violation.

Proposed Updates to Cannabis Regulatory Program Fines

Staff recommends updating and decreasing fines for the Cannabis Regulatory Program with the four-tier framework below. Within each category, violations will continue to be escalated, with the first violation being the lowest fine, followed by increases for the second and third (and any subsequent) violations within a twelve-month period from the date of the previous violation.[5]

- **Identification badge display, property maintenance, personal use regulations, and nuisance-related violations** (public urination, disturbance of the peace, etc.) would be assessed at the lowest level ($250/$500/$1,000).
- **Various registration and operational violations** would be assessed at the second level ($500/$750/$1,000).
- **Security and Public Safety related violations** would be assessed at the third level ($1,000/$2,000/$3,000).
- **More egregious violations** such as being unregistered or transferring cannabis to any person who is not age 21 or older would be assessed at the highest level ($10,000/$25,000/$50,000).

Staff also recommends a change to fines for the cultivation of plants. The current fine for personal, non-medical, cultivation over the limit is a flat fine of $2,500 for the first violation, $5,000 for the second violation, and $7,500 for the third and each subsequent violation in a 12-month period. Under this fine structure, a person cultivating one or two plants over the limit would be fined the same amount as someone cultivating ten or twenty plants over the limit. Staff recommend changing violations to a per-plant fine for personal, non-medical, cultivation over the six (6) plants per residence allowed under State law. The new structure would fine $250/$500/$1,000 per plant over the allowed six. Using a per-plant fine would cause an individual's fine to scale with the egregiousness of the violation, versus a flat fine for this type of activity.

Adoption of this resolution would also make technical corrections to the Administrative Citation Schedule of Fines.

Scale of Impact of Proposed Updates to Cannabis Regulatory Program Fines

Staff reviewed the five administrative citations issued in Fiscal Year 2022-2023. Two citations were issued to illegal/unregistered businesses and three citations were issued to registered businesses. The two citations issued to illegal businesses were for operating without valid

[5] Each category has three different violation amounts: the lowest amount is for the first violation; the second fine amount is for a second violation within a twelve-month period from the date of previous violation; the third amount is for a third *and* each subsequent violation within a twelve-month period from the date of previous violation.

registration. The three citations issued to the registered businesses included four violations (performing construction without the appropriate permits, not displaying a valid badge, working with an expired badge, and updating registration for an officer of the company without a badge). While staff typically issues a courtesy notice prior to escalating to citation issuance for registered businesses, staff may issue administrative citations without warning to unregistered businesses. Staff from the Police Department and Code Enforcement conduct regular inspections of the regulated businesses and respond to complaints from residents and businesses about non-compliant businesses. Staff refer complaints about illegal businesses to the State for enforcement as well.

Future Proposal for City Council Consideration – Identification Badge Requirements

Staff strive for opportunities to make the regulatory processes less burdensome for the industry. During the evaluation of violation fine amounts, staff also assessed identification badge requirements. As a result of this assessment, staff will be recommending to the City Council, at a future date, updates to the badge collection process, including time allowances for businesses to return employee badges to the Chief of Police.

Currently, all identification badges are required by City Code to be collected by the cannabis business within 24 hours of termination of the relationship with a badged individual. Staff will propose removing this requirement since badges are already required by the Municipal Code to remain onsite at each cannabis business. Identification badges are currently required to be collected by the cannabis business and be provided to the Chief of Police within seventy-two (72) hours of collection, expiration, or termination of the cannabis businesses' relationship with the individual. Staff will propose updating this requirement to be turned in within ten (10) days instead of seventy-two (72) hours to allow greater flexibility for cannabis businesses. Staff is reviewing the badge request process and will be making streamlining improvements.

EVALUATION AND FOLLOW-UP

The Administration will continue to provide the City Council with updates via informational memoranda regarding the progress of the City's cannabis regulatory program, changes in state law, and other developments potentially impacting the regulatory landscape.

COST SUMMARY/IMPLICATIONS

Lowering administrative fines could lower revenue collected from administrative citations; however, this is not expected to significantly impact the City's budget. The majority of the fines imposed are on illegal businesses and staff is not proposing to change the fines associated with unlicensed/unregistered businesses. The goal of administrative citations is to encourage compliance with the municipal code. Ideally, administrative fines are set at an amount that is

appropriate for the infraction and significant enough to serve as a deterrent and/or compel compliance. . Lowering the cannabis administrative citation fines brings the schedule of fines more in line with similar industries such as alcohol and tobacco.

In Fiscal Year 2022-2023, the cannabis administrative fines levied totaled $45,000. Under the revisions recommended in this memorandum, the amount fined would have totaled $23,500; though, it is important to note that the amount received each fiscal year from cannabis administrative citations varies significantly. For example, $41,000 was received in 2021-2022 for cannabis violations. As the total 2023-2024 Adopted Budget revenue estimate for Fines, Forfeitures, and Penalties is $15.1 million, the recommended change is not anticipated to have a significant budgetary impact.

COORDINATION

This memorandum was coordinated with the City Attorney's Office, Planning, Building and Code Enforcement Department, Finance Department and the City Manager's Budget Office.

