

**CITY OF OJAI**  
**ORDINANCE NO. 903**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF OJAI, CALIFORNIA AMENDING CHAPTER 26 OF  
TITLE 4 OF THE OJAI MUNICIPAL CODE REGULATING  
THE USE AND CULTIVATION OF CANNABIS  
REGARDING INDUSTRIAL HEMP**

WHEREAS, California voters approved Proposition 215 (Health and Safety Code Section 11362.5), entitled the Compassionate Use Act (CUA), in 1996, which exempts patients and their primary caregivers from criminal prosecution or sanctions under H&S Code Sections 11357 and 11358 for qualified use and cultivation of medical cannabis; and

WHEREAS, the California Legislature passed Senate Bill 420 (H&S Code Sections 11362.7 et seq.) in 2003 to create the Medical Marijuana Program (MMPA), which established a voluntary program for the issuance of medical cannabis identification cards for qualified patients, set limits on the amount of cannabis any individual could possess, and provided an exemption from state criminal liability for persons “who associate within the State of California in order collectively or cooperatively to cultivate marijuana for medical purposes”; and

WHEREAS, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”) was passed by California voters on November 8, 2016, as Proposition 64; and

WHEREAS, many of the AUMA’s provisions took effect on November 9, 2016; and

WHEREAS, among other effects, the AUMA authorizes the adult use of cannabis by persons aged 21 years or older, and regulates personal and commercial activities related to adult cannabis use; and

WHEREAS, on June 27, 2017, the Governor signed into law Senate Bill 94 creating a single regulatory mechanism for both medical and adult-use cannabis — the “Medicinal and Adult-Use Cannabis Regulation and Safety Act” (MAUCRSA). Under MAUCRSA, local governments retain broad authority over most cannabis activity and businesses; and

WHEREAS, the City adopted an ordinance to regulate the establishment and operation of cannabis businesses and activities within its limits; and

WHEREAS, the City Council intends to amend its cannabis ordinance to amend the City’s prohibition on cannabis cultivation to apply, undoubtedly, industrial hemp.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI  
CALIFORNIA DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Findings.** The City Council hereby determines that the foregoing findings are true and correct, and incorporates them herein by reference.

**SECTION 2. Code Amendment.** Ojai Municipal Code section 4-26.01 is amended to read in its entirety as follows. Additions are denoted by underlined text and deletions are denoted by struck-through text.

**Section 4-26.01. Definitions.**

- (a) “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis or industrial hemp, as defined in Section 11018.5 of the California Health & Safety Code and Section 81000 of the California Food & Agricultural Code.
- (b) “Delivery” means the commercial transfer of cannabis or cannabinoid preparations to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer or independently licensed under California law that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabinoid preparations.
- (c) “Cannabis” means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” does not include:
- (1) Industrial hemp, as defined in Section 11018.5 of the California Health & Safety Code and Section 81000 of the California Food & Agricultural Code; or
  - (2) The weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other products.
- (d) “Cannabis, adult-use” means cannabis or cannabis products intended to be sold for use by adults 21 years of age and over who do not possess physician’s recommendation for the use of cannabis issued in accordance with the Compassionate Use Act of 1996 (California Health and Safety Code; § 11362.5).
- (e) “Cannabis accessories” is defined as that term is defined in California Health and Safety Code section 11018.2
- (f) “Cannabinoid preparations” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including but not limited to concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.
- (g) “Medical use” of cannabis or cannabinoid preparations means the use permitted by the Compassionate Use Act (California Health & Safety Code, § 11362.5) and the Medical Marijuana Program Act (California Health & Safety Code, § 11362.7 et seq.).
- (h) “Person” includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

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(i) "Primary Caregiver" is defined as that term is defined in California Health and Safety Code section 11362.7, subdivision (d).

(j) "Qualified Patient" means a seriously ill person who obtains a written recommendation from a physician licensed to practice medicine in the State of California to use cannabis for personal medical purposes. In addition, persons currently under the care of a physician for a "serious medical condition" as that term is defined in California Health and Safety Code section 11362.7, subdivision (h) are presumed to be "qualified patients."

