



ORDINANCE NO. 850

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA ENACTING CHAPTER 9.27 ENTITLED “NON-MEDICAL MARIJUANA CULTIVATION REGULATION AND THE PROHIBITION OF COMMERCIAL CANNABIS ACTIVITY, MANUFACTURE, TESTING, DISPENSING, SALES, DISTRIBUTION AND DELIVERY WITHIN ALL ZONING DISTRICTS IN THE CITY OF YREKA” AND FINDING THE ADOPTION OF THIS ORDINANCE TO BE EXEMPT FROM CEQA**

**WHEREAS**, Health and Safety Code section 11362.5, the Compassionate Use Act of 1996 (“CUA”), adopted by the voters in the State of California, authorizes a limited defense to criminal charges for the use, possession or cultivation of marijuana for medical purposes when a qualified patient has a doctor's recommendation for the use of marijuana; and

**WHEREAS**, Health and Safety Code section 11362.7 *et seq.*, the Medical Marijuana Program Act (“MMPA”), was adopted by the state legislature and offers some clarification on the scope of the Compassionate Use Act of 1996, and section 11362.83 specifically authorizes cities and other governing bodies to adopt and enforce rules and regulations related to medical marijuana; and

**WHEREAS**, On November 8, 2016 the electorate approved Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act which legalizes the recreational use of marijuana in California for individuals 21 years of age and older; and

**WHEREAS**, Proposition 64 authorizes the personal cultivation of up to six marijuana plants in a private residence for non-medical purposes; and

**WHEREAS**, pursuant to Proposition 64, the City can enact reasonable regulations for the cultivation of non-medical marijuana that occurs inside a residence or accessory structure, and may completely prohibit outdoor non-medical marijuana cultivation until such time as the California Attorney General determines that the non-medical use of marijuana is lawful in California under federal law; and

**WHEREAS**, the California Attorney General has not made a determination that non-medical use of marijuana is lawful in California under Federal law; and

**WHEREAS**, Section 9.26.300 of the Yreka Municipal Code currently regulates and prohibits the cultivation of medical marijuana inside residences and accessory structures; and

**WHEREAS**, Article XI, Section 7 of the California Constitution provides a city may make and enforce within its limits all local police, sanitary and other ordinances and regulations not in conflict with general laws; and

41 **WHEREAS**, the City Council desires to adopt regulations regarding the indoor cultivation of  
42 non-medical marijuana in private residences in residential zones and on parcels with approved  
43 residential development, and to prohibit all other forms of non-medical marijuana cultivation;  
44 and

45 **WHEREAS**, Proposition 64 regulates the commercial activity of non-medical marijuana and  
46 assign certain state agencies with regulatory tasks regarding commercial non-medical  
47 marijuana, including product labeling and environmental regulation; and

48 **WHEREAS**, Proposition 64 authorizes certain state agencies to issue licenses for  
49 commercial non-medical marijuana businesses; and

50 **WHEREAS**, Proposition 64 adopts Business and Professions Code section 26200, which  
51 specifically recognizes that a city may regulate or completely prohibit the establishment or  
52 operation of one or more types of non-medical marijuana businesses licensed by the state  
53 within the city's jurisdiction; and

54 **WHEREAS**, Proposition 64 authorizes certain licensed businesses to make deliveries of non-  
55 medical marijuana, if such businesses are acting in compliance with local law adopted  
56 pursuant to Business and Professions Code section 26200; and

57 **WHEREAS**, the cultivation of medical marijuana in other cities has resulted in calls for  
58 service to the police department, including calls for robberies and thefts, and it is reasonable to  
59 assume that commercial non-medical marijuana businesses and non-medical marijuana  
60 deliveries will have similar impacts; and

61 **WHEREAS**, there is a threat to the public health, safety and welfare of the community if  
62 nonmedical marijuana businesses operate in the City or if non-medical marijuana deliveries  
63 are made in the City, and such activities may result in harmful effects to the businesses,  
64 property owners and residents of the City; and

65 **WHEREAS**, the City Council desires to exercise its authority under Article XI, Section 7 of the  
66 California Constitution and Business and Professions Code section 26200 to prohibit all  
67 commercial non-medical marijuana businesses from operating in the City of Yreka and to prohibit  
68 the delivery of non-medical marijuana in the City of Yreka; and

69 **WHEREAS**, the Planning Commission held a duly noticed public hearing on the proposed  
70 ordinance on July 19, 2017 at which time all interested parties had the opportunity to be heard.  
71 Following the public hearing, the Planning Commission recommended that the City Council  
72 adopt the ordinance and found that the ordinance conformed with the city's general plan; and

73 **WHEREAS**, the City Council held a duly noticed public hearing on the proposed ordinance on  
74 August 3, 2017 at which time all interested parties had the opportunity to be heard.

