



PLANNING COMMISSION AGENDA

City Council Chambers

66 North Lassen Street, Susanville, CA 96130

Phone (530) 252-5118 Fax (530)257-4725

Tuesday, October 15, 2019 – 6:30 P.M.

Special Meeting

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

BUSINESS FROM THE FLOOR (NO ACTION TO BE TAKEN)

APPROVAL OF MINUTES: None

PUBLIC HEARING ITEMS:

1. Consider approval of Resolution 19-1082 approval of Zoning Code Amendment to Chapter 17 of the City of Susanville Municipal Code proposing land use regulations for the cultivation of medical marijuana.

NON-PUBLIC HEARING ITEMS: None

CORRESPONDENCE: None

CITY ATTORNEY REPORT: None

COUNTY REFERRALS: None

COMMISSION ITEMS:

ADJOURNMENT

The Planning Commission's action on Use Permit (including Planned Development Use Permits) and Variance items may be appealed to the City Council within 5 business days of action. The Planning Commission's action on Tentative Subdivision items may be appealed to the City Council within 10 business days of action. Appeals of the Planning Commission's action must be made in writing on the form provided by the City and must be accompanied by a fee adopted by the City Council. Appeals of Planning Commission actions must be based on comments made known (either through written or verbal comment) at the Planning Commission Meeting. Please contact the Community Development Department for more information regarding appeals.

ACCESSABILITY: *An interpreter for the hearing-impaired may be made available upon request to the City Clerk seventy-two hours prior to a meeting. A reader for the vision-impaired for purposes of reviewing the agenda may be made available upon request to the City Clerk. The location of this meeting is wheelchair-accessible.*

SUSANVILLE PLANNING COMMISSION

CHAIR PERSON Linda Robinette

COMMISSIONERS ~ Dan Foster, Alan Dowdy, Wayne Jambois, Melanie Westbrook

**CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
OCTOBER 15, 2019**

FILE NUMBER	Zoning Code Amendment ZC19-004		
APPLICANT/OWNER	City of Susanville		
OWNER	Various		
REPRESENTATIVE	Jessica Ryan, City Attorney		
REQUEST	Amendment to Chapter 17 of the City of Susanville Municipal Code proposing land use regulations for the cultivation of medical marijuana within the incorporated limits of the City of Susanville.		
ASSESSOR'S PARCEL NO.	Various		
PARCEL SIZE	Various		
LOCATION	City-wide		
EXISTING ZONING	City-wide		
SURROUNDING ZONING AND LAND USE	ZONING		LAND USE
	North	N/A	
	South	N/A	
	East	N/A	
	West	N/A	
GENERAL PLAN DESIGNATION	Various		
ENVIRONMENTAL DETERMINATION	Exempt from CEQA review under Section 15061 (b) (3) General Rule exemption		

The matter before the Planning Commission is to consider whether to regulate the cultivation of medical marijuana within the incorporated City Limits of the City of Susanville. The Commission's recommendation will go to the City Council at its Wednesday, October 16, 2019 meeting.

BACKGROUND:

At its March 10, 2015 meeting, the Susanville Planning Commission approved Resolution 15-1017, which recommended that the Susanville City Council adopt an ordinance

amending Chapter 17 of the City of Susanville Municipal Code to add provisions regulating the cultivation of medical marijuana. At the November 1, 2017 City Council meeting, the Council directed staff to prepare an Interim-Urgency Ordinance to prohibit cannabis activities within the City limits, to the extent to which the City is allowed to prohibit cannabis activities by State law. The City Council adopted Interim-Urgency Ordinance 17-1042 at its December 6, 2017 meeting. The ordinance was effective immediately and remained in effect for 45 days. That ordinance was the result of extensive research into the way many jurisdictions within the State of California have addressed the issue. A lot of work was put into drafting that ordinance and took into consideration concerns of residents, city staff and the City Council. It strived to find balance between prohibiting cultivation and remaining unchecked.

The Interim-Urgency Ordinance allowed the City Council time to adopt regulations pertaining to cannabis activities within the City, prior to the changes in State law which took effect January 2, 2018. The urgency ordinance was set to expire on January 20, 2018, was extended for a period of ten months and 15 days by Resolution No. 18-5470, for an expiration date of December 5, 2018. Government Code Section §65858 authorizes one additional extension of Urgency Ordinance 17-1012, up to one year. At its November 7, 2018 meeting, the City Council approved Resolution No. 18-5587 which extended the Interim-Urgency Ordinance to November 6, 2019.