PUBLIC OUTREACH

This memorandum will be posted on the Public Safety, Finance and Strategic Support Committee Agenda website for the October 19, 2023, Committee meeting. Staff held a meeting with all 16 registered cannabis businesses on October 2, 2023, to discuss the proposed updates to the fine schedule and regulatory code. Feedback during the meeting included support for softening the fine schedule and a request to have the City align San José's allowed operating hours with what State regulations allow. Currently, San José allows dispensing locations (including curbside pickup) to be open to the public between the hours of 9:00 a.m. and 9:00 p.m. Pacific Time; deliveries shall only be made between the hours of 8:00 a.m. and 10:00 p.m. Pacific Time. The State allows licensed retailers to sell and deliver cannabis goods between the hours of 6:00 a.m. and 10:00 p.m. Pacific Time.

Additionally, the industry requested the City share information regarding enforcement actions against businesses falling into two categories: 1) unlicensed at the State and unregistered with the City; and 2) licensed at the State and unregistered with the City (e.g. delivery businesses). The industry would like to know what efforts are being made by the Code Enforcement Division since 2014 to locate these businesses, names of businesses cited, number of businesses sited, dates of citations, and the outcome of the citations (paid or unpaid; if paid, how much was paid of the amount owed; and if the business is still operating or if it closed). The industry would also like to know what efforts have been made by the Finance Department to collect cannabis business taxes from businesses operating illegally in San José and from State registered delivery businesses delivering to San José, how much taxes have been received by these businesses, and any actions taken if taxes have not been paid. The industry suggested staff conduct online

searches for unregistered businesses via Weedmaps and other similar search engines. Staff will be working with the requesting parties and the City's Public Record Act request team to provide this information.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

CEQA

Not a Project, Public Project File No. PP17-004, Government funding mechanism or fiscal activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

ANTHONY MATA
Chief of Police

For questions, please contact Wendy Sollazzi, Division Manager, Division of Cannabis Regulation, San José Police Department, at wendy.sollazzi@sanjoseca.gov or (408) 537-9890.

Attachment: Current and Proposed Cannabis Fines – Chapter 6.88 of Title 6 of the San José Municipal Code, Medical and Non-Medical Cannabis (with changes shown)

Attachment: Current and Proposed Cannabis Fines – Chapter 6.88 of Title 6 of the San José Municipal Code, Medical and Non-Medical Cannabis

Section	Offense	Administrative Citation Fine	
		Current	**Proposed**
6.88.300(A-D)	**Registration Required**		
	First Violation	$10,000.00	$10,000.00
	Second Violation (within 12 month period from date of previous violation)	$25,000.00	$25,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$50,000.00	$50,000.00
6.88.310(A)	**Number of Locations**		
	First Violation	$10,000.00	$10,000.00
	Second Violation (within 12 month period from date of previous violation)	$25,000.00	$25,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$50,000.00	$50,000.00
6.88.310(B-D)	**Number of Locations**		
	First Violation	$10,000.00	$500.00
	Second Violation (within 12 month period from date of previous violation)	$25,000.00	$750.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$50,000.00	$1,000.00
6.88.320(D)	**Registration Submittal**		
	First Violation	$10,000.00	$500.00
	Second Violation (within 12 month period from date of previous violation)	$25,000.00	$750.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$50,000.00	$1,000.00
6.88.360	**Change in Location and Updated Registration Information**		
	First Violation	$5,000.00	$500.00

Section	Offense	Administrative Citation Fine	
		Current	**Proposed**
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$750.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$1,000.00
6.88.400(C)	**Operating Regulations and Conditions**		
	First Violation	$5,000.00	$500.00
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$750.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$1,000.00
6.88.410	**Compliance with the Code**		
	First Violation	$5,000.00	$500.00
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$750.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$1,000.00
6.88.420(A-B,E-G,I-K,M)	**Security**		
	First Violation	$5,000.00	$1,000.00
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$2,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$3,000.00
6.88.420(C-D,H,L,N)	**Security**		
	First Violation	$5,000.00	$500.00
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$750.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$1,000.00
6.88.425(A-C,E-I)	**Identification Display Requirements**		

Section	Offense	Administrative Citation Fine	
		Current	**Proposed**
	First Violation	$1,200.00	$250.00
	Second Violation (within 12 month period from date of previous violation)	$2,500.00	$500.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$5,000.00	$1,000.00
6.88.425(D)	**Identification Display Requirements**		
	First Violation	$5,000.00	$1,000.00
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$2,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$3,000.00
6.88.430	**Cultivation of Cannabis**		
	First Violation	$5,000.00	$1,000.00
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$2,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$3,000.00
6.88.431	**Delivery-Only Site**		
	First Violation	$5,000.00	$1,000.00
	Second Violation (within 12-month period from date of previous violation	$7,500.00	$2,000.00
	Third and Subsequent Violations (within 12-month period from date of previous violation)	$10,000.00	$3,000.00
6.88.435	**Cultivation Site**		
	First Violation	$5,000.00	$1,000.00
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$2,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$3,000.00

