

## ORDINANCE NO. 1120

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMARILLO, CALIFORNIA, AMENDING CHAPTER 19.55 (MEDICAL MARIJUANA FACILITIES) OF TITLE 19 OF THE CAMARILLO MUNICIPAL CODE PERTAINING TO THE REGULATION OF MEDICAL MARIJUANA CULTIVATION

The City Council of the City of Camarillo ordains as follows:

#### **SECTION 1. Findings.**

A. On October 9, 2015, Governor Brown signed three bills (Assembly Bills 243 and 266 and Senate Bill 643) that created a broad state regulatory and licensing system governing the cultivation, testing, and distribution of medical marijuana, as well as physician recommendations for medical marijuana. The new legislation preserves local control over marijuana facilities and land uses, including the authority to prohibit dispensaries and other medical marijuana businesses completely.

B. The new legislation adopts Health and Safety Code section 11362.777(c)(4), which provides that if a city does not have a land use regulation or ordinance regulating or prohibiting marijuana cultivation, then commencing March 1, 2016, the state Department of Food and Agriculture may become the sole licensing authority for the commercial cultivation of medical marijuana in that jurisdiction.

C. Camarillo Municipal Code (CMC) Chapter 19.55 contains the City's regulations concerning medical marijuana and prohibits medical marijuana facilities and the delivery of medical marijuana with certain limited exceptions. However, Chapter 19.55 does not expressly address marijuana cultivation.

D. Many California cities have experienced numerous adverse impacts and secondary effects from medical marijuana establishments that have operated legally and illegally, including medical marijuana dispensaries and cultivation sites. The City wishes to further protect the public health, safety, and welfare by amending CMC Chapter 19.55 to prohibit marijuana cultivation and add other related updates to its marijuana regulations.

E. On December 1, 2015, the Planning Commission conducted a duly noticed public hearing to consider the proposed ordinance. After all interested parties were given full opportunity to be heard, and to present evidence, the Planning Commission voted to recommend to the City Council that the Council adopt the proposed ordinance.

F. On January 13, 2016, the City Council conducted a duly-noticed public hearing to consider this ordinance, and all interested parties were given full opportunity to be heard and to present evidence.

G. After reviewing the evidence presented, the City Council finds that this ordinance is consistent with the City's General Plan.

**SECTION 2. Environmental Review.** The City Council exercises its independent judgment and finds that the proposed ordinance is not subject to California Environmental Quality Act (CEQA), pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California

Code of Regulations, Title 14, Chapter 3, because the subject regulations have no potential for resulting in any significant physical change to the environment, either directly or indirectly.

**SECTION 3.** Amendment to Chapter 19.55. Chapter 19.55 is amended as set forth in the attached Exhibit A.

**SECTION 4.** Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 5.** Publication. The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED January 27, 2016.

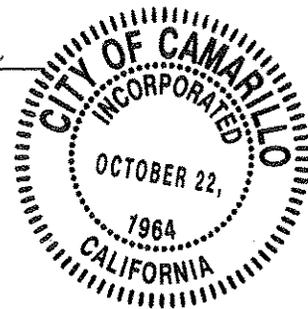
Mike Morgan  
Mayor

Attested to on 1/28/16  
Jeff Madland  
City Clerk

I, Jeffrie Madland, City Clerk of the City of Camarillo, certify Ordinance No. 1120 was introduced by the City Council at a meeting held January 13, 2016, and subsequently passed and adopted by the City Council at a regular meeting held January 27, 2016, by the following vote:

AYES: Councilmembers: Craven, Kildee, Little, McDonald, Mayor Morgan  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

Jeff Madland  
City Clerk



## EXHIBIT A

### **Chapter 19.55 - MEDICAL MARIJUANA FACILITIES; MARIJUANA CULTIVATION FACILITIES; MEDICAL MARIJUANA DELIVERIES; AND COMMERCIAL CANNABIS ACTIVITIES**

#### **19.55.010 - Definitions.**

- A. "Commercial cannabis activity" has the meaning set forth in Business and Professions Code section 19300.5(k), and includes the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers.
- B. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.
- C. "Marijuana" means all parts of the plant Cannabis, whether growing or not; 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 includes marijuana infused in foodstuff, and concentrated cannabis and the separated resin, whether crude or petrified, obtained from marijuana. 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 resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant that are incapable of germination.
- D. "Medical marijuana" is marijuana used for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of acquired immune deficiency syndrome ("AIDS"), anorexia, arthritis, cancer, chronic pain, glaucoma, migraine, spasticity, or any other serious medical condition for which marijuana is deemed to provide relief as defined in subsection (h) of Health and Safety Code § 11362.7.
- E. "Marijuana cultivation facility" means any business, facility, use, establishment, property, or location where the cultivation of marijuana occurs.
- F. "Medical marijuana facility" means a medical marijuana dispensary, cooperative or collective, which is any facility or location, whether fixed or mobile, where medical marijuana is made available to and/or distributed by or to one or more of the following: a "primary caregiver," "a qualified patient," or a person with an "identification card," as these terms are defined in California Health and Safety Code section 11362.5 and following. A medical marijuana facility does not include the following facilities ("facilities"), or delivery of marijuana to such facilities, as long as such facilities are otherwise regulated by this code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such

use complies strictly with applicable law including, but not limited to, Health and Safety Code section 11362.5 and following.

**19.55.020 - Purpose and intent.**

The purpose and intent of this chapter is to prohibit any medical marijuana facility, marijuana cultivation facility, commercial cannabis activity, and medical marijuana delivery as defined above, within the city limits. It is recognized that it is a federal violation under the Controlled Substances Act to possess or distribute marijuana even if for medical purposes. Additionally, there is evidence of an increased incidence of crime-related secondary impacts in locations associated with a medical marijuana facility, which is contrary to policies that are intended to promote and maintain the public's health, safety, and welfare.

**19.55.030 - Prohibition on medical marijuana facilities, marijuana cultivation facilities, commercial cannabis activities, and medical marijuana deliveries.**

- A. The establishment or operation of a medical marijuana facility as defined in this chapter is prohibited within the city limits.
- B. The delivery of medical marijuana to any person is prohibited within the city limits, except as provided in Section 19.55.010(F) and except for deliveries by a primary care giver to a qualified patient.
- C. The establishment or operation of a marijuana cultivation facility as defined in this chapter is prohibited within the city limits.
- D. Commercial cannabis activity as defined in this chapter is prohibited within the city limits.

**19.55.040 - Violation—Separate offense.**

Any person who violates any provision of this chapter is guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and may be penalized accordingly.

**19.55.050 - Penalties.**

Violation of any provision of this chapter is a misdemeanor unless the city attorney authorizes issuance of an infraction citation or files a complaint charging the offense as an infraction or the court upon the prosecutorial recommendation of the city attorney determines that the offense is an infraction.

**19.55.060 - Civil injunction.**

The violation of Section 19.55.030 is declared to be a public nuisance and contrary to the public interest and will at the discretion of the City, be subject to a cause of action for injunctive relief.