

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TAFT, APPROVING ZONING ORDINANCE AMENDMENT NO. 2017-14, AMENDING CHAPTERS 4, 5, 6, AND 7, AND ADDING SECTION 6-12-31 TO TITLE 6 OF THE TAFT MUNICIPAL CODE TO PROHIBIT ALL COMMERCIAL CANNABIS ACTIVITY IN ALL ZONE DISTRICTS AND TO ESTABLISH REGULATIONS FOR PERSONAL USE OF CANNABIS CONSISTENT WITH STATE LAW

WHEREAS, on October 9, 2015, the State of California approved the Medical Marijuana Regulation and Safety Act (“**MMRSA**”), effective January 1, 2016, which establishes a comprehensive State of California licensing and regulatory framework for the cultivation, manufacturing, testing, distribution, transportation, dispensing, and delivery of medical cannabis, and which recognizes the authority of local jurisdictions to prohibit or impose additional restrictions on any such medical cannabis activity.

WHEREAS, on June 27, 2016, the state legislature approved Senate Bill number 837 (“**SB 837**”), effective immediately, which amends the MMRSA and renames it the Medical Cannabis Regulation and Safety Act (“**MCRSA**”).

WHEREAS, on November 9, 2016, the Adult Use of Marijuana Act (“**AUMA**”) was passed into law as a voter initiative by the voters of the State of California.

WHEREAS, on June 27, 2017, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“**MAUCRSA**”) was approved by the State of California to merge medicinal cannabis with the non-medicinal Adult-Use cannabis regulations.

WHEREAS, the MAUCRSA legalizes the non-medical adult use of marijuana by adults age 21 and over, imposes taxes on the retail sale and cultivation of marijuana, and reduces penalties for marijuana-related crimes.

WHEREAS, the City of Taft (“**City**”) wishes to establish Section 6-12-31 to the City Municipal Code (“**MC**”) to create a comprehensive regulatory framework for medical and non-medical adult use cannabis and to reflect MAUCRSA’s changes to the AUMA.

WHEREAS, it is the purpose and intent of the City to regulate Cannabis in a manner that is consistent with California law and promotes the health, safety, and general welfare of the residents and businesses within the City, while limiting any negative impacts.

WHEREAS, the City desires to reduce the illegal market for Cannabis while minimizing the chances of social harm for the City.

WHEREAS, nothing in this Ordinance shall be construed to allow persons to engage in conduct that violates the law, endangers others, causes a public nuisance, allows the illegal use or

diversion of Cannabis, or allows any activity relating to Cannabis that is otherwise illegal under California state law, as amended, except to the extent otherwise specifically set forth.

WHEREAS, the Planning Commission reviewed and commented on a draft ordinance amending Chapters 4, 5, 6, and 7, and adding Section 6-12-31 of Title 6 of the Taft Municipal Code at its regular meeting on September 6, October 4, and October 18, 2017; and

WHEREAS, the Planning Commission studied and considered the written findings for approval of Zoning Ordinance Amendment No. 2017-14, City Staff's written and oral reports, and all public testimony before making a decision on this request; and

WHEREAS, the laws and regulations relating to the preparation and adoption of environmental documents, as set forth in the State Guidelines Implementing the California Environmental Quality Act have been adhered to; and

WHEREAS, the Planning Commission has fully considered this request and the potential environmental effects.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY FIND, DETERMINE, RESOLVE, AND RECOMMEND AS FOLLOWS:

1. The proposed amendment is consistent with the goals, objectives, policies, and programs of the General Plan and is necessary and desirable to implement the provision of the General Plan; and
2. The proposed amendment will not adversely affect the public health, safety, and welfare or result in an illogical land use pattern; and
3. The proposed amendment is consistent with the purpose and intent of the remainder of this Zoning Ordinance not under consideration; and
4. The potential environmental impacts of the proposed amendment are insignificant, have been mitigated, or there are overriding considerations that outweigh the potential impacts; and
5. The proposed amendment is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines because the Code Amendment will have no significant effect on the environment.

SECTION 1. The following amendment of Chapter 4 of Title 6 shall be recommended to the City Council of the City of Taft as follows:

6-4-3: USE REGULATIONS:

(A) Table 4.A Scope: Table 4.A of this section identifies those land uses or activities that may be permitted in each of the residential zone districts, subject to the provisions of this chapter, other provisions of this title, and applicable general plan policies. Table 4.A of this section also identifies, by zone district, those land uses and activities that are permitted subject to an approved conditional use permit, or are prohibited.

(B) Special Use Regulations:

1. Animals Within Residential Zone Districts:

(a) It is the general intent of the city to permit the keeping of animals within the city without the creation of a nuisance to surrounding residents and visitors. Animals that may be kept within residential districts are identified in section [6-12-4](#) of this title. Animals not listed in section [6-12-4](#) of this title may be permitted in residential districts, subject to city review and confirmation that a nuisance condition will not be created.

(b) In addition to the provisions of section [6-12-4](#) of this title, all animals, excluding household pets, shall be kept a minimum distance of fifty feet (50') from any street. The location of corrals, fenced enclosures, barns, stables or other enclosures used to confine all such animals shall also conform to this requirement.

2. Equipment And Devices: In all residential districts, air conditioners, heating, cooling, ventilating, pool, spa, sauna, or similar mechanical equipment, as well as lighting or electrical devices, shall be located to minimize impact to the peace, quiet and comfort of neighboring residents and shall be screened, where possible, from surrounding properties and streets. All equipment shall be installed and operated in accordance with [chapter 11](#) of this title and all other applicable city ordinances, standards and regulations, and shall be subject to approval by the building official prior to installation.

3. Landscaping: In R-1, R-2 and R-3 zone districts, for development of four (4) or more dwelling units, required front and street side yards shall be landscaped, and shall consist predominantly of drought tolerant plant materials, except for necessary walks, drives and fences.

4. Front Setback Protrusions: No portion of any building may protrude into the front setback unless the following conditions are met:

(a) Architectural projections, such as porch roofs, awnings, canopies and roof overhangs may project over the required front yard setback, but not more than ten percent (10%) thereof.

