

described in California Business and Professions Code Section 19300.5 and referred to in California Health and Safety Code Section 11362.777, whether for medical or recreational purposes.”

Section 3. Division 4 (Land Uses) of the Yucaipa Development Code is hereby amended to add a new Chapter 9 (Prohibited Uses) to read as follows:

“CHAPTER 9

PROHIBITED USES

Sections:

84.0901 Purpose.

84.0905 Marijuana Uses Prohibited.

84.0901 Purpose.

This chapter establishes express prohibitions on certain uses in all zones in the City. Nothing in this chapter shall be interpreted to limit the effect or scope of the City’s permissive zoning scheme. The purpose of this chapter is to declare and clarify that these uses are not permitted and are not within the scope of any permitted use defined in this Code. No use prohibited in this chapter shall be allowed in any zone in the city.

84.0905 Marijuana Uses Prohibited.

A Marijuana Cultivation Site is prohibited in any zone in the city. This section shall be read and interpreted in conjunction with Title 5.30 (Medical Marijuana Activities) of the Yucaipa Municipal Code. The purpose of this section is to prohibit medical marijuana cultivation and related activities and **land** uses in any zone in the City. It is the intent of the City for the State of California to not issue state licenses for such activities to operate in the City of Yucaipa.

In addition to any other enforcement authorized under Chapter 2 of Division 1 of the City of Yucaipa Development Code, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person or entity that violates this section. In any civil action brought pursuant to this section, a court of competent jurisdiction may award reasonable attorneys fees and costs to the prevailing party. However, this section does not authorize a criminal prosecution or arrest prohibited by Health and Safety Code section 11362.71 *et seq.*”

Section 4. Pursuant to CEQA, and the City’s local CEQA Guidelines, staff has determined that the proposed Development Code Amendments are exempt from the requirements of CEQA. It can be seen with certainty that there is no possibility that the adoption of the Development Code Amendments, and the zoning provisions established hereby, may have a significant effect on the environment, because the Code Amendments will only impose greater limitations on uses allowed in the City, and will thereby serve to eliminate potentially significant adverse environmental impacts. The City Council has reviewed the staff’s determination of exemption