In 1996, California voters approved Proposition 215 a law that allows for a criminal defense for the cultivation of medical marijuana by specific individuals for their personal use, and for those who are classified as primary caregivers of other qualified users. This law is called the Compassionate Use Act (CUA) of 1996. The law is codified in Health and Safety Code section 11362.5. The CUA is limited in scope, in that it only provides a defense from criminal prosecution for possession and cultivation of marijuana to qualified patients and their primary caregivers. The CUA does not address the land use or other impacts that are caused by the cultivation of medical marijuana. Further, the CUA does not require or impose an affirmative duty or mandate upon local governments, such as the City of Susanville, to allow, authorize or sanction the establishment and the operation and establishment of facilities dispensing medical marijuana or the cultivation of the same within its jurisdiction. Moreover, the CUA did not create a constitutional right to obtain medical marijuana.

In 2003, the legislature enacted the Medical Marijuana Program Act (MMPA) to; (1) clarify the scope of the CUA, facilitate the prompt identification of qualified patients and their designated primary caregivers in order to avoid their unnecessary arrest and prosecution, and provide guidance to law enforcement; (2) to promote uniform and consistent application of the CUA; and (3) to enhance the access of patients and caregivers to medical marijuana.

The MMPA immunizes from state criminal liability qualified patients, persons with

identification cards, and primary caregivers who transport or process marijuana for the personal medical use of a qualified patient or person with an identification card. The MMPA also created an affirmative defense to state criminal liability for qualified patients, persons with identification cards, and primary caregivers who collectively or cooperatively cultivate marijuana.

In 2010, the legislature enacted AB 2650, which prohibited medical marijuana cooperatives, collectives, dispensaries, operators, establishments, or providers who possess, cultivate, or distribute medical marijuana from being located within a 600 foot radius of a school. A school was defined as any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but did not include any private school in which education is primarily conducted in private homes. A violation of these provisions is generally a misdemeanor. Further, AB 2650 specifically stated that nothing in the bill shall prohibit a city, county, or city and county from adopting ordinances or policies that further restrict the location or establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider.

In 2011, the Legislature enacted AB 1300, which specifically allows cities or other local governing bodies to adopt and enforce local ordinances that regulate the location, operation or establishment of a medical marijuana cooperative or collective and to civilly or criminally enforce those ordinances; and to enact other laws consistent with the Medical Marijuana Program (MMP), as specified. The legislation also provided a definition of "marijuana cooperative or collective" as a location where qualified patients, persons with valid identification cards, or the designated primary caregiver of qualified patients or persons with identification cards associate within this state in order to collectively or cooperatively cultivate or dispense marijuana for medical purposes to person authorized to possess medical marijuana, as specified.

Marijuana remains an illegal substance under the Federal Controlled Substances Act and is still classified as a "Schedule I Drug" which is defined as a drug or other substance that has a high potential for abuse, that is not currently accepted for medical use in treatment in the United States, and that has not been accepted as safe for its use under medical supervision. Furthermore, the Federal Controlled Substances Act makes it unlawful for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense marijuana. The Controlled Substances Act contains no statutory exemption for the possession of marijuana for medical purposes.

The U.S. Department of Justice has taken the position that it will not focus its limited resources on individuals who use marijuana as part of a medically recommended treatment regimen in compliance with state law. Consequently, we cannot rely on federal

authorities to enforce federal law to regulate cultivation.

ENVIRONMENTAL REVIEW: Staff finds and recommends that the Planning Commission find that the proposed amendments to the zoning code be found to be exempt from review under CEQA under Section 15061(b)(3) of the California Code of Regulations which states: “The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

RECOMMENDATION: Adopt Resolution No. 19-1082, recommending that the City Council adopt CEQA Findings and adopt changes discussed to Chapter 17 as specifically contained in the draft ordinance included as Attachment “B” to the resolution regarding regulations for the cultivation of medical marijuana.

ATTACHMENTS:

1. Resolution No. 19-1082
2. Draft Ordinance 19-1017

RESOLUTION NO 19-1082
A RESOLUTION OF THE SUSANVILLE PLANNING COMMISSION RECOMMENDING
THAT THE SUSANVILLE CITY COUNCIL ADOPT AN ORDINANCE AMENDING
CHAPTER 17 OF THE SUSANVILLE MUNICIPAL CODE TO ADD PROVISIONS
REGULATING THE CULTIVATION OF MEDICAL MARIJUANA

WHEREAS, Proposition 215 known as the Compassionate Use Act of 1996 which has been codified as Health and Safety Code section 11362.5 together with the Medical Marijuana Program Act of 2003, codified as Health and Safety Code Section 11362.7-11362.83 provides for a criminal defense for the use, possession and cultivation of medical marijuana by specific individuals for their personal use and for those who are classified as primary caregivers of other qualified users;

WHEREAS, AB 2650 adopted in 2010 and codified as Health and Safety Code Section 11362.768 and AB 1300 adopted in 2011 amending Health and Safety Code section 11362.83 specifically provide that local jurisdictions can adopt ordinances that regulate the location, operation or establishment of a medical marijuana cooperative or collective and to civilly or criminally enforce those ordinances; and to enact other laws consistent with the Medical Marijuana Program (MMP), as specified; and

WHEREAS, the City of Susanville has broad latitude with respect to regulating land uses under the police powers granted to cities and counties under the California Constitution and these powers have been upheld by California courts as they specifically pertain to regulating the cultivation of medical marijuana; and

WHEREAS, the unrestricted cultivation of medical marijuana within the City of Susanville is resulting in land uses that are creating nuisances, affecting neighboring properties and neighborhoods, creating the potential for access to marijuana by minors or persons not authorized to obtain marijuana under the Compassionate Use Act and Medical Marijuana Program.

NOW, THEREFORE, BE IT RESOLVED, the City of Susanville Planning Commission:

A. Makes the following recommendations to the City Council:

1. That the City Council adopt ordinance 19-1017 adding chapter 17.104.140 Cultivation of Medical Marijuana includes in this Resolution as Attachment "A," to the Susanville Municipal Code.
2. That the City Council find that the adoption of the ordinance is exempt from the requirements of the California Environmental Quality Act under Section 15061(b)(3) of the California Code of Regulations which states: "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

In this instance the proposed ordinance relates to activities that are already occurring unregulated within the City. The proposed ordinance will simply require that the activity either occur within an existing residence or occur in the back yard of a residential lot that has already been developed with one more or dwelling units. Furthermore, the actual physical characteristics of cultivation: tilling of soil, watering, harvesting are the same as other accessory residential uses such as gardening, landscaping, etc. Therefore, it can be seen with certainty that no significant environmental impacts will occur as a result of the proposed regulations.

APPROVED: _____
Wayne Jambois, Vice Chairperson
Planning Commission
City of Susanville, State of California

ATTEST: _____
Gwenna MacDonald, City Clerk
Secretary to the Planning Commission

The foregoing Resolution No. 19-1082 was adopted at a special meeting of the Susanville Planning Commission held on the 15th day of October, 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINING:

Gwenna MacDonald, City Clerk

APPROVED AS TO FORM:

Jessica Ryan, City Attorney

ORDINANCE NO. 19-1017
AN ORDINANCE OF THE CITY OF SUSANVILLE REGULATING MEDICAL
AND ADULT USE CANNABIS ACTIVITIES

WHEREAS, California Government Code Section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules and regulations by cities as a means of implementing the General Plan; and

WHEREAS, the City passed Ordinance No. 05-919 on July 20, 2005 prohibiting medical marijuana dispensaries in all zones; and

WHEREAS, the City passed Ordinance No. 15-1002 on December 2, 2015, prohibiting the cultivation of medical marijuana in all zones; and

WHEREAS, on November 8, 2016, California residents passed the Adult Use of Marijuana Act (AUMA / Proposition 64) with a majority of votes; and

WHEREAS, in June 2017 the state legislature approved Senate Bill 94 and AB 110, which repealed the Medical Cannabis Regulation and Safety Act (MCRSA) and incorporated certain provisions of MCRSA into the AUMA creating the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA); and

WHEREAS, to regulate commercial use of cannabis, the MAUCRSA modifies Division 10 (Cannabis) of the Business & Professions Code, the purpose and intent of which is to “establish a comprehensive system to control and regulate the cultivation, distribution, transport, storage, manufacturing, processing, and sale of both of the following: 1) Medicinal Cannabis and medicinal cannabis products for patients with valid physician’s recommendations; 2) Adult-use cannabis and adult-use cannabis products for adults 21 years of age and over.”; and

