

ORDINANCE # 479-16

AN ORDINANCE OF THE CITY OF CHOWCHILLA, CALIFORNIA ADDING CHAPTER 18.03.090 TO THE CHOWCHILLA MUNICIPAL CODE ESTABLISHING THAT USES RELATED TO NON-MEDICAL MARIJUANA ARE PROHIBITED

The City Council of the City of Chowchilla hereby does ordain as follows:

SECTION 1 – PURPOSE

In light of Proposition 64 (also known as the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”)) on the November 8, 2016 statewide general election, the purpose of this Ordinance is to add section 18.03.090 to Chapter 18 of the Chowchilla Municipal Code in order to expressly prohibit non-medical marijuana uses in the zoning code of the City of Chowchilla, but only in the event said Proposition passes at said general election.

SECTION 2 – AMENDMENT TO CODE

SECTION 18.03.090 is hereby added to Chapter 18 of the Chowchilla Municipal Code as follows:

18.03.090 - Uses related to non-medical marijuana prohibited.

A. Uses related to non-medical marijuana including, but not limited to, dispensing, cultivating, manufacturing, distributing, transporting and testing non-medical marijuana are hereby prohibited in the City of Chowchilla.

B. No use permit, variance, conditional use permit, or other applicable entitlement or approval will be accepted, approved or issued for any individual or establishment related to non-medical marijuana or the operation of a non-medical marijuana business including state-licensed retailers, microbusinesses, or non-profits.

SECTION 3 – SCOPE

Except as set forth in this ordinance, all other provisions of the Chowchilla Municipal Code shall remain in full force and effect.

SECTION 4 – SEVERABILITY

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5 - EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

PASSED AND ADOPTED by the City Council of the City of Chowchilla this ___ day of _____, 2016 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Waseem Ahmed, Mayor

ATTEST:

Joann McClendon, CMC
City Clerk