75 **NOW, THEREFORE**, the City Council of the City of Yreka does ordain as follows:  
76

77                 **Section 1.   Recitals Made Findings.**

78                 The above recitals are hereby declared to be true and correct and findings of the City  
79         Council of the City of Yreka.

80                 **Section 2.   Enactment.**

81                 Chapter 9.27 of Title 9 of the City of Yreka Municipal Code is hereby  
82         amended to enact and add as a codified ordinance to read as follows:

83   **CHAPTER 9.27**

84                                 **NON-MEDICAL MARIJUANA CULTIVATION REGULATION AND THE**  
85                                 **PROHIBITION OF COMMERCIAL CANNABIS ACTIVITY, MANUFACTURE,**  
86                                 **TESTING, DISPENSING, SALES, DISTRIBUTION AND DELIVERY WITHIN ALL**  
87                                 **ZONING DISTRICTS IN THE CITY OF YREKA**

88         **Sections**

89         **9.27.100 Authority**

90         **9.27.110 Purpose and Intent**

91         **9.27.120 Scope**

92         **9.27.130 Responsibilities**

93         **9.27.200 Definitions**

94         **9.27.300 Cultivation of Non-Medical Marijuana.**

95         **9.27.310. Non-Medical Marijuana Deliveries Prohibited.**

96         **9.27.320. Commercial Non-Medical Marijuana Business Prohibited.**

97         **9.27.400 Public Nuisance**

98         **9.27.500 Enforcement Authority**

99   **ARTICLE I**  
100   **GENERAL PROVISIONS**

101         **9.27.100 Authority**

102         Pursuant to authority granted by Article XI Section 7 of the California  
103         Constitution, Section Business and Professions Code section 26200, Section 372 of  
104         the California Penal Code, California Code of Civil Procedure § 731 and  
105         California Civil Code §3491 the City Council of the City of Yreka does hereby  
106         enact this Chapter.

107         **9.27.110 Purpose & Intent**

108         The purpose and intent of this article is to regulate the cultivation of  
109         non-medical marijuana in a manner that protects the health, safety and

110 welfare of the community. Health and Safety Code § 11362.2 authorizes  
111 the city to adopt reasonable regulations regarding the cultivation of  
112 non-medical marijuana inside a private residence or accessory structure  
113 to a private residence. That section also authorizes the city to  
114 completely prohibit the cultivation of non-medical marijuana outside, as  
115 long as the California Attorney General has not made a determination  
116 that the non-medical use of marijuana is lawful in California under  
117 federal law. The attorney general has not made such a determination.

118 This article is not intended to interfere with the right of an individual 21  
119 years of age or over to cultivate non-medical marijuana, as provided for  
120 by Proposition 64, also known as the Control, Regulate and Tax Adult  
121 Use of Marijuana Act. This article is not intended to give any person  
122 independent legal authority to grow non-medical marijuana; it is  
123 intended simply to impose reasonable regulations on the cultivation of  
124 non-medical marijuana when cultivation is authorized by California  
125 state law.

126 Furthermore, it is the purpose and intent of this article to require that  
127 non-medical marijuana be cultivated only in appropriately secured,  
128 enclosed, and ventilated structures, so as not to be visible to the general  
129 public; to provide for the health, safety and welfare of the public; to  
130 prevent odor created by non-medical marijuana plants from impacting  
131 adjacent properties; and to ensure that marijuana grown in the city  
132 remains secured. Furthermore, the purpose of this ordinance is to  
133 prohibit non-medical marijuana commercial activity, sales, dispensing,  
134 distribution, delivery, testing and manufacturing within all zoning  
135 districts in the city.

