

CITY OF OJAI
ORDINANCE NO. 898

**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 TO
LICENSE AND REGULATE CANNABIS
MICROBUSINESSES AND CANNABIS MANUFACTURING**

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 AUMA authorizes the City to regulate the establishment or operation of cannabis businesses within its limits, including such businesses eligible for state licenses; and

WHEREAS, allowing and regulating the establishment of cannabis manufacturing and microbusinesses within the City is necessary to protect the health, safety and welfare of the community.

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.
- (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; 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.

“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

() 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) _____ any _____ in _____ process _____

(p) “microbusiness” shall mean any commercial adult-use cannabis business that engages in commercial manufacturing, distribution, and retail sales of cannabis for adult-use and

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

