

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA REPEALING
CHAPTER 5.66 OF THE CHULA VISTA MUNICIPAL CODE,
WHICH IMPOSED A TOTAL BAN ON COMMERCIAL
MARIJUANA ACTIVITY, CONDITIONED UPON
EFFECTIVENESS OF CITY'S ORDINANCE BANNING
UNLICENSED COMMERCIAL CANNABIS ACTIVITY AS
PROVIDED IN CHAPTER 5.19 OF THE CHULA VISTA
MUNICIPAL CODE

WHEREAS, Chula Vista Municipal Code chapter 5.66, last amended by Ordinance 3401 in 2017, prohibits all commercial marijuana activity in the City of Chula Vista; and

WHEREAS, Ordinance 3418, which adds chapter 5.19 to the Chula Vista Municipal Code, was adopted by the Chula Vista City Council on March 6, 2018; and

WHEREAS, Chula Vista Municipal Code chapter 5.19 details a comprehensive set of requirements, restrictions, and robust enforcement procedures with regard to commercial cannabis activity within the City; and

WHEREAS, Chula Vista Municipal Code section 5.19.290 made the effectiveness of the ordinance enacting chapter 5.19 contingent upon voter approval and the continuous legal validity of a tax measure anticipated to be submitted to voters in November 2018; and

WHEREAS, Measure Q, a cannabis tax measure submitted to voters in November 2018 was approved by Chula Vista voters and is expected to be certified by the City Council on December 4, 2018; and

WHEREAS, it is the intent of the City Council that all rules and prohibitions regarding commercial cannabis be contained in chapter 5.19; and

WHEREAS, it is the intent of the City Council that enforcement efforts against unlawful cannabis businesses presently authorized under Chula Vista Municipal Code chapter 5.66 continue in full force and effect under Chula Vista Municipal Code chapter 5.19;

NOW THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I.

Chapter 5.66 of the Chula Vista Municipal Code is hereby repealed.

Section III. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section IV. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section V. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section VI. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

Gary Halbert
City Manager

Glen R. Googins
City Attorney