

ORDINANCE NO. 644-AC

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, AMENDING PART III, ARTICLE VI, SECTION 96.03 OF THE NEEDLES MUNICIPAL CODE BANNING THE CULTIVATION OF INDUSTRIAL HEMP AND TERMINATING URGENCY ORDINANCE 641-AC IMPOSING A TEMPORARY MORATORIUM ON THE CULTIVATION OF INDUSTRIAL HEMP PURSUANT TO GOVERNMENT CODE SECTION 65858 AS EXTENDED BY URGENCY ORDINANCE 642-AC.

The City Council of the City of Needles hereby ordains as follows:

SECTION 1. CEQA. The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act ("CEQA") pursuant to 15061(b)(3), CEQA review is not required because there is no possibility that this Ordinance may have a significant effect upon the environment and the proposed text amendments constitute a minor alteration in a land use limitation under CEQA Guidelines Section 15305, and such a land use limitation is a permissible exercise of the City's zoning powers.

SECTION 2. SEVERABILITY. The City Council hereby declares that if any provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid or unconstitutional by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, such invalidity shall not affect the other provisions, sections, paragraphs, sentences, or words of this Ordinance, and to this end the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed, and the balance of the Ordinance enforced.

SECTION 3. PROSECUTION OF PRIOR ORDINANCES. Neither the adoption of this Ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution of any violation of any City ordinance or provision of the City of Needles Municipal Code, committed prior to the effective date hereof, nor be construed as a waiver of any penalty or the penal provisions applicable to any violation thereof.

SECTION 4. PURPOSE OF ZONING REGULATION AMENDMENTS. Part III, Article VI, Section 96.03 of the Needles Municipal Code is hereby amended to establish land use regulations banning the cultivation of Industrial Hemp for the purpose of reducing negative impacts of Industrial Hemp cultivation on the community, businesses and environment.

SECTION 5. INDUSTRIAL HEMP ORDINANCE. Section 96.03 of the Needles Municipal Code is hereby amended to add a subsection (c)(5) to read as follows:

(c)(5)(i) Cultivation of Industrial Hemp by any person or entity for any purpose is expressly prohibited in all zoning districts in the incorporated area of the City.

(ii) Acceptance of any application for or issuance of a registration, permit or entitlement, or approval of any type, that authorizes the establishment, operation, maintenance, development or construction of any facility or use for the purpose of the cultivation of Industrial Hemp is expressly prohibited in all zoning districts in the incorporated area of the City.


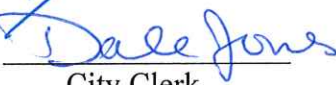
(iii) "Industrial Hemp": For purposes of this Section 96.03(c) "Industrial Hemp" shall mean a crop or agricultural product, whether growing or not, that is limited to types of the plant Cannabis sativa and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol (THC) concentration of no more than 0.3 percent on a dry weight basis.

SECTION 6. The City Council hereby terminates Urgency Ordinance 641-AC as extended by Urgency Ordinance 642-AC.

SECTION 7. Effective Date and Publication. The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within 15 days after adoption in accordance with Government Code Section 36933. This Ordinance shall take effect 30 days after adoption in accordance with Government Code Section 36937.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 12 day of October, 2021, by the following roll call vote:

AYES: Council Members Campbell, Evans, Merritt, Paget, Belt and Longacre
NOES: None
ABSENT: None
ABSTAIN: None

Attest: 
Mayor

City Clerk

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 26 day of October 2021.

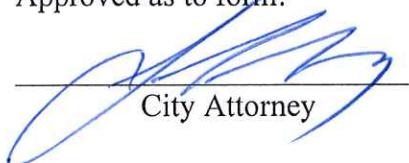
AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

(Seal)

Attest: _____
City Clerk

Approved as to form:



City Attorney