

**ORDINANCE NO. 555**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA,  
ADDING CHAPTER 8.60 OF THE ADELANTO MUNICIPAL CODE  
REGARDING PERSONAL CULTIVATION AND PERSONAL USE OF  
CANNABIS**

**WHEREAS**, on October 9, 2015, Governor Brown approved the Medical Marijuana Regulation and Safety Act ("MMRSA"), effective January 1, 2016, which establishes a comprehensive State licensing and regulatory framework for the cultivation, manufacturing, testing, distribution, transportation, dispensing, and delivery of medical cannabis, and which recognizes the authority of local jurisdictions to prohibit or impose additional restrictions on any such medical cannabis activity.

**WHEREAS**, on June 27, 2016, Governor Brown approved Senate Bill number 837 ("SB 837"), effective immediately, which amends the MMRSA and renames it the Medical Cannabis Regulation and Safety Act ("MCRSA").

**WHEREAS**, at the November 8, 2016 General Election, California voters will decide whether to adopt Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act ("AUMA").

**WHEREAS**, currently in California the cultivation and use of non-medical cannabis are illegal and unregulated.

**WHEREAS**, unregulated marijuana cultivation in California has created significant health and safety dangers to the community due to access to minors, criminal activity, and illegal building modifications, such as substandard structural, electrical, plumbing, and mechanical alterations.

**WHEREAS**, the AUMA, if adopted, would legalize the personal cultivation and use of non-medical cannabis by individuals 21 years of age or older.

**WHEREAS**, the unregulated personal cultivation and use of non-medical cannabis is likely to create an environment that is detrimental to minors and dangerous to the health and safety of the community.

**WHEREAS**, the AUMA, if adopted, would authorize local governments to regulate many activities related to non-medical cannabis including, but not limited to, personal cultivation and use of non-medical cannabis and non-medical cannabis products.

**WHEREAS**, the City of Adelanto ("City") has previously adopted Adelanto Municipal Code ("AMC") sections 17.80.080, 17.80.090, 17.80.100, and 17.80.110 to regulate medical cannabis cultivation, manufacturing, distribution/transportation, and testing, respectively, in the City.

**WHEREAS**, on October 26, 2016, the City will introduce for First Reading Ordinance 553, which proposes to add AMC section 17.80.120 to regulate medical cannabis dispensaries and deliveries in the City.

**WHEREAS**, if the AUMA is adopted, the City also wishes to regulate personal cultivation and use of non-medical cannabis in a manner that is consistent with State law and promotes the health, safety, and general welfare of the residents and businesses within the City, while limiting the dangers accompanying personal cultivation and use of non-medical cannabis.

**WHEREAS**, nothing in this Ordinance shall be construed to allow persons to engage in conduct that violates the law, endangers others, causes a public nuisance, allows the use or diversion of cannabis for non-medical purposes by minors, or allows any activity relating to cannabis that is otherwise illegal under California law.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ADELANTO DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The above recitals are true and correct and are incorporated herein.

**SECTION 2.** The City Council declares this Ordinance to be an urgency measure necessary for the immediate preservation of the health, safety, morals, and general welfare of the residents and businesses within the City because California voters will decide at the November 8, 2016 General Election whether to adopt the AUMA legalizing the personal cultivation and use of non-medical cannabis by all adults. The AUMA, if adopted, will make personal cultivation and use of non-medical cannabis legal and subject to regulation for the first time in the State of California. The normal time frame between the first reading of an ordinance and the effective date of an ordinance is approximately 45 days. However, there are only 14 days until the AUMA goes into effect (if adopted), so an urgency ordinance is necessary to allow the City to immediately regulate activities related to personal cultivation and use of non-medical cannabis that have never before been legal or regulated in the State in order to preserve the peace, health, and safety of the public.

**SECTION 3.** The effectiveness of this Ordinance will be contingent upon the adoption of the AUMA at the November 8, 2016 General Election. If the AUMA is adopted by California voters, then this Ordinance will go into immediate effect as an urgency ordinance pursuant to Government Code section 36937. If the AUMA fails, however, this Ordinance will immediately be moot and rescinded.

