

ORDINANCE NO. 579

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA, AMENDING SECTION 17.80.080 OF THE ADELANTO MUNICIPAL CODE RELATING TO MEDICAL MARIJUANA CULTIVATION TO INCLUDE REGULATIONS PERTAINING TO MEDICAL MARIJUANA NURSERIES

WHEREAS, on October 9, 2015, Governor Brown approved the Medical Marijuana Regulation and Safety Act (“MMRSA”), effective January 1, 2016, which established a comprehensive State licensing and regulatory framework for cultivating, manufacturing, testing, distributing, transporting, dispensing, and delivering medical cannabis, and which recognized the authority of local jurisdictions to prohibit or impose additional restrictions on any such medical cannabis activity.

WHEREAS, on June 27, 2016, Governor Brown signed Senate Bill 837 into law to amend MMRSA and rename it the Medical Cannabis Regulation and Safety Act (“MCRSA”).

WHEREAS, on April 28, 2017, the State Department of Food and Agriculture issued Proposed Regulations for the Medical Cannabis Cultivation Program (“Proposed Regulations”) implementing MCRSA and detailing the comprehensive State licensing and regulatory framework for the cultivation of medical marijuana.

WHEREAS, on June 27, 2017, Governor Brown signed Senate Bill 94 into law to combine MCRSA and AUMA into a single regulatory scheme known as the Medical and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”).

WHEREAS, while the Proposed Regulations were adopted under MCRSA and predate MAUCRSA, and therefore may be subject to changes, MAUCRSA does not change the Department of Food and Agriculture’s authority to regulate the cultivation of medical marijuana.

WHEREAS, both the Proposed Regulations and MAUCRSA provide for licenses for outdoor cultivation, indoor cultivation, nursery operations, and processor operations.

WHEREAS, the City of Adelanto (“City”) wishes to provide for the licensing of medical marijuana nursery operations.

WHEREAS, nothing in this Ordinance shall be construed to allow persons to engage in conduct that violates any statute, law, regulation, or ordinance of the State of California, the County of San Bernardino or the City, endanger others, cause a public nuisance, allow the use or diversion of marijuana for nonmedical purposes, or allow any activity relating to marijuana 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 incorporated herein.

SECTION 2. Section 17.80.080 (Cultivation of Medical Marijuana) is amended as follows:

A. Subsection (b) is amended by renumbering Subsection (b)(11) as Subsection (b)(12) and adding a new Subsection (b)(11) to read as follows:

“(11) “Nursery” means a medical marijuana cultivation operation that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical marijuana, including research and development related thereto.”

B. Subsection (d)(1)(I) is deleted in its entirety and replaced with the following:

“I. Indoor medical marijuana cultivation may include production of clones, growing marijuana plants, harvesting marijuana plants, harvesting marijuana seeds, drying marijuana flowers, producing other agricultural products used specifically for the planting, propagation, cultivation of medical marijuana, and research and development related to the foregoing, but shall not include any extraction procedures to produce concentrated THC.”

SECTION 3. 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 4. 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 30 days after its final passage.

I, Cindy Herrera, City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Ordinance No. 579 was duly introduced for first reading on November 27, 2017 and regularly adopted at a regular meeting of the City Council of the City of Adelanto on December 13, 2017, by the following vote, to wit:

AYES: COUNCIL MEMBERS GLASPER, WOODARD, AND MAYOR KERR

NOES: COUNCIL MEMBER CAMARGO

ABSENT: MAYOR PRO TEM WRIGHT

ABSTAIN: NONE

IN WITNESS THEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 13th day of December, 2017.



Cynthia M. Herrera, MMC, City Clerk

PASSED, APPROVED, and ADOPTED this 13th day of December, 2017.



Rich Kerr, Mayor



Gabriel Elliot, City Manager

APPROVED AS TO FORM:



Ruben Duran, City Attorney