(b) Uncovered porches, platforms or landing places that do not extend above the level of the first floor of the building may extend into any front yard not more than six feet

(6'), an openwork railing not more than thirty inches (30") in height may be installed or constructed on any such porch, platform or landing place. (Ord. 805-14, 7-1-2014)

TABLE 4.A
USES PERMITTED WITHIN RESIDENTIAL DISTRICTS

Legend:

P = Permitted subject to consistency assessment

C = Permitted subject to approval of a conditional use permit application

X = Prohibited

Use	RS	R-1	R-2	R-3
Accessory uses:				
Accessory uses and structures located on the same site as a permitted use	P	P	P	P
Accessory uses and structures located on the same site as a use permitted subject to a conditional use permit	C	C	C	C
Antennas and satellite dishes, subject to section 6-12-8 of this title	P	P	P	P
Dormitories accessory to educational institutions	C	C	C	C
Feed and tack stores accessory to commercial stables	C	X	X	X
Guest quarters/second unit, subject to the provisions of section 6-12-22 of this title	P	P	n/a	n/a
<u>Personal Use of Cannabis and Cannabis Products, subject to provisions of 6-4-5 of this title</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Private garage	P	P	P	P
Private swimming pool, tennis court	P	P	P	P
Recreational vehicle storage yard (associated with residential development)	C	C	C	C
Commercial uses:				
Equestrian centers, riding academies and commercial stables, when associated with an equestrian subdivision	C	C	X	X

Use	RS	R-1	R-2	R-3
Hotels, motels	X	X	X	C
Medical marijuana dispensaries	X	X	X	X
Oil and gas exploration and production	C	C	C	C
Parking lots on a parcel adjacent to and for the use of a commercial property where inadequate parking exists	C	C	C	C
Yard or garage sales	P	P	P	X
Home occupations:				
Home occupations (subject to the provisions of section 6-12-18 of this title and the issuance of a home occupation permit)	P	P	P	P
Public/quasi-public uses:				
Churches	C	C	C	C
Clubs, lodges, fraternities and sororities	C	C	C	C
Daycare facilities (per state law)	P	P	P	P
Educational institutions (public and private)	C	C	C	C
Fire and police stations	C	C	C	C
Post office branch	C	C	C	C
Public libraries and museums	X	C	C	C
Public parks and recreation, unless project otherwise entails a public hearing, then permitted	C	C	C	C
Public utility and public service substations, reservoirs, drainage sumps, pumping plants, transmission lines and similar installations, not including public utility offices, unless project otherwise entails a public hearing	C	C	C	C
Recreational facilities (e.g., country clubs, golf courses), including recreational uses commonly associated with and directly related to the primary use	C	C	C	C
Residential uses:				

Use	RS	R-1	R-2	R-3
Bed and breakfast inn	C	C	C	C
Board and care facility (12 or more residents)	X	X	C	C
Boarding/rooming house (7 or more residents)	X	X	C	C
Convalescent care	X	C	C	C
Emergency shelter	X	X	P	X
Mobilehome park	X	C	C	X
Mobilehome subdivision	C	C	C	X
Multi-family dwellings	X	X	P	P
Senior congregate care, assisted living	X	C	C	C
Senior independent living	X	C	C	C
Single-family dwelling:				
Second single-family dwelling (per section 6-12-22 of this title)	P	P	n/a	n/a
Single-family dwelling	P	P	P	X
Supportive housing	P	P	P	P
Transitional housing	P	P	P	P
Temporary uses:				
Temporary uses (subject to the provisions of section 6-2-10 of this title and the issuance of a temporary use permit)	P	P	P	P
Other uses similar to and no more objectionable than the uses identified above, subject to approval of the planning commission				

(Ord. 805-14, 7-1-2014; amd. Ord. 812-15, 7-7-2015)

6-4-5: PERSONAL USE OF CANNABIS AND CANNABIS PRODUCTS

(A) Purpose: The purpose and intent of this Section is to permit and regulate the personal use of cannabis and cannabis products in order to promote the health, safety, and general welfare of the residents within the City. Personal individual cannabis use shall comply

with California Proposition 64, known as the Adult Use of Marijuana Act (AUMA), and subsequent Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) pursuant to California Health and Safety Code Sections 11362.1 through 11362.45.

(B) Authority: Authority of approval of personal use of cannabis and cannabis products shall be vested with the Planning Director and Chief of Police.

(C) Application: An application for personal use of cannabis and cannabis products shall be filed with the Planning Department in a manner prescribed by the Planning Director.

(D) Definitions: For purposes of this section, please refer to the Definitions listed in Section 6-12-31(B) of this title.

(E) Personal Use of Cannabis and Cannabis Products: To the extent that the following activities are permitted by State law, nothing in this section shall prohibit a person 21 years of age or older from:

1. Possessing, processing, purchasing, transporting, obtaining or giving away to persons 21 years of age or older, without compensation whatsoever, not more than 28.5 grams of cannabis not in the form of concentrated cannabis;

2. Possessing, processing, purchasing, transporting, obtaining or giving away to persons 21 years of age or older, without compensation whatsoever, not more than eight (8) grams of cannabis in the form of concentrated cannabis, including as contained in cannabis products;

3. Smoking or ingesting cannabis or cannabis products in a manner consistent with California Health and Safety Code Section 11362.3

4. Engaging in the indoor cultivation of six or fewer live cannabis plants within a single private residence or inside an accessory structure located upon the grounds of a private residence that is fully enclosed and secured, to the extent such cultivation is authorized by California Health and Safety Code Sections 11362.1 and 11362.2, and to the extent that the cultivation complies with Section F below.

(F) Indoor Cannabis Cultivation: Cannabis cultivation shall only occur indoors at a private residence, or inside an accessory structure located upon the grounds of a residence, in strict conformance with the following standards:

1. Only a person who is at least 21 years of age or older may cultivate cannabis.

2. Cannabis cultivation is permitted only within a fully enclosed and secure structure(s).

3. The fully enclosed and secure structure(s) shall be located in the rear yard area of the parcel or premises, and must maintain a minimum ten-foot setback from any property

- line. The yard where the fully enclosed and secure structure is maintained must be enclosed by a solid fence at least six feet (6') in height. This provision does not apply to cultivation occurring in a garage.
4. Cannabis cultivation areas shall not be accessible to persons under 21 years of age. Cultivation areas shall be secured by lock and key or other security device which prevents unauthorized entry.
 5. Cannabis cultivation shall be limited to six (6) plants total, regardless of how many persons over the age of 21 reside at the private residence.
 6. Cannabis cultivation shall only take place on impervious surfaces.
 7. The use of gas products (CO2, butane, etc.) or CO2 and Ozone generators for cannabis cultivation or processing is prohibited.
 8. The use of cannabis extraction and concentration techniques, including but not limited to butane, CO2 or ethanol, to manufacture concentrated cannabis is strictly prohibited.
 9. Cannabis cultivation shall not be visible from the public right of way or any privately owned place open to the public.
 10. The private residence shall remain at all times a residence, with legal functioning cooking, sleeping and sanitation facilities with proper ingress and egress. The foregoing rooms and areas shall not be used for cannabis cultivation where such cultivation will prevent their primary use for cooking of meals, sleeping and bathing, or any other residential purpose for which the rooms, space or area was intended.
 11. Any structure used for cultivation of cannabis shall not become a public nuisance to surrounding properties or the public. A public nuisance may be deemed to exist if the cultivation produces odors which are detectable to people of normal sensitivity residing or present on adjacent or nearby property or on a public right of way. No person shall cultivate cannabis in any manner that causes any other the following conditions: light, glare, heat, odor, noise, mold or vibration that is or whose effect is either detrimental to public health, safety, or welfare or that interferes with the reasonable enjoyment of life or property.
 12. A portable fully functional fire extinguisher, that complies with the regulations and standards adopted by the state fire marshal and applicable law, shall be kept in the residence.
 13. Cultivation of cannabis shall not displace required off street parking for the private residence.

