

ATTACHMENT 1, EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF CATHEDRAL CITY, CALIFORNIA, AMENDING CHAPTERS 9.108, 9.26, 9.28 9.30, 9.36, 9.38, 9.40, 9.42 OF THE CATHEDRAL CITY MUNICIPAL CODE RELATING TO MEDICAL CANNABIS

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 and entitled “The Compassionate Use Act of 1996”), decriminalizing the use of cannabis for medical purposes; and

WHEREAS, in 2003, the California Legislature adopted SB 420, the Medical Marijuana Program, codified as Health and Safety Code Section 11362.7 *et. seq.*, which permits qualified patients and their primary caregivers to associate collectively or cooperatively to cultivate medical cannabis without being subject to criminal prosecution; and

WHEREAS, in 2008, the Attorney General of the State of California set forth Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use ("Guidelines"); and

WHEREAS, recently in October 2015, the State of California adopted AB 243, AB 266, and SB 643 (“Medical Cannabis Regulation and Safety Act” or “MCRSA”) to clarify legal requirements pertaining to medical cannabis; and

WHEREAS, the MCRSA and California Supreme Court empowers local incorporated cities and counties to enact laws or regulations pertaining to medical cannabis cultivation, dispensing, manufacturing or distribution pursuant to zoning powers that the city or counties governing body allows which including either expanding and allowing such activity within its city zoning area or can restrict, ban or prohibit within its zoning area; and

WHEREAS, Cathedral City supports the right of patients with debilitating medical conditions to have safe access to medical cannabis; and

WHEREAS, it is necessary for Cathedral City to adopt regulations for the purpose of facilitating safe access of medical cannabis to patients; and

WHEREAS, Cathedral City has adopted regulations governing the licensing and land use regulation of medical cannabis dispensaries, cultivators and manufacturers as permitted by state law;

WHEREAS, Cathedral City desires to license, permit, and adopt land use regulations governing the distribution, testing and transportation of medical cannabis as permitted by state law;

WHEREAS, Cathedral City has a legitimate interest in maintaining an appropriate balance of land uses within its borders, and Cathedral City desires to ensure that there is an appropriate balance of medical cannabis businesses and other uses; and

WHEREAS, it is the purpose and intent of this Chapter to regulate medical cannabis in a manner that is consistent with State law and which promotes the health, safety, and general welfare of citizens of Cathedral City and limits impacts associated with medical cannabis cultivation; and

WHEREAS, nothing in this Section shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance as defined herein, allow the use or diversion of cannabis for nonmedical purposes, or allow any activity relating to the cultivation, distribution or consumption of cannabis that is otherwise illegal under California state law.

NOW, THEREFORE, THE CATHEDRAL CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Section 9.08.020 of the Cathedral City Municipal Code (“Definitions”) is hereby amended as follows:

The definition of “cultivation site” is amended to read as follows:

“Cultivation site” has the same meaning as that term is defined by Section 19300.5(l) of the California Business and Professions Code.

The definition of “manufacturing site” is amended to read as follows:

“Manufacturing site” has the same meaning as that term is defined by Section 19300.5(ae) of the California Business and Professions Code.

The definition of “medical cannabis business” is amended to read as follows:

“Medical cannabis business” has the same meaning as that term is defined by Section 9.108.030 of this title.

The following definitions are inserted into the section in alphabetical order:

“Distribution” has the same meaning as that term is defined by Section 19300.5(p) of the California Business and Professions Code.

“Distributor” has the same meaning as that term is defined by Section 19300.5(q) of the California Business and Professions Code

“Distribution site” means a facility where medical cannabis is stored or inspected by a Distributor for the purposes of Distribution.

“Testing Laboratory” has the same meaning as that term is defined by Section 19300.5(ak) of the California Business and Professions Code.

“Transporter” has the same meaning as that term is defined by Section 19300.5(an) of the California Business and Professions Code.

“Transportation site” means a physical location where a Transporter conducts business while not in transport or any equipment that is not currently transporting medical cannabis or medical cannabis products, permanently resides.

Section 3. Section 9.108.090(D) (“Conditional use permit requirements for medical cannabis businesses-Permitted zones-Distance and other conditions of approval”) of the Cathedral City Municipal Code is hereby amended to read as follows:

D. Testing Laboratory

1. All testing laboratories, all operations conducted therein, and all equipment used must be in compliance with all applicable state, county and local laws, including all building, electrical and fire codes.
2. A testing laboratory shall adopt procedures to ensure that, as approved and conditioned, the facility will not result in detrimental impacts on the environment.
3. All windows on the licensed premises of the testing laboratory shall be appropriately secured and medical cannabis securely stored.

Section 4. Section 9.108.090(E) (“Conditional use permit requirements for medical cannabis businesses-Permitted zones-Distance and other conditions of approval”) of the Cathedral City Municipal Code is hereby amended to read as follows:

E. Distribution and Transportation Site.

1. Distribution and Transportation Sites shall store all medical cannabis and medical cannabis products in a locked safe room, safe, or vault and in a manner to prevent diversion, theft, and loss.
2. All windows on the licensed premises of the distribution and transportation site shall be appropriately secured and medical cannabis securely stored.
3. No distribution or transportation site shall be located within six hundred feet of a school, day-care center, or youth center, or within two hundred fifty feet of East Palm Canyon Drive, or within three hundred feet of a residential zone, except that the restrictions in this subsection (E)(3) shall not apply to any location where the city previously issued a conditional use permit authorizing distribution or transportation under this chapter and Chapter 9.72 of this code and such distribution or transportation has existed in continuous operations at the subject location since the time of original permitting.