**SECTION 4.** AMC chapter 8.60 (Personal Cultivation and Use of Cannabis) is hereby added, and is to read in its entirety as follows:

**Chapter 8.60**

**PERSONAL CULTIVATION AND USE OF CANNABIS**

**Sections:**

<b>8.60.010</b>	<b>Purpose</b>
<b>8.60.020</b>	<b>Definitions</b>
<b>8.60.030</b>	<b>Commercial Non-Medical Cannabis Activities Prohibited</b>
<b>8.60.040</b>	<b>Personal Cultivation and Personal Use Generally Prohibited</b>
<b>8.60.050</b>	<b>Personal Cultivation Restrictions</b>
<b>8.60.060</b>	<b>Personal Cultivation Permit Applications</b>
<b>8.60.070</b>	<b>Personal Cultivation Permits</b>
<b>8.60.080</b>	<b>Personal Use Restrictions</b>
<b>8.60.090</b>	<b>Enforcement</b>

**8.60.010 Purpose.**

The purpose and intent of this Chapter is to regulate the personal cultivation and use of cannabis in the City in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City does not intend to infringe upon any right given to individuals by the State, but rather wishes to regulate these activities to protect the health and safety of the community due to the significant dangers posed by unregulated cultivation and use of cannabis in the City. The City is authorized to regulate these activities pursuant to the AUMA and Health and Safety Code section 11362.2.

**8.60.020 Definitions.**

For purposes of this Chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

A. "Accessory Structure" means any fully enclosed and secure structure on the same parcel as a primary residence, such as a greenhouse or a shed.

B. "AUMA" means the Control, Regulate and Tax Adult Use of Marijuana Act approved by California voters as Proposition 64 on November 8, 2016.

C. "Cannabis" also means "marijuana" and shall be defined in accordance with the AUMA, Health and Safety Code section 11018, and other applicable State laws.

D. "Cannabis products" also means "marijuana products" and shall be defined in accordance with the AUMA and other applicable State laws.

E. "Commercial non-medical cannabis activities" includes any non-medical cannabis activities (such as the cultivation, manufacturing, distribution, transportation,

testing, dispensing, delivery, sale, use, storage, marketing, processing, or packaging of non-medical cannabis and non-medical cannabis products) except for Personal Cultivation and Personal Use only as permitted by both the AUMA and this Code.

F. "Cultivation" shall be defined in accordance with the AUMA, the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.

G. "Cultivation Area" means a fully enclosed and secure area used for Personal Cultivation within a building, greenhouse, or other structure that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, is not accessible by minors, provides complete visual screening, and is accessible only through one or more lockable points of entry. Cultivation Areas may only exist inside of Private Residences and Accessory Structures.

H. "Indoors" means within a fully enclosed and secure structure.

I. "MCRSA" means the California Medical Cannabis Regulation and Safety Act.

J. "Medical cannabis" also means "medical marijuana" and shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.

K. "Minors" means anyone under the age of 21 or otherwise prohibited from possessing or using cannabis pursuant to the laws of the City or the State.

L. "MMRSA" means the California Medical Marijuana Regulation and Safety Act.

M. "Outdoors" means any location within the City that is not within a fully enclosed and secure structure.

N. "Personal Cultivation" means the personal non-commercial cultivation of cannabis by an individual 21 years of age or older for Personal Use in a proper Cultivation Area. Personal Cultivation shall include the non-commercial actions of planting, growing, harvesting, drying, and processing cannabis for Personal Use. All Personal Cultivation shall be subject to the regulations imposed by the AUMA and this Code.

O. "Personal Cultivation Permit" means a City permit to cultivate cannabis for Personal Use pursuant to the terms and conditions of this Chapter and the conditions of approval for the permit.

P. "Personal Cultivation Permittee" means an applicant who has applied for and has been issued a Personal Cultivation Permit by the City pursuant to the terms and conditions of this Chapter.

Q. "Personal Use" means the smoking, consumption, or ingestion of cannabis or cannabis products by an individual 21 years of age or older. Personal Use includes cannabis consumption by means of vaporizers and electronic cigarettes.

R. "Private Residence" means a house, apartment unit, condominium, mobile home, or other similar dwelling.

S. "Smoke" and "Smoking" mean to inhale, exhale, burn, or carry a lighted or heated device or pipe, or any other lighted or heated cannabis or cannabis product intended for inhalation. Smoking includes the use of an electronic device that creates an aerosol or vapor.

**8.60.030 Commercial Non-Medical Cannabis Activities Prohibited.**

All commercial non-medical cannabis activities within the City are prohibited.