14. All electrical equipment used in the cultivation of cannabis (e.g. lighting and ventilation) shall be plugged directly into a wall outlet or otherwise hardwired.

15. Prior to performing any work on electrical wiring in or upon the residence, including any modifications, repair or rewiring, the property owner shall first obtain a building permit, as required, from the Building Department.

(G) Enforcement: Any personal use of cannabis and cannabis products within the City in violation of this Chapter is hereby declared to be unlawful and a public nuisance.

1. Any Person who willfully or knowingly (i) engages in a violation of this Chapter or (ii) owns, possesses, controls, or has charge of any parcel of real property in the City upon which a violation of this Chapter is maintained and who has actual knowledge of such violation (or would have actual knowledge of such violation after a reasonable inquiry), shall be subject to the penalties and remedies provided by this Chapter.

2. Any violation of this Chapter shall constitute a separate offense for each and every day the violation occurs or persists.

3. Any Person in violation of any provision of this Chapter or who causes another Person to be in violation of this Chapter shall have committed a misdemeanor. In addition which shall be punishable by a fine of up to one thousand dollars (\$1,000) for each violation and for each day the applicable violation continues to persist.

4. Any person in violation of any provision of this Chapter shall be punishable by an administrative fine of up to a \$1,000 per offense.

SECTION 2. The following amendment of Chapter 5 of Title 6 shall be recommended to the City Council of the City of Taft as follows:

6-5-3: USE REGULATIONS:

Identified on table 5.A of this section are those land uses or activities that may be permitted in each commercial zone district, permitted subject to an approved conditional use permit or prohibited. This table also indicates the development procedure and the approval type by which each listed land use or activity may be permitted in each commercial zone district. (Ord. 805-14, 7-1-2014)

TABLE 5.A
USES PERMITTED WITHIN COMMERCIAL ZONE DISTRICTS

Legend:

P = Permitted subject to consistency assessment

C = Permitted subject to approval of a conditional use permit application

X = Not permitted in this district

Use	MU	GC	DC
Accessory uses:			
Accessory uses and structures located on the same site as a permitted use	P	P	P
Accessory uses and structures located on the same site as a use permitted subject to a conditional use permit	C	C	C
Commercial uses:			
Adult entertainment	X	X	X
Agricultural	X	X	X
Ambulance service	P	C	X
Antique shops	P	P	P
Apparel stores (sales)	P	P	P
Appliance stores and repair	P	P	P
Arcades	C	C	C
Art galleries, music, dance studios, photographic studios and supply stores	P	P	P
Auction houses	X	C	X
Auto supply store	P	P	P
Automobile repair	C	C	C
Automotive and light truck sales/service	C	P	C
Automotive dealerships subject to section 6-12-10 of this title	C	P	X
Automotive paint and body	X	C	X
Automotive rental agencies (excluding outdoor storage)	P	P	P
Automotive rental agencies (including outdoor storage)	C	C	C
Automotive washing (self- or full service)	X	P	X

Use	MU	GC	DC
Bail bond services	P	P	X
Bakeries (retail)	P	P	P
Barber and beauty shops	P	P	P
Bicycle shops (nonmotorized)	P	P	P
Blueprint and photocopy services	P	P	P
Boat and RV (sales only)	C	P	X
Book, gifts and stationery stores	P	P	P
Building materials sales/home improvement (indoors)	P	P	P
Building materials sales/outdoor storage (masonry, sand, gravel)	C	C	C
Camera shops	P	P	P
Candle shops	P	P	P
Candy stores and confectioneries	P	P	P
<u>Cannabis Cultivation, Outdoor (License Types 1, 2, 3, 4, and 5)</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cannabis Cultivation, Indoor (License Types 1A/B, 2A/B, 3A/B, and 5A/B)</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cannabis Distribution (License Type 11)</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cannabis Manufacturer 1 (License Type 6)</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cannabis Manufacturer 2 (License Type 7)</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cannabis Microbusiness (License Type 12)</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cannabis Retail Sales/Dispensary (License Type 10)</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cannabis Testing Facility (License Type 8)</u>	<u>X</u>	<u>X</u>	<u>X</u>
Catering establishments	P	P	P
Cemetery (human)	X	X	X
Cleaning and pressing establishments	P	P	P
Clothing and costume rental	P	P	P

Use	MU	GC	DC
Cocktail lounge/bar, including upgrading an existing ABC license (e.g., beer and wine to a hard liquor license) (refer to section 6-12-5 of this title)	C	C	C
Commercial recreational facilities (indoor)	P	P	P
Commercial recreational facilities (outdoor)	C	C	C
Communication and telecommunication facilities (radio and television)	C	C	C
Convenience store (including alcohol sales)	C	C	C
Convenience store (no alcohol sales)	P	P	P
Dairy products stores	P	P	P
Department stores	P	P	P
Drapery and decorating shops	P	P	P
Dress making shops	P	P	P
Drive-in/through businesses, including theaters and restaurants	C	C	C
Driving schools	P	P	P
Drugstore/pharmacy	P	P	P
Electronic coin operated games (commercial operated) 5 or more games (subject to section 6-12-9 of this title)	C	C	C
Electronic coin operated games (commercial operated) less than 5 games	P	P	P
Feed and tack stores	P	P	P
Fireworks stand, subject to the provisions of section 6-12-17 of this title	P	P	P
Floor covering stores (may include incidental repair)	P	P	P
Floral shops	P	P	P
Food stores and supermarkets	P	P	P
Furniture stores, repair and upholstery	P	P	P

