

ORDINANCE NO. 897

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA ADDING CHAPTER 8.52 REGARDING COMMERCIAL CANNABIS USES AND MARIJUANA CULTIVATION IN THE CITY

THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 8.52 is hereby added to Title 8 of the Rancho Cucamonga Municipal Code, to read as follows:

"Chapter 8.52 Marijuana Cultivation and Cannabis Commerce

8.52.010 Purpose

The City Council finds that the cultivation and commercial sales of Marijuana creates risks of criminal activity, degradation of the natural environment, noxious smells, and indoor electrical fire hazards that may result from such activities. In order to preserve the public health, safety, and welfare, the declared purpose of this chapter is to prohibit the cultivation of marijuana and all commercial cannabis activity.

8.52.020 Definitions

For the purpose of this chapter, the following words and phrases are defined and shall be construed as set out in this section, unless it is apparent from the context that a different meaning was intended:

- A. "Cannabis" shall have that meaning set forth in the MCRSA, as the same may be amended from time to time, and shall include all parts of the plant cannabis sativa linnaeus, cannabis indica, or cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. "Cannabis" 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 the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

For the purpose of this Ordinance, “cannabis” does not mean “industrial hemp” as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

- B. “Commercial cannabis activity” shall have that meaning set forth in the MCRSA, as the same may be amended from time to time, and shall include cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, or distribution, as those terms are defined or used in the MCRSA, and/or sale of medical cannabis or a medical cannabis product, except as set forth in Business and Professions Code section 19319, related to qualifying patients and primary caregivers.
- C. “Cooperative” shall mean two or more persons collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering, or making available medical cannabis, with or without compensation.
- D. “Cultivation” shall have the same meaning set forth in the MCRSA, as the same may be amended from time to time, and shall include any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- E. “Delivery” shall have the same meaning as set forth in the MCRSA, as the same may be amended from time to time, and shall include the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the Bureau of Medical Marijuana Regulation to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code, or a testing laboratory. “Delivery” also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed under the MCRSA that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.
- F. “Dispensary” shall have the same meaning as set forth in the MCRSA, as the same may be amended from time to time, and shall include any facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to express authorization by local ordinance, medical cannabis and medical cannabis products as part of a retail sale. “Dispensary” shall also include “dispensary” as defined in Rancho

Cucamonga Municipal Code Section 19.1304.020 and a cooperative as defined herein.

- G. "Medical cannabis," "medical cannabis product," or "cannabis product" shall have the same meanings as set forth in the MCRSA, as the same may be amended from time to time.
- H. "Medical Cannabis Regulation and Safety Act" or "MCRSA" shall collectively mean the Medical Marijuana Regulation and Safety Act as contained, codified, enacted, and signed into law on October 9, 2015 as Assembly Bill No. 243, Assembly Bill No. 266, and Senate Bill 643, and which was later renamed the Medical Cannabis Regulation and Safety Act by Senate Bill 837, which took effect on June 27, 2016, as the same may be amended from time to time.
- I. "Primary caregiver" shall have the same meaning as set forth in Health and Safety Code § 11362.7, as the same may be amended from time to time.
- J. "Qualifying patient" or "Qualified patient" shall have the same meaning as set forth in Health and Safety Code § 11362.7, as the same may be amended from time to time.

5.18.030 Prohibition

- A. Commercial cannabis activities of any type or nature are expressly prohibited in all zones and all specific plan areas in the City. No person shall establish, operate, maintain, conduct or allow commercial cannabis activity anywhere within the City. No application for a building permit, conditional use permit, business license, or any other entitlement authorizing the establishment, operation, maintenance, development, or construction of any use that allows for commercial cannabis activity, shall be approved during the term of this Ordinance.
- B. To the extent not already prohibited by subsection A above, delivery of medical cannabis and/or medical cannabis products originating in the City, terminating in the City, or both is expressly prohibited everywhere in the City of Rancho Cucamonga. No person shall conduct or perform any delivery of any medical cannabis or medical cannabis product, which delivery either originates in the City, terminates in the City, or both.
- C. This section is intended to prohibit all activities for which a State license is required pursuant to the MCRSA. Accordingly, the City shall not issue any permit, license, or other entitlement for any activity for which a State license is required under the MCRSA.

- D. Cultivation of cannabis for commercial or non-commercial purposes, including cultivation by a qualified patient or a primary caregiver, is expressly prohibited in all zones and all specific plan areas in the City of Rancho Cucamonga. No person, including a qualified patient or primary caregiver, shall cultivate any amount of cannabis in the City, even for medical purpose.”

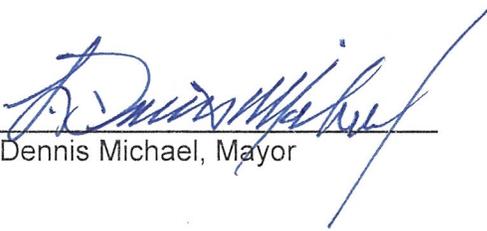
SECTION 2. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 3. CEQA. This Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15305, minor alterations in land use, and section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment because the City’s permissive zoning ordinance already prohibits all uses that are being expressly prohibited by this Ordinance.

SECTION 4. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published in the manner prescribed by law.

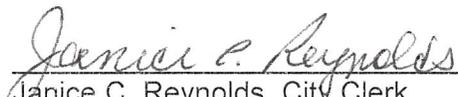
PASSED, APPROVED, AND ADOPTED this 2nd day of November 2016.

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

