

ORDINANCE # 489-18

AN ORDINANCE OF THE CITY OF CHOWCHILLA, IN THE COUNTY OF MADERA, CALIFORNIA; ADDING CHAPTER 9.11 TO THE CHOWCHILLA MUNICIPAL CODE AND DELETING CHAPTERS 9.09 AND 9.10 OF THE CHOWCHILLA MUNICIPAL CODE TO REGULATE THE CULTIVATION, MANUFACTURING, PROCESSING, TESTING, DISTRIBUTION AND TRANSPORTATION OF COMMERCIAL CANNABIS AND CANNABIS-DERIVED PRODUCTS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE CITY OF CHOWCHILLA, CALIFORNIA

WHEREAS, on November 5, 1996, California voters approved Proposition 215, known as the Compassionate Use Act of 1996 (CUA), codified within the California Health and Safety Code an commencing at Section 11362.5, the intent of which is to enable persons with a medically advised need for cannabis for treatment or therapeutic purposes as directed by a health-care provider; and,

WHEREAS, on January 1, 2004, Senate Bill 420 codified as California Health and Safety Code Section 11362.7 et seq. and entitled the "Medical Marijuana Program Act" (MMPA) became law to clarify the scope of the CUA. Pursuant to California Health and Safety Code Section 11362.77(a), a qualified patient or primary caregiver was permitted to possess no more than eight (8) ounces of dried marijuana plant material per patient. In addition, they were also able to maintain no more than six mature or twelve immature marijuana plants per patient unless a doctor authorized an additional amount; and,

WHEREAS, On October 9, 2015 Governor Brown signed into law the Medical Marijuana Regulation and Safety Act (MMRSA) now known as the Medical Cannabis and Safety Act (MCRSA) which consisted of three interrelated pieces of legislation (SB 643, AB 243, and AB 266), intended to provide a comprehensive regulatory framework for the licensing, control, and taxation of commercial cannabis related businesses in California; and,

WHEREAS, the California Supreme Court has made clear that neither the CUA nor the MMPA expressly or impliedly preempts the authority of cities or counties, under their traditional land use and police powers, to allow, restrict, limit or entirely exclude facilities that distribute medical marijuana. The MMPA allowed cities and counties to adopt local ordinances that regulate the location, operation or establishment of commercial cannabis collectives and to enforce such ordinances. (City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. (2013) 56 Cal.4th 729; Health and Safety Code Section 11362.83). The same authority encompasses the regulation, operation, or establishment of cannabis cultivation. (Maral v. City of Live Oak (2013) 221 Cal. App. 4th 975.) That authority remains undisturbed under MCRSA; and,

WHEREAS, on November 8, 2016, Proposition 64 the "Adult Use Marijuana Act" known as ("AUMA") was approved by California voters for the purpose of providing a comprehensive regulatory framework for the licensing, control, and taxation of nonmedical commercial cannabis related businesses in California; and,

WHEREAS, marijuana remains an illegal substance under the Federal Controlled Substances Act, 21 USC 801 et seq., which makes it unlawful for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense

marijuana. The Federal Controlled Substances Act contains no statutory exemption for the cultivation of marijuana for medical purposes. Federal law lists marijuana as a Schedule I drug, meaning that it has a high potential for abuse, it has no currently accepted medical use in treatment, and there is a lack of accepted safety for use under medical supervision; and,

WHEREAS, despite this classification and treatment under federal law, federal executive and law enforcement agencies have issued memoranda and other guidelines allowing for the development of state-specific regulatory schemes that include the provision of marijuana and marijuana-derived products for medical purposes, as long as the administration of those schemes is consistent with the aims of federal law; and,

WHEREAS, without sufficient regulations and standards in effect and which are enforceable pursuant to an adopted ordinance, there is a current and immediate threat to the public health, safety, and welfare of current and future residents of the City, from the establishment of commercial cannabis related businesses in the City in a manner which is likely to lead to confusion, public harm, and possible violation of federal executive guidelines; and,

