

**TOWN OF PARADISE  
ORDINANCE NO. 558**

**AN ORDINANCE OF THE TOWN OF PARADISE REPEALING  
PARADISE MUNICIPAL CODE SECTION 17.31.400 AND AMENDING SECTION  
17.31.500 PROHIBITING MEDICAL MARIJUANA CULTIVATION AND DELIVERY**

The Town Council of the Town of Paradise, State of California, does **ORDAIN AS FOLLOWS**:

**WHEREAS**, the purpose of this ordinance is to expressly prohibit the cultivation and delivery of medical marijuana in all Town of Paradise zoning districts. Such prohibition shall apply to all medical marijuana collectives/cooperatives and dispensaries, the delivery of medical marijuana and the cultivation of medical marijuana by qualified patients and primary caregivers.

**SECTION 1.** Paradise Municipal Code section 17.31.400 is hereby repealed.

**SECTION 2.** Paradise Municipal Code section 17.31.500 is hereby amended to read as follows:

**17.31.500 Prohibition.**

- A. Medical Marijuana Collectives and Cooperatives as defined in section 17.31.300C shall be prohibited in all zoning districts within the town. This prohibition shall include the cultivation of marijuana by Medical Marijuana Collectives and Cooperatives.
- B. Except for delivery by a primary caregiver for a qualified patient, the delivery of medical marijuana shall be prohibited within the town. No person shall conduct any mobile medical marijuana delivery service within the town through any means whatsoever. The term “delivery” shall also include the same meaning as set forth in Business and Professions Code section 19300.5 (m) or as amended.
- C. This section shall prohibit all medical marijuana activities for which a State of California license is required. The town shall not issue any permit, license or other entitlement for any activity for which a State of California license is required under the Medical Marijuana Regulation and Safety Act.
- D. Cultivation of medical marijuana for non-commercial purposes, including indoor and outdoor cultivation by a qualified patient or a primary caregiver, shall be prohibited in all zoning districts within the town. No person, including a qualified patient or primary caregiver, shall cultivate indoor or outdoor any amount of medical marijuana in the town.

**SECTION 3.** If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, 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 portions of this Ordinance. The Town 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 4.** Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the proposed ordinance is exempt from environmental review because there is no possibility that its adoption will have a significant effect on the environment.

**SECTION 5.** This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise, County of Butte, State of California, on this 25<sup>th</sup> day of January, 2016, by the following vote:

AYES: Greg Bolin, Steve “Woody” Culleton, Scott Lotter, John J. Rawlings and Jody Jones, Mayor

NOES: None

ABSENT: None

ABSTAIN: None

  
Jody Jones, Mayor

ATTEST: *January 26, 2016*



Dina A. Volenski, Asst. Town Clerk

APPROVED AS TO FORM:



Dwight L. Moore, Town Attorney