136 **9.27.120 Scope**

137 The provisions of this Chapter shall apply generally to all territory located the  
138 incorporated area of the City of Yreka, as from time to time, annexed and  
139 expanded.

140 **9.27.130 Responsibilities**

- 141 A. Regardless of whether an owner is in actual possession of his or her real  
142 property, it is the duty of every owner of real property within the  
143 incorporated area of City of Yreka to prevent a public nuisance from  
144 arising on, or from existing upon, his or her real property.
- 145 B. No person or entity shall cause, permit, maintain, conduct or otherwise  
146 allow a public nuisance as defined in this Chapter to exist upon any  
147 property within their control and shall not cause a public nuisance to exist  
148 upon any other property within the incorporated limits of the City of  
149 Yreka. It shall be the duty of every owner, occupant, and person that  
150 controls any land or interest therein within the incorporated area of the

151 City of Yreka to remove, abate and prevent the reoccurrence of any public  
152 nuisance upon such land.

153 **ARTICLE 2**  
154 **DEFINITIONS**

155 **9.27.200 Definitions**

156 Except where the context otherwise requires, the following definitions shall  
157 govern the construction of this Chapter:

- 158 A. “Building Official” means any person employed by the City of Yreka that  
159 has been delegated or assigned building inspection duties or building plan  
160 approval.
- 161 B. “City Manager” means the City Manager of the City of Yreka, California or  
162 his or her designee.
- 163 C. “Code” means the City of Yreka Municipal Code.
- 164 D. “Code Enforcement Officer” means any person employed by the City of  
165 Yreka that has been delegated or assigned code enforcement  
166 responsibilities.
- 167 E. “Commercial Cannabis Activity” means the cultivation, possession,  
168 manufacture, processing, storing, testing, labeling, transporting,  
169 distribution, delivery, or sale of marijuana for any business or income  
170 generation purposes.
- 171 F. “Costs of Enforcement” or “Enforcement Costs” means the total cost  
172 incurred by the City in connection with a public nuisance including, but not  
173 limited to:
  - 174 1. Any cost incurred in removing or remedying a public nuisance;
  - 175 2. The actual expenses and costs of the City in preparation of notice and order,  
176 reconsideration, appeal and termination fees for administrative services rendered  
177 by the City in connection with the inspection, notification, prosecution and  
178 abatement procedures authorized by this code:
    - 179 a. Notice and order, appeal and termination fees in such amounts as are  
180 determined from time to time by resolution of the city council;
    - 181 b. Notice and order, appeal and termination fees based on services rendered  
182 by the City from the time of the initial complaint intake for the purpose of  
183 documenting a violation of this code until the violation is corrected;
    - 184 c. The notice and order, appeal and termination fees are not intended to be a  
185 penalty imposed for violation of this code or other laws;
    - 186 d. Specifications and contracts;
    - 187 e. Any attorney's fees expended by the prevailing party related to the  
188 abatement of the nuisance, through inspection warrant, civil action or

- 189 otherwise whenever the City elects, at the initiation of that individual action  
190 or proceeding, to seek recovery of its own attorneys' fees;
- 191 f. The cost of printings and mailings required under this code;
- 192 g. All costs or expenses to which the City may be entitled pursuant to  
193 Health and Safety Code Section 510 and other statutory entitlement;
- 194 h. All costs and expenses for which the City may be liable under state law  
195 arising from or related to the nuisance.
- 196 3. Any cost incurred by the City in collecting the costs enumerated in subsections 1  
197 and 2 of this definition.
- 198 G. "City" means the City of Yreka.
- 199 H. "Chapter" or "ordinance" means this ordinance.
- 200 I. "Cultivation" means the planting, growing, harvesting, drying, processing,  
201 of one or more marijuana plants.
- 202 J. "Delivery" means the commercial transfer of non-medical marijuana or  
203 non-medical marijuana products to a person, including any technology that  
204 enables persons to arrange for or facilitate the commercial transfer of non-  
205 medical marijuana or nonmedical marijuana products.
- 206 K. "Enforcement Official" means the Code Enforcement Officer, City  
207 Attorney or the City Police, or the authorized officers or designees of  
208 either, each of whom is independently authorized to enforce this Chapter.
- 209 L. "Fully enclosed and secure structure" means a space within a building that  
210 complies with the applicable building code, and has a complete roof  
211 enclosure supported by connecting walls extending from the ground to the  
212 roof, a foundation, slab or equivalent base to which the floor is secured by  
213 bolts or similar attachments, is secure against unauthorized entry, and is  
214 accessible only through one or more lockable doors. Walls and roof must  
215 be constructed of solid materials that cannot be easily broken through, and  
216 must be constructed with non-transparent material.
- 217 M. "Indoors" means inside a fully enclosed and secure structure or within a  
218 residential structure.
- 219 N. "Manufacture" means the production, preparation, propagation, or  
220 compounding of manufactured non-medical marijuana, or medical cannabis  
221 products either directly or indirectly or by extraction methods, or  
222 independently by means of chemical synthesis or by a combination of  
223 extraction and chemical synthesis at a fixed location that packages or  
224 repackages non-medical marijuana/medical cannabis or non-medical  
225 marijuana products or labels or relabels its container.
- 226 O. "Marijuana" or "marijuana plant" means all parts of the plant Cannabis  
227 sativa L. or Cannabis ruderalis, whether growing or not; the seeds thereof;  
228 the resin extracted from any part of the plant; and every compound,

