

ORDINANCE NO. 2016-451

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA FINDING DEVELOPMENT CODE AMENDMENT 2016-103 EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AMENDING DEVELOPMENT CODE SECTIONS 17.25.230 AND 17.35.230 TO REGULATE PERSONAL, MEDICAL AND NONMEDICAL (COMMERCIAL, RECREATIONAL) MARIJUANA LAND USES

WHEREAS, the City of Big Bear Lake, California (the “City”) is a municipal corporation and charter city, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code section 65800, et seq. authorizes the adoption and administration of zoning laws, ordinances, rules and regulations by cities as a means of implementing a city’s General Plan; and

WHEREAS, the City of Big Bear Lake has prepared Development Code Amendment 2016-103 as described herein (hereinafter referred to as “Application”).

WHEREAS, the City Council adopted Ordinance No. 2016-446 on January 25, 2016, which sets forth regulations pertaining generally to the cultivation, dispensing and delivery of medical marijuana in the City; and

WHEREAS, the City desires to continue to ban all marijuana dispensaries, cultivation, and delivery service land uses within the City to the extent allowed by California law, and this Ordinance contains provisions consistent with that objective and Ordinance No. 2016-446; and

WHEREAS, on June 28, 2016, the Secretary of State certified Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”), for placement on the November 8, 2016 ballot; and

WHEREAS, the AUMA would become law if a majority of the statewide electorate votes to approve the proposition; and

WHEREAS, the AUMA would regulate, among other items, the use of marijuana for personal and commercial purposes, including the recreational use of marijuana by adults over 21 years of age; and

WHEREAS, to regulate personal use of marijuana the AUMA would add Section 11362.1 to the California Health and Safety Code, which makes it “lawful under state and local law” for persons 21 years of age or older to “possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever” up to 28.5 grams of marijuana not in the form of concentrated cannabis or not more than eight grams of marijuana in the form of concentrated cannabis contained in marijuana products; and

WHEREAS, the AUMA would make it lawful for those individuals to “possess, plant, cultivate, harvest, dry, or process not more than six living marijuana plants” and possess the marijuana produced by the plants; and

WHEREAS, the AUMA would make it lawful for those individuals to smoke or ingest marijuana or marijuana products; and

WHEREAS, should the AUMA pass, many of its provisions would take effect on November 9, 2016; and

WHEREAS, to regulate commercial use of marijuana, the AUMA would add Division 10 (Marijuana) to the California Business & Professions Code, which grants state agencies “the exclusive authority to create, issue, renew, discipline, suspend, or revoke” licenses for businesses including the transportation, storage, distribution, sale, cultivation, manufacturing, and testing of marijuana; and

WHEREAS, the AUMA provides that the above state agencies shall promulgate rules and regulations and shall begin issuing licenses under Division 10 by January 1, 2018; and

WHEREAS, the AUMA states that a local jurisdiction shall not prevent transportation of marijuana or marijuana products on public roads by a licensee transporting marijuana or marijuana products in compliance with Division 10; and

WHEREAS, the AUMA would authorize cities to “reasonably regulate” without completely prohibiting cultivation of marijuana inside a private residence or inside an “accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure”; and

WHEREAS, the AUMA would authorize cities to completely prohibit outdoor cultivation on the grounds of a private residence, up to and until a “determination by the California Attorney General that nonmedical use of marijuana is lawful in the State of California under federal law”; and

WHEREAS, the AUMA would authorize cities to completely prohibit the establishment or operation of any marijuana business licensed under Division 10 within its jurisdiction, including marijuana dispensaries, marijuana retailers, and marijuana delivery services; and

WHEREAS, absent appropriate local regulation authorized by the AUMA, state regulations will control; and

WHEREAS, the “Medical Marijuana Regulation and Safety Act” (“MMRSA”), which took effect January 1, 2016, regulates use of marijuana for medical purposes; and

WHEREAS, the MMRSA contains a provision that the State shall become the sole authority for regulation under certain parts of the Act unless local governments pass their own regulations; and

WHEREAS, in May 2013, the California Supreme Court held in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, 56 Cal. 4th 729 (2013) that cities have the authority to regulate or ban outright medical marijuana land uses; and

WHEREAS, the California Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

WHEREAS, under the Federal Controlled Substances Act, the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need; and

WHEREAS, the indoor cultivation of marijuana has potential adverse effects to the health and safety of the occupants, including structural damage to the building due to increased moisture and excessive mold growth which can occur and can pose a risk of fire and electrocution; additionally, the use of pesticides and fertilizers can lead to chemical contamination within the structure; and

WHEREAS, based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur, and continue to occur due to the establishment and operation of marijuana cultivation, processing, and distribution uses; and

WHEREAS, this Ordinance amends Sections 17.25.230 and 17.35.230 of the City's Development Code to clarify the substantive objectives of the Municipal Code regarding the City's regulation of marijuana within the City and to preemptively address some proposed changes to California law in the event AUMA is approved by the voters on November 8, 2016.

