

**ORDINANCE NO. 2021 – 2488**

**AN ORDINANCE AMENDING SECTIONS 18.30.340 (MEDICAL MARIJUANA DISPENSARIES) AND 18.30.345 (MEDICAL MARIJUANA CULTIVATION) OF TITLE 18 (ZONING) OF THE NATIONAL CITY MUNICIPAL CODE**

**WHEREAS**, the City of National City (the “City”), pursuant to the police powers delegated to it by the California Constitution, has the authority to enact or amend laws which promote the public health, safety, and general welfare of its residents; and

**WHEREAS**, pursuant to the terms and provisions of the Government Code of the State of California, proceedings were duly initiated for the amendment of the National City Municipal Code; and

**WHEREAS**, on March 15, 2021, a noticed Public Hearing was held by the Planning Commission, and all persons interested were given the opportunity to appear and be heard before the National City Planning Commission; and

**WHEREAS**, the Planning Commission regularly and duly certified its report to the City Council of National City and has recommended denial of amending NCMC Title 18: and

**WHEREAS**, pursuant to a published 10-day notice of the adoption of said ordinance, a Public Hearing was held by the City Council on April 6, 2021, and at said Public Hearing, all persons interested were given the opportunity to appear and be heard before the City Council.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1.** All protests, if any, against said amendment to the Municipal Code and each of them be and hereby are denied and overruled.

**Section 2.** Section 18.30.340 (Medical Marijuana Dispensaries) is hereby amended to read as follows:

18.30.340 - Commercial Marijuana Activity

A. Prohibition.

1. Commercial marijuana activity is prohibited except as provided for in Chapter 9.60 of the National City Municipal Code.

B. Definitions.

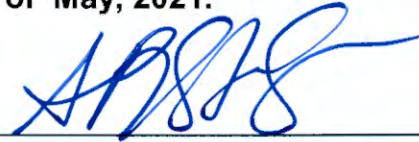
1. "Commercial marijuana activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery, or sale of marijuana and marijuana products.
2. For purposes of this section, "marijuana" shall have the same meaning as the definition of that word in Section 11018 of the California Health and Safety Code.

**Section 3.** Section 18.30.345 (Medical Marijuana Cultivation) is hereby struck in its entirety.

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

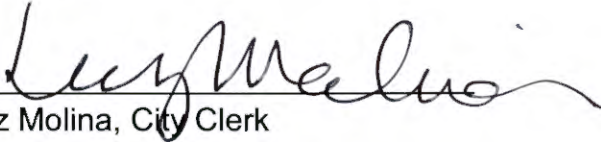
**Section 5.** This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it or a summary of it, shall be published once, with the names of the members of the City Council voting for and against the same in the Star News, a newspaper of general circulation published in the County of San Diego, California.

PASSED and ADOPTED this 4<sup>TH</sup> day of May, 2021.



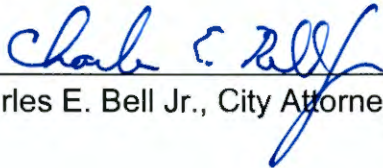
Alejandra Sotelo-Solis, Mayor

ATTEST:



Luz Molina, City Clerk

APPROVED AS TO FORM:



Charles E. Bell Jr., City Attorney

Passed and adopted by the Council of the City of National City, California, on May 4, 2021, by the following vote, to-wit:

Ayes: Sotelo-Solis, Rodriguez, Bush, Rios

Nays: Morrison

Absent: None.

Abstain: None.

AUTHENTICATED BY: Alejandra Sotelo-Solis  
Mayor of the City of National City, California

Luz Molina  
City Clerk of the City of National City, California

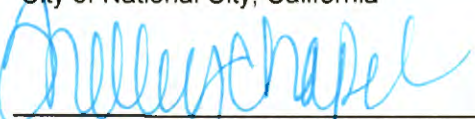
By:   
Shelley Chapel, MMC, Deputy City Clerk

I HEREBY CERTIFY that the foregoing Ordinance was not finally adopted until seven calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on April 6, 2021, and on May 4, 2021.

I FURTHER CERTIFY THAT said Ordinance was read in full prior to its final passage or that the reading of said Ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said Ordinance.

I FURTHER CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. 2021-2488 of the City Council of the City of National City, passed and adopted by the Council of said City on May 4, 2021.

  
Luz Molina, City Clerk  
City of National City, California

By:   
Shelley Chapel, MMC, Deputy City Clerk