ORDINANCE NO. 2352

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE, CALIFORNIA, AMENDING THE VICTORVILLE MUNICIPAL CODE TO PROHIBIT MARIJUANA CULTIVATION, MARIJUANA PROCESSING, MARIJUANA DELIVERY, MARIJUANA MOBILE DISPENSING AND MARIJUANA DISPENSARIES IN THE CITY WITH AN ENVIRONMENTAL EXEMPTION AND DECLARING THE URGENCY THEREOF PURSUANT TO GOVERNMENT CODE SECTION 36937

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as Health & Safety Code Section 11362.5 et seq. and entitled "The Compassionate Use Act of 1996" referred to herein as the "CUA");

WHEREAS, the intent of the CUA was to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under state law once a physician has deemed the use beneficial to a patient's health;

WHEREAS, in 2003, the California Legislature adopted SB 420, the Medical Marijuana Program ("MMP"), codified as Health and Safety Code Section 11362.7 et seq., which permits qualified patients and their primary caregivers to associate collectively or cooperatively to cultivate marijuana for medical purposes without being subject to criminal prosecution under the California Penal Code;

WHEREAS, neither the CUA nor the MP require or impose an affirmative duty or mandate upon a local government to allow, authorize, or sanction the establishment of facilities that cultivate or process medical marijuana within its jurisdiction; and

WHEREAS, in May 2013, the California Supreme Court issued its decision in City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc., et al., holding that cities have the authority to ban medical marijuana land uses; and

WHEREAS, under the Federal Controlled Substances Act, codified in 21 U.S.C. Section 801et seq., the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need; and

WHEREAS, on October 9, 2015, Governor Jerry Brown signed the "Medical Marijuana Regulation and Safety Act" ("Act"), which is comprised of the state legislative bills known as AB 243, AB 266, and SB 643, into law; and

WHEREAS, on December 9, 2015, the Planning Commission, by a vote of 3-0, approved Resolution No. P-15-061, recommending approval of the attached ordinance prohibiting marijuana; and

CMX