Use	MU	GC	DC
General retail stores	P	P	P
Hardware stores (no outdoor storage)	P	P	P
Hardware stores (outdoor storage)	C	C	C
Health clubs, dance studios, martial arts, weight training and similar uses	P	P	P
Hobby shops	P	P	P
Home improvement (indoor)	P	P	P
Home improvement (outdoor)	C	C	C
Hookah lounges	X	X	X
Hotels and motels	P	P	C
Insurance services	P	P	P
Internet cafe	P	P	P
Janitorial services and supplies	P	P	P
Jewelry stores	P	P	P
Kiosks (parking lot film processing and key shops)	P	P	P
Laundry pick up and delivery agencies and self-service laundries (includes diaper service)	P	P	P
Liquor stores	C	C	C
Locksmith shops	P	P	P
Massage therapist (subject to provisions of title IV, chapter 20 of this code)	P	P	P
Meat markets	P	P	P
Medical marijuana dispensaries	X	X	X
Mini-storage (for public use)	C	P	X
Miniature golf courses	C	P	C

Use	MU	GC	DC
Mortgage services	P	P	P
Mortuaries	C	C	C
Motorcycle shops (sales and service)	P	P	C
Music stores	P	P	P
Newspaper and magazine stores	P	P	P
Nurseries and garden supply stores (provided all equipment and supplies are kept within a building or fenced enclosed area)	P	P	P
Office and business machines stores (sales, service and repair)	P	P	P
Paint and wall covering stores	P	P	P
Parking facilities (off site)	C	P	C
Pet shops	P	P	P
Plumbing shops and supplies	P	P	P
Political or philanthropic headquarters	P	P	P
Pottery sales	P	P	P
Printing and copy shops (other than newspaper)	P	P	P
Real estate services	P	P	P
Recycling collection facilities, including reverse vending machines and small collection facilities	P	P	P
Restaurants, other than fast food (refer to section 6-12-5 of this title):			
With entertainment and/or serving alcoholic beverages, including upgrading an existing ABC license (e.g., beer and wine to a hard liquor license)	C	C	C
Without entertainment and/or serving alcoholic beverages	P	P	P
Secondhand stores/pawnshops	P	P	P
Service stations (automotive, with convenience store, with or without alcoholic beverage sales)	C	C	C

Use	MU	GC	DC
Service stations (automotive, without convenience sales) subject to section 6-12-24 of this title	P	P	P
Shoe stores (repairs)	P	P	P
Shopping centers	X	P	X
Sign painting shops within a completely enclosed building	P	P	P
Smoking lounge, private (subject to provisions of section 6-12-29 of this title)	C	C	C
Sporting goods store	P	P	P
Stamp and coin shops	P	P	P
Stationery stores	P	P	P
Statue shops	P	P	P
Surveying services	P	P	P
Swimming pool and spa (sales, service and supply)	P	P	P
Tailor shops	P	P	P
Tattoo parlor	C	C	C
Taxidermists (no processing)	P	P	P
Telegraph offices	P	P	P
Televisions (radio sales and repair)	P	P	P
Theaters, including both motion picture and live performing arts	C	C	C
Tire sales and service	C	C	C
Tobacco shop (subject to provisions of section 6-12-29 of this title)	C	C	C
Toy stores	P	P	P
Travel agencies	P	P	P
Truck storage yard when adjacent to industrial zone district	X	C	X
Upholstering shops (indoor only)	P	P	P

Use	MU	GC	DC
Variety stores	P	P	P
Veterinary offices and animal hospitals, including exterior kennels, pens or runs	X	C	X
Manufacturing uses:			
Oil and gas exploration and production, subject to the provisions of chapter 10 of this title	C	C	C
Office and related uses:			
Administrative and executive offices	P	P	P
Artist and photographic studio, including sale of equipment or supplies	P	P	P
Clerical and professional offices	P	P	P
Financial services and institutions	P	P	P
Medical, dental and related health services for humans, including clinics, laboratories and the sale of articles clearly incidental to services provided	P	P	P
Public and quasi-public uses:			
Auditoriums	C	C	C
Churches, synagogues, mosques, temples	C	C	C
Clubs, lodges, fraternities and sororities	C	C	C
Communication and telecommunication facilities (not including radio and television)	C	C	C
Convalescent homes, hospitals	C	C	C
Convention hall, trade show, exhibit building with incidental food services	C	C	C
Dances, per title IV, chapter 6 of this code	C	P	C
Day nurseries, nursery schools and childcare facilities per state law	C	C	C
Educational institutions (including public or private vocational schools)	C	C	C

Use	MU	GC	DC
Fire and police stations	P	P	P
Post offices	P	P	P
Public administration buildings and civic centers	P	P	P
Public libraries and museums	P	P	P
Public parks and recreation facilities (public or private)	P	P	P
Public utilities and public service substations, reservoirs, pumping plants and similar installations, not including public utility offices, unless project otherwise entails a public hearing, then permitted	C	C	C
Public utility services offices	P	P	P
Recreational vehicle parks	C	C	X
Residential care facility (per state law)	C	C	C
Transportation facilities	C	C	C
Residential uses:			
Emergency shelters	X	X	X
Multi-family residential dwellings	C	X	C
Residence in conjunction with a business	C	X	C
Single-family residential dwellings	X	X	X
Supportive housing	C	X	C
Transitional housing	C	X	C
Temporary uses:			
Temporary uses as prescribed in section 6-2-10 of this title, are permitted subject to issuance of a temporary use permit	P	P	P
Other uses similar to, and no more objectionable than, the uses identified above, shall be reviewed per the process required by the similar use, as determined by the planning commission			

SECTION 3. The following amendment of Chapter 6 of Title 6 shall be recommended to the City Council of the City of Taft as follows:

6-6-3: USE REGULATIONS:

- (A) Identified in table 6.A of this section are those land uses or activities which may be permitted in the industrial zone district, subject to the provisions of this title and applicable general plan policies. This table also indicates development procedure and approval type by which each listed land use or activity may be permitted in the industrial zone district.
- (B) Land uses within the industrial zone district shall meet the provisions of the section [6-11-11](#), "Hazardous Materials Management", of this title, and all applicable local, state and federal hazardous materials legislation, in addition to the provisions of this chapter.
- (C) If permitted, land uses within the industrial zone district which are or would be deemed "hazardous materials handlers or generators", as defined in the county hazardous waste management plan, shall be subject to section [6-2-5](#), "Conditional Use Permit", of this title, notwithstanding the application process which may be specified in this chapter. (Ord. 805-14, 7-1-2014)

TABLE 6.A
USES PERMITTED WITHIN THE INDUSTRIAL ZONE DISTRICT

Legend:

- P = Permitted subject to consistency assessment
- C = Permitted subject to approval of a conditional use permit application
- X = Prohibited