- 229 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds  
230 or resin.
- 231 P. “Non-medical marijuana” means marijuana that is intended to be used for  
232 non-medical purposes pursuant to Health and Safety Code section 111362.1  
233 et seq.
- 234 Q. “Non-medical marijuana products” means non-medical marijuana that has  
235 undergone a process whereby the plant material has been transformed into  
236 a concentrate, including, but not limited to, concentrated cannabis, or an  
237 edible or tropical product containing marijuana or concentrated cannabis  
238 and other ingredients.
- 239 R. “Outdoor” means any location within the city that is not within a fully  
240 enclosed and secure structure.
- 241 S. “Parcel” means any parcel of real property that may be separately sold in  
242 compliance with the Subdivision Map Act (commencing with Section  
243 66410 of the Government Code) and also means parcels that are described,  
244 recorded and kept in official City records specifically including documents  
245 and maps used by the Siskiyou County Assessor's Office, the Siskiyou  
246 County Tax Collector's Office and the Siskiyou County Recorder's Office.
- 247 T. “Person” means any individual, partnership, co-partnership, firm,  
248 association, joint stock company, corporation, limited liability corporation,  
249 collective, cooperative, or combination thereof in whatever form or  
250 character.
- 251 U. “Private residence” means a house, an apartment unit, a mobile home or  
252 other similar dwelling.
- 253 V. “Police” or "Police Department" means the City of Yreka Police  
254 Department or the authorized representatives thereof.
- 255 W. “Solid fence” means a fence constructed of substantial material, such as  
256 wood or metal, that prevents viewing the contents from one side to the  
257 other side of the fence.
- 258 X. “Testing” means any method of determining the concentration of  
259 cannabinoids, terpenoids, residual solvent, pesticides, microbiological,  
260 genetic components in non-medical marijuana, medical marijuana and/or  
261 non-medical and medical marijuana products which utilize in the process  
262 the application of chemicals to the marijuana substances or through the use  
263 of instrumentation such as the use of liquid chromatography, gas  
264 chromatography and other analytical instrumentation.

265 **ARTICLE 3**  
266 **RESTRICTIONS AND REQUIREMENTS**

267 **9.27.300 Cultivation of non-medical marijuana.** The following regulations  
268 shall apply to the cultivation of non-medical marijuana within the city:

269 A. Cultivation not in compliance with this article. It is declared to be unlawful  
270 and a public nuisance for any person owning, leasing, occupying or having  
271 charge or possession of any parcel or premises, or portion thereof, within any  
272 zoning district in the city to cultivate non-medical marijuana except as  
273 provided for in this Code. No person other than an individual 21 years of age or  
274 older may engage in the cultivation of non-medical marijuana.

275 B. Outdoor cultivation. It is unlawful and a public nuisance for any person  
276 owning, leasing, renting, occupying, or having charge or possession of any  
277 Parcel within any zoning district in the city to cause or allow such parcel or  
278 premises to be used for the outdoor cultivation of non-medical marijuana.