WHEREAS, Development Code Amendment 2016-103 is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA.

WHEREAS, on August 17, 2016, the Planning Commission conducted a duly noticed public hearing on Development Code Amendment 2016-103 in Hofert Hall of the Civic and Performing Arts Center (City Hall), located at 39707 Big Bear Boulevard, Big Bear Lake, CA, 92315, and concluded said hearing on this date. The Planning Commission adopted Resolution No. PC2016-12 by a vote of 5 in favor and none opposed, recommending that the City Council adopt an Ordinance approving Development Code Amendment 2016-103 to amend Development Code Sections 17.25.230 and 17.35.230 to regulate personal, medical and nonmedical (commercial,

recreational) marijuana land uses.

WHEREAS, on September 26, 2016, the City Council of the City of Big Bear Lake conducted a duly noticed public hearing on the Application, and introduced and waived the first reading of an Ordinance pertaining to Development Code Amendment 2016-103. This public hearing was held in Hofert Hall of the Civic and Performing Arts Center, 39707 Big Bear Boulevard, Big Bear Lake, California, 92315.

WHEREAS, on October 24, 2016, the City Council conducted a second reading of an Ordinance pertaining to Development Code Amendment 2016-103 in Hofert Hall of the Civic and Performing Arts Center, 39707 Big Bear Boulevard, Big Bear Lake, California, 92315, and concluded the meeting on this date.

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, the City Council of the City of Big Bear Lake does ordain as follows:

Section 1. The City Council hereby specifically finds that all of the facts set forth in Recitals of this Ordinance are true and correct.

Section 2. This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Section 3. Based on evidence presented to the City Council, including oral and written staff reports and public testimony during the above-referenced public hearing, the City Council finds as follows with respect to Development Code Amendment 2016-103:

1. The Development Code amendment conforms to the goals, objectives and policies of the General Plan, specifically Land Use Element Goal L1 that the General Plan Land Use Element is a vision for development of the City which provides for orderly, functional patterns of land uses, sensitive to the natural environment and meeting the long-term social and economic needs of the community. This City is exercising its police power granted under California Government Code Section 65800 et. seq. and the Charter of the City of Big Bear Lake dated November 8, 1983, in determining that medical and nonmedical (commercial, recreational) marijuana manufacturing, dispensing and delivery services are not allowable land uses within any zone of the City,

and that marijuana cultivation should be properly regulated by the City. In May 2013, the California Supreme Court held in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* 56 Cal. 4th 729 (2013) that cities have the authority to regulate or ban outright medical marijuana land uses. Under the Federal Controlled Substances Act, the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need.

2. The proposed Development Code amendment is necessary to implement the General Plan and to provide for public safety, convenience and/or general welfare. This amendment is proposed and enacted to protect and preserve the public health, safety, welfare and convenience, and to enhance the quality of life of the citizens of the City of Big Bear Lake. California cities that have permitted cultivation and medical marijuana dispensaries have experienced negative affects to the public health, safety and welfare of its citizens. The California Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises, without adequate security, increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

Cities that have permitted medical marijuana dispensaries have experienced an overabundance and overconcentration of such uses, burglaries and takeover robberies, robberies of customers, an increase in crime in the vicinity of the dispensaries, illegal re-selling of marijuana obtained from dispensaries, physicians issuing apparently fraudulent recommendations for the use of marijuana, dispensary staff selling marijuana to customers with obviously counterfeit patient identification cards, street dealers attempting to sell marijuana to dispensary customers, dispensary customers using marijuana and then driving under the influence of marijuana, the selling of illegal drugs other than marijuana in the dispensaries, and the selling of marijuana and marijuana products to minors. Based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur, and continue to occur due to the establishment and operation of marijuana cultivation, processing and distribution uses.

3. The proposed Development Code Amendment conforms with the intent of Development Code Section 17.01.020, specifically that zones are created and land uses established to protect the physical, social and economic stability of residential, commercial, recreational and other land uses within the City to assure orderly and beneficial development; to protect existing residents and property owners from the adverse effects of incompatible uses; to reduce hazards to the public resulting from inappropriate land uses; and to establish Big Bear Lake as a safe community with a high quality of life for residents.