WHEREAS, the City has previously established a prohibition of all commercial cannabis cultivation, use, testing, delivery, distribution, processing, manufacturing, and transportation within the geographic boundaries of the City of Chowchilla to the maximum extent allowed by law; and,

WHEREAS, the proposed ordinance continues the prohibitions of all commercial cannabis activities currently banned within the geographic boundaries of the City of Chowchilla; and,

WHEREAS, the City Council recognizes, upon consultation with law enforcement, that supply chains for commercial cannabis and marijuana-related products as they currently exist, in the absence of state and local regulatory schemes, can and do benefit criminal elements to the detriment of residents of the State of California, the County of Madera, and the City of Chowchilla, without full regard for public safety, health, and welfare issues; and,

WHEREAS, the City Council also recognizes its obligation to provide guidance on appropriate community standards of health, safety, and welfare, and, where appropriate, to protect residents-especially residents of particularly vulnerable populations like children-from violation and abuse of those community standards; and,

NOW THEREFORE, The City Council of the City of Chowchilla does ordain as follows:

SECTION 1. Section 9.09 of the Chowchilla Municipal Code entitled "Public Use/Consumption of Medical Marijuana", is hereby repealed in its entirety.

SECTION 2. Title 9, Section 9.10 of the Chowchilla Municipal Code, entitled "Public Use, Consumption and Cultivation of Non-Medical Marijuana", is hereby repealed in its entirety.

SECTION 3. Title 9, Section 9.11 of the Chowchilla Municipal Code, entitled "Use, Consumption, Cultivation, Manufacturing, Processing, Testing, Transportation, Delivery and Distribution of Medical and Non-Medical Cannabis" is hereby enacted as attached in Exhibit "A".

SECTION 4. That that Municipal Code Amendment 2017-02 is exempt from CEQA in accordance with Section 15061 (b)(3) of the CEQA Guidelines.

SECTION 5. This ordinance shall take effect thirty (30) days after its passage. A full copy of this ordinance, or a summary thereof shall be published, within fifteen (15) days after adoption, in a newspaper of general circulation within the County of Madera, inclusive of circulation within the entirety of the geographic area of the City of Chowchilla, in a manner consistent with the requirements of the California Government Code.

This ordinance, having been introduced, and first reading of the ordinance waived by vote of the City Council at the regular meeting of the City Council of the City of Chowchilla; during which a public hearing was held regarding the provisions contained in the ordinance, all on February 13, 2018; and,

This ordinance, pursuant to direction provided by the City Council of the City of Chowchilla to alter the ordinance and remove portions relating to allowing commercial cannabis activity, is presented in its altered form at a Regular meeting of the City Council of the City of Chowchilla, occurring on February 13, 2018, at least five (5) days after such alteration (Gov. Code §36934).

This ordinance, having been read a second time, or reading of the title and action to waive full reading, at the regular meeting of the City Council of the City of Chowchilla on February 27, 2018; now,

On a motion by Council Member Ahmed, seconded by Mayor Pro Tem Barragan, the foregoing ordinance is passed and adopted by the City Council of the City of Chowchilla, State of California, this 27th day of February, 2018 by the following vote, to wit:


AYES: 4 – Ahmed, Barragan, Gaumnitz, Haworth

NOES: 0

ABSENT: 1 - Chavez

ABSTAIN: 0

Approved:



Dennis Haworth, MAYOR

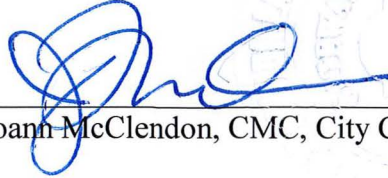
ATTEST:



Joann McClendon, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF MADERA)
CITY OF CHOWCHILLA)

I, JOANN MCCLENDON, City Clerk of the City of Chowchilla, do hereby certify the foregoing ordinance was duly introduced and the subject of a public hearing at a regular meeting of the City Council of the City of Chowchilla, Madera County, on the 13th Day of February, 2018; and, it was duly passed and adopted at a regular meeting of the City Council of the City of Chowchilla held on the 27th Day of February, 2018.