279 C. Indoor cultivation. Indoor cultivation of non-medical marijuana is prohibited  
280 in all zoning districts of the city, except for residential zones or in commercial  
281 zones, when such cultivation occurs on a parcel or premises with an approved  
282 private residence. All cultivation must be in compliance with this article.

283 D. Indoor cultivation in private residence. The indoor cultivation of non-  
284 medical marijuana in a residential zone or in a commercial zone on a parcel or  
285 premises with an approved private residence shall only be conducted within a  
286 fully enclosed and secure structure or within a residential structure. Such  
287 cultivation shall be in conformance with the following minimum standards:

288 1. The primary use of the property shall be for residential use. Non-medical  
289 marijuana cultivation is prohibited as a home occupation.

290 2. All areas used for cultivation of non-medical marijuana shall comply  
291 with Chapter 18 (Buildings and Building Regulations) of the Yreka Municipal  
292 Code, as well as applicable law.

293 3. Indoor grow lights shall not exceed 1,200 watts per light, and shall  
294 comply with the California Building, Electrical and Fire Codes as adopted by  
295 the city.

296 4. The use of gas products (CO<sub>2</sub>, butane, propane, natural gas, etc.) or  
297 generators for cultivation of non-medical marijuana is prohibited.

298 5. Any fully enclosed and secure structure or residential structure used for  
299 the cultivation of non-medical marijuana must have a ventilation and filtration  
300 system installed that shall prevent marijuana plant odors from exiting the  
301 interior of the structure and that shall comply with Chapter 18 (Building and  
302 Building Regulations) of the Yreka Municipal Code.



303 6. A fully enclosed and secure structure used for the cultivation of non-  
304 medical marijuana shall be located in the rear yard area of the parcel or  
305 premises, and must maintain a minimum ten-foot setback from any property  
306 line. The yard where the fully enclosed and secure structure is maintained must  
307 be enclosed by a solid fence at least six feet in height. This provision shall not  
308 apply to cultivation occurring within a garage.

309 7. Adequate mechanical locking or electronic security systems must be  
310 installed as part of the fully enclosed and secure structure or the residential  
311 structure prior to the commencement of cultivation.

312 8. Non-medical marijuana cultivation shall be limited to six marijuana  
313 plants per private residence, regardless of whether the marijuana is cultivated  
314 inside the residence or a fully enclosed and secure structure. The limit of six  
315 plants per private residence shall apply regardless of how many individuals  
316 reside at the private residence.

317 9. The residential structure shall remain at all times a residence, with legal  
318 and functioning cooking, sleeping and sanitation facilities with proper ingress  
319 and egress. The rooms used for cooking, sleeping and sanitation facilities shall  
320 not be used for non-medical marijuana cultivation where such cultivation will  
321 prevent their primary use for cooking of meals, sleeping, bathing and toilet  
322 facilities.

323 10. Cultivation of non-medical marijuana shall only take place on  
324 impervious surfaces.

325 11. Written consent of the property owner to cultivate non-medical  
326 marijuana within the residential structure shall be obtained and shall be kept on  
327 the premises, and available for inspection by the Chief of Police or his/her  
328 designee.

329 12. A portable fire extinguisher, that complies with the regulations and  
330 standards adopted by the state fire marshal and applicable law, shall be kept in  
331 the fully enclosed and secure structure used for cultivation of non-medical  
332 marijuana. If cultivation occurs in a residential structure, the portable fire  
333 extinguisher shall be kept in the same room as where the cultivation occurs.

334 **9.27.310. Non-Medical Marijuana Deliveries Prohibited.** Delivery is  
335 prohibited in the city. It is declared to be unlawful and a public nuisance for  
336 any person owning, leasing, occupying or having charge or possession of any  
337 parcel or premises, or portion thereof, within any zoning district in the city for  
338 any person to engage in, conduct, carry on, or to permit to be engaged in,

339 conducted or carried on, in or upon any premises in the city, non-medical  
340 marijuana deliveries. This section shall not be interpreted to prohibit the  
341 transportation of non-medical marijuana through the city on public roads, as  
342 long as such transportation does not involve the delivery of non-medical  
343 marijuana within the city.

