

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REPEALING ORDINANCE NO. 3289 THAT AMENDED TITLES 3 AND 15 OF THE FULLERTON MUNICIPAL CODE REGULATING COMMERCIAL CANNABIS BUSINESSES CITYWIDE

THE CITY COUNCIL OF THE CITY OF FULLERTON HEREBY DECLARES AND FINDS AS FOLLOWS:

WHEREAS, the City of Fullerton, pursuant to its police power, may enact regulations for the public peace, morals, and welfare of the City.

WHEREAS, Ordinance No. 3289 (the “Commercial Cannabis Ordinance”) was duly adopted by the City Council on November 17, 2020.

WHEREAS, since the date of adoption of Ordinance No. 3289, a new City Council has been seated.

WHEREAS, the newly elected City Council members expressed an interest in considering amendments to Ordinance No. 3289 prior to its implementation and directed staff to agendaize an item for the January 19, 2021 City Council meeting to provide specific direction on the components to be considered for amendment.

WHEREAS, at its meeting on January 19, 2021 members of the City Council voted to continue the item related to providing direction to city staff on components of Ordinance No. 3289 that may be amended and directed staff to also prepare an Ordinance to repeal Ordinance No. 3289 in its entirety for consideration by the City Council at its meeting on February 16, 2021.

WHEREAS, the City of Fullerton, pursuant to the provisions of CEQA and State CEQA Guidelines (Sections 15000 et seq., Title 14 the California Code of Regulations) has determined that the Ordinance is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the adoption of this Ordinance will not have an effect on the environment since it is prohibitory in nature only.

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

SECTION 1. Repeal of Ordinance No. 3289. Ordinance No. 3289, including each and every amendment this ordinance made to the Fullerton Municipal Code, is hereby repealed in its entirety.

SECTION 2. Uncodified Ordinance. This Ordinance shall not be codified in the Fullerton Municipal Code.

Section 3. Inconsistencies. Any provision of the Fullerton Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are suspended or modified to that extent necessary to affect the provisions of this Ordinance, but only during the term of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, word or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase, word or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases or portions of the application thereof to any person be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, state or federal law, regulation or codes dealing with life safety factors.

SECTION 5. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance as required by law.

ADOPTED BY THE FULLERTON CITY COUNCIL ON _____, 2021.

Bruce Whitaker
Mayor

ATTEST:

Lucinda Williams, MMC
City Clerk

Date