Industrial Uses		I
Accessory uses:		
Accessory uses and structures located on the same site as a permitted use		P
Accessory uses and structures located on the same site as a use permitted subject to a conditional use permit		C
Watchman/caretaker living quarters only when incidental to and on the same site as a permitted or conditional use (where 24 hour surveillance is required)		C
Commercial uses and services:		
Adult entertainment (as provided in section 6-12-3 of this title)		P
All uses either permitted or conditionally permitted in the commercial districts, except residential uses (unless otherwise specified in this table)		P
Auction house		P

	Industrial Uses	I
	Automotive fleet storage	P
	Automotive repair (minor)	P
	Automotive sales, service and rental agencies	P
	Automotive, truck, bus and recreational vehicular repair (major)	C
	Bakery shops (retail and wholesale)	P
	Barber and beauty colleges	P
	Blueprinting and photocopying	P
	Boat and camper sales, manufacture and repairs	P
	<u>Cannabis Retail Sales/Dispensary (License Type 10)</u>	<u>X</u>
	Car wash (self- or full service)	P
	Cleaning and pressing establishments	P
	Cocktail lounge/bar, including upgrading existing ABC license (e.g., beer and wine to hard liquor license) (refer to section 6-12-5 of this title)	C
	Commercial recreational facilities (indoor)	P
	Commercial recreational facilities (outdoor)	C
	Communication and telecommunications facilities (radio and television)	C
	Driving schools	P
	Exterminators	P
	Fruit and/or vegetable stand	X
	Furniture stores (sales, manufacture, repair and upholstery)	P
	Glass shops and glass studio	P
	Hookah lounges	X
	Hotels and motels	C
	Kennel and catteries	C
	Lumber and building material yards	P

	Industrial Uses	I
	Medical marijuana dispensaries	X
	Mortuaries	C
	Newspaper and magazine ships (printing and publishing)	P
	Parking facilities, commercial	P
	Plumbing shops and supplies	P
	Printing and copy shops	P
	Recycling facilities (large collection facilities and processing facilities)	C
	Restaurants (including drive-through)	P
	Restaurants other than fast food (refer to section 6-12-5 of this title):	
	With entertainment and/or serving alcoholic beverages, including upgrading an existing ABC license (e.g., beer and wine to a hard liquor license)	C
	Without entertainment and/or serving alcoholic beverages	P
	Service stations (subject to section 6-12-24 of this title)	C
	Sign painting shops	P
	Smoking lounge, private (subject to provisions in section 6-12-29 of this title)	C
	Tattoo parlors	P
	Tire retreading and recapping	C
	Tire shops (retail and service)	P
	Tobacco shop (subject to provisions of section 6-12-29 of this title)	C
	Truck wash	C
	Vending machine service and repair	P
	Veterinary offices and animal hospitals, including exterior kennels, pens or runs	C
Manufacturing uses:		
	Bakery/food preparation	P
	Batch plants	C

Industrial Uses	I
Bottling plants	P
<u>Cannabis Cultivation, Outdoor (License Types 1, 2, 3, 4, and 5)</u>	<u>X</u>
<u>Cannabis Cultivation, Indoor (License Types 1A/B, 2A/B, 3A/B, and 5A/B)</u>	<u>X</u>
<u>Cannabis Distribution (License Type 11)</u>	<u>X</u>
<u>Cannabis Manufacturer 1 (License Type 6)</u>	<u>X</u>
<u>Cannabis Manufacturer 2 (License Type 7)</u>	<u>X</u>
<u>Cannabis Microbusiness (License Type 12)</u>	<u>X</u>
<u>Cannabis Testing Facility (License Type 8)</u>	<u>X</u>
Carpenter and cabinet shops	P
Cement products manufacturing	C
Electronics: electrical and related parts; electrical appliances, motors and devices; radio, television, computers	P
Fruit, vegetable and plant products processing, and retail services, including cold storage, packing, preserving, canning and shipping	P
Furniture upholstery	P
Instruments: electronic and precision; medical and dental; timing and measuring	P
Laboratories: chemical, dental, electrical, optical, mechanical and medical	P
Manufacture and maintenance of electrical and other signs	P
Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared typical materials: canvas, cellophane, cloth, cork, felt, fiber, fur, glass, leather, paper (no milling), precious or semiprecious stones or metals, plaster, shells, textiles, tobacco, wood and yarns	P
Office and related machinery: audio machinery, visual and electrical equipment machinery	P
Oil and gas exploration and production, subject to provisions of chapter 10 of this title	P
Pharmaceuticals: cosmetics, drugs, perfumes, toiletries and soap (not including refining or rendering of fats or oils)	P

Industrial Uses		I
Processing frozen food products		P
Rubber and metal stamp manufacturing		C
Welding shops		C
Office and related uses:		
Administrative and executive offices (incidental to primary use)		P
Clerical and professional offices (incidental to primary use)		P
Financial/mortgage services and institutions		P
Medical, dental and related health services for humans, including laboratories, clinics and the sale of articles clearly incidental to the services provided		P
Industrial uses:-		-
Prescription pharmacies when located within a building containing the offices of medical practitioners		P
Public and quasi-public uses:		
Bus, rail, rail freight classification or switching yard, rail spurs and taxi stations		P
Churches, clubs, lodges, fraternities and sorority headquarters		C
Day nurseries, nursery schools and childcare facilities, per state law		C
Educational institutions, museums, public libraries		C
Fire and police facilities		P
Postal services		P
Public administration buildings		P
Public utility and public service substations, reservoirs, drainage sumps, pumping plants, transmission line and similar installations, not including public utility offices, unless project otherwise entails a public hearing, then permitted		C
Public utility services offices		P
Recreational facilities (e.g., golf courses, parks)		C
Temporary uses:		

Industrial Uses		I
Temporary uses as prescribed in section 6-2-10 , "Temporary Use Permit", of this title and based upon issuance of a temporary use permit		P
Wholesale uses and warehousing:		
General wholesale, storage and distribution, including warehousing, storage, freight handling, shipping		P
Mini-storage, self-storage units (commercial)		P
Recreational vehicle storage (screening of outdoor storage required)		P
Vehicle storage/towing services (screening of outdoor storage required)		P
Vehicle wrecking and storage (screening of outdoor storage required)		C
Warehousing from the premises of unfinished, raw and semirefined products requiring further processing, fabrication or manufacturing; contractors' storage yards, including the storage of equipment, materials and vehicles for the construction industry (screening of outdoor storage required); truck terminals, outdoor storage yards		P
Other uses similar to, and no more objectionable than, the uses identified above, may be permitted subject to approval by the planning commission		

SECTION 4. The following amendment of Chapter 7 of Title 6 shall be recommended to the City Council of the City of Taft as follows:

