

ORDINANCE NO. 898

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, ESTABLISHING RESTRICTIONS ON THE SALE AND PURCHASE OF BUTANE, AND AMENDING TITLE 8 OF THE RANCHO CUCAMONGA MUNICIPAL CODE

A. Recitals.

(i) Throughout the State of California there has been an increase in the manufacturing of "honey oil" (known by many names), which is a liquid concentrate of tetrahydrocannabinol derived from marijuana.

(ii) According to law enforcement experts, the manufacturing of honey oil commonly involves the use of high grade butane gas such as n-butane and other forms of refined butane.

(iii) According to law enforcement experts, the manufacturing of honey oil is unregulated and commonly occurs in urbanized areas including residential garages, structures, and hotel rooms.

(iv) According to law enforcement experts, the use of butane to manufacture honey oil makes the process extremely volatile and has resulted in fires and explosions. Furthermore, the presence of butane presents a serious risk of injury to first responders in that butane is odorless and easily ignited.

(v) Based on the foregoing, the City Council finds that there is a current and immediate threat to the public health, safety, and welfare resulting from the use of butane to manufacture honey oil. It is the intent of the City Council in adopting this ordinance, to reduce the threat of fire and explosion, and thereby act to more fully protect the public health, safety, and welfare, by enacting restrictions on the sale of butane.

B. Ordinance

NOW, THEREFORE, it is hereby found, determined, and ordained by the City Council of the City of Rancho Cucamonga as follows:

Section 1. The facts set forth in the Recitals, Part A of this Ordinance, are true and correct and are incorporated herein by this reference.

Section 2. A new Chapter 8.56 is hereby added to Title 8 of the Rancho Cucamonga Municipal Code to read as follows:

"CHAPTER 8.56. REGULATION OF THE SALE AND PURCHASE OF BUTANE

"Sec. 8.56.010. Legislative purpose.

"A. The City Council finds that there is a current and immediate threat to the public health and safety resulting from the use of butane to manufacture honey oil.

"B. It is the intent and purpose of the City Council in enacting this Chapter, to impose reasonable restrictions on the sale of butane, in order to minimize the safety hazards and risks to public health and safety, including risks to first responders, created by the use of butane to manufacture honey oil.

"C. The restrictions adopted herein are intended to provide greater protection of the public, while allowing the sale of butane in amounts suitable for its traditional and ordinary use.

"Sec. 8.56.020. Definitions.

For the purposes of this Chapter, the terms set forth below are defined as follows:

"A. 'Butane' means five times refined ('5x') or higher of any of the following: iso-butane, n-butane, and butane.

"B. 'Customer' means any person who purchases or acquires Butane, or person who is present for the purpose of purchasing or acquiring Butane.

"C. 'Honey oil' means any form of liquid concentrate of tetrahydrocannabinol derived from marijuana.

"D. 'Retailer' means any retail business, company, corporation, person, employee, or associate, or any employee or agent thereof, who, as part of a City-licensed business, furnishes, distributes, sells or gives away Butane. Retailer does not include any Wholesaler.

"E. 'Sell' means to furnish, give away, exchange, transfer, deliver, surrender, or supply, whether or not for monetary gain.

"F. 'Wholesaler' means any person or entity whose business involves selling Butane to Retailers for purposes of resale pursuant to a permit or license issued by the State or federal government.

"Sec. 8.56.030. Unlawful sale, purchase, and possession of Butane.

"A. No Retailer shall knowingly Sell or offer to Sell to any Customer, and no Customer shall purchase or otherwise acquire more than, 1200 milliliters of Butane per transaction, with the intent to use such Butane to manufacture honey oil.

"B. No person shall actually or constructively possess more than 1200 milliliters of Butane at any one time with the intent to use such Butane to manufacture honey oil.

"C. No person shall purchase or otherwise acquire more than 1200 milliliters of Butane within any calendar month with the intent to use such Butane to manufacture honey oil.

"D. Each Retailer shall keep a written record of all Butane sales cumulatively or individually amounting to more than 1200 milliliters in a single

transaction, including the date of sale, amount purchased, and the name and address of the individual purchasing the Butane, as verified by a driver's license or other official, government-issued photo identification listing a place of residence. Retailers shall retain records for a period of at least one year and shall furnish copies of records to City officials upon request. Such records shall be confidential but subject to review by City officials.

"E. No Retailer shall display or offer for sale, trade or exchange, any Butane except in an area from which the public is physically prevented from entering without Retailer assistance. Two (2) such acceptable methods of displaying Butane for sale shall be by containment in:

"(1) A completely enclosed, indoor cabinet or other storage device which shall be permanently affixed to a building or building structure, and which shall, at all times except during access by the Retailer, remain securely locked; or

"(2) An enclosed area behind a sales or service counter from which the public is physically prevented from entry.

"Sec. 8.56.040. Effect of State law and severability.

"The provisions of this Chapter are intended to supplement and not conflict with any State law. The City Council declares that, should any provision, section, paragraph, sentence or word of this Chapter be or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Chapter shall remain in full force and effect.

"Sec. 8.56.050. Penalties.

"Any person, Customer, or Retailer violating any of the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment."

SECTION 3. CEQA. The City Council hereby finds that adoption of this Ordinance is exempt from the California Environmental Quality Act pursuant to Title 14, California Code of Regulations, Section 15061(b)(3), because it can be seen with certainty that such adoption may not possibly have a significant physical impact on the environment.

SECTION 4. The City Clerk shall certify to the adoption of this Ordinance.

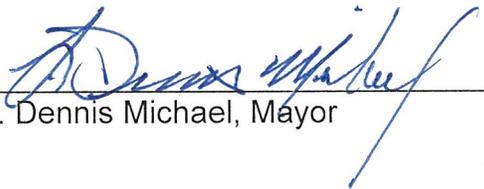
PASSED, APPROVED, AND ADOPTED this 2nd day of November 2016.

AYES: Alexander, Kennedy, Michael, Spagnolo, Williams

NOES: None

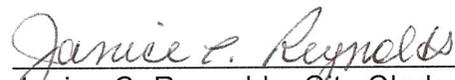
ABSENT: None

ABSTAINED: None



L. Dennis Michael, Mayor

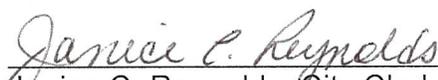
ATTEST:



Janice C. Reynolds, City Clerk

I, JANICE C. REYNOLDS, CITY CLERK of the City of Rancho Cucamonga, California, do hereby certify that the foregoing Ordinance was introduced at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 19th day of October 2016, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 2nd day of November 2016.

Executed this 3rd day of November 2016, at Rancho Cucamonga, California.



Janice C. Reynolds, City Clerk