**8.60.040 Personal Cultivation and Personal Use Generally Prohibited.**

All Personal Cultivation and Personal Use of cannabis within the City is prohibited except as expressly permitted by this Chapter.

**8.60.050 Personal Cultivation Restrictions.**

Personal Cultivation of cannabis is conditionally permitted in the City only as expressly specified in this Chapter.

A. Personal Cultivation requires a Personal Cultivation Permit.

B. Personal Cultivation may only occur indoors within Private Residences and Accessory Structures. No Personal Cultivation of cannabis shall occur outdoors. There shall be no visible exterior evidence of any Personal Cultivation activity from any publicly accessible area or right-of-way.

C. Personal Cultivation is only allowed within a fully enclosed and secure area that is inaccessible to minors, regardless of whether the location is frequented or occupied by minors. Entrance to the Cultivation Area, and all cannabis storage areas, shall be locked at all times, and under the control of the Personal Cultivation Permittee.

D. All cannabis produced by Personal Cultivation, or available for Personal Use, shall be kept in a secured manner that is inaccessible to minors.

E. All cannabis products and paraphernalia shall be kept in a secured manner that is inaccessible to minors.

F. Personal Cultivation shall only include the non-commercial actions of planting, growing, harvesting, and dry-processing cannabis.

G. Personal Cultivation shall not include manufacturing, extractions, use of chemicals, or volatile processing.

H. All Personal Cultivation must occur in a single contiguous Cultivation Area per parcel of real property.

I. Any parcel of real property upon which Personal Cultivation occurs shall not contain more than six cannabis plants at any time, regardless of the maturity of the plants and the number of occupants, Private Residences, or Accessory Structures present on the parcel.

J. Cannabis plants inside of Private Residences shall not exceed five feet in height when measured from the floor to the top of the plant.

K. Cannabis plants inside of Accessory Structures shall not exceed seven feet in height when measured from the floor to the top of the plant.

L. Cannabis plants inside of Private Residences shall not occupy more than 12 square feet of contiguous floor space.

M. Cannabis plants inside of Accessory Structures shall not occupy more than 24 square feet of contiguous floor space.

N. All Cultivation Areas shall contain a readily accessible and operational fire extinguisher in the immediate area where the Personal Cultivation activities occur.

O. Personal Cultivation shall not occur in violation of any building code standards pursuant to State law, the Health and Safety Code, the California Building Standards Code, the California Code of Regulations, the Adelanto Municipal Code, or any other applicable codes.

P. Generators shall not be used to support any Personal Cultivation activities.

Q. Personal Cultivation shall not adversely affect the health or safety of the community or nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other nuisances, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.

R. Cannabis odor shall not be detectable outside of the Cultivation Area.

S. Personal Cultivation shall not involve the increase of natural environmental humidity to support plant growth unless done in sealed container so as to prevent mold growth.

T. Personal Cultivation shall not occur on City property or any other public lands. Personal Cultivation may only be conducted with the express written notarized permission of the owner of the land and the structure being used for Personal Cultivation.

U. Cannabis produced by Personal Cultivation may only be used or given away to persons 21 years of age or older, who are otherwise permitted by law to possess and use cannabis.

V. Cannabis produced by Personal Cultivation may only be given away to an individual in an amount of up to 28.5 grams of non-concentrated cannabis, or eight grams of concentrated cannabis, once per month.

W. Cannabis produced by Personal Cultivation may not be sold or given away for any compensation whatsoever.

X. All cannabis related waste shall be destroyed or disposed of in a secure manner in compliance with all State and local laws so as to prevent access by minors.

Y. The City Manager, the City Manager's designee, the City's Code Enforcement Manager, the City's Building Official, the Fire Department, and law enforcement shall have the right to enter and inspect the Cultivation Area at any time upon 24 hours' advance notice for the purpose of making reasonable inspections to observe and enforce compliance with this Chapter, the Health and Safety Code, the California Building Standards Code, and all other applicable laws of the City and the State.

**8.60.060 Personal Cultivation Permit Applications.**

All applicants wishing to obtain a Personal Cultivation Permit from the City must file an application to the City upon a form provided by the City. An application for a Personal Cultivation Permit shall include at least the following information:

A. The address of the location for which the Personal Cultivation Permit is sought. Only one Personal Cultivation Permit will be issued per location.