6-7-3: USE REGULATIONS:

Identified on table 7.A of this section are those land uses or activities that may be permitted within the agricultural zone district, subject to the provisions of this title and applicable general plan policies. Table 7.A of this section also indicates the development procedure and the approval type by which each listed land use or activity may be permitted in an agricultural zone district. (Ord. 805-14, 7-1-2014)

TABLE 7.A
USES PERMITTED WITHIN THE AGRICULTURAL DISTRICT

Legend:

P = Permitted subject to consistency assessment

C = Permitted subject to approval of a conditional use permit application

X = Not permitted in this district

	Agriculture Uses	Condition Of Use^A
	Agricultural:	
	Agricultural chemical storage and repackaging	C
	Agricultural services, when incidental and secondary to the primary use of the premises for agriculture	P
	Agricultural trucking facilities	C
	Alcohol distillery	C
	Animal products processing, including meat packing, canning and shipping when the livestock is produced or grown by the owner of the processing facility on the premises or on land leased, rented or owned by the owner of the processing facility and within a reasonable distance of the facility	C
	Beef cattle or livestock grazing	P
	Beekeeping	P
	Berry crops	P
	Biomass energy conversion	C
	Birds, including show or racing pigeons and other small fowl	P
	Brewery	C
	<u>Cannabis Cultivation, Outdoor (License Types 1, 2, 3, 4, and 5)</u>	<u>X</u>
	<u>Cannabis Cultivation, Indoor (License Types 1A/B, 2A/B, 3A/B, and 5A/B)</u>	<u>X</u>
	<u>Cannabis Distribution (License Type 11)</u>	<u>X</u>
	<u>Cannabis Manufacturer 1 (License Type 6)</u>	<u>X</u>
	<u>Cannabis Manufacturer 2 (License Type 7)</u>	<u>X</u>
	<u>Cannabis Microbusiness (License Type 12)</u>	<u>X</u>
	<u>Cannabis Testing Facility (License Type 8)</u>	<u>X</u>
	Christmas trees	P
	Cold storage facility for agricultural products	P

	Agriculture Uses	Condition Of Use^A
	Contract harvesting	P
	Cotton gin	C
	Creamery	C
	Dairy	X
	Dairy stock grazing	X
	Farm machinery and equipment repair	P
	Field crops, dryland	P
	Field crops, irrigated	P
	Fish and frog farms	P
	Flour mill	C
	Flowers and horticulture specialties, wholesale only	P
	Fruit, vegetable and plant products processing, including freezing, packing, preserving and shipping	P
	Glucose processing	C
	Grain elevator or storage	C
	Hogs, hog farm or ranch	X
	Honey extraction	P
	Horses, donkeys, llamas or mules	P
	Livestock feedlot or stock auction or sales yard for hoofed animals	X
	Oil or mineral extraction	P
	Poultry, including hatching, breeding, butchering, processing or shipping of chickens, ostriches, emus, turkeys or other fowl or poultry, including eggs	X
	Rabbits or fur bearing animals	P
	Row crops	P

	Agriculture Uses	Condition Of Use^A
	Saw or planing mill	C
	Sheep or goats farm	X
	Tasting room, when accessory to an existing winery or brewery	P
	Winery or brewery	C
	Wool pulling and scouring	C
Commercial:		
	<u>Cannabis Retail Sales/Dispensary (License Type 10)</u>	<u>X</u>
	Fireworks stand, subject to the provisions of section 6-12-17 of this title	P
	Fruit stand, permanent	P
	Fruit stand, temporary, pursuant to this chapter	P
	Medical marijuana dispensaries	X
	Veterinary, large animal	P
Educational institutions and schools:		
	College or university	C
	Elementary school	C
	Junior high school	C
	Preschool	C
	Senior high school	C
Institutional:		
	Cemetery, mausoleum, columbarium, mortuary or crematory	C
	Charitable or public service organization	C
	Church	C
	Fire or police station	P
	Government office or building	P

	Agriculture Uses	Condition Of Use^A
	Public agency or public utility buildings and facilities	P
	Rehabilitation facilities	C
	Water treatment plant, unless project otherwise entails a public hearing, then permitted	C
	Zoo	C
Miscellaneous:		
	Accessory structures and uses located on the same site as a conditionally permitted use	C
	Accessory structures and uses located on the same site as a permitted use	P
	Daycare home, large family, pursuant to this title	C
	Daycare home, small family	P
	Drainage sump	C
	Drainage sump, if proposed and approved as part of a tentative subdivision or tentative parcel map	P
	Flood control facilities	P
	Hunting or fishing club, not involving structures	C
	Water storage or groundwater recharge facilities	P
	Wild animal keeping	C
	Wildlife or nature preserve (private)	C
Recreation, entertainment and tourist facilities:		
	Equestrian establishment	C
	Golf course/driving range	C
	Guest ranch, when accessory to a commercial ranching operation	C
	Lakes, private, for recreational skiing or boating	C
	Park or playground, unless project requires a public hearing, then permitted	C

	Agriculture Uses	Condition Of Use^A
	Racetrack or test track, automobile, bicycle, horse or motorcycle	C
	Recreational vehicle park	C
	Shooting range or gun club, simulated war games, or similar activities, outdoor only	C
	Trade fairs and exhibitions, temporary (14 day minimum), excluding flea markets and swap meets (subject to provision of section 6-2-11 of this title)	P
Residential:		
	Emergency shelters	X
	Farm labor housing for contract labor	C
	Farm labor housing for on site employees	C
	Residential accessory structures	P
	Residential facilities	C
	Single-family dwelling, occupied by the owner or full time on site employee	P
	Supportive housing	P
	Transitional housing	P
Resource extraction and energy development:		
	Coal fired cogeneration facility or steam generators, primarily intended for production of oil or gas	C
	Cogeneration facility or steam generators, primarily intended for steam production used for production of oil or gas, excluding coal fired	C
	Concrete or asphalt batch plant, temporary	C
	Electrical power generating plant	C
	Explosives storage, permanent	C
	Explosives storage, temporary	C
	Mineral exploration	P