Joann McClendon, CMC, City Clerk

EXHIBIT “A” – TITLE 9, CHAPTER 9.11

**USE, CONSUMPTION, CULTIVATION,
MANUFACTURING, PROCESSING, TESTING,
TRANSPORTATION, DELIVERY AND DISTRIBUTION
OF MEDICAL AND NON-MEDICAL CANNABIS**

Chapter 9.11

USE, CONSUMPTION, CULTIVATION, MANUFACTURING, PROCESSING, TESTING, TRANSPORTATION, DELIVERY AND DISTRIBUTION OF MEDICAL AND NON-MEDICAL CANNABIS

CONTENTS

- 9.11.010 - Purpose and Intent**
- 9.11.020 - Definitions**
- 9.11.030 - Public use/consumption of cannabis**
- 9.11.040 - Outdoor Cultivation**
- 9.11.050 - Regulations Governing Non-commercial Indoor Cultivation of Medical and Non-medical cannabis for Personal Use.**
- 9.11.060 - Indoor Cultivation for Personal Use restricted to authorized growers**
- 9.11.070 - Commercial Cannabis Activity Prohibited.**
- 9.11.100 - Appeals**
- 9.11.110 - Written request for Appeal.**
- 9.11.120 - Appeal Hearing.**
- 9.11.200 - Fees / Fees Deemed Debt to City of Chowchilla.**
- 9.11.300 - Public nuisance prohibited**
- 9.11.310 - Permit Holder Responsible for Violations.**
- 9.11.320 - Each violation a separate offense.**
- 9.11.330 - Penalties not exclusive; violation constitutes a crime.**
- 9.11.400 - Severability.**
- 9.11.500 - Reporting and Coordination.**

9.11.010. Purpose and Intent.

It is the purpose and intent of this chapter to promote the health, safety, morals, general welfare and enjoyment of private property of the residents of the City of Chowchilla by: regulating the public use and consumption of medical and non-medical cannabis, regulating the individual indoor and outdoor cultivation of cannabis, the commercial cultivation of cannabis, as well as the processing, extraction, manufacturing, testing, transportation, delivery distribution and sale of cannabis and cannabis-derived products, for medical and non-medical purposes.

It is also the purpose and intent of this chapter to reasonably accommodate the needs of medically-ill persons in need of cannabis and cannabis products for medical purposes, as advised and recommended by their health care provider(s), and to implement the Adult Use Marijuana Act (AUMA), while imposing regulations to protect the City's neighborhoods, residents, and businesses from negative impacts.

Nothing in this chapter is intended to authorize the possession, use, or provision of cannabis for purposes which violate state or federal law.

9.11.020. Definitions.

For the purposes of this chapter, these words and phrases shall be defined as follows:

"Authorized grower" means a person, twenty-one years and older, who is authorized by, and in compliance with, federal or state law to cultivate cannabis indoors for personal or medical use.

"Cannabis" means all parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether medical or nonmedical, growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 14017 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, "cannabis" does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

"Cannabis product" means a product containing medical cannabis, including, but not limited to, manufactured cannabis, - intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code (as the same may be amended from time-to-time) or pursuant to the Adult Use of Marijuana Act. For purposes of this Title, "medical cannabis" does not include industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

"Caregiver" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.

"City" shall mean the City of Chowchilla, a California General Law City.

"Cultivation" means any activity, whether occurring indoors or outdoors, involving the propagation, planting, growing, harvesting, drying, curing, grading, and/or trimming of cannabis plants or any part thereof for any purpose.

