

## ORDINANCE NO. 569

### AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING SECTION 1.01.200, SUBSECTION (E)(4) OF THE APPLE VALLEY MUNICIPAL CODE AS IT RELATES TO ALLOWABLE ILLEGAL CANNABIS CULTIVATION ADMINISTRATIVE FINES

**WHEREAS**, the Town's Code Enforcement Division currently enforces the Town's rules and regulations relating to the illegal cultivation of cannabis; and

**WHEREAS**, amendments to the Town's Municipal Code are necessary to allow Town Code Enforcement Officers to more effectively and efficiently enforce these rules and to align these rules with State law; and

**WHEREAS**, the amendments are necessary to uphold the Town Council's intent of the Code; and

**WHEREAS**, it is the objective of the Town of Apple Valley through code enforcement efforts to preserve and enhance properties located within the Town limits.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY DOES ORDAIN AS FOLLOWS:**

**Section 1.** The recitals above are true and correct and are hereby incorporated herein by this reference.

**Section 2.** Section 1.01.200, Subsection (e)(4) of Title 1 of the Town of Apple Valley Municipal Code is hereby amended to read in its entirety as follows:

"(4) Exception: The administrative citation penalty for commercial marijuana business or operation or prohibited residential marijuana cultivation in violation of Apple Valley Development Code Chapters 9.29 or 9.36 and any zoning, building, plumbing, electrical, or other similar structural, health and safety code violation that exists as a result of, or to facilitate, the illegal cultivation of marijuana shall be \$1,000.00 per violation not to exceed \$10,000.00 per day."

**Section 3.** Except as expressly amended hereby, all other provisions of Title 1 of the Town of Apple Valley Municipal Code shall remain in effect.

**Section 4.** Compliance with California Environmental Quality Act. This Ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA) and the State CEQA Guidelines and it has been determined that approval of the Ordinance is exempt from further environmental review under

the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions without any physical project being approved, it can be seen with certainty that there is no possibility that the amendments to the Municipal Code will have a significant effect on the environment. The Town Council concurs in these findings and adopts them as its own.

**Section 5.** Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town Council of the Town of Apple Valley hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 6.** Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

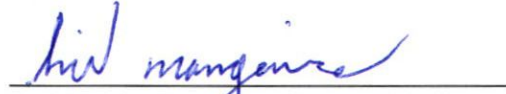
**Section 7.** Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

**APPROVED**, and **ADOPTED** by the Town Council of the Town of Apple Valley, California, at a regular meeting held on this 23<sup>rd</sup> day of April, 2024.

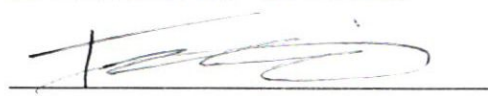


Scott Nassif, Mayor


**ATTEST:**

  
~~La Vonda Pearson, Town Clerk~~  
KIEL Mangerino, ASSISTANT Town Clerk

**APPROVED AS TO FORM:**

  
Thomas Rice, Town Attorney

**APPROVED AS TO CONTENT:**

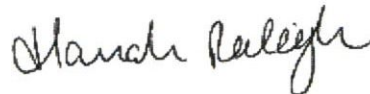
  
Douglas B. Robertson, Town Manager

STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
TOWN OF APPLE VALLEY

I, Hannah Raleigh, Deputy Town Clerk of the Town of Apple Valley, California, do hereby certify that the attached Ordinance No. 569 was adopted on April 23, 2024 by the Town Council of the Town of Apple Valley and has been published in a newspaper of general circulation, published and circulated in the Town in a manner permitted under Section 36933 of the Government Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Apple Valley, California, this 23<sup>rd</sup> day of April, 2024.

HANNAH RALEIGH  
DEPUTY TOWN CLERK



Hannah Raleigh, Deputy Clerk



**STATE OF CALIFORNIA**  
**COUNTY OF SAN BERNARDINO**  
**TOWN OF APPLE VALLEY**

I, HANNAH RALEIGH, DEPUTY TOWN CLERK of the Town of Apple Valley, California, hereby certify that the foregoing Ordinance No. 569 was duly introduced on April 9, 2024 and adopted at the Town Council adjourned meeting on April 23, 2024, by the following vote:

AYES: Council Members, Cusack, Emick, Leon, Mayor Pro-Tem Bishop, Mayor Nassif.  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Apple Valley, California, this 23<sup>rd</sup> day of April, 2024.



HANNAH RALEIGH  
DEPUTY TOWN CLERK

BY: *Hannah Raleigh*

Hannah Raleigh, Deputy Clerk