B. The names, ages, and addresses of all owners, lessors, and occupants of the parcel of real property for the proposed Personal Cultivation site.

C. Proof that the applicant is a lawful occupant of the parcel of real property for the proposed Personal Cultivation site.

D. The application must be accompanied by a certified grant deed to the parcel for the proposed Personal Cultivation site showing the name of the legal owner.

E. If the applicant is not the legal owner of the parcel for the proposed Personal Cultivation site, the application must also be accompanied by a notarized acknowledgement from the legal owner authorizing Personal Cultivation to occur on the parcel.

F. Evidence that the Cultivation Area will be located in a legal structure that is compliant with all applicable State and local laws.

G. Authorization for the City Manager, the City Manager's designee, the City's Code Enforcement Manager, the City's Building Official, the Fire Department, and law enforcement to enter and inspect the Cultivation Area at any time upon 24 hours' advance notice for the purpose of making reasonable inspections to observe and enforce compliance with this Chapter, the Health and Safety Code, the California Building Standards Code, and all other applicable laws of the City and the State.

H. Any such additional and further information as is deemed necessary by the City Manager's designee to administer this Chapter.

I. Authorization for the City Manager's designee to seek verification of the information contained in the application.

J. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.

#### **8.60.070 Personal Cultivation Permits.**

The following conditions apply to each Personal Cultivation Permit:

A. Except for individuals who qualify for an Indigent Waiver, each Personal Cultivation Permittee must pay a Personal Cultivation Permit Fee in an amount to be established by Resolution of the City Council to offset the cost to the City of administering this Chapter as a prerequisite to obtaining the Personal Cultivation Permit.

B. The City Manager's designee shall establish qualifications for an Indigent Waiver of the Personal Cultivation Permit Fee ("Indigent Waiver"). Qualifying individuals shall obtain the Indigent Waiver from the City Clerk. An Indigent Waiver shall entitle a qualifying individual for either a reduction or a complete waiver of the Personal Cultivation Permit Fee according to the criteria established by the City Manager's designee.

C. A Personal Cultivation Permit will not be awarded or renewed if:

1. The applicant made one or more false or misleading statements or omissions in the application or during the application process.
2. The proposed Personal Cultivation activity would violate State or local law.
3. The applicant does not have legal authority to engage in Personal Cultivation at the proposed Personal Cultivation site.
4. The applicant has not satisfied each and every requirement of this Chapter.
5. The applicant has had a previous Personal Cultivation Permit revoked.

6. The applicant has not maintained compliance with each and every requirement of this Chapter prior to renewal.

D. Only one Personal Cultivation Permit may be possessed or used by the same person.

E. Personal Cultivation Permits may only be issued for Private Residences and Accessory Structures, and only one Personal Cultivation Permit may be issued per parcel.

F. Personal Cultivation Permits are subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the activity and protect the public.

G. Within 90 day of obtaining a Personal Cultivation Permit, the Cultivation Area must be inspected and approved by the Building Official, the Fire Department, Code Enforcement, and law enforcement.

H. Personal Cultivation Permittees shall keep the City and law enforcement updated with the names, ages, and addresses of all occupants, lessors, and owners of the Personal Cultivation site.

I. Personal Cultivation Permits shall expire and become null and void 12 months after issuance unless properly renewed. Prior to renewal, all applicable Personal Cultivation Permit fees must be paid, and the Cultivation Area must be inspected and approved by the Building Official, the Fire Department, Code Enforcement, and law enforcement.

J. Personal Cultivation Permits issued pursuant to this Chapter are not transferable to any third parties under any circumstances.

#### **8.60.080 Personal Use Restrictions.**

Personal Use of cannabis is conditionally permitted in the City only as expressly specified in this Chapter.

A. Only individuals who are 21 years of age or older shall be permitted to possess, use, smoke, inhale, ingest, or consume cannabis or cannabis products. No individual under 21 years of age shall possess, use, smoke, inhale, ingest, or otherwise consume cannabis or cannabis products.

B. Only individuals who are 21 years of age or older shall be permitted to possess or use cannabis accessories and paraphernalia.

C. All cannabis, cannabis products, cannabis paraphernalia, and cannabis accessories must be stored in a secure location that is inaccessible to minors except during lawful Personal Use.