(k) "Adult use" of cannabis or cannabinoid preparations means the use permitted by Section 11362.1 of the California Health & Safety Code.

(l) "Manufacture" means the production, preparation, or compounding of cannabis products, including extraction processes, infusion processes, the packaging or repackaging of manufactured cannabis or cannabis products, and labeling or relabeling the packages of manufactured cannabis or cannabis product.

(m) A "manufacturing" or "manufacturing operation" means all aspects of the manufacture, extraction and/or infusion processes, including processing, preparing, holding, storing, packaging, or labeling of cannabis products. "Manufacturing" shall also include any processing, preparing, holding, or storing of components and ingredients.

(n) A "volatile solvent" shall mean any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.

(o) A "non-volatile solvent" shall mean any solvent used in the extraction process that is not a volatile solvent, including carbon dioxide.

(p) A "microbusiness" shall mean any commercial adult-use cannabis business that engages in commercial manufacturing, distribution, and retail sales of cannabis for adult-use and medical purposes.

(q) Any term defined in this Section also means the very term as defined in the California Business & Professions Code or the California Health & Safety Code, unless otherwise specified.

**SECTION 3. Code Amendment.** Ojai Municipal Code section 4-26.01 is amended to read in its entirety as follows. Additions are denoted by underlined text and deletions are denoted by struck-through text.

**Sec. 4-26.03. Prohibited cannabis and industrial hemp activities.**

(a) Except as specifically allowed by Sections 4-26.04, 4-26.06, 4-26.08, and 4-26.09 of this Code and applicable State law, all cannabis activity, cultivation, and businesses shall be prohibited within the City of Ojai, regardless of any licenses issued under State law. This prohibition shall not prevent indoor cultivation of cannabis for personal use by a person over twenty-one (21) years of age, conducted in accord with applicable State law and inside a private residence or inside an accessory structure to a private residence located upon the grounds of the private residence. No person may cultivate industrial hemp for personal use.

(b) Outdoor cultivation prohibited. No person may cultivate cannabis or industrial hemp outdoors in any zoning district of the City. No conditional use permit, building permit, variance, or any other permit or entitlement, whether ministerial or discretionary, shall be approved or issued for any such use or activity.

(c) Commercial indoor cannabis or industrial hemp cultivation prohibited. No person may cultivate cannabis or industrial hemp for any commercial purposes indoors or within a building, structure, shed, or other enclosure anywhere in any zoning district of the City. No conditional use permit, building permit, variance, or any other permit or entitlement, whether ministerial or discretionary, shall be approved or issued for any such use or activity.

**SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.


**SECTION 5. Environmental Determination.** The City Council determines that the following findings reflect the independent judgment of the City Council. The City Council finds that this amendment to the Municipal Code is exempt from California Environmental Quality Act (CEQA). The City Council has considered all of the evidence in the record, including the staff reports, the testimony received on the matter by the City Council, and hereby determines that the text amendments will not have a significant effect on the environment. This Ordinance is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061 (b)(3) of the California Code of Regulations.

**SECTION 6. Certification.** The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

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**SECTION 7. Effective Date.** This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937.

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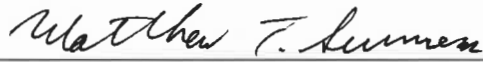
By  \_\_\_\_\_  
John F. Johnston, Mayor  
10-2-19

Date signed

ATTEST:

  
\_\_\_\_\_  
Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Matthew T. Summers, City Attorney

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CITY OF OJAI                    )  
COUNTY OF VENTURA        )  
STATE OF CALIFORNIA        )

I, Gail Davis, Deputy City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on September 10, 2019 and adopted at a regular meeting held on September 10, 2019 by the following vote:

AYES:           Blatz, Francina, Haney, Johnston, Weirick  
NOES:           None  
ABSTAIN:       None  
ABSENT:        None



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Gail Davis  
Deputy City Clerk for the City of Ojai