Section	Offense	Administrative Citation Fine	
		Current	**Proposed**
6.88.436	**Manufacturing Site**		
	First Violation	$5,000.00	$1,000.00
	Second Violation (within 12-month period from date of previous violation)	$7,500.00	$2,000.00
	Third and Subsequent Violations (within 12-month period from date of previous violation)	$10,000.00	$3,000.00
6.88.437	**Distribution Site**		
	First Violation	$5,000.00	$1,000.00
	Second Violation (within 12-month period from date of previous violation)	$7,500.00	$2,000.00
	Third and Subsequent Violations (within 12-month period from date of previous violation)	$10,000.00	$3,000.00
6.88.438	**Combined Manufacturing and Distribution Site**		-
	First Violation	$5,000.00	$1,000.00
	Second Violation (within 12-month period from date of previous violation)	$7,500.00	$2,000.00
	Third and Subsequent Violations (within 12-month period from date of previous violation)	$10,000.00	$3,000.00
6.88.439	**Testing Laboratory**		-
	First Violation	$5,000.00	$1,000.00
	Second Violation (within 12-month period from date of previous violation)	$7,500.00	$2,000.00
	Third and Subsequent Violations (within 12-month period from date of previous violation)	$10,000.00	$3,000.00
6.88.440(B-F,M-R,T-V,Y)	**Cannabis Business Operations**		
	First Violation	$5,000.00	$500.00
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$750.00

Section	Offense	Administrative Citation Fine	
		Current	**Proposed**
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$1,000.00
6.88.440(G-H,L)	**Cannabis Business Operations**		
	First Violation	$5,000.00	$1,000.00
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$2,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$3,000.00
6.88.440(A,S,X)	**Cannabis Business Operations**		
	First Violation	$10,000.00	$1,000.00
	Second Violation (within 12 month period from date of previous violation)	$25,000.00	$2,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$50,000.00	$3,000.00
6.88.440(I-K,W)	**Cannabis Business Operations**		
	First Violation	$10,000.00	$10,000.00
	Second Violation (within 12 month period from date of previous violation)	$25,000.00	$25,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$50,000.00	$50,000.00
6.88.445(A)	**Deliveries of Cannabis**		
	First Violation	$10,000.00	$1,000.00
	Second Violation (within 12 month period from date of previous violation)	$25,000.00	$2,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$50,000.00	$3,000.00
6.88.446	**Mobile Dispensaries Prohibited**		
	First Violation	$10,000.00	$1,000.00

Section	Offense	Administrative Citation Fine	
		Current	**Proposed**
	Second Violation (within 12 month period from date of previous violation)	$25,000.00	$2,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$50,000.00	$3,000.00
6.88.450	**Owner, Manager and Individual Person Requirements**		
	First Violation	$5,000.00	$1,000.00
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$2,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$3,000.00
6.88.460	**Dispensing and Packaging of Cannabis**		
	First Violation	$5,000.00	$1,000.00
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$2,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$3,000.00
6.88.470(B)	**Public Safety and Safety of Location**		
	First Violation	$5,000.00	$500.00
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$750.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$1,000.00
6.88.470(A,C-E)	**Public Safety and Safety of Location**		
	First Violation	$5,000.00	$1,000.00
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$2,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$3,000.00
6.88.480	**Property Maintenance**		

Section	Offense	Administrative Citation Fine	
		Current	**Proposed**
	First Violation	$2,500.00	$250.00
	Second Violation (within 12 month period from date of previous violation)	$5,000.00	$500.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$7,500.00	$1,000.00
6.88.490	**Performance Standards**		
	First Violation	$2,500.00	$250.00
	Second Violation (within 12 month period from date of previous violation)	$5,000.00	$500.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$7,500.00	$1,000.00
6.88.500	**Maintenance of Records**		
	First Violation	$5,000.00	$1,000.00
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$2,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$3,000.00
6.88.600	**Audits**		
	First Violation	$5,000.00	$1,000.00
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$2,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$3,000.00
6.88.700(B)	**Inspection and Enforcement**		
	First Violation	$5,000.00	$1,000.00
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$2,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$3,000.00

Section	Offense	Administrative Citation Fine	
		Current	**Proposed**
6.88.810	**Compliance with Chapter and State Law**		
	First Violation	$5,000.00	$1,000.00
	Second Violation (within 12 month period from date of previous violation)	$7,500.00	$2,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$10,000.00	$3,000.00
6.88.840	**Registration Nontransferable**		
	First Violation	$10,000.00	$10,000.00
	Second Violation (within 12 month period from date of previous violation)	$25,000.00	$25,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$50,000.00	$50,000.00
6.88.900(B)	**Personal Use Cultivation Requirements and Regulations**		
	First Violation	$2,500.00	$250.00
	Second Violation (within 12 month period from date of previous violation)	$5,000.00	$500.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$7,500.00	$1,000.00
6.88.900(C)	**Personal Use Cultivation Requirements and Regulations, Per Non-Medical Plant Over Six (6) Plants**		
	First Violation	$2,500.00	$250.00
	Second Violation (within 12 month period from date of previous violation)	$5,000.00	$500.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	$7,500.00	$1,000.00