

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 5.19.050.D TO ELIMINATE ONE-YEAR WAITING PERIOD APPLICABLE TO CERTAIN NEW CANNABIS BUSINESS LICENSE APPLICANTS (FIRST READING)

WHEREAS, pursuant to its police powers, including but not limited to California Constitution Article XI, Section 5(b) authority over municipal affairs, the City of Chula Vista has general authority over the public health, safety, and welfare of its citizens; and

WHEREAS, under California Business and Professions Code section 26200(a)(1), local jurisdictions are authorized to either permit and regulate or prohibit the operation of cannabis businesses within their boundaries; and

WHEREAS, Chula Vista Municipal Code chapter 5.19 identifies and describes the City's regulatory structure for Commercial Cannabis Businesses;

WHEREAS, Chula Vista Municipal Code section 5.19.050.D contains general rules regarding the City of Chula Vista's cannabis license application process; and

WHEREAS, a provision requiring certain applicants to wait twelve months prior to reapplying for a commercial cannabis license is unnecessary and prevents the submission of applications that may otherwise qualify for licensure; and

WHEREAS, the proposed amendments do not cause a substantial change to the objectives and policies contained in Chula Vista Municipal Code chapter 5.19, but instead facilitate City's ability to implement such objectives and policies;

WHEREAS, it is the intent of the City Council to authorize lawful cannabis businesses to operate in the City of Chula Vista, subject to the City's identified regulations and restrictions;

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

Section I.

A. Chapter 5, Section 5.19.050.D of the Chula Vista Municipal Code is amended to read as follows:

D. General Rules.

1. Phase One and Phase Two applications shall include such supplemental materials as required by the rules and regulations adopted pursuant hereto. The City may, at the City Manager's discretion, require additional documentation associated with any application as may be necessary to enforce the requirements of State Laws and this Code.

2. Applicants shall have no right to operate under a City License until a City License is actually issued thereto by the City. Each Applicant assumes the risk that, at any time prior to the issuance of a license, the City Council may terminate or delay the program created under this chapter.
3. Issuance of a City License does not create a land use entitlement. Furthermore, no City License will be officially issued and no Applicant awarded a City License may begin operations until the City Licensee is fully in compliance with all State and local laws and regulations, including but not limited to State Laws.
4. The City reserves the right to reject or approve any and all applications and conditional licenses based on the standards set forth in this chapter, or otherwise in its sole discretion, taking into account the health, safety and welfare of the community, and in accordance with its general police powers authority.

Section II. 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 III. 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 IV. Effective Date

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

Section V. 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