WHEREAS, the MAUCRSA renames the Bureau of Medical Cannabis as the Bureau of Cannabis Control and empowers the Bureau of Cannabis Control to adopt regulations consistent with the changes in the law; and

WHEREAS, the MAUCRSA states that a local jurisdiction shall not prevent transportation of cannabis or cannabis products on public roads by a licensee transporting cannabis or cannabis products in compliance with Division 10; and

WHEREAS, the MAUCRSA authorizes cities to “reasonably regulate” without completely prohibiting personal cultivation of cannabis; and

WHEREAS, the MAUCRSA states it shall not be a violation of state and local law for persons 21 years of age or older to possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever up to 28.5 grams of cannabis not in the form of concentrated cannabis or not more than eight grams of cannabis in the form of concentrated cannabis contained in cannabis products; and

WHEREAS, the MAUCRSA states it shall not be a violation of state and local law to possess, plant, cultivate, harvest, dry, or process not more than six living cannabis plants and possess the cannabis produced by the plants.

WHEREAS, the MAUCRSA states it shall not be a violation of state and local law for individuals to smoke or ingest cannabis or cannabis products. Ingestion or smoking of Cannabis is prohibited in public within the City; and

WHEREAS, the MAUCRSA authorizes cities to completely prohibit the establishment or operation of any cannabis business licensed under Division 10 within its jurisdiction, including cannabis dispensaries, cannabis retailers, and cannabis delivery services; and

WHEREAS, the California Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

WHEREAS, under the Federal Controlled Substance Act, the use, possession, and cultivation of any amount of marijuana (i.e., cannabis) are unlawful and subject to federal prosecution without regard to a claimed medical need; and

WHEREAS, the indoor and outdoor cultivation of cannabis has potential adverse effects to the health and safety of City residents, visitors, and employees and those in nearby residences or businesses including: structural damage to buildings from unpermitted renovations and alterations to buildings or structures; increased moisture and excessive mold, bacterial, and fungal growth among others; increased risk of fire and electrocution from improper or overburdened electrical circuits and wiring; noxious odors and fumes from plants or pesticides, fertilizers, and other chemicals associated with cannabis cultivation or cannabis activities such as oil extraction or concentration; increased trash and refuse; potential access to cannabis by minors; increased demand for fire and police services; increased sewage treatment expenses from drain disposal of irrigation water or surface stream water quality impacts from runoff and illegal dumping, among others.; and

WHEREAS, based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur, and continue to occur, in the City due to the establishment and operation of cannabis activities in the period before a non-urgency ordinance would become effective; and

WHEREAS, based on the findings above the potential establishment of cannabis activities in the City without regulation poses a current and immediate threat to the public health, safety and welfare in the City due to the negative land use and other impacts of such uses as described above; and

WHEREAS, it is in the interest of the City, its residents, and its lawfully permitted businesses that City staff consider zoning, zoning ordinance amendments, and/or other measures to locally regulate cannabis activities in the City; and

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

SECTION 1. The City Council of the City of Susanville hereby finds and determines that all of the above Recitals are true and correct and incorporates such Recitals into this Ordinance as is fully set forth herein.

SECTION 2. Definitions.

For purposes of this Title, the following definitions shall apply:

- A. "Cannabis" is to be interpreted broadly to mean all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.
- B. "Cannabis accessories" is to be interpreted broadly to mean any equipment, products or materials of any kind which are used, intended for use, or designed for use in planning, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.
- C. "Cannabis activities" is to be interpreted broadly to include any one or more of the following: the cultivating, possessing, manufacturing, distribution, processing, storing, laboratory testing, labeling, distributing, delivering or selling of cannabis and cannabis products.
- D. "Cannabis products" is to be interpreted broadly to mean 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.
- E. "Cultivation" is to be interpreted broadly to mean any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- F. "Delivery" is to be interpreted broadly to mean the commercial transfer or sale of cannabis or cannabis products 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 or sale by a licensed retailer of cannabis or cannabis products.
- G. "Distribution" is to be interpreted broadly to mean the procurement, sale, and transport of cannabis and cannabis products between entities for commercial use purposes.
- H. "Licensee" means the holder of any state issued license related to cannabis activities, including but not limited to licenses issued under Division 10 of the Business & Professions Code.

