

ORDINANCE NO. 2016-18

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA PROHIBITING THE MANUFACTURING, PROCESSING, LABORATORY TESTING, LABELING AND STORING OF CANNABIS, CANNABIS PRODUCTS, AND ALL CANNABIS DERIVATIVES FOR ANY PURPOSE

The City Council of the City of Santa Maria, California, does ordain as follows:

SECTION 1. FINDINGS.

The City Council finds and declares as follows:

A. In 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code § 11362.5 and entitled "The Compassionate Use Act of 1996" ("CUA"). On October 9, 2015, Governor Jerry Brown signed three bills into law (AB 266, AB 243, and SB 643) which collectively are known as the Medical Marijuana Regulation and Safety Act ("MMRSA"). The MMRSA established a State licensing scheme for commercial medical marijuana uses while protecting local control by requiring that all such businesses must have a local license or permit to operate before obtaining a State license. The MMRSA allows the City to completely prohibit commercial and private medical marijuana activities.

B. The Control, Regulate, and Tax Adult Use of Marijuana Initiative (Proposition 64) has qualified for the November 8, 2016, California ballot. If passed by a majority of California voters, the measure would establish the Bureau of Marijuana Control within the Department of Consumer Affairs to regulate and license the marijuana industry, in conflict with the authority granted to the Bureau of Medical Marijuana Regulation established by MMRSA.

C. If passed, Proposition 64, will allow local governments to ban recreational marijuana businesses entirely and reasonably regulate cultivation through zoning and other local laws, including banning outdoor cultivation outright. Proposition 64 will, however, require local governments to allow limited indoor cultivation in private residences.

D. The City Council finds there is a current and immediate threat to the health, safety, and welfare of City residents arising from the risks associated with the manufacture, processing, laboratory testing, labeling and storing of cannabis, whether medical or recreational. Citywide prohibition of all activities, from cultivation to point of sale, is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells and indoor electrical fire hazards that may result from such activities.

E. Several California cities have reported negative impacts of marijuana processing and distribution uses, including offensive odors, illegal sales and distribution of marijuana, trespassing, theft, violent robberies and attempted robbery, and fire hazards.

F. Manufacturing of cannabis products can involve use of chemicals and solvents, and as a result, the manufacture of hash oil concentrate, often added to edibles, drinks and liquids, carries a significant risk of explosion due to the distillation process utilized to extract tetrahydrocannabinol. Major burn treatment centers at two hospitals in Northern California reported in 2015 that nearly 10 percent of severe burn cases were attributed to butane hash oil explosions, which was more than burn cases from car accidents and house fires combined.

G. Cultivation of cannabis and medical marijuana dispensaries are currently prohibited under the City's permissive zoning regulations. The City Council desires to enact this interim urgency ordinance to expressly clarify that the manufacturing, processing, laboratory testing, labeling and storing of cannabis, cannabis products, and all cannabis derivatives, whether medical or recreational, are also temporarily prohibited in all zones throughout the City.

H. A temporary moratorium of all commercial or industrial cannabis activities will enable the City to study and develop a comprehensive zoning and regulatory approach to cannabis, including analysis of the provisions of Proposition 64's proposed Health & Safety Code § 11362.2, if passed.

I. Government Code § 65858 authorizes the City Council to adopt a moratorium as an urgency ordinance to preserve the public health, safety or welfare. For the reasons stated above and for the immediate preservation of the public health, safety and welfare of the citizens of the community of Santa Maria, it is required that the City Council adopt this ordinance as an urgency measure.

J. This ordinance is not a project subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines § 15306 (Information Collection) because it does not have the potential to create a physical environmental effect.

SECTION 2. TEMPORARY MORATORIUM.

A temporary moratorium is hereby declared prohibiting any commercial or industrial use involving cannabis in every zoning district in the City, including but not limited to the manufacturing, processing, laboratory testing, labeling and storing of cannabis, cannabis products, and all cannabis derivatives for any purpose.

SECTION 3. INTERIM URGENCY ORDINANCE.

By the City Council making the findings of fact set forth above, which constitute an emergency for the immediate preservation of the public health, welfare and safety, the

City Council declares that this ordinance is an urgency measure and therefore, this ordinance takes effect immediately upon its adoption and continues as provided for under Government Code § 65858 and any extensions which may thereafter be made.


PASSED AND ADOPTED as an urgency ordinance at a regular meeting of the City Council held on the 16th day of August 2016, by the following roll call vote:



AYES:
NOES:
ABSENT:
ABSTAINED:

Mayor

ATTEST:

Chief Deputy City Clerk

APPROVED AS TO FORM
BY: 
ASSISTANT CITY ATTORNEY

APPROVED AS TO CONTENT
BY: 
DEPARTMENT HEAD
BY: 
CITY MANAGER