

ORDINANCE NO. 2021-005

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SAN BUENAVENTURA,
CALIFORNIA, AMENDING SECTION
24.105.200, "PROHIBITED AND
RESTRICTED CANNABIS ACTIVITIES," OF
THE SAN BUENAVENTURA MUNICIPAL
CODE TO ALLOW FOR CERTAIN
COMMERCIAL CANNABIS ACTIVITIES IN
CERTAIN CITY ZONES**

The Council of the City of San Buenaventura does ordain as follows:

Section 1. AMENDMENT TO CODE. Section 24.105.200, "Prohibited and restricted cannabis activities," of the San Buenaventura Municipal Code is hereby amended to read as follows:

"Section 24.105.200. - Permitted and prohibited cannabis activities.

- A. Definitions. For the purpose of this Section and this Section only, unless the context clearly requires a different meaning, the words, terms, and phrases hereinafter set forth shall have the meaning given them in this section:

Cannabis shall have the same meaning as set forth in Section 6.420.030, as the same may be amended from time to time.

Cannabis Delivery Service shall have the same meaning as set forth in Section 6.420.030, as the same may be amended from time to time.

Commercial Cannabis Activity shall have the same meaning as that set forth in Section

6.420.030, as the same may be amended from time to time.

Cultivation shall have the same meaning as set forth in Section 6.420.030, as the same may be amended from time to time.

Cultivation site shall have the same meaning as set forth in Section 6.420.030, as the same may be amended from time to time.

Customer shall have the same meaning as set forth in Section 6.420.030, as the same may be amended from time to time.

Delivery shall have the same meaning as set forth in Section 6.420.030, as the same may be amended from time to time.

Distribution shall have the same meaning as set forth in Section 6.420.030, as the same may be amended from time to time.

Manufacturer shall have the same meaning as set forth in Section 6.420.030, as the same may be amended from time to time.

MAUCRSA means the Medical and Adult Use Cannabis Regulation and Safety Act codified in Division 10 of the Business and Professions Code, as the same may be amended from time to time.

Microbusiness means any Cannabis business that engages in at least three of the following

four businesses: Cultivation, Manufacturer, Distribution, and Retail.

Retailer shall have the same meaning as set forth in Chapter 6.420.030, as the same may be amended from time to time.

Testing Laboratory shall have the same meaning as set forth in Section 6.420.030, as the same may be amended from time to time.

- B. All activities for which a State license under the MAUCRSA are required are expressly prohibited, except for the following activities, which are permitted if the business has applied for and been granted a permit pursuant to Chapter 6.420:
1. Cannabis Delivery Services.
 2. Retailers when said business is located in a zoning district that permits, without a use permit, Retail Sales uses.
 3. Testing Laboratory when said business is located in a zoning district that permits, without a use permit, Research or Laboratory Services uses.
 4. Distribution when said business is located in a zoning district that permits, without a use permit, Wholesaling and Distribution uses.
 5. Manufacturer when said business meet the definition of Light Industrial in Section 24.115.3270, and is located in a zoning district that permits, without a use permit, Light Industrial uses.
 6. Manufacturer when said business meets the definition of General Industrial in

Section 24.115.3210, and is located in a zoning district that permits, without a use permit, General Industrial type uses.

7. Microbusinesses when said business is located in a zoning district that permits, without a use permit, each of the types of Cannabis businesses that make up the microbusiness.

C. Personal Cultivation. All outdoor Cultivation of Cannabis is expressly prohibited and no person or entity may cultivate Cannabis at any location in the City, except for personal cultivation as specified in MAUCRSA.

D. Violation and penalty. In addition to any other enforcement permitted by this Section, the City Attorney or City Prosecutor may bring a civil action for injunctive relief and civil penalties against any person or entity that violates any provision of this Section. In any civil action brought pursuant to this Section, a court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party. Notwithstanding the penalties set forth in Chapter 1.050 of this Code, no provision of this Code shall be interpreted to authorize a criminal prosecution, arrest, or penalty inconsistent with or prohibited by Health and Safety Code Section 11357, et seq. or Sections 11362.7, et seq., as the same may be amended from time to time. In the event of any conflict between the penalties enumerated under Chapter 1.050 of this Code as it applies to the enforcement of this Section, and any penalties set forth in State law, the maximum penalties allowable under State law shall govern.”

ATTEST:



ANTOINETTE M. MANN, MMC, CRM
CITY CLERK

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney

By: 
Megan Lorenzen
Assistant City Attorney

2/2/21

Date

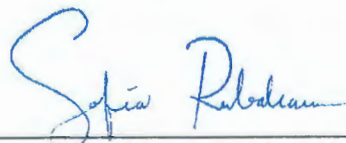
Section 2. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 3. CEQA FINDINGS.

"EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT. The City Council further finds that the enactment of these zoning changes pursuant to this Ordinance is determined to be exempt under Section 15061(b)(3) of Title 14 of the California Code of Regulations (the "State CEQA Guidelines") in that its adoption merely allows cannabis businesses to operate in zones where a similar type of business is already allowed to operate. It can therefore be foreseen that the enactment of this ordinance does not have the potential to result in significant effects on the environment.

PASSED and ADOPTED this 24th day of March, 2021.



SOFIA RUBALCAVA
Mayor

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF SAN BUENAVENTURA)

I, ANTOINETTE M. MANN, City Clerk of the City of San Buenaventura, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 2021-005 that was introduced by said City Council at a regular meeting held February 8, 2021, and adopted by said City Council at a regular meeting held February 24, 2021, by the following vote:

- AYES: Councilmembers Brown, Halter, Friedman, and Deputy Mayor Schroeder
- NOES: Councilmembers Sanchez-Palacios, Johnson, and Mayor Rubalcava
- ABSENT: None

I further certify that said Ordinance No. 2021-005 was published as required by law in the VENTURA COUNTY STAR, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura, California.



Antoinette M. Mann, MMC, CRM
City Clerk
City of San Buenaventura, California



Date Attested

