

ORDINANCE NO. 19-04
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ISLETON
REPEALING ARTICLE 23, SECTION 2306, SUBSECTION C
TO THE ISLETON ZONING ORDINANCE
REGARDING COMMERCIAL CANNABIS FACILITY SIGNAGE

THE CITY COUNCIL OF THE CITY OF ISLETON HEREBY ORDAINS AS FOLLOWS:

SECTION 1. PURPOSE AND AUTHORITY

- A. The purpose of this ordinance is to regulate commercial cannabis activities in a manner that protects the health, safety, and welfare of the community, consistent with Proposition 64, also known as the Control, Regulate and Tax Adult Use of Marijuana Act ("AUMA"), the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), and state and federal law.
- B. The authority to enact this ordinance is derived from Article XI, section 7 of the California Constitution which provides that a city may make and enforce within its limits all local police, sanitary, and other ordinances and regulations not in conflict with general laws. Additionally, California Health and Safety Code section 11362.2(b)(1) authorizes cities to adopt zoning, land use, and permit regulations concerning the location and establishment of cannabis businesses.

SECTION 2. REPEAL OF ARTICLE 23, SECTION 2306, SUBSECTION C

Article 23, Section 2306, subsection C to the Isleton Zoning Ordinance regarding exterior signage on Commercial Cannabis Facilities is hereby repealed and Article 23, Section 2306 shall now read as follows:

SECTION 2306 COMMERCIAL CANNABIS FACILITY

Subject to Section 2305 and Article 14, commercial cannabis facilities may be established in C-Commercial and PID-Planned Industrial Districts as set forth in this section. In addition to the requirements set forth in Article 14, all commercial cannabis facilities shall be subject to the following additional conditions:

- A. Commercial cannabis facilities shall require a development agreement approved by the city council prior to operation.
- B. Prior to commencing operation of commercial cannabis activity, a public safety and security plan for every commercial cannabis facility that is reviewed and approved by the city.
- C. *[repealed]*

- D. Commercial cannabis facilities shall have a ventilation and filtration system installed that shall prevent cannabis plant odors from exiting the interior of the structure and that shall comply with California Building Code section 402.3, Mechanical Ventilation, as now existing or hereafter amended.

- E. Commercial cannabis facilities shall not be accessible to persons under twenty-one (21) years of age, except that commercial cannabis facilities licensed to sell medicinal cannabis shall be accessible to persons eighteen (18) years of age or older who possess a valid government-issued identification card and either a valid county-issued identification card under Section 11362.712 of the Health and Safety Code or a valid physician's recommendation for himself or herself or for a person for whom he or she is a primary caregiver.

SECTION 3. CEQA

This ordinance is consistent with the protection of the public interest, health, safety, and welfare of the City. This ordinance is hereby found to be categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines section 15061(b)(3).

SECTION 4. SEVERABILITY

The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not result in the invalidity of the entire chapter which can be given effect without the invalid provision or application. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. EFFECTIVE DATE AND PUBLICATION


This ordinance shall take effect thirty (30) days after its adoption. The City Clerk is hereby directed to publish this ordinance within fifteen (15) days after its passage in a newspaper of general circulation published in the City of Isleton or to post it in at least three (3) public locations in the City of Isleton.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Isleton that it hereby:

Adopted and approved this ordinance at a meeting held on the 9th, day of April 2019 by the following vote:

AYES: Councilmember's Dean Dockery, Robert Jankovitz, Iva Walton, Vice Mayor Pamela Bulahan, Mayor Eric Pene.
NOES: None.

ABSTAIN: None.
ABSENT: None.


Eric Pene, Mayor
City of Isleton

ATTEST:


Yvonne Zepeda, Deputy City Clerk