"Delivery" shall be as defined in the Medical Marijuana Regulation and Safety Act, California Business and Professions Code Section 19300.5(m), as that section may be amended from time to time, and includes the commercial transfer of cannabis or cannabis products from a dispensary as well as the use of any technology platform owned, controlled, and/or licensed by the dispensary, or independently licensed by the State of California under the MCRSA or AUMA that enables anyone to arrange for a commercial transfer, up to an amount determined to be authorized by the State of California, or any of its departments or divisions, to anyone for any purpose.

"Dispensary" means a commercial cannabis business facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale.

"Dispensing" means any activity involving the retail sale of cannabis or cannabis products from a dispensary.

"Distribution" means the wholesale procurement, and sale, of cannabis or cannabis products between entities licensed pursuant to MCRSA, AUMA and any subsequent State of California legislation regarding the same.

"Fully enclosed and secure structure" means a fully-enclosed space within a building that complies with the California Building Code ("CBC"), that has a complete roof, four solid walls made of masonry, metal or wood; a foundation, slab, or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, is accessible only through one or more lockable doors, and is not visible from a public right-of-way. Walls and roofs must be constructed of solid materials that cannot be easily broken through such as two-inch by four-inch nominal or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement. For purposes of this chapter, any building within which cultivation of medical cannabis occurs, and any improvements within such building, shall meet all applicable building and zoning requirements (including but not limited to required setbacks, height limitations and fire sprinkler requirements), and the structure and improvements themselves shall have been properly permitted and inspected.

"Laboratory Testing" means offering or performing testing and / or activities relating to evaluation of, or assessing the quality and or characteristics of, cannabis or cannabis products; carried out by any entity, accredited and licensed by the State of California, Bureau of Marijuana Control, or otherwise accredited by any other independent accrediting body, within a facility or at any other location.

"Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.

"Marijuana" means "cannabis," as that term is defined in this chapter.

"Mature cannabis plant" means a cannabis plant, whether male or female, that has flowered and which has buds that are readily observed by unaided visual examination.

"Patient" or "qualified patient" shall have the same definition as California Health and Safety Code Section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California Health & Safety Code Section 11362.5.

"Person" means an individual, firm, 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 includes the plural as well as the singular number.

"Person with an identification card" shall have the meaning given that term by California Health and Safety Code Section 11362.7.

"Transportation" means the conveyance by a person, issued a state license authorizing the point-to-point movement of cannabis or cannabis products, in amounts authorized by the State of California, or by one of its departments or divisions under the MCRSA and/or AUMA.

9.11.030. Public use/consumption of cannabis.

It is hereby declared to be unlawful, a public nuisance, and a violation of this chapter for any person to smoke, ingest, use, or otherwise consume cannabis in any public place, in or on streets, sidewalks or other areas open to public view, or in or on any City owned, leased or occupied premises. This prohibition does not apply to use or consumption so long as such use or consumption, otherwise in compliance with this chapter, occurs entirely inside a private residence, and where no smoke or odor resulting from that use or consumption may be detected from any neighboring property or residence.

9.11.040. Outdoor Cultivation.

It is hereby declared to be unlawful, a public nuisance and a violation of this chapter for any person owning, leasing, occupying or having charge or possession of any parcel within any zoning district within the City to cause or allow such premises to be used for the outdoor cultivation of cannabis plants.

9.11.050. Regulations Governing Non-commercial Indoor Cultivation of Medical and Non-medical cannabis for Personal Use.

To the extent that the city is required under state law to permit indoor cultivation of non-commercial marijuana for medical and non-medical personal use, the rules set forth in this section shall apply.

A. The marijuana cultivation area shall be located indoors, in a residence occupied by the grower as their primary residence, within a residential "fully enclosed and secure structure" as such is defined by this chapter. The cultivation area shall not exceed one hundred and twenty square feet and shall not exceed ten feet in height, nor shall it come within twelve inches of the ceiling or any cultivation lighting.

B. Marijuana cultivation lighting shall not exceed one thousand two hundred watts in total for the total cultivation area within the residence.