Section 5. Section 9.26.020 of the Cathedral City Municipal Code (“PPO PLANNED PROFESSIONAL OFFICE DISTRICT, Permitted Uses”) is hereby amended to add the following uses to be inserted in alphabetical order:

Testing laboratory

Section 6. Section 9.28.020 the Cathedral City Municipal Code (“PLC PLANNED LIMITED COMMERCIAL DISTRICT, Permitted Uses”) is hereby amended to

add the following uses to be inserted in alphabetical order:

Testing laboratory

Section 7. Section 9.30.030 the Cathedral City Municipal Code (“PCC PLANNED COMMUNITY COMMERCIAL DISTRICT, Conditional Uses”) is hereby amended to add the following uses to be inserted in alphabetical order:

Distribution site

Transportation site

Section 8. Section 9.36.040 the Cathedral City Municipal Code (“CBP-2 COMMERCIAL BUSINESS PARK DISTRICT, Conditional Uses”) is hereby amended to add the following uses to be inserted in alphabetical order:

Distribution site

Manufacturing site

Transportation site

Section 9. Section 9.38.030 the Cathedral City Municipal Code (“NBP NEIGHBORHOOD BUSINESS PARK (TRANSITION) DISTRICT, Permitted Uses”) is hereby amended to add the following uses to be inserted in alphabetical order:

Testing laboratory

Section 10. Section 9.40.040 the Cathedral City Municipal Code (“I-1 LIGHT INDUSTRIAL DISTRICT, Conditional Uses”) is hereby amended to add the following uses to be inserted in alphabetical order:

Distribution Site

Transportation Site

Section 11. Section 9.42.030 of the Cathedral City Municipal Code (“OS Open Space District, Conditional Uses”) is hereby amended to add the following uses to be inserted in alphabetical order:

Distribution Site

Transportation Site

Section 12. Section 9.108.030 of the Cathedral City Municipal Code (“Definitions”) is hereby amended as follows:

Subsection (D) is amended to read as follows:

D. “Commercial cannabis activity” has the same meaning as that term is defined by Section 19300.5(j) of the California Business and Professions Code, including the exclusion in Section 19319 of the California Business and Professions Code related to qualified patients and primary caregivers, and extending that exclusion to ID card holders.

Subsection (F) is amended to read as follows:

F. “Cultivation site” has the same meaning as that term is defined by Section 19300.5(l) of the California Business and Professions Code.

Subsection (I)(4) is amended to replace the last sentence of that section with the following:

“In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the planning commission shall consider the factors as set forth in Section 19323(b)(4) of the California Business and Professions Code;”

Subsection (R) is amended to read as follows:

R. “Manufactured cannabis” has the same meaning as that term is defined by Section 19300.5(ac) of the California Business and Professions Code.

Subsection (S) is amended to read as follows:

S. “Manufacturing site” has the same meaning as that term is defined by Section 19300.5(ae) of the California Business and Professions Code.

Subsection (T) is amended to read as follows:

T. “Medical cannabis” has the same meaning as that term is defined by Section 19300.5(af) of the California Business and Professions Code.

Subsection (W) is hereby amended to read as follows:

W. “Medical Cannabis Regulation and Safety Act” or “MCRSA” means Chapter 3.5 of Division 8 of the California Business and Professions Code, Section 147.5 of the California Labor Code, Section 31020 of the California Revenue and Taxation Code, Section 12029 of the California Fish and Game Code, Sections 11362.769 and 11362.777 of the California Health and Safety Code, and Section 13276 of the California Water Code.

Subsection (Z) is amended to read as follows:

Z. “Person” has the same meaning as that term is defined by Section 19300.5(ah) of the California Business and Professions Code.

Subsection (GG) is amended to read as follows:

GG. “State license” has the same meaning as that term is defined by Section 19300.5(aj)

of the California Business and Professions Code.

Section 13. Title 9 of the Cathedral City Municipal Code is hereby amended to replace all references to the “Medical Marijuana Regulation and Safety Act” with the “Medical Cannabis Regulation and Safety Act” and all references to “MMRSA” with “MCRSA.”

Section 14. ENVIRONMENTAL FINDINGS

The City Council finds that this Ordinance is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), as this amendment is considered “Not a Project”.

Section 15. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 16. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after certification.

Section 17. REPEAL OF CONFLICTING PROVISIONS

Except as otherwise provided herein, all the provisions of the Cathedral City Municipal Code as heretofore adopted that are in conflict with the provisions of this Ordinance are hereby repealed as of the Effective Date.

Section 18. POSTING

The City Clerk shall within 15 days after passage of this Ordinance, cause it to be posted in at least three (3) designated public places; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of this City.