

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, AMENDING SECTIONS 12-2104 AND
12-2105 OF THE FRESNO MUNICIPAL CODE, RELATING
TO CULTIVATION OF MARIJUANA

WHEREAS, the City of Fresno began prohibiting the cultivation of marijuana,
both indoors and outdoors, on May 9, 2014; and

WHEREAS, Proposition 64 was approved by the voters of California on
November 8, 2016, which expressly prohibits a city from banning the cultivation of up to
six marijuana plants within a single private residence; and

WHEREAS, the City wishes to amend its Cultivation of Marijuana Ordinance to
comply with current state law and intends to restrict cultivation to the fullest extent
allowed under state law.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 12-2104 of the Fresno Municipal Code is amended to read:

SECTION 12-2104. PROHIBITION OF MARIJUANA CULTIVATION.

Marijuana cultivation by any person, including primary caregivers and qualified
patients, collectives, cooperatives or dispensaries, is prohibited in all zone
districts within the city. [In accordance with what is expressly permitted under
state law, this prohibition will not be enforced for up to six marijuana plants grown
within a single private legally occupied residence, within a locked space, using no
more than 1,200 watts of lighting, with no detectible odor from outside that

residence, and not visible by normal, unaided vision from a public place or adjacent residence.]

SECTION 1. Section 12-2105 of the Fresno Municipal Code is amended to read:

SEC. 12-2105. - VIOLATION AND PENALTY.

(a) ~~A violation of this article shall be prosecuted by the City Attorney through the civil enforcement process, including injunctive relief, as set forth in Section 1-308 of this code. Each day a person is in violation of this article shall be considered a separate violation.~~

(b) [The city may, at its discretion, issue an administrative citation for any violation of this Article.] The administrative citation penalty for each and every marijuana plant cultivated in violation of this article shall be One Thousand Dollars (\$1,000) per plant, plus One Hundred Dollars (\$100) per plant per day the plant remains unabated past the abatement deadline set forth in the administrative citation.

(c) [In addition, the City Attorney may institute a civil action to ensure compliance with this Article, including an action for injunctive relief and or to recover damages incurred as a result of any violation.]

~~(e)~~(d) Any property upon which a violation of this article is found shall be subject to immediate abatement by the city.

~~(d)~~(e) In addition to any administrative penalty assessed for violation of this article, any person found in violation of this article will be charged abatement,

actual, administrative and enforcement costs as defined in Section 1-503, calculated to recover the total costs incurred by the city in enforcing this article.

[(f) Any marijuana plants found in violation of this article may be confiscated.]

SECTION 3. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2017.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2017
Mayor Approval/No Return: _____, 2017
Mayor Veto: _____, 2017
Council Override Vote: _____, 2017

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Mary Raterman-Doidge Date
Deputy

MRD:prn [74550prn/ord] 06-14-17