344 **9.27.320. “Commercial Cannabis Activity,” Manufacture and Testing**  
345 **Prohibited.** It is declared to be unlawful and a public nuisance for any person  
346 owning, leasing, occupying or having charge or possession of any parcel or  
347 premises, or portion thereof, within any zoning district in the city, including  
348 those zones permitting other agricultural activities, to engage in any  
349 commercial cannabis activity, including, sales, dispensing, distribution,  
350 manufacture and testing and are hereby prohibited. It shall be unlawful for any  
351 person owning, leasing, renting, occupying, or having charge or possession of  
352 any Parcel within any zoning district in the city to cause or allow such parcel or  
353 premises to be used for a commercial cannabis activity, including, sales,  
354 dispensing, distribution, manufacture and testing. No person may own,  
355 establish, open, operate, conduct, or manage any commercial cannabis activity  
356 in the city, or be the lessor of property where a commercial cannabis activity is  
357 located within any zone in the city. No person may participate as an employee,  
358 contractor, agent, volunteer, or in any manner or capacity in any zone within  
359 the City.

360 **ARTICLE 4**  
361 **PUBLIC NUISANCE**

362 **9.27.400 Public Nuisance**

363 Any violation of this Chapter is hereby declared to be a public nuisance.

364 **ARTICLE 5**  
365 **ENFORCEMENT**

366 **9.27.500 Enforcement Authority**

367  
368 A. In addition to any other methods of nuisance abatement contained in the  
369 Yreka Municipal Code, the enforcement provisions of Title 9, Chapter 26,  
370 Article 5, commencing with Section 9.26.500 shall apply to the enforcement of  
371 any violations of this Chapter with the following exceptions: 1) With respect to  
372 Section 9.26.580(B)(2)(a) first offenders shall not be subject to the imposition  
373 of a separate violation for each day, unless and until the notice and order to  
374 abate’s period to correct the condition as provided in Section 9.26.540, as  
375 extended, has expired; and 2) With respect to Section 9.26.580(B)(3) the  
376 penalty of one thousand dollars for each violation of this code per day for each

377 subsequent violation shall not be calculated on the basis that each cubic foot of  
378 area under cultivation constitutes a separate violation.

379

380 B. Summary Abatement.

381

382 1. In addition to said enforcement authority, the code enforcement officer  
383 upon making a finding that an immediate threat or danger exists to the health,  
384 safety or welfare of the occupants or the public, may order a summary  
385 abatement of the hazardous condition. Such abatement shall not include the  
386 eradication of marijuana plants without first obtaining an abatement warrant.

387 2. Upon such finding, the public official may require immediate action on  
388 the part of the property owner or occupant to eliminate the hazardous  
389 condition.

390 3. The public official shall make a reasonable attempt to notify the owner  
391 and occupant of the property or responsible party of the dangerous conditions  
392 that require the immediate vacation, repair, cleanup and/or securing of the  
393 property or structures thereof, in the same manner as required by section  
394 9.26.540; and

395 4. If the imminently dangerous condition can be substantially relieved by  
396 the performance of minor repairs, disconnection of certain utility services, or  
397 other acts, then the public official may perform or direct such acts of work  
398 without the prior consent of, or notice to, the owners, occupants, or  
399 responsible party; and

400 5. If such danger cannot be substantially relieved by such work and upon  
401 the failure or refusal of the occupants to voluntarily vacate such premises, then  
402 the public official may personally disconnect the electrical, gas and other  
403 utility services to such premises or may request the appropriate utility  
404 companies to do so; and

405 6. If the public official finds that an immediate threat to public health,  
406 safety or welfare exists, and that it is unhealthy or hazardous to delay  
407 abatement action, he/she may order City staff or contractors to abate the  
408 condition. Abatement may be, but is not limited to, cleanup and disposal of  
409 rubbish or other materials which threaten public health; and

410 7. Following a noticed hearing, the property owner, occupant and/or  
411 responsible party may be liable for all costs associated with this abatement,  
412 including administrative, labor (including staff time), equipment, material and  
413 other costs; and

414 8. The public official may, when deemed applicable, post warnings to all  
415 persons not to enter the premises stating the reasons therefor.