D. No person shall attempt to sell, offer to sell, sell, furnish, administer, distribute, dispense, or give away any cannabis or cannabis products for any compensation whatsoever unless done so pursuant to a valid commercial seller's permit issued by the City.

E. No person shall attempt to sell, offer to sell, sell, furnish, administer, distribute, dispense, or give away any cannabis or cannabis products to any person under 21 years of age under any circumstances.

F. Personal Use of cannabis shall only be permitted inside of Private Residences or in dedicated well-ventilated cannabis smoking lounges as approved by the City. Cannabis and cannabis products shall not be smoked, inhaled, ingested, consumed, or otherwise used in the presence of minors, outdoors, in any public place, at any place of business except dedicated well-ventilated cannabis smoking lounges as approved by the City, while trespassing on private lands, or in any location where smoking tobacco is prohibited.

G. Personal Use of cannabis shall not adversely affect the health or safety of the community or nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other nuisances, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.

H. No cannabis odor shall be detectable outside of permissible Personal Use areas.

I. No person shall operate a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation while using or under the influence of cannabis.

J. No person shall possess an open container or open package of cannabis or cannabis products while driving, operating, or riding in a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation.

K. No person shall possess more than 28.5 grams of non-concentrated cannabis, or eight grams of concentrated cannabis, on their person at any time unless done so pursuant to a valid permit issued by the City.

L. All cannabis, cannabis products, cannabis byproducts, and related waste shall be disposed of in a secure manner as to prevent access to minors in compliance with all State and local laws.

#### **8.60.090 Enforcement.**

A. The City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any Personal Cultivation or Personal Use activities.

B. Any cultivation or use of cannabis within the City in violation of this Chapter is hereby declared to be unlawful and a public nuisance.

C. Any party who engages in a violation of this Chapter, or who owns, possesses, controls, or has charge of any parcel of real property in the City upon which a violation of the Chapter is maintained, shall be subject to the penalties and remedies provided by this Chapter.

D. Any violation of this Chapter shall constitute a separate offense for each and every day the violation occurs or persists.

E. Any person in violation of any provision of this Chapter shall be guilty of a misdemeanor and shall be punishable by a fine of up to \$1,000 and up to six months imprisonment per offense per day.

F. Any person in violation of any provision of this Chapter shall be punishable by an administrative fine of up to \$1,000 per offense per day.

G. Each parent or legal guardian of any minor acting in violation of this Chapter shall be jointly and severally liable for said violation.

H. The City may levy a special assessment against any parcel of real property in violation of this Chapter to recover administrative fines and all related City costs including, but not limited to, staff costs, inspections costs, enforcement costs, administrative overhead, administrative hearing costs, attorneys' fees, prosecution costs, court costs, legal fees, and any other related costs. The special assessment may also be recorded against the nuisance property. If a tenant, as opposed to a property owner or landlord, is acting in violation of this Chapter, the owner or landlord shall be given notice of the violation and shall have a period of seven days to initiate eviction proceedings against the tenant. If the owner or landlord fails to initiate eviction proceedings within seven days, or fails to diligently prosecute the tenant's eviction, the owner or landlord shall become collaterally liable for any administrative fines, which may then be collected as a special assessment against the parcel of real property.

I. At the discretion of the City Manager's designee, any person issued an administrative fine for any violation of this Chapter may elect to participate in a voluntary community service diversion program ("Community Service Program") as an alternative to paying any administrative fines incurred. The Community Service Program shall be administered by the City Manager's designee. Any individual wishing to participate in the Community Service Program must first obtain the approval of the City Manager's designee before commencing participation. A participant in the Community Service Program shall be granted a credit of \$25 per hour worked (as verified by the City Manager's designee) toward the balance of their administrative fines owed to the City.

1. At the discretion of the City Manager's designee, a parent or legal guardian that has been issued an administrative fine based upon joint and several liability for any violation of this Chapter caused by their minor child may elect to require the minor to participate in the Community Service Program. In such circumstance, the parent or legal guardian shall participate in the Community Service Program along with the minor. Each parent or legal guardian shall be responsible for the safety of the minor

while participating in the Community Service Program. The parent or legal guardian and the minor shall each be granted a credit of \$25 per hour worked (as verified by the City Manager's designee) toward the balance of the administrative fines owed to the City.