- I. "Manufacture" is to be interpreted broadly to mean to compound, blend, extract, infuse, or otherwise make or prepare cannabis products.
- J. "Person" includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
- K. "Personal Cultivation" means cultivation of cannabis as allowed under paragraph (3) of subdivision (a) of Section 11362.1 of the California Health and Safety Code. Personal Cultivation is subject to the restrictions contained within 11362.2 of the California Health and Safety Code.
- L. "Private residence" means a house, an apartment unit, a mobile home, or other similar residential dwelling with a postal address.
- M. "Sale", "sell", and "to sell" are to be interpreted broadly to include any transaction whereby, for any consideration, title to cannabis or cannabis products are transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom such cannabis or cannabis product was purchased.
- N. Any term defined in this Section also includes any meaning given the same term as defined in Section 26001 of the California Business & Professions Code or similar definitional sections of the California Health & Safety Code, unless otherwise specified.

SECTION 3. Prohibited Use.

Cannabis activities, as defined herein, shall be prohibited uses and unlawful in all zoning districts and other parts of the City, with the exception of those non-commercial cannabis activities expressly deemed to be lawful under state and local law such as those listed in Health and Safety Code section 11362.1. However, personal cultivation of up to six cannabis plants outside upon the grounds of a private residence shall also be prohibited as allowed under Health and Safety Code section 11362.2(b)(3). However, notwithstanding any other provision of this ordinance, the personal non-commercial cultivation for personal use of up to six cannabis plants within a private residence as described in Health and Safety Code section 11362.2(a) shall not be prohibited by this ordinance, but the City may develop and enact reasonable regulations to regulate such activity as provided in Health and Safety Code 11362.2(b)(1). No cannabis activities shall be established or continued if previously established, and no use permit, variance, building permit, or any other entitlement or permit, whether administrative, ministerial, or discretionary, shall be approved or issued for Cannabis activities herein in any zoning district or other area within the City, and no person shall otherwise establish such businesses or operations conducting cannabis activities in any zoning district or other area within the City.

SECTION 4. Penalty for Violation.

No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this ordinance.

Every act prohibited or declared unlawful by this ordinance, and every failure to perform an act made mandatory by this ordinance, shall be a misdemeanor. Violations of this ordinance may, but need not be, be prosecuted as a misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney. The City Attorney or District Attorney shall consider the following factors in exercising his or her discretion to prosecute the violation as an infraction: (a) the severity of the threat of the cannabis activity causing the violation to public safety; (b) whether the violation is a first offense; (c) whether the violation did or did not place minors under the age of 18 at significant risk; and (d) any other factor that the City or District Attorney finds merits a lesser punishment than a misdemeanor. Any violations of this ordinance may be prosecuted criminally and/or civilly. In addition to the penalties provided in this section, any activity, circumstance, or condition caused or permitted to exist in violation of any of the provisions of this ordinance is declared a public nuisance and may be abated as provided in this Municipal Code and/or under state law.

SECTION 5. CEQA.

The City Council hereby finds this ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines (Title 14 Cal Code Regs.), because it has no potential for resulting in physical change in the environment, directly or indirectly (See also CEQA Guidelines section 15060(c)(2)). The City Council further finds, under CEQA Guidelines Section 15061(b)(3), that this ordinance is also exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Lassen in accordance with CEQA Guidelines.

SECTION 6 Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance for any reason is 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 portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. Custodian of Records.

The documents and materials that constitute the record of proceedings on which this ordinance is based are located at the City Clerk's office located at 66 North Lassen St., Susanville, CA 96130. The custodian of these records is the City Clerk.

SECTION 8. Restatement of Existing Law.

Neither the adoption of this ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this ordinance, insofar as they are substantially the same as ordinance provisions

previously adopted by the City relating to the same subject matter or relating to the enumeration of permitted uses under the City's zoning code, shall be construed as restatements and continuations, and not as new enactments.

SECTION 13. The City Clerk shall certify as to the adoption of this ordinance and shall cause it to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with California Government Code Section 36933.

APPROVED: _____
Kevin Stafford, Mayor

ATTEST: _____
Gwenna MacDonald, City Clerk

The foregoing ordinance was adopted at a regular meeting of the City Council of the City of Susanville, held on the _____ day of _____, 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINING:

Gwenna MacDonald, City Clerk

APPROVED AS TO FORM:

Jessica Ryan, City Attorney