

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADDING SECTION 9-1.1226 TO THE OAKLEY MUNICIPAL CODE, DEALING WITH MARIJUANA CULTIVATION**

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

Section 1. Section 9-1.1226 is hereby added to the Oakley Municipal Code, to read as follows:

**9.1.1226. Marijuana cultivation**

**(A) Findings**

The City Council hereby finds that the growing and cultivation of marijuana has the potential to create nuisances to neighboring properties due to the odor emitted by marijuana plants. Also, the cultivation of marijuana can be attractive to burglars wishing to steal the plants, which can lead to violent confrontations with the owners. Indoor cultivation can lead to the risk of fire and other safety issues, as well as excessive consumption of electricity and greenhouse gas emissions.

**(B) Definition.**

“Marijuana” means all parts of the plant *Cannabis sativa* L.

**(C) Prohibition.**

It shall be unlawful and a public nuisance to grow, plant or cultivate any marijuana plant within the City of Oakley.

**(D) Enforcement.**

A civil administrative citation may be issued for an violation of this Section. Additionally, the City retains all rights and remedies under civil law to enforce the provisions of this Section. This Section shall not be enforced by any criminal proceeding.

Section 2. California Environmental Quality Act (CEQA) Finding.

This Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that the project will not have a significant effect on the environment; therefore the project is not subject to CEQA.

Section 3. Severability.

In the event any section or portion of this Ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 4. Effective Date and Publication.

This ordinance shall take effect and be in force and effect thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the office of the City Clerk at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on \_\_\_\_\_, 2016 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

\_\_\_\_\_  
Kevin Romick, Mayor

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk