

**ORDINANCE NO. 521**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
BLUE LAKE PROHIBITING  
NONMEDICAL MARIJUANA USES AND ACTIVITIES**

The City Council of the City of Blue Lake, Humboldt County, California, does hereby ordain as follows:

**Section 1. Findings.**

1. The possession and use of marijuana for nonmedical purposes is currently prohibited by state and federal law. Proposition 64, also known as the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”), on the November 8, 2016 statewide general election ballot, would immediately legalize at the state level the use of marijuana for nonmedical commercial and personal purposes, including its cultivation, processing, manufacturing, transportation, testing, distribution, taxation and sale through a regulatory scheme to be implemented on or before January 2018.
2. The AUMA would authorize local governments to adopt local ordinances to additionally regulate commercial nonmedical activities and uses through zoning and other ordinances. Under the AUMA, local governments would have authority to prohibit all outdoor cultivation of marijuana for personal use, but could only regulate the indoor cultivation of marijuana for personal in a manner that is reasonably consistent with the AUMA standards for indoor cultivation.
3. On March 25, 2014, the City Council for the City of Blue Lake adopted Ordinance 509 prohibiting any person or entity from operating a medical marijuana collective, cooperative or dispensary within the City.
4. The City of Blue Lake has not previously adopted any ordinances, rules, regulations, policies or standards addressing nonmedical marijuana activities and uses. Potential adverse impacts on the City from nonmedical marijuana uses and activities include:
  - a. Potential adverse secondary effects and ancillary crimes occurring from nonmedical marijuana activities including robberies, burglaries, illicit drug dealing, noise, etc.;
  - b. Increased exposure of minors to marijuana;
  - c. Noncompliance with the applicable environmental laws and regulations, such as stormwater pollution prevention and waste water discharge into the groundwater and Mad River.
5. The City Council hereby finds that nonmedical marijuana activities and uses are presently incompatible with the City of Blue Lake, have the potential to

significantly impact the City, and would be detrimental to the public health, safety and welfare of the City.

6. The City Council finds and declares that the purpose and intent of this Ordinance is to prohibit all nonmedical marijuana commercial and personal uses and activities within the City in order to protect the health, safety and welfare of the community.
7. The City adopts this ordinance pursuant to its police powers granted under Article XI, section 7 of the California Constitution in order to promote the health, safety and welfare of the residents of the City of Blue Lake.

## **Section 2. Definitions.**

The following terms and phrases, whenever used in this Ordinance, shall have the following meanings:

A. “Nonmedical Commercial Marijuana Activity” means any commercial or business enterprise, whether for profit or non-profit, engaged in such activities including but not limited to the cultivation, sale, use, storage, transport, distribution, delivery, testing, grading, marketing, processing, manufacturing or packaging of nonmedical marijuana and related products containing marijuana.

B. “Marijuana” shall have the meaning as provided in California Health and Safety Code Section 11018.

## **Section 3. Prohibition.**

A. Nonmedical Commercial Marijuana Activities. It shall be unlawful for any person or entity to own, manage, conduct or operate any Nonmedical Commercial Marijuana Activity, or to participate as an employee contractor, agent, volunteer or in any other manner or capacity, within the City of Blue Lake.

B. Personal Nonmedical Marijuana Use. It shall be unlawful for any person or entity to engage in the indoor or outdoor cultivation, harvesting, drying, processing, use, storage, transport, distribution, delivery, testing, manufacturing or packaging of marijuana and marijuana products for personal nonmedical purposes within the City of Blue Lake.

## **Section 5. Violations.**

Any person, firm, corporation, or other entity, whether as principal, agent, employee or otherwise, violating or causing violation of any provision of this Ordinance shall be guilty of an infraction or misdemeanor.

## **Section 6. Savings Clause.**

To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, Resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions or prior ordinances, motions, Resolutions, rules or regulations are hereby repealed.

**Section 7. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any Court of competent jurisdiction, such decision shall not affect the validity or effectiveness or the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional or invalid or ineffective.

**Section 8. CEQA Compliance.**

This Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the CEQA guidelines.

**Section 9. Effective Date.**

Based on the findings set forth herein, for the immediate preservation of the public peace, health or safety, this Ordinance shall go into effect and be in full force and operation upon its final passage and adoption pursuant to Government Code Section 36937.

**APPROVED:**



\_\_\_\_\_  
Michele McCall-Wallace, Mayor  
City of Blue Lake

ATTEST:

\_\_\_\_\_  
City Clerk – City of Blue Lake

## CLERK'S CERTIFICATE

**THIS IS TO CERTIFY** that Ordinance No. 521 of the City Council of the City of Blue Lake was introduced and read at the regular meeting of the City Council of the City of Blue Lake, California, held on Oct. 11, 2016. This Ordinance, again read at the regular meeting of the Blue Lake City Council, held on Oct. 25, 2014 and at the time, passed by roll call vote, the vote on the adoption of the Ordinance being as follows:

AYES: McCall-Wallace, Sawatzky, Lynch, Jones

NOES: none

ABSENT: Kullmann

DISQUALIFIED:



City Clerk, City of Blue Lake