	Agriculture Uses	Condition Of Use^A
	Mining and mineral extraction pursuant to the provisions of this title	P
	Oil or gas exploration and production pursuant to the provisions of this title	P
	Rock, gravel, sand or soils, crushing, processing or distribution, when accessory to an approved mining operation	C
	Solar energy electrical generators with a rated capacity of no greater than 5 kilowatts for on site consumption of the electricity	P
	Solar energy for electrical generators, commercial or domestic, exceeding 5 kilowatts capacity	C
	Wind driven electrical generators for consumption of electricity	C
Transportation facilities:		
	Airport, private (if not within an approved airport plan)	C
	Airport, public (if not within an approved airport plan)	C
	Heliport (if not within an approved airport plan)	C
	Rail, rail freight classification or switching yard, and rail spurs	C
Utility and communication facilities:		
	Radio, television or commercial communications transmitter, receiver or translator, except as specified in this title	P
	Transmission lines and supporting towers, poles, microwave towers and underground facilities for gas, water, electricity, telephone or telegraph service owned and operated by a public utility company or other company under the jurisdiction of the California public utilities commission pursuant to this title	C
	Utility substation	P
Waste facilities:		
	Hazardous waste disposal facility, unless project otherwise entails a public hearing, then permitted	C
	Nonhazardous oil production and/or oily waste disposal facility, unless project otherwise entails a public hearing, then permitted	C

	Agriculture Uses	Condition Of Use^A
	Sanitary landfill, unless project otherwise entails a public hearing, then permitted	C
	Septage disposal site, unless project otherwise entails a public hearing, then permitted	C
	Sewage sludge composting, unless project otherwise entails a public hearing, then permitted	C
	Sewage treatment plant, unless project otherwise entails a public hearing, then permitted	C
	Transfer station, large and small volume, unless project otherwise entails a public hearing, then permitted	C
	Waste to energy facility, unless project otherwise entails a public hearing, then permitted	C
Other uses similar to, and no more objectionable than, the uses identified above, shall be reviewed per the process required by the similar use, as determined by the planning commission.		

SECTION 5. The following shall be added as Section 6-12-31 of Title 6, and be recommended to the City Council of the City of Taft as follows:

6-12-31: COMMERCIAL CANNABIS ACTIVITY PERMITTING AND REGULATION

(A) Intent and Purpose:

1. Federal law prohibits the possession, cultivation, use and distribution of cannabis, and in order to serve the public health, safety, and welfare of the residents and businesses within the city, the declared purposed of this Section is to prohibit all commercial cannabis activity within the City, as provided in this Section.
2. California Business and Professions Code Section 19320(a) provides that a person must hold both a State and local license to engage in commercial cannabis activity for medical purposes. California Business and Professions Code Section 26055(e) provides that a State licensing authority shall not approve an application for a State license for a non-medical cannabis business if approval of the State license will violate the provisions of any local ordinance.
3. The prohibition of all commercial cannabis activity, for medical, non-medical, or any other purpose, is necessary for the preservation and protection of the public health, safety, and welfare of the City and its community. The prohibition of such activity is within the

authority conferred upon the City by the State law and it an exercise of its police powers to enact and enforce regulations for the public benefit, safety, and welfare of the City and its community.

(B) **Definitions.** For purposes of this Chapter, the following definitions shall apply, unless the context clearly indicates otherwise:

“**Adult Use Cannabis**” means the non-medical use of cannabis by adults of age 21 and over as permitted by MAUCRSA and other applicable State and City laws.

“**Adult Use Permittee**” means a Person who is issued a City Permit to engage in Commercial Cannabis Activity with respect to non-medical Adult Use Cannabis in accordance with applicable City law and State Law.

“**AUMA**” the Adult Use of Marijuana Act, otherwise known as Proposition 64 passed into law by the voters of California on November 9, 2016.

“**Cannabis**” shall have the meaning assigned to the term “Marijuana” as set forth in Health and Safety Code Section 11018.

“**Cannabis Premises**” means (i) a building, (ii) a defined portion of or unit in a building with a separate mailing address, or (iii) a parcel of real property, in each case, where a specified user, owner, tenant, or City Permittee is utilizing the space for Commercial Cannabis Activity. In a building with multiple units, each defined unit shall be deemed a single Cannabis Premise.

“**Cannabis Permit**” means a permit issued by the City, and a license issued by the State, in each case, in accordance with, and to the extent required by, applicable State Law, in order to participate in a Commercial Cannabis Activity, such as Cultivation, Manufacturing, Distribution, Transportation, Testing, retail sale, or Delivery.

“**Cannabis Permittee**” means a Person who holds a Cannabis Permit.

“**Cannabis Product**” shall have the meaning assigned to the term “Marijuana Product” as set forth in Health and Safety Code Section 11018.1.

“**City**” means the City of Taft.

“**City Code**” means the City of Taft Municipal Code.

“**City Manager**” means the individual duly appointed by a majority of the City Council to serve in the capacity as executive officer of the City on a permanent or interim basis or such other official as designated by the City to fulfill such duties.

“**City Permit**” means a Cannabis Permit issued by the City.

“City Permittee” means a Person that has been issued a City Permit.

“Commercial Cannabis Activity” shall (i) have the meaning assigned to the term “commercial marijuana activity” as set forth in Business and Professions Code Section 26001(d) when the context of such use of the term “Commercial Cannabis Activity” is with respect to Adult Use Cannabis under MAUCRSA, and (ii) have the meaning assigned to the term “commercial cannabis activity” as set forth in Business and Professions Code Section 19300.5(j) when the context of such use of the term “Commercial Cannabis Activity” is with respect to medical Cannabis under MAUCRSA.

“Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis.

“CUP” means a Conditional Use Permit issued by the City in accordance with City Code.

“Deliver” or “Delivery” means the commercial transfer or delivery of Cannabis or Cannabis Products to a customer, patient, primary caregiver or Cannabis Permittee.

“Distribution” means the procurement, sale, and Transport of Cannabis and Cannabis Products between Cannabis Permittees.

“Fully Enclosed and Secure Structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is reasonably secure against unauthorized entry, provides complete visual screening or is behind fencing or other features providing complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors. For the avoidance of doubt, this shall not prohibit a full greenhouse facility provided that the combination of fencing and other physical barriers provides a reasonably secure barrier to entry.

“Health and Safety Code” means the California Health and Safety Code, as amended from time to time.

“Indoor” means within a Fully Enclosed and Secure Structure.

“Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a Cannabis Product from such blends, extractions or infusions.

“MAUCRSA” the Medical and Adult-Use Cannabis Regulation and Safety Act an approval of Senate Bill 96 by the state legislature on June 27, 2017, effective immediately, which amended the AUMA.

“**MCRSA**” the Medical Cannabis Regulation and Safety Act an approval of Senate Bill 837 by the state legislature on June 27, 2016, effective immediately, which amended the MMRSA.

“**MMRSA**” the Medical Marijuana Regulation and Safety Act signed by Governor Brown on October 9, 2015, effective January 1, 2016.

“**Modular Building**” means a structure that is transportable in one or more sections and is designed and equipped for the Manufacturing of Cannabis Products.