C. The use of gas products such as but not limited to CO₂, butane, methane, or any other flammable or non-flammable gas for marijuana cultivation or processing is prohibited.

D. There shall be no exterior visibility or evidence of marijuana cultivation outside the private residence from the public right-of-way, including but not limited to any marijuana plants, equipment used in the growing and cultivation operation, and any light emanating from cultivation lighting.

E. Cultivation may only be conducted by the property owner of the subject property or a resident of the subject property with written permission of the property owner of the subject property to conduct cultivation.

F. The authorized grower shall not participate in marijuana cultivation in any other location within the city.

G. The residence shall include fully functional and usable kitchen, bathroom, and bedroom areas for their intended use by the resident authorized grower, and the premises shall not be used primarily or exclusively for marijuana cultivation.

H. The marijuana cultivation area shall comply with the current adopted edition of the California Building Code Section 1203.4 Natural Ventilation or Section 402.3 Mechanical Ventilation (or equivalent), as amended from time to time.

I. The building official may require additional specific standards to meet the California Building Code and Fire Code, including but not limited to installation of fire suppression sprinklers.

J. The marijuana cultivation area shall not result in a nuisance or adversely affect the health, welfare, or safety of the resident or nearby residents by creating dust, glare, heat, noise, noxious gasses, odors, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

K. No more than six marijuana plants collectively, whether mature or immature, per residence, are permitted for indoor personal cultivation under this chapter.

L. Marijuana in excess of 28.5 grams produced by plants kept for indoor personal cultivation under this chapter must be kept in a locked space on the grounds of the private residence not visible from the public right-of-way.

M. City code enforcement and/or the Police Department shall have the right to inspect the premises of all persons holding permits for cultivation to ensure compliance with this chapter without advance notice to the permit holder.

N. Prior to commencing cultivation, the individual grower shall be required to demonstrate compliance with this section. The grower must receive a satisfactory inspection of the premises and indoor cultivation area prior to commencing any cultivation, thereafter, the grower must maintain permitted status on a continual basis with a minimum annual inspection of the indoor cultivation area.

9.11.060. Indoor Cultivation for Personal Use restricted to authorized growers

A. It is hereby declared to be unlawful, a public nuisance and a violation of this chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within the city to cause or allow such parcel to be used for the cultivation of marijuana, unless the person is authorized by state law to grow marijuana for a specifically authorized purpose within a private residence in a residential zone, and such authorized grower is complying with all requirements of this chapter.

B. No person shall grow marijuana upon any parcel until and unless they first secure a permit from the building department, pay such fee as may be required and set forth by resolution of the city council and pass an inspection by the city's code enforcement officer. Upon passing inspection, permits must be signed by the city code enforcement officer and chief of police, or his or her designee, cultivation is prohibited until such time as the requirements of this section are fully satisfied. Indoor cultivation areas must be inspected on at least an annual basis, and pass inspection for a grower to maintain status as an authorized grower.

9.11.070. Commercial Cannabis Activity Prohibited.

Cannabis Cultivation and Commercial Cannabis Business Activities are Prohibited within the geographic boundaries of the City of Chowchilla. Such activities include, but are not limited to: the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, dispensing, distribution, delivery, or sale of cannabis or cannabis product, and are expressly prohibited in the City of Chowchilla.

- A) Dispensaries not Permitted: It shall be unlawful for any person, limited liability company, corporation, collective, cooperative or any other entity to manage or operate a dispensary or business which sells, exchanges, barter, transfers, delivers and/or promotes, any cannabis or cannabis products in the City.
- B) Mobile Delivery from, or to, Addresses within the City Prohibited: Mobile delivery of cannabis by a delivery service or a nonretail business shall not be permitted pursuant to this Chapter. It shall be unlawful for any person, limited liability company, corporation, collective, cooperative or any other entity to manage or operate a delivery service operation which sales, exchanges, barter, transfers, deliveries and/or promotes, any cannabis or cannabis products in the City for commercial purpose.

