

Ordinance No. 815

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANDERSON AMENDING TITLE 17 (ZONING) OF THE CITY OF ANDERSON MUNICIPAL CODE BY ADDING SECTION 17.67 (RECREATIONAL MARIJUANA ACTIVITIES) REGULATING RECREATIONAL MARIJUANA ACTIVITIES IN THE CITY OF ANDERSON

WHEREAS, a moratorium currently exists in the City of Anderson which regulates cultivation and prohibits the manufacture, processing, laboratory testing, labeling, storing, wholesale or retail distribution of non-medical marijuana under the authority of government code §65858; and

WHEREAS, the City Council now wishes to establish regulations governing recreational marijuana activities.

NOW, THEREFORE, BE IT HEREBY THE CITY COUNCIL OF THE CITY OF ANDERSON DOES ORDAIN THAT THE ANDERSON MUNICIPAL CODE BE AMENDED BY ADDING SECTION 17.67 TO TITLE 17 (ZONING) AS FOLLOWS:

Chapter 17.67

RECREATIONAL MARIJUANA ACTIVITIES.

17.67.010. Definitions.

1. "Marijuana" means all parts of the plant *Cannabis sativa* L., *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, as defined in California Health and Safety Code § 11018, as may be amended. Marijuana includes "marijuana products," which means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis or other ingredients, as defined in California Health and Safety Code § 11018.1, as may be amended. *Marijuana does not include "Medical Marijuana" as used for medical purposes in accordance with California Health and Safety Code §§ 11362.7 et seq.*

2. "Marijuana Dispensary" means any operation, including a store-front facility or structure, mobile facility, club, or delivery service to or from any location within the city, wherein marijuana is made available, sold, offered for sale, given, distributed, traded, cultivated for, or otherwise provided to any person for recreational purposes.

3. A "Commercial Marijuana Operation" includes, other than expressly permitted under the Anderson Municipal Code or state law, any cultivation, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, or sale of marijuana.

4. "Consumption of marijuana" means receiving marijuana into the body by any means, including, but not limited to, smoking, eating, drinking, consuming, vaporizing, ingesting and topical application.

5. "Medical Marijuana" means marijuana used for medical purposes in accordance with the Compassionate Use Act of 1996 (Proposition 215), in accordance with California Health and Safety Code, Section 11362.5.

17.67.020 Consumption of marijuana prohibited in public.

Consumption of marijuana is prohibited in any public place, in conformance with state law, including, but not limited to, any city owned building, city owned or leased property, city right-of-way, city parks where smoking is prohibited, and city buses. Any consumption of marijuana shall be done in a manner so as to not cause a nuisance to nearby occupants with noxious odors or other adverse health and safety impacts.

17.67.030 Marijuana Dispensary as a prohibited use.

A Marijuana Dispensary is a prohibited use in all zone districts in the city.

17.67.040 Commercial Marijuana Operation as a prohibited use.

A Commercial Marijuana Operation is a prohibited use in all zone districts in the city.

17.67.050 Cultivation of Marijuana.

1. Cultivation of marijuana, up the maximum amount allowed under the California Adult Use of Marijuana Act ("AUMA"), may occur within the residence as allowed under the AUMA or in a residential accessory structure that meets all of the standards provided in Section 17,650.060.6 of the City of Anderson's Municipal Code, which are set forth below:

(a) The building shall be provided with locking doors and have a working security system. The alarm shall be a standard audible residential alarm of at least 90 dBA but not exceeding 110 dBA and shall meet the requirements of Chapter 9.68 of the Anderson Municipal Code.

(b) If the building is a greenhouse then it shall additionally be surrounded by a secure solid six-foot high fence located within ten feet of the greenhouse and equipped with a lockable gate;

(c) The structure shall be located in the rear yard portion of the lot and maintain a minimum of a ten-foot setback from the side and rear property lines and from any other building on the parcel;

(d) Any accessory structure, of any size, utilized for cultivation of marijuana shall be legally constructed with a building permit. All electrical and plumbing shall be installed with a valid electrical and plumbing permit from the city. Such building permits will only be issued to the owner of the property. If the resident is proposing to convert an existing accessory structure for cultivation of marijuana, an inspection will be required to ensure compliance with the ordinance; and

(e) The person cultivating the marijuana must be lawfully residing on the same parcel of real property where the marijuana is cultivated.

2. Cultivation of Medical Marijuana within the residence shall not exceed the amount allowed under the AMUA. Any amount of Medical Marijuana plants grown in excess of the maximum allowed under the AMUA shall be grown in an accessory structure that meets all of the requirements of Chapter 17.65 of the Anderson Municipal Code.

17.67.060 Severability.

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

This ordinance shall take effect 30 days after its final passage, the welfare of the City of Anderson requiring it.

The City Clerk shall certify to the adoption of this ordinance and shall cause it to be posted and/or published in accordance with the law.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Anderson held on February 6, 2018, and enacted at a regular meeting of the City Council of the City of Anderson held on February 20, 2018, by the following vote:

AYES: Councilmembers Browning, Baugh, Hunt, Neutze, and Mayor Cornick.
NOES: None.
ABSTAIN: None.
ABSENT: None.



Norma Cornick, Mayor of the City of Anderson

ATTEST:



Juanita Barnett, City Clerk