

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SANTA CLARA,
CALIFORNIA, AMENDING SECTION 18.102.010
("COMMERICAL MARIJUANA ACTIVITY PROHIBITED") OF
"THE CODE OF THE CITY OF SANTA CLARA,
CALIFORNIA" TO EXTEND THE INOPERATIVE DATE**

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on November 21, 2017, the City Council adopted Ordinance No. 1973 amending Chapter 18.102 ("Regulation of Marijuana") to temporarily ban all commercial cannabis activity in the City until January 1, 2019;

WHEREAS, the temporary ban was intended to provide the City with adequate time to develop a robust framework of local regulations compliant with the various updated State regulations and tailored to address the unique needs of the City;

WHEREAS, despite diligent efforts, such a set of local regulations will not be adopted prior to January 1, 2019; and,

WHEREAS, under its police powers to preserve the health, safety and welfare of its residents through zoning and planning regulations, the City Council hereby determines that the code amendment set forth below is necessary and in the best interests of the City.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA, AS FOLLOWS:

SECTION 1: That Section 18.102.010 ("Commercial Marijuana Activity Prohibited") of Chapter 18.102 (entitled "Regulation of Marijuana") of Title 18 (entitled "Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

"18.102.010 Commercial marijuana activity prohibited.

In accordance with Business and Professions Code Section 26200, all commercial

marijuana activity as defined in SCCC 18.06.010(m)(2)(B) is prohibited, whether temporary or permanent in nature, and whether for medical or nonmedical purposes. This chapter shall become inoperative on June 30, 2019, and shall be considered repealed on that date, unless this section is amended, or a later enacted ordinance becomes effective, on or before June 30, 2019, to delete or extend this date.”

SECTION 2: Ordinances repealed. That portion of Ordinance No. 1973 establishing SCCC 18.102.010 and all ordinances amendatory thereto, and, with exception of the provisions protected by the savings clause, all ordinances (or parts of ordinances) in conflict with or inconsistent with this ordinance are hereby repealed.

SECTION 3: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 4: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

PASSED FOR THE PURPOSE OF PUBLICATION this XX day of XXXXXX, 2018, by the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

I:/Ordinances/18.XXXX Amend Marijuana Prohibition.doc