The proposed Development Code Amendment is consistent with provisions contained in Development Code Section 17.25.010, specifically the land use regulation is being enacted to protect residential properties and dwellings from incompatible uses, light, glare, odors, visual blight and other objectionable conditions; and Development Code Section 17.35.010 to protect adjacent properties from incompatible uses, light, glare, odors, visual blight, and other objectionable conditions.

The indoor cultivation of marijuana has potential adverse effects to the health and safety of the occupants, including structural damage to the building due to the increased moisture and excessive mold growth, which can occur and can pose a risk of fire and electrocution. Additionally, the use of pesticides and fertilizers can lead to chemical contamination within the structure.

4. The Development Code Amendment is reasonable and beneficial at this time. The City has regulated marijuana uses since 2011, and most recently adopted Ordinance No. 2016-446, in order for the City's regulations to be in compliance with the most recent regulations allowed under the Medical Marijuana Regulation and Safety Act (MMRSA). The City continues to want its regulations to be current with the most recent laws, and is therefore acting upon this Development Code Amendment in anticipation of the outcome of Proposition 64, the "Control, Regulate and Tax Adult Use of Marijuana Act" (AUMA) on the November 8, 2016, ballot. The City wishes to keep current with the changing laws pertaining to marijuana uses, and to exercise its authority to regulate or ban marijuana dispensaries, cultivation and delivery service land uses within the City limits, to the extent allowed under the law.

Section 4. Based on the findings set forth in paragraphs 1, 2, and 3, above, the City Council approves Development Code Amendment 2016-103 and adopts an Ordinance amending Development Code Chapter 17.25 pertaining to Residential zones and Chapter 17.35 pertaining to Commercial, Public, Open Space zones and the Village Specific Plan area, as follows:

Section 17.25.230 of the Big Bear Lake Municipal Code is hereby amended to read in its entirety as follows:

17.25.230 – Marijuana Uses.

- A. Purpose. The purpose of this Section is to regulate personal and medical marijuana uses. Nothing in this Section shall preempt or make inapplicable any provision of state or federal law.
- B. Definitions. For purposes of this section, the following definitions shall apply:
 1. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

2. “Delivery” means the commercial transfer of marijuana or marijuana products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under California law that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.
3. “Distribution” means the procurement, sale, and transport of marijuana and marijuana products between entities for commercial use purposes.
4. “Licensee” means the holder of any state issued license related to marijuana activities, including but not limited to licenses issued under Division 10 of the Business & Professions Code.
5. “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.
6. “Marijuana” means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:
 - a. Industrial hemp, as defined in Section 11018.5 of the California Health & Safety Code; or
 - b. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
7. “Marijuana accessories” means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.
8. “Marijuana products” means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.
9. “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.

10. "Private residence" means a house, an apartment unit, a mobile home, or other similar dwelling.
11. "Sale" includes any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.
12. Any term defined in this Section also means the very term as defined in the California Business & Professions Code or the California Health & Safety Code, unless otherwise specified.

C. Personal Use.

1. For purposes of this subsection, personal recreational use, possession, purchase, transport, or dissemination of marijuana shall be considered unlawful in all areas of the City to the extent it is unlawful under California law.
2. Outdoor Cultivation. A person may not plant, cultivate, harvest, dry, or process marijuana plants outdoors in any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.
3. Indoor Cultivation.
 - a. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, or inside any other enclosed structure within any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.
 - b. To the extent a complete prohibition on indoor cultivation is not permitted under California law, but state law allows location regulation, a resident may cultivate marijuana plants and harvest, dry or process them in his or her principle place of residence, as long as the resident's cultivation

complies with all applicable health and safety standards, including the building code, fire code and any other reasonable standards that the City might establish. Before a person may engage in indoor cultivation, he or she must register with the City and affirm under penalty of perjury on the registration form that the person will comply with all applicable standards and agree to indemnify and defend the City against any claim resulting from or related to the person's cultivation activities. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside any enclosed structure that is not either a private residence or an accessory structure to a private residence located upon the grounds of a private residence.

c. The Community Development Director will prepare registration forms and processing guidelines for the indoor cultivation of marijuana within a private residence. No indoor cultivation registration shall be allowed prior to the release of these guidelines, and no registration shall be accepted that has not complied fully with the registration requirements.

D. Medical Use

1. Cultivation of medical marijuana pursuant to Section 11362.77 of the California Health & Safety Code is subject to the cultivation requirements laid out in Development Code Section 17.25.230 (c).
2. The establishment or operation of any medical marijuana collective, cooperative, dispensary, delivery service, operator, establishment, or provider shall be considered a prohibited use in all zoning districts of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment of any collective, cooperative, dispensary, delivery service, operator, establishment, or provider in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.