416 **Section 3. Severability**

417 If any section, sentence, clause or phrase of this Chapter is for any reason held  
418 to be invalid or unconstitutional by a decision of any court of competent  
419 jurisdiction, such decision shall not affect the validity of the remaining  
420 portions of this Chapter. The City Council hereby declares that it would have  
421 passed this ordinance and adopted this Chapter and each section, sentence,  
422 clause or phrase thereof, irrespective of the fact that any one or more sections,  
423 subsections, sentences, clauses or phrases were to be declared invalid or  
424 unconstitutional.

425 **Section 4. Inconsistency.**

426 Any provisions of the Yreka Municipal Code, or appendices thereto, or any  
427 other ordinances of the City inconsistent herewith, to the extent of such  
428 inconsistencies and no further, are hereby repealed for the purposes of the  
429 enforcement of this Chapter.

430 **Section 5. CEQA Exemption.**

431 The City Council finds the approval of this ordinance is not subject to the  
432 California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines  
433 Sections 15060(c)(2) (the activity will not result in a direct or reasonably  
434 foreseeable indirect physical change in the environment) and 15060(c)(3) (the  
435 activity is not a project as defined in Section 15378) of the CEQA Guidelines,  
436 California Code of Regulations, Title 14, Chapter 3, because it has no potential  
437 for resulting in physical change to the environment, directly or indirectly.  
438 Alternatively, the City Council finds the approval of this ordinance is not a  
439 project under CEQA Regulation Section 15061(b)(3) because it has no potential  
440 for causing a significant effect on the environment. In addition, the ordinance is  
441 exempt from environmental review pursuant to the general rule of the  
442 California Environmental Quality Act, which exempts minor alterations to land  
443 use limitations that do not result in changes in land use or density pursuant to  
444 CEQA Guidelines Section 15305. Based on the information contained in the  
445 staff report and accompanying attachments and exhibits, the City Council  
446 hereby finds:

- 447 1. The proposed project will not result in a significant adverse effect on  
448 the environment and will support the public health, safety, and welfare
- 449 2. The Ordinance and its provisions are consistent with the goals and  
450 policies of the General Plan.
- 451 3. The Ordinance provides building and zoning regulations for non-  
452 medical marijuana cultivation and the prohibition of the delivery,  
453 manufacture, testing and commercial cannabis activity in all zoning  
454 districts in the city and this minor alteration to land use limitations that

455 do not result in changes in land use or density pursuant to CEQA  
456 Guidelines Section 15305.

457 **Section 6. Publication of Codification and Posting of Notice of**  
458 **Exemption.**

459 Section Two of this chapter is the sole portion of this ordinance that  
460 requires publication in the codification of the Yreka Municipal Code.

461 The City Clerk is directed to post a Notice of Exemption.

462 At least five (5) days prior to its adoption and within fifteen (15) days  
463 after its adoption, a summary of this ordinance, in a form approved by the  
464 City Attorney, shall be published once in a newspaper of general  
465 circulation printed and published in the County of Siskiyou. The City Clerk  
466 shall post in the Office of the City Clerk a certified copy of the full text of  
467 such adopted Ordinance along with the names of those City Council  
468 members voting for and against the Ordinance in accordance with  
469 Government Code Section 36933 and the entire ordinance has been posted  
470 on the city website for public review prior to the first reading of this  
471 ordinance.

472 **Section 7. Effective Date.**

473 This ordinance shall be effective thirty-one (31) days from and after its  
474 adoption.

475 **Section 8. Implementation.**

476 The City Council hereby authorizes and directs the City Manager to take any  
477 action and sign any documents necessary to implement this Ordinance.

478 **Section 9. Execution.**

479 The Mayor and City Clerk are authorized to subscribe this ordinance where  
480 indicated below to evidence its approval by the City Council.  
481 Introduced at a regular meeting of the City Council held August 3, 2017, and  
482 adopted as an ordinance of the City of Yreka at a regular meeting of the City  
483 Council held on \_\_\_\_\_, 2017 by the following vote:  
484  
485

486 AYES:

487 NOES:

488 ABSENT:

489  
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Joan Smith Freeman, Mayor

493  
494  
495  
496  
497  
498  
499

Attest:

\_\_\_\_\_  
Elizabeth E. Casson, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Dohn Henion, City Attorney