

ORDINANCE 1205

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, AMENDING SECTIONS 5.96.020 AND 17.11.1020 OF THE CALEXICO MUNICIPAL CODE TO REMOVE INDUSTRIAL HEMP FROM THE DEFINITION OF CANNABIS.

WHEREAS, pursuant to the authority granted to the City of Calexico (“City”) by Article XI, Section 7 of the California Constitution, the City has the police power to regulate the use of land and property within the City in a manner designed to promote public convenience and general prosperity, as well as public health, welfare, and safety; and,

WHEREAS, adoption and enforcement of comprehensive zoning regulations and other land use regulations lies within the City’s police power; and,

WHEREAS, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”) establishes a regulatory structure for cultivation, processing, manufacturing, tracking, quality control, testing, inspection, distribution, and retail sale of commercial cannabis; and,

WHEREAS, in compliance with MAUCRSA, the City has established the Cannabis Overlay Zone and regulates the number and type of commercial cannabis activities allowed to operate within the City; and,

WHEREAS, the proposed Calexico Municipal Code (“CMC” or “Code”) Ordinance would amend Code Sections 5.96.020 and 17.11.1020 to remove “industrial hemp” from the definition of “cannabis,” the effect being that industrial hemp will not be regulated under the City’s Business License and Zoning Code Chapters relating to commercial cannabis; and,

WHEREAS, the Planning Commission of the City of Calexico (“Planning Commission”) conducted a properly noticed public hearing on October 28, 2019 at which time members of the public were afforded an opportunity to comment on the proposed Code Amendment, the recommendations of staff, and other public testimony; and,

WHEREAS, after said public hearing, the Planning Commission recommended that the City Council of the City of Calexico (“City Council”) adopt this Ordinance; and,

WHEREAS, the City Council conducted a properly noticed public hearing on November 6, 2019 at which time members of the public were afforded an opportunity to comment on this Ordinance, the recommendations of staff, and other public testimony.

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

SECTION 1. Incorporation of Recitals. The City Council hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Ordinance.

SECTION 2. Calexico Municipal Code Amendment. The definition of “cannabis” found in Calexico Municipal Code Section 5.96.020 is hereby amended. Additions are underlined. Deletions are stricken.

“5.96.020 – Definitions.

...

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. For purposes of this code, “cannabis” includes industrial hemp. ~~For purposes of this Chapter, “cannabis” does not include industrial hemp.~~

...”

SECTION 2. Calexico Municipal Code Amendment. The definition of “cannabis” found in Calexico Municipal Code Section 17.11.1020 is hereby amended. Additions are underlined. Deletions are stricken.

“17.11.1020 – Definitions.

...

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. For purposes of this code, “cannabis” includes industrial hemp. ~~For purposes of this Chapter, “cannabis” does not include industrial hemp.~~

...”

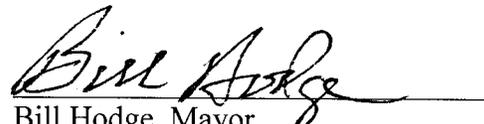
SECTION 3. CEQA. The City Council finds that pursuant to the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, no further environmental review is required prior to the adoption of the proposed amendment to the Calexico Municipal Code. Specifically, the City Council finds that the subject Municipal Code Amendment is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. 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 of Ordinance. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 6. Certification. The City Council shall sign this Ordinance, and the City Clerk shall certify passage and adoption of this Ordinance and enter it into the book of original Ordinances of the City. The City Clerk shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local newspaper of general circulation and which is hereby designated for that purpose.

THIS ORDINANCE IS PASSED, APPROVED, and ADOPTED by the City Council of the City of Calexico, California, at a regular meeting held this 20th day of November 2019.

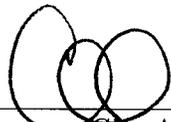

Bill Hodge, Mayor

ATTEST:



Gabriela T. Garcia, City Clerk

APPROVED AS TO FORM:



Carlos Campos, City Attorney

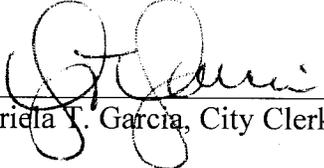
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State of California)
County of Imperial) ss.
City of Calexico)

I, Gabriela T. Garcia, City Clerk, do hereby certify the above Ordinance No. 1205 was approved at a regular City Council meeting held on the 20th day of November 2019, by the following vote to-wit:

AYES: Hodge, Romero, Arreola-Fernandez, Reisin, Pacheco
NOES: None
ABSTAIN: None
ABSENT: None



Gabriela T. Garcia, City Clerk