

ORDINANCE NO. 1478

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE PERTAINING TO THE USE AND REGULATION OF NONMEDICAL MARIJUANA

The City Council of the City of Arcata does ordain as follows:

Section 1: Chapter 10.1 (Nonmedical Marijuana Use and Regulation) is hereby created in Title V (Sanitation and Health) of the Arcata Municipal Code as follows:

CHAPTER 10.1: Nonmedical Marijuana Use and Regulation

SEC 5960. Commercial Nonmedical Marijuana Activity.

- A. The cultivation, distribution, transport, storage, manufacturing, processing and sale of marijuana and marijuana products within the City of Arcata for nonmedical commercial purposes is prohibited unless expressly permitted by and consistent with the Arcata Land Use Code and all applicable laws.

SEC 5961. Personal Use Nonmedical Marijuana Cultivation.

- A. The cultivation of nonmedical marijuana for personal use is permitted subject to all applicable laws and all of the following restrictions:
 - (1) No more than six (6) living plants may be planted, cultivated, harvested, dried, or processed within a single private residence or upon the grounds of that private residence at any one time.
 - (2) The cultivation area shall not exceed 100 square feet.
 - (3) All indoor cultivation shall occur within a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure;

SEC. 5962. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Chapter, are defined as follows:

- A. "Marijuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include (a) industrial hemp, as defined in Health and Safety Code Section 11018.5; or (b) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
- B. "Marijuana products" means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.

C. “Commercial purposes” means engaged in a commercial business or enterprise.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: CEQA: This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines based on the finding that the provisions of the ordinance will impose current regulatory standards to activities associated with the potential legalization of nonmedical marijuana uses and will maintain circumstances in their present condition.

Section 4: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: October 5, 2016

ATTEST:

/s/ Kara Newman-Ferdolage
Deputy City Clerk, City of Arcata

APPROVED:

/s/ Paul Pitino
Mayor, City of Arcata

Clerk’s Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No., passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California on the 5th day of October, 2016, by the following vote:

AYES: **PITINO, ORNELAS, PEREIRA, WINKLER**

NOES: **NONE**

ABSENT: **WHEETLEY**

ABSTENTIONS: **NONE**

/s/ Kara Newman-Ferdolage
Deputy City Clerk, City of Arcata