

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING CHAPTER 20-46, TITLED MEDICAL CANNABIS CULTIVATION, TO THE SANTA ROSA CITY CODE TO IMPLEMENT A TEMPORARY PLACEHOLDER PROHIBITION OF COMMERCIAL CULTIVATION OF MEDICAL CANNABIS UNTIL SEPTEMBER 1, 2016 OR UNTIL SUCH TIME AS THE LEGISLATURE TAKES ACTION TO ELIMINATE THE MARCH 1, 2016 DEADLINE – FILE NUMBER REZ15-007

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The Council finds, based on evidence and records presented, that:

1. The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan in that adding Chapter 20-46 to the Santa Rosa City Code, as follows, exercises the land use powers of the City to protect the health, safety and welfare of the public which would be put at risk if commercial cultivation of cannabis for medical purposes is allowed to move forward in the City without local regulation; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that it will temporarily ban medical cannabis cultivation as a land use, until such time as a more comprehensive analysis and policy can be prepared; and
3. The proposed amendment has been reviewed in compliance with the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only the projects which have the potential for causing a significant effect on the environment. It has been determined with certainty that there is no possibility that the Zoning Code text amendment will have a significant effect on the environment and, therefore, is not subject to CEQA; and

Section 2. Chapter 20-46, entitled, “Medical Cannabis Cultivation” is added to the City of Santa Rosa City Code to read as follows:

**“CHAPTER 20-46**

**MEDICAL CANNABIS CULTIVATION**

**Sections:**

- 20-46.010 Purpose.**  
**20-46.020 Applicability.**  
**20-46.030 Definitions.**  
**20-46.040 Commercial Cultivation of Marijuana Banned.**

- 20-46.050 Public Nuisance.**
- 20-46.060 Civil Penalties.**
- 20-46.070 Expiration of Chapter.**
- 20-46.010 Purpose.**

The purpose of this Chapter is to retain local control over the commercial cultivation of cannabis, pending further legislative action by the state and a pending a comprehensive effort by the City to prepare local regulations.

**20-46.020 Definitions.**

For the purpose of this Chapter, the following words and phrases shall mean:

- A. “Cannabis” shall have the same meaning as set forth in subpart (f) of Business and Professional Code Section 19300.5, and as may be amended.
- B. “Marijuana” shall mean Cannabis.
- C. “Qualified Patient” shall have the same meaning as set forth in Health & Safety Code Section 11362.7, and as may be amended.
- D. “Primary Caregiver” shall have the same meaning as set forth in Health & Safety Code Section 11362.7, and as may be amended.
- E. “Commercial Cannabis Activity” shall have the same meaning as that set forth in subpart (k) of Business & Professional Code Section 19300.5, and as may be amended.
- F. “Cultivation” shall have the same meaning as set forth in subpart (l) of Business & Professions Code Section 19300.5, and as may be amended.

**20-46.030 Commercial Cultivation of Cannabis Banned.**

- A. No Commercial Cannabis Activity constituting cultivation shall occur in any City land use district.
- B. This Section expressly prohibits all authorities for which a State license is required in order to engage in Commercial Cannabis Activity constitution cultivation. Thus, the City shall not issue any permit, license or other entitlement for any activity for which a State license is required under the California Medical Marijuana and Safety Act (MMRSA), Business and Professions Code, Section 19300, et seq., to engage in Commercial Cannabis Activity constituting Cultivation.
- C. Cultivation of Cannabis for non-commercial, persona purposes by a Qualified Patient or Primary Caregiver, subject to the limitation, and requirements of subsection (g) of Health & Safety Code, Section 11362.777, is not a prohibited use in any City land use district.

**20-46.040 Public Nuisance.**

Any use or condition caused or permitted to exist in violation of any provision of this Chapter shall be and hereby is declared a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure, Section 731 or any other remedy available to the City.

**20-46.050 Civil Penalties.**

In addition to any other enforcement permitted by this Chapter, the City Attorney may bring a civil action for injunctive relief and civil penalties pursuant to the provisions of this Code against any person or entity that violates this Chapter.

**20-46.060 Expiration of Chapter.**

This Chapter shall expire of its own accord no later than September 1, 2016, from its effective date, or upon the effective date of legislation eliminating the March 1, 2016 deadline from the MMRSA, which ever occurs earlier .”

Section 3. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)3 in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 19th day of January, 2016.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST: \_\_\_\_\_  
City Clerk

APPROVED: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
City Attorney