

ORDINANCE NO. 2020-01

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
RESCINDING THE PROHIBITION OF MARIJUANA DISPENSARIES, SALES,
PRIVATE OUTDOOR CULTIVATION, AND DELIVERIES
(REMOVING SECTIONS 5-14.5 AND 5-14.6 FROM THE MUNICIPAL CODE)**

WHEREAS, on February 15, 2011, the City Council adopted Ordinance 2011-01, establishing within Title 5, Chapter 14, Section 5-14.5 Articles 1- 4, of the Municipal Code, and prohibited medical marijuana dispensaries in the City; and

WHEREAS, on November 21, 2017, the City Council adopted Ordinance 2017-6, establishing within Title 5, Chapter 14, Section 5-14.6 Articles 1- 4, of the Municipal Code, and prohibited marijuana (included in the definition of “cannabis” as referenced below), dispensaries (Article 2), the cultivation of marijuana (Article 3) and marijuana deliveries (Article 4); and

WHEREAS, on November 6, 2018, voters in San Juan Bautista approved a ballot measure implementing reasonable regulations permitting commercial medicinal and recreational cannabis activities in the City, as specifically defined in Ordinance 2018-05, enacting within Title 5, Chapter 31 of the Municipal Code Section 5-31, Articles 1-30; and

WHEREAS, over the past year the City has amended its zoning code, adopted a tax structure for various Cannabis activities, and adopted reasonable rules and regulations, and has taken other actions to implement a cannabis program; and

WHEREAS, one of the final steps toward the implementation of these reasonable cannabis regulations, is removing the conflicting language that now exists in the City’s code by rescinding a portion all of Sections 5-14. 5 and 5-14.6, that prohibit various cannabis activities in the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Rescinds Ordinance number 2011-01, pertaining to Municipal Code Section 5-14.5, and Ordinance 2017-06 Section 5-14.6, pertaining to the prohibition of certain specific cannabis activities and conflict with City Ordinance 2018-05 Section 5-31, approved by voters November 6, 2018.

SECTION 2. If any section, subdivision, sentence, clause, portion, or phrase of this Ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The City Council hereby declares that it would have passed this chapter and each section, subdivision,

sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION 3. The City Council hereby finds that this Ordinance is not subject to review under the California Environmental Quality Act (CEQA) because the City Council has already adopted an Ordinance permitting Cannabis Activities and a Cannabis Business Activities Tax, which has received environmental review and addressed any physical change to the environment which may be caused by increased cross-City travel, additional user cultivation, and other urban development impacts associated with new dispensaries. This action is the last step of a long process, where upon a previously enacted ordinance to ban all activities associated with Cannabis is lifted. The lifting of a ban, alone, will not cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and therefore it is not a “project” pursuant to CEQA Guidelines Section 15378, subdivision (b)(4) and is exempt. The action is statutorily exempt from CEQA as a commercial cannabis regulation pursuant to Business and Professions Code Sec. 26055.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect thirty days after the date of its signing.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the city council of the city of San Juan Bautista duly held on December 17, 2019, and was passed and adopted at a regular meeting duly held on January 21, 2020 by the following vote.

AYES: Edge, Freeman, DeVries, Flores, Jordan

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:



City Clerk Laura Cent



Mayor Mary V. Edge