9.11.100. Appeals

Unless specifically provided elsewhere to the contrary, whenever an appeal is provided for in this Title from a decision of the Chief of Police or City Administrator or his/her designee(s), the appeal shall be conducted as prescribed in this Section.

9.11.110. Written request for Appeal.

(a) Within ten (10) calendar days after the date of a decision of the Chief of Police or City Administrator or his/her designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an aggrieved party may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper.

(b) At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the City Council from time to time.

9.11.120. Appeal Hearing.

(a) Upon receipt of the written appeal, the City Clerk shall set the matter for a hearing before the City Council. The City Council shall hear the matter de novo, and shall conduct the hearing pursuant to the procedures set forth by the City.

(b) The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than ninety (90) days from the date of such filing. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing.

(c) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing.

(d) At the conclusion of the hearing the City Council may affirm, reverse or modify the decision appealed. The decision of the City Council shall be final.

9.11.200. Fees / Fees Deemed Debt to City of Chowchilla.

The City is authorized to establish fees by resolution of the City Council, for the costs of issuance of permits and any and all other related costs pursuant to this Title. The amount of any fee, cost or charge imposed pursuant to this Title shall be deemed a debt to the City of Chowchilla that is recoverable via an authorized administrative process as set forth in the Municipal Code, or in any court of competent jurisdiction.

9.11.300. Public nuisance prohibited.

It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within the city to create a public nuisance in the course of use, consumption or cultivation of marijuana plants or any part thereof in any location, indoor or outdoor. Each and every violation of the provisions of this Title is hereby deemed unlawful and a public nuisance.

A public nuisance may be deemed to exist, if such activity produces:

- A. Odors which are disturbing to people of reasonable sensitivity residing or present on adjacent or nearby property or areas open to the public.
- B. Repeated responses to the parcel by law enforcement personnel.

- C. Noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public.
- D. Any other impacts on the neighborhood which are disruptive of normal activity in the area including, but not limited to, grow lighting visible outside the dwelling, excessive vehicular traffic or parking occurring at or near the dwelling, and excessive noise emanating from the dwelling.
- E. Outdoor growing and cultivation of marijuana.

9.11.310. Permit Holder Responsible for Violations.

The person to whom a permit is issued pursuant to this Title shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of Chowchilla, whether committed by the permittee or any other individual, which violations occur in or about the premises of the authorized grower whether or not said violations occur within the permit holder's presence.

9.11.320. Each violation a separate offense.

Each and every violation of this Title shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Chowchilla Municipal Code. Additionally, as a nuisance per se, any violation of this Title shall be subject to injunctive relief, any permit issued pursuant to this Title being deemed null and void, disgorgement and payment to the City of any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the City Administrator, Chief of Police or his/her designee(s), may take immediate action to temporarily suspend a permit issued by the City, pending a hearing before the City Council.

9.11.330. Penalties not exclusive; violation constitutes a crime.

The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any other criminal, civil, or administrative remedy or penalty authorized by, or set forth in, the Chowchilla Municipal Code. None of the penalties or remedies authorized by, or set forth in, the Chowchilla Municipal Code shall prevent the city from using any other penalty or remedy under state statute which may be available to enforce this section or to abate a public nuisance.

Violation of this chapter shall constitute a crime punishable as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment in the county jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. For purposes of this Chapter, penalties for violations of local cannabis regulations shall be applied on a per-plant, per-day basis. Each day a violation is committed or permitted to continue shall constitute a separate offense.

9.11.400. Severability.

If any section, subsection, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision

shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

9.11.500. Reporting and Coordination.

The City Clerk of the City of Chowchilla, or their designee is hereby designated as the City's primary contact person to interact with State Agencies regarding the implementation and application of this Chapter, and for any questions relating to local regulations. The City Clerk shall provide a copy of this ordinance along with a matrix of cannabis-related activities and indicate which are allowed or prohibited by this Ordinance or other local regulations.