E. Penalty for Violation. No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this section. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this section, shall be a misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this section is declared a public nuisance and may be abated as provided in Chapter 8.80 and/or under state law.

Section 17.35.230 of the Big Bear Lake Municipal Code is hereby amended to read in its entirety as follows:

17.35.230 – Marijuana Uses.

- A. Purpose. The purpose of this Section is to regulate commercial and recreational marijuana uses. Nothing in this Section shall preempt or make inapplicable any provision of state or federal law.
- B. Definitions. For purposes of this section, the following definitions shall apply:
1. “Commercial marijuana activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of marijuana and marijuana products.
 2. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.
 3. “Delivery” means the commercial transfer of marijuana or marijuana products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under California law that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.
 4. “Distribution” means the procurement, sale, and transport of marijuana and marijuana products between entities for commercial use purposes.
 5. “Licensee” means the holder of any state issued license related to marijuana activities, including but not limited to licenses issued under Division 10 of the Business & Professions Code.
 6. “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.
 7. “Marijuana” means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:
 - a. Industrial hemp, as defined in Section 11018.5 of the California Health & Safety Code; or
 - b. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
 8. “Marijuana accessories” means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting,

propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.

9. "Marijuana products" means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.
10. "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.
11. "Sale" includes any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.
12. Any term defined in this Section also means the very term as defined in the California Business & Professions Code or the California Health & Safety Code, unless otherwise specified.

C. Medical Use

1. Cultivation of medical marijuana pursuant to Section 11362.77 of the California Health & Safety Code is subject to the cultivation requirements laid out in Section 17.25.230(c) of the Development Code.
2. The establishment or operation of any medical marijuana collective, cooperative, dispensary, delivery service, operator, establishment, or provider shall be considered a prohibited use in all zoning districts of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment of any collective, cooperative, dispensary, delivery service, operator, establishment, or provider in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.

D. Commercial Use

1. The establishment or operation of any business of commercial marijuana activity is prohibited. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of any such business or operation. Such prohibited businesses or operations may include, but are not limited to:
 - a. The transportation, delivery, storage, distribution, or sale of marijuana, marijuana products, or marijuana accessories;
 - b. The cultivation of marijuana;
 - c. The manufacturing or testing of marijuana, marijuana products, or marijuana accessories; or
 - d. Any other business licensed by the state or other government entity under Division 10 of the California Business & Professions Code, as it may be amended from time to time.

E. **Penalty for Violation.** No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this section. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this section, shall be a misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this section is declared a public nuisance and may be abated as provided in Chapter 8.80 of the Municipal Code and/or under state law.

Section 5. 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 City Council and the people of the City of Big Bear Lake hereby declare that they 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. **Restatement of Existing Law.** Neither the adoption of this Ordinance nor the repeal of any other Ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this Ordinance, insofar as they are substantially the same as the Ordinance provisions previously adopted by the City relating to the same subject matter or relating to the enumeration of permitted uses under the City's zoning code, shall be construed as restatements

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and continuations, and not as new enactments.

The City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 24th day of October, 2016.

AYES: Jackowski, Jahn, Herrick, Putz, Caretto

NOES: None

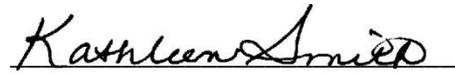
ABSENT: None

ABSTAIN: None



David A. Caretto, Mayor

ATTEST:



Kathleen Smith, Acting City Clerk

REVIEWED AND APPROVED:



Best Best & Krieger LLP
Stephen P. Deitsch, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF BIG BEAR LAKE)

I, Kathleen Smith, Acting City Clerk of the City of Big Bear Lake, California, do hereby certify that the whole number of the City Council of the said City is five; that the foregoing Ordinance No. 2016-451 is a full, true and correct original of Ordinance No. 2016-451 of the City of Big Bear Lake, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA FINDING DEVELOPMENT CODE AMENDMENT 2016-103 EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AMENDING DEVELOPMENT CODE SECTIONS 17.25.230 AND 17.35.230 TO REGULATE PERSONAL, MEDICAL AND NONMEDICAL (COMMERCIAL, RECREATIONAL) MARIJUANA LAND USES

was duly passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the City Clerk of said City, all at a regular meeting of said Council on the 24th day of October, 2016, and that the same was so passed and adopted by the following vote:

AYES: Jackowski, Jahn, Herrick, Putz, Caretto
NOES: None
ABSENT: None
ABSTAIN: None

I do hereby further certify that pursuant to the provisions of Section 36933 of the Government Code of the State of California that the foregoing Ordinance No. 2016-451 was duly and regularly published according to law and the order of the City Council and circulated within said City.



Kathleen Smith, Acting City Clerk