J. Any violation of this Chapter, or any other City or State cannabis law, by a Personal Cultivation Permittee is grounds for revoking the Personal Cultivation Permittee's Personal Cultivation Permit.

1. Any decision regarding the revocation of a Personal Cultivation Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a written notice of appeal from the person appealing within 10 days from the date of the Personal Cultivation Permit revocation order. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Personal Cultivation Permit was improperly revoked.

2. Upon receipt of the appeal, the City shall schedule an administrative hearing to occur within 90 days. The City shall provide 10 days advance notice of the date, time, and location of the administrative hearing to the appellant. The Hearing Officer's decision shall be final and binding upon the City and the appellant.

3. The costs of the administrative hearing shall be borne by the non-prevailing party.

4. Failure to properly appeal the Personal Cultivation Permit revocation as required herein, or to appear at the properly noticed administrative hearing, shall constitute a waiver of the right to contest the permit revocation, a failure to exhaust the available administrative remedies, and a bar to any further appeals of the permit revocation.

K. These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

**SECTION 5.** Recognizing that there is a potential conflict between federal and State law, it is the City Council's intention that this Ordinance shall be deemed to comply with California law as established by the AUMA.

**SECTION 6.** It is the City Council's intention that nothing in this Ordinance shall be construed to: (1) allow persons to engage in conduct that endangers others or causes a public nuisance; (2) allow the use of non-medical cannabis by minors; or (3) allow any activity relating to cannabis that is otherwise not permitted under State law.

**SECTION 7.** No use, business, or activity of any kind related to the personal cultivation or use of non-medical cannabis prior to the enactment of this Ordinance shall be deemed to have been a legally established use, and any such use shall not be entitled to claim legal nonconforming status.

**SECTION 8.** By regulating the personal cultivation and use of non-medical cannabis, the City is only undertaking to preserve the general welfare through implementing the AUMA. The City Council is not assuming, nor is it imposing on its officers and employees, an obligation for which a breach thereof would expose the City to liability in money damages to any person who claims that such breach proximately caused any injury. To the fullest extent permitted by law, the City shall assume no liability whatsoever, and expressly does not waive sovereign immunity, with respect to any provision of this Ordinance or for the activities of any user or cultivator of non-medical cannabis. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this Ordinance shall not become a personal liability of any public officer or employee of the City. Nothing in this Ordinance shall be deemed or considered in any respects to constitute authorization to violate any law.

**SECTION 9.** The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act ("CEQA") pursuant to California Code of Regulations, title 14, section 15268. If adopted, the AUMA will mandate Personal Cultivation and Personal Use of non-medical cannabis in the State. Therefore, the City is not exercising discretion in allowing Personal Cultivation and Personal Use of non-medical cannabis in the City, but rather merely seeks to reduce the effect of these activities on the environment.

**SECTION 10.** If any section or provision of this Ordinance is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Ordinance shall remain in full force and effect.

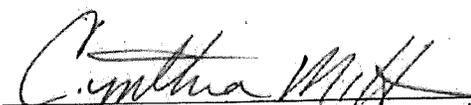
**SECTION 11.** The Mayor shall sign and the City Clerk shall certify passage and adoption of this Ordinance, and the City Clerk shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect immediately upon passage by a four-fifths vote of the City Council.

PASSED, APPROVED, and ADOPTED this 26<sup>th</sup> day of October, 2016.



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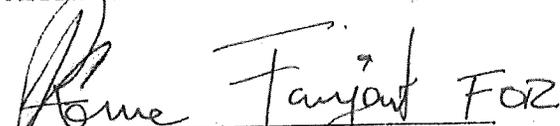
Rich Kerr, Mayor



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Cynthia M. Herrera, MMC, City Manager/  
City Clerk

APPROVED AS TO FORM:



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Curtis R. Wright, City Attorney

I, Cindy Herrera, City Manager/City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Ordinance No. 555 was duly introduced and adopted as an Urgency Ordinance at a regular meeting of the City Council of the City of Adelanto on October 26, 2016 by the following vote, to wit:

AYES: Council Members Woodard, Camargo, Mayor Pro Tem Wright and Mayor Kerr

NOES: None

ABSENT: Council Member Glasper

ABSTAIN: None

IN WITNESS THEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 26<sup>th</sup> day of October, 2016.



Cynthia M. Herrera, MMC, City Manager/  
City Clerk

SEAL