

ORDINANCE 516

AN ORDINANCE OF THE CITY OF FARMERSVILLE AMENDING CHAPTER 17.53 - CANNABIS REGULATIONS, SECTION 17.53.030(B)

The City Council of the City of Farmersville does ordain as follows:

WHEREAS, the State of California has provided that a City may regulate cannabis businesses; and

WHEREAS, the City of Farmersville allows individual licenses for Cultivation, Manufacturing, Distribution, and Retail; and

WHEREAS, the California Department of Cannabis Control issues Microbusiness licenses if the business will do at least three of the following activities at one location:

- Cultivation – up to 10,000 total square feet
- Manufacturing – use of non-volatile solvents, mechanical extraction or infusion
- Distribution or distribution transport-only
- Retail – storefront or non-storefront; and

WHEREAS, the City Municipal Code currently provides language at Chapter 17.53 Section 17.53.030(B)(3) that prohibits the operation of Microbusinesses; and

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF FARMERSVILLE HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Amend Chapter 17.53, deleting Section 17.53.030(B)(3) of Title 17 of the Farmersville Municipal Code as follows:

17.53.030 - Nuisance declared.

- B. Prohibited Cannabis Business and Non-Business Activities. Unless and until this subsection is specifically cited as repealed, notwithstanding any other ordinance of the city, each of the following shall be prohibited everywhere within the city and shall constitute a public nuisance:
1. Outdoor Cultivation. All outdoor possession, planting, cultivation, harvesting, drying or processing of cannabis and industrial hemp, including any such activities with non-commercial cannabis upon any private residence under California Health and Safety Code Section 11362.1.
 2. Non-Commercial Cultivation. The operation of any indoor and outdoor cannabis cultivation site upon any parcel of real property within the city without a valid state license therefor issued under Division 10 of the California Business and Professions Code, excluding non-commercial cannabis

cultivation under Health and Safety Code Section 11362.1 occurring while in full compliance with all applicable provisions of this chapter, the municipal code and state law;

~~3. Microbusinesses. The operation of any cannabis microbusiness within any land use zone within the city;~~

3.4. Use in Certain Areas. The inhalation, ingestion, use and/or other consumption, by any natural person, of any cannabis and/or any cannabis product(s):

- a. In any place where any form of tobacco use is prohibited under California Labor Code Section 6404.5 (or successor statute);
- b. Within any building and/or other facility owned, leased, operated or controlled by city;
- c. Upon any public road, street, right-of-way, easement, sidewalk, park or recreation site; and
- d. Upon any privately owned parcel, when such inhalation, ingestion, use and/or other consumption is to any degree detectable to the unaided senses of any reasonable observer who is not located upon the same parcel.

SECTION 2. This Ordinance shall take effect thirty (30) days after adoption and summary shall be published once in the newspaper within fifteen (15) days after its passage.

The foregoing Ordinance 516 was introduced at a regular meeting of the City Council of the City of Farmersville on the 25 day of July, 2022, and was passed and adopted at a regular meeting of the City Council on the ____ day of July, 2022, by the following vote:

Ayes: Boyer, Gomez, Valdovinos

Noes: Ø

Abstain: Macareno

Absent: Hernandez

Paul Boyer
Mayor

ATTEST:
Rochelle Giovani
Rochelle Giovani, City Clerk