

ORDINANCE NO. 846

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA, CALIFORNIA AMENDING COALINGA MUNICIPAL CODE SECTION 9-5-128(D)(12) RELATED TO REDUCING DISTANCE SEPERATION OF NON-RETAIL CANNABIS OPERATIONS TO SCHOOLS.

WHEREAS, Article 1 of Chapter 5 of the Coalinga Planning and Zoning code establishes local regulations applicable to commercial cannabis operations as may be permitted under the California Medicinal and Adult-Use Cannabis Regulation and Safety Act (SB 94), approved by the Governor on June 27, 2017 or subsequently enacted State law pertaining to the same; and

WHEREAS, Section 9-5.128(d)(12) states that all commercial cultivation, manufacturing, testing, and distribution facilities shall not be located within 1,800 feet from any existing school or proposed school site as identified in the General Plan; and

WHEREAS, the City desires to amend section 9-5.128(d)(12) of the planning and zoning code to amend the distance requirement from within 1,800 feet to within 930 feet from any existing school or proposed school site as identified in the General Plan; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COALINGA DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

SECTION 2. The City Council hereby amends Section 9-5.128(d)(12) to Article 1 of Chapter 5 in Title 9 of the Coalinga Municipal Code to read as follows:

12. Distance separation from schools. Cannabis operations shall comply with the distance separation requirements from schools as required by State law. In addition, a commercial cannabis operation shall not be located within 930 feet from any existing school or proposed school site as identified in the General Plan. Measurements shall be from property boundary to property boundary. For purposes of this section, school means any public or private school providing instruction in kindergarten or grades 1—12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

SECTION 3. Severability Clause:

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION 4. Effective Date:

This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Coalinga ordinance.

SECTION 5. Certification:

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.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2021.

Mayor/Mayor Pro-Tem, City of Coalinga

ATTEST:

City Clerk/Deputy City Clerk

APPROVED AS TO FORM:

City Attorney, City of Coalinga