

ORDINANCE NO. 1794

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, AMENDING SECTION 30-7(B)(c) AND 30-7(B)(f) OF THE FONTANA MUNICIPAL CODE RELATING TO RESIDENTIAL INDOOR MARIJUANA CULTIVATION PERMITS.

THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA DOES ORDAIN AS FOLLOWS:

Section 1. CEQA. The City Council determines that this code amendment is not subject to environmental review under the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines (Cal. Code Regs., § 15000 et seq.) sections 15060(c)(3) and 15061(b)(3). Pursuant to State CEQA Guidelines section 15060(c)(3) and Section 3.01(f) of the City of Fontana 2018 Local Guidelines for Implementing the California Environmental Quality Act, the proposed regulations do not constitute a project under CEQA and have no potential to result in a direct or reasonably foreseeable indirect physical change in the environment. City staff is hereby directed to file with the County Clerk a notice of exemption within five (5) working days of the adoption of this Ordinance.

Section 2. Provision (c) of Section 30-7(B) of Article I of Chapter 30 of the Fontana Municipal Code is hereby amended to read as follows:

"(c) Applicability.

- (1) A person may directly or indirectly engage in residential indoor marijuana cultivation only after obtaining and maintaining a valid RIMC permit from the City of Fontana.
- (2) A RIMC Permit authorizes:
 - a. Only one person,
 - b. To directly or indirectly engage in residential indoor marijuana cultivation for personal use,
 - c. At only one residence.
- (3) A RIMC Permit does not authorize:
 - a. Construction or improvements of any structure,
 - b. A property-at-large for marijuana cultivation,
 - c. The permit holder or any others to engage in any activity licensed by the State of California under Division 10 of the Business and Professions Code, or

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d. The following people to directly or indirectly engage in residential indoor marijuana cultivation:

1. The permit holder's family members,
2. Cohabitants,
3. Guests,
4. Future residents, or
5. Any other person other than the permit holder.

(4) A person may not hold more than one (1) RIMC Permit at a time. Multiple permit holders may be authorized to engage in residential indoor marijuana cultivation at the same residence, but a residence must include no more than one (1) cultivation area, and no residence may cultivate more than six (6) plants in total, regardless of how many permit holders are present."

Section 3. Provision (f) of Section 30-7(B) of Article I of Chapter 30 of the Fontana Municipal Code is hereby amended to read as follows:

"(f) Findings.

The Community Development Director or his or her designee may approve an application for an RIMC Permit if the following findings are made:

(1) *Applicant.*

- a. The applicant is 21 years of age or older.

(2). *Residence.*

- a. The residence must be the primary dwelling of the applicant.

b. The residence must not be used for any of the following activities:

1. Day care,
2. Youth center,
3. Group Homes, and
4. Any facility that does not allow cultivation of marijuana by law or policy.

(3) *Cultivation Area.*

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a. Location and Use.

1. The cultivation area must be located within the residence or within an accessory structure.
2. The cultivation area must not be used or prepared in a manner to cultivate more than six (6) marijuana plants.

b. Access and Security.

1. The cultivation area must not be visible from anywhere outside the residence. Any windows, skylight, ventilation, or other opening must be sufficiently covered or opaque as to obscure visibility of the cultivation area from any adjacent property.
2. The cultivation area must not produce odors, sounds, or other emissions that are sensible from adjacent properties and may indicate marijuana cultivation."

Section 4. 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 8353 Sierra Avenue, Fontana, CA 92335. The custodian of these records is the City Clerk.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The people of the City of Fontana hereby declare that they would have 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 6. Effective Date. This Ordinance shall take effect thirty (30) days following its second reading/adoption.

Section 7. Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Fontana.

APPROVED AND ADOPTED this 12th day of March 2019.

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READ AND APPROVED AS TO LEGAL FORM:

— DocuSigned by:

 Jeff Ballinger

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City Attorney

I, Tonia Lewis, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance adopted by the City Council and was introduced at a regular meeting of said City Council on the 26th day of February, 2019, and was passed and adopted not less than five (5) days thereafter on the 12th day of March, 2019, by the following vote to wit:

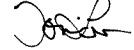
AYES: Mayor Warren, Mayor Pro Tem Armendarez, Council Members Roberts, Sandoval and Cothran

NOES:

ABSENT:

ABSTAIN:

— DocuSigned by:

 Tonia Lewis

EBCDCEDA17754F5...

City Clerk of the City of Fontana

— DocuSigned by:

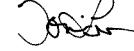
 Warren

9B476DAD800D46B...

Mayor of the City of Fontana

ATTEST:

— DocuSigned by:

 Clerk

EBCDCFDA17754F5...

