

ORDINANCE NO. 800

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PATTERSON, AMENDING CHAPTER 6.56, MARIJUANA CULTIVATION, DELIVERY AND DISPENSARIES, OF TITLE 6, HEALTH AND SAFETY TO DEFINE FINES AND PENALTIES REGARDING CITY BAN ON MARIJUANA, OF TITLE 6, HEALTH AND SAFETY TO DEFINE FINES AND PANALTIES REGARDING CITY BAN ON MARIJUANA, THE PATTERSON MUNICIPAL CODE

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as Cal. Health & Safety Code, § 11362.5, and known as “The Compassionate Use Act of 1996” or “CUA”). The CUA authorizes qualified patients and their primary caregivers to legally possess, use, and cultivate marijuana for medical purposes under California law; and

WHEREAS, on October 9, 2015, Governor Brown signed three bills into law (AB 266, AB 243, and SB 643), collectively referred to as the Medical Marijuana Regulation and Safety Act (the “MMRSA”). The MMRSA sets up a State licensing system for commercial medical marijuana uses by qualified patients and their primary caregivers while also preserving local control by requiring any medical marijuana business to have a local permit in order to operate; and

WHEREAS, on November 8, 2016, the California electorate voted to pass Proposition 64, which allows the recreational sale and possession of marijuana within the state. Proposition 64 also preserves the local control of all commercial marijuana activity by requiring a local permit in order to operate a commercial marijuana business; and

WHEREAS, in 2016, the Patterson City Council passed an ordinance prohibiting any business operations within the City of Patterson involving any commercial cannabis activity and cultivation, including the operation of medical marijuana dispensaries; and

WHEREAS, recently the City Police Services alerted the City of Patterson administration of an illegal marijuana dispensary operating within the City of Patterson; and

WHEREAS, the City Council finds that establishing stricter penalties for the violation of the City of Patterson’s commercial marijuana prohibition is in the best interest of the health, welfare, and safety of the public.

THE CITY COUNCIL OF THE CITY OF PATTERSON, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 6.56, Marijuana Cultivation, Delivery and Dispensaries, of Title 6, Health and Safety, of the Patterson Municipal Code is amended to read as follows:

Section 6.56.10, Purpose, is hereby amended to include:

D. This Chapter is not intended to conflict with federal or state law, nor is this chapter intended to answer or invite litigation over the unresolved legal questions posed by the existing conflict

between state and federal law regarding the legality of marijuana. It is the intention of the City Council that this chapter be interpreted to be compatible with existing federal and state enactments and in furtherance of the public purposes that those enactments encompass.

Section 6.56.020, Definitions, is hereby amended to include:

“Dispensary” means a business or premises where medical cannabis, as that term is defined by Business and Professions Code section 19300.5(af), or marijuana, as that term is defined by Health and Safety Code section 11018, is made available, distributed, sold, or given away under the authority of California law, as it may be amended from time to time.

“Person” includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

Section 6.56.060 is hereby added to read:

6.56.060 Penalties.

- A. A violation of any provision of this chapter by any person shall be punishable as a misdemeanor.
- B. The penalties in section 6.56.060(A) shall apply, but not be limited, to the following persons:
 - a. The owner of real property where commercial cannabis activity occurs or a dispensary is operated.
 - b. Any business owner, shareholder, manager, or employee operating or employed by a dispensary.
- C. Violations of this chapter are subject to penalty in the following amounts:
 - a. Two Thousand Five Hundred Dollars (\$2,500) for the first offense.
 - b. Three Thousand Five Hundred Dollars (\$3,500) for the second offense.
 - c. Five Thousand Dollars (\$5,000) for any subsequent offense.
- D. Every person violating any provision of this chapter shall be deemed guilty of a separate offense for each day, or portion thereof, during which such violation continues.
- E. In addition to the penalties imposed by this chapter, any violation of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be abated by the City at the violator’s expense in accordance with the procedures and remedies specified in Chapter 1.32 of this code.
- F. Any person found to have violated this chapter shall not be eligible for a business license for commercial cannabis activity if such uses are regulated and permitted by the City following the violation.

SECTION 2. If any section, subdivision, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. This ordinance shall be published by one insertion in The Patterson Irrigator, a newspaper of general circulation, printed and published in the City of Patterson, within fifteen (15) days after its final passage, and shall take effect and be in force thirty (30) days after its final passage

Introduced at a regular meeting of the City Council of the City of Patterson, held on the 7th day of March, 2017, and given its first reading and introduction at said meeting, motion by Mayor Pro Tem McCord, seconded by Councilmember Farinha. Said Ordinance was given a second reading and adopted at a regular meeting of the City Council held on the 21st day of March, 2017, and after such reading, _____ moved for its adoption, seconded by _____, and said ordinance was thereupon adopted by the following roll call vote:

AYES:
NOES:
EXCUSED:

APPROVED:

Deborah M. Novelli
Mayor of the City of Patterson

ATTEST:

Maricela L. Vela
City Clerk of the City of Patterson