“**Outdoors**” means any location within the City that is not within a Fully Enclosed and Secure Structure

“**Permit Zone**” means, with respect to a Person holding a City Permit, the zones or portions of the City where such City Permit type is permitted to operate. Such Permit Zones may be amended from time-to-time by a majority vote of the City Council. To the extent not otherwise specified in this definition, a Cannabis Permittee shall be able to operate in any portion of the City which complies with the zoning, radius and other requirements of this section.

“**Person**” includes any individual, firm, co-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.

“**Physician Services**” means the consultation by a State-licensed physician of a patient with the possible recommendation by such physician of medical Cannabis for such patient.

“**Retail Establishment**” means a premises where Cannabis or Cannabis Products are offered, either individually or in any combination, for retail sale or Delivery pursuant to State Law, including MAUCRSA for recreational and medical Cannabis, including an establishment that sells and Delivers Cannabis or Cannabis Products to customers, patients or primary caregivers pursuant to State Law. Retail Establishments are prohibited within the incorporated boundaries of the City of Taft.

“**State**” means the State of California.

“**State Law**” means all laws of the State, including all rules and regulations adopted by State agencies and State regulatory entities.

“**State Medical License**” means a State license issued pursuant to Chapter 3.5, commencing with Section 19300, of the Business and Professions Code, as amended or replaced.

“**State Adult Use License**” means a State license issued pursuant to Division 10, commencing with Section 26000, of the Business and Professions Code, as amended or replaced.

“**Testing**” means the laboratory Testing of the quality, makeup or purity of Cannabis and Cannabis Products as required by applicable State Law.

“**Transport**” means the transfer of Cannabis and Cannabis Products from the business location of one Cannabis Permittee to the business location of another Cannabis Permittee, for the purposes of conducting Commercial Cannabis Activity.

“**Volatile Solvent**” means a Class I Flammable liquid as defined by the National Fire Protection Association, including butane and propane.

(C) Commercial Cannabis Activity Prohibited:

1. Commercial Cannabis activity, whether or not for profit, is not a permitted use within the City of Taft. The City shall not approve any application for a building permit, conditional use permit, business license, or any other entitlement authorizing the establishment, operation, maintenance, development, or construction of any use that allows for commercial cannabis activity. This section shall prohibit all activities for which a State license is required pursuant to the MAUCRSA, or any other act of provision of law that licenses cannabis businesses.
2. It shall be unlawful for any person to own, manage, establish, conduct, or operate, or to participate as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, in any commercial cannabis activity in the city.
3. All deliveries of cannabis or cannabis products to or from any location in the City are expressly prohibited. No person shall conduct or perform any deliver of any cannabis or cannabis products, which delivery either originates or terminates within the City. This subsection shall not prohibit any person from transporting cannabis through the jurisdictional limits of the City for delivery or distribution to a person located outside the City, where such transport does not involve delivery or distribution within the jurisdictional limits of the City.
4. Possessing, transporting, purchasing, obtaining, using, manufacturing, or giving away cannabis accessories to persons 21 years of age or older without compensation whatsoever.
5. All outdoor cannabis cultivation is prohibited in the City. Indoor cannabis cultivation is prohibited except as specified in Section 6-4-5 of this title.

(D) Personal Cannabis Use Exceptions: To the extent that the following activities are permitted by State law, nothing in this Section shall prohibit a person 21 years of age or older from:

1. Possessing, processing, purchasing, transporting, obtaining or giving away to persons 21 years of age or older, without compensation whatsoever, not more than 28.5 grams of cannabis not in the form of concentrated cannabis;
2. Possessing, processing, purchasing, transporting, obtaining or giving away to persons 21 years of age or older, without compensation whatsoever, up to eight (8) grams of cannabis in the form of concentrated cannabis;
3. Smoking or ingesting cannabis or cannabis products in a manner consistent with California Health and Safety Code Section 11362.3;
4. Engaging in the indoor cultivation of six or fewer live cannabis plants within a single private residence or inside an accessory structure located upon the grounds of a private residence that is fully enclosed and secured, to the extent such cultivation is authorized by California Health and Safety Code Section 11362.1 and 11362.2, and to the extent that the cultivation complies with Section 6-4-5 of this title.

(E) **Enforcement:** Any Commercial Cannabis Activity within the City is considered a violation of this Chapter and is hereby declared to be unlawful and a public nuisance.

1. Any Person who willfully or knowingly (i) engages in a violation of this Chapter or (ii) owns, possesses, controls, or has charge of any parcel of real property in the City upon which a violation of this Chapter is maintained and who has actual knowledge of such violation (or would have actual knowledge of such violation after a reasonable inquiry), shall be subject to the penalties and remedies provided by this Chapter.
2. Any violation of this Chapter shall constitute a separate offense for each and every day the violation occurs or persists.
3. Any Person in violation of any provision of this Chapter or who causes another Person to be in violation of this Chapter shall have committed a misdemeanor. In addition which shall be punishable by a fine of up to one thousand dollars (\$1,000) for each violation and for each day the applicable violation continues to persist.
4. Any person in violation of any provision of this Chapter shall be punishable by an administrative fine of up to a \$1,000 per offense.
5. These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

SECTION 6. Recognizing that there is a potential conflict between federal and State law, it is the Planning Commission's intention that this Ordinance shall be deemed to comply with applicable State Law.

SECTION 7. If any section or provision of this Ordinance is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Ordinance shall remain in full force and effect.

SECTION 8. By regulating Commercial Cannabis Activity, the City is only undertaking to preserve the general welfare through implementing the MAUCRSA. The City Council is not assuming, nor is it imposing on its officers and employees, an obligation for which a breach thereof would expose the City to liability in money damages to any Person who claims that such breach proximately caused injury. To the fullest extent permitted by law, the City shall assume no liability whatsoever, and expressly does not waive sovereign immunity, with respect to any provision of this Ordinance or for the activities of any City Permittee. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this Ordinance shall not become a personal liability of any public officer or employee of the City. Nothing in this Ordinance shall be deemed or considered in any respects to constitute authorization to violate any law.

BE IT FURTHER RESOLVED that a copy of this Resolution be delivered forthwith by the City Clerk to the City Council of the City of Taft.

PASSED AND ADOPTED on this 18th day of October, 2017.

ATTEST

Chelsi Perry, Recording Secretary

Ron Orrin, Chairman

CERTIFICATION

I, Chelsi Perry, hereby certify that the foregoing resolution was passed and adopted by the Planning Commission of the City of Taft at a specially scheduled meeting held on the 18th day of October, 2017, by the following vote

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Chelsi Perry, Recording Secretary