City Clerk

Certificate Of Completion

Envelope Id: 8D614A1F6E1B4C4288609DF9F1E3309A

Status: Completed

Subject: Please DocuSign: Ord 1794 Marijuana Permit

Source Envelope:

Document Pages: 4

Signatures: 4

Certificate Pages: 5

Initials: 0

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Envelope Originator:

City Clerk

8353 Sierra Avenue

Fontana, CA 92335

clerks@fontana.org

IP Address: 192.146.186.96

Record Tracking

Status: Original

3/19/2019 12:23:29 PM

Holder: City Clerk

clerks@fontana.org

Location: DocuSign

Signer Events

Jeff Ballinger

jeff.ballinger@bbklaw.com

Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

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Signature Adoption: Pre-selected Style
Using IP Address: 74.116.243.2

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Viewed: 3/19/2019 2:43:35 PM

Signed: 3/19/2019 2:43:39 PM

Electronic Record and Signature Disclosure:

Accepted: 2/6/2017 5:14:58 PM

ID: 49bce3bd-df4d-4cff-8659-0af6d478de62

Acquanetta Warren

awarren@fontana.org

Security Level: Email, Account Authentication (None)

DocuSigned by:

9B476DADB90D46B...

Signature Adoption: Uploaded Signature Image
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Signed using mobile

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Viewed: 3/21/2019 3:45:42 AM

Signed: 3/25/2019 8:28:18 AM

Electronic Record and Signature Disclosure:

Accepted: 3/25/2019 8:28:14 AM

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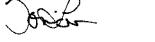
Toni Lewis

tlewis@fontana.org

City Clerk

City of Fontana

Security Level: Email, Account Authentication (None)

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Signature Adoption: Drawn on Device
Using IP Address: 172.58.27.128
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Viewed: 3/25/2019 10:02:43 AM

Signed: 3/25/2019 10:03:05 AM

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Editor Delivery Events

Status

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Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

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(None)

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Not Offered via DocuSign

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(None)

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Not Offered via DocuSign

Susana Gallardo
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(None)

Electronic Record and Signature Disclosure:
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Signing Complete	Security Checked
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Sent: 3/25/2019 10:03:06 AM

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3/25/2019 10:03:07 AM

Status**Timestamps**

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

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If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

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How to contact City of Fontana:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: ctejeda@fontana.org

To advise City of Fontana of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at ctejeda@fontana.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

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To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with City of Fontana

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERs):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none">•Allow per session cookies•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify City of Fontana as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by City of Fontana during the course of my relationship with you.

TO: HERALD NEWS
EMAIL: LEGALS@FONTANAHERALDNEWS.COM
FROM: FONTANA CITY CLERK'S DEPARTMENT
DATE: FEBRUARY 27, 2019

PUBLICATION OF SUMMARY OF PROPOSED ORDINANCE NO. 1794

PUBLISH ONE TIME ONLY ON OR BEFORE MARCH 8, 2019 ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF PROPOSED ORDINANCE NO. 1794

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **February 26, 2019** in the City Council Chambers, 8353 Sierra Avenue, Fontana, California, considered adoption of the following ordinance:

Waive further reading and introduce **Ordinance No. 1794** amending Sections 30-7(B)(c) and 30-7(B)(f) of the Fontana Municipal Code relating to residential indoor marijuana cultivation permits and that the reading of the title constitutes the first reading thereof.

A certified copy of the full text of the ordinance is available in the office of the City Clerk of the City of Fontana, 8353 Sierra Avenue, Fontana, California 92335.

CITY COUNCIL OF THE CITY OF FONTANA
Acquanetta Warren, Mayor

Tonia Lewis
City Clerk

P.O. #800496

TO: HERALD NEWS
EMAIL: LEGALS@FONTANAHERALDNEWS.COM
FROM: FONTANA CITY CLERK'S DEPARTMENT
DATE: MARCH 13, 2019

PUBLICATION OF SUMMARY OF ADOPTED ORDINANCE NO. 1794

PUBLISH ONE TIME ONLY ON OR BEFORE MARCH 22, 2019 ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF ADOPTED ORDINANCE NO. 1794

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **March 12, 2019** in the City Council Chambers, 8353 Sierra Avenue, Fontana, California, adopted the following ordinance:

Second Reading/ Adopt **Ordinance No. 1794** amending Sections 30-7(B)(c) and 30-7(B)(f) of the Fontana Municipal Code relating to residential indoor marijuana cultivation permits.

A certified copy of the full text of the ordinance is available in the office of the City Clerk of the City of Fontana, 8353 Sierra Avenue, Fontana, California 92335.

CITY COUNCIL OF THE CITY OF FONTANA
Acquanetta Warren, Mayor

Tonia Lewis
City Clerk

P.O. #800496