

## **ORDINANCE NO. 1226**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING VARIOUS SECTIONS OF THE UKIAH CITY CODE TO AMEND THE USE PERMIT APPLICATION PROCESS AND OPERATIONAL STANDARDS FOR CANNABIS RELATED BUSINESSES.**

The City Council of the City of Ukiah hereby ordains as follows.

### **SECTION 1**

**Chapter 8 in Division 6 of the Ukiah City Code is hereby repealed in its entirety.**

### **SECTION 2**

**Article 6 of Chapter 2 in Division 9 of the Ukiah City Code, pertaining to the Neighborhood Commercial (C-N) Zoning District is hereby amended to read as follows (unchanged text is omitted and is shown by “\* \* \*”):**

#### **§9062 USES PERMITTED WITH SECURING OF A USE PERMIT**

The following uses may be permitted in neighborhood commercial (C-N) districts, subject to first securing a use permit pursuant to provisions contained in section 9262 of this chapter:

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Cannabis Retailer

### **SECTION 3**

**Article 7 of Chapter 2 in Division 9 of the Ukiah City Code, pertaining to the Community Commercial (C-1) Zoning District is hereby amended to read as follows (unchanged text is omitted and is shown by “\* \* \*”):**

#### **§9082 PERMITTED USES**

**The following uses require approval of a use permit pursuant to the provisions contained in section 9262 of this chapter:**

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Cannabis Cultivation - Processor  
Cannabis Manufacturer – Packaging  
Cannabis Manufacturer – Shared Use

\* \* \*

### **SECTION 4**

**Article 8 of Chapter 2 in Division 9 of the Ukiah City Code, pertaining to the Heavy Commercial (C-2) Zoning District is hereby amended to read as follows (unchanged text is omitted and is shown by “\* \* \*”):**

**§9097 PERMITTED USES**

**The following uses require approval of a use permit pursuant to the provisions contained in section 9262 of this code:**

**\*\*\***

**Cannabis Cultivation – Processor**

**\*\*\***

**Cannabis Manufacturer – Packaging**

**Cannabis Manufacturer – Shared Use**

**\*\*\***

**SECTION 5**

**Article 9 of Chapter 2 in Division 9 of the Ukiah City Code, pertaining to the Manufacturing (M) Zoning District is hereby amended to read as follows (unchanged text is omitted and is shown by “\* \* \*”):**

**§9112 USES PERMITTED SUBJECT TO FIRST SECURING A USE PERMIT**

**The following uses may be permitted in Manufacturing (M) Districts subject to first securing a use permit, as provided in this chapter, in each case:**

Cannabis cultivation – Large indoor.  
Cannabis cultivation – Large mixed light.  
Cannabis cultivation – Medium indoor.  
Cannabis cultivation – Medium mixed light.  
Cannabis cultivation – Processor.  
Cannabis cultivation – Small indoor.  
Cannabis cultivation – Small mixed light.  
Cannabis cultivation – Specialty cottage.  
Cannabis cultivation – Specialty indoor.  
Cannabis cultivation – Specialty mixed light.  
Cannabis distributor.  
Cannabis manufacturer – Level 1.  
Cannabis manufacturer – Packaging.  
Cannabis manufacturer Level 1 – Shared Use.  
Cannabis microbusiness.  
Cannabis nursery.  
Cannabis retailer.  
Cannabis testing laboratory.

Industrial, manufacturing, or storage uses which may be objectionable by reason of production of smoke, dust, noise, radioactivity, vibration, bright light or other causes. Recreational uses, hotels, motels, mobile home parks, retail stores, offices, service establishments.

Resident manager/security personnel housing.

## **SECTION 6**

**Article 15 of Chapter 2 in Division 9 of the Ukiah City Code, pertaining to the Public Facilities (PF) Zoning District is hereby amended to read as follows (unchanged text is omitted and is shown by “\* \* \*”):**

### **§9170.2 PERMITTED USES**

**The following uses are permitted in the Public Facilities (PF) Zoning District subject to first securing a use permit:**

**\*\*\***

Cannabis Cultivation – Processor.

**\*\*\***

Cannabis Manufacturer – Packaging

Cannabis Manufacturer – Shared Use

**\*\*\***

## **SECTION 7**

**Article 15.7 of Chapter 2 in Division 9 of the Ukiah City Code is amended to read as follows:**

### **ARTICLE 15.7. STANDARDS FOR SPECIFIC LAND USES THAT ARE SUBJECT TO DISCRETIONARY REVIEW**

**\* \* \***

### **§9174.1 APPLICABILITY**

The land uses and activities included in this Article shall comply with the provisions of the section applicable to the specific land use, in addition to all other applicable provisions of this article and the Ukiah City Code.

- A. **Where Allowed:** The uses that are subject to the standards in sections 9174.2 through 9174.9 of this Code shall only be located in the zoning districts indicted in Articles 3 through 15 of this Chapter 2, Division 9 or as otherwise indicated in this Chapter.
- B. **Development Standards:** The standards for specific land uses included in this Article are required and supplement those included in the Ukiah City Code. In the event of any conflict between the requirements of this Article and those included elsewhere in the City Code, the requirements of this Article shall control.

## **§9174.2 CANNABIS-RELATED BUSINESSES**

### **A. Cannabis-Related Business Use Permit Application Requirements:**

1. **Submission:** A complete Use Permit application submittal packet shall be submitted in accordance with Section 9262 of this Code, including a detailed written statement as to how the proposed Cannabis Related Business complies with this Section, and any other information or submissions required by this Code. All applications for Use Permits for Cannabis-Related Businesses shall be filed with the Planning Department, using forms provided by the City, and accompanied by the applicable filing fee and any other applicable fees or charges. It is the responsibility of the applicant to provide information required for approval of the permit. The application shall be made under penalty of perjury.
2. **Effect of Other Permits or Licenses:** The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining a Use Permit.
3. **Submittal Requirements:** Any application for a Use Permit for a Cannabis-Related Business shall include the following information:
  - a. **Applicant(s) Name:** The full name (including any current or prior aliases, or other legal names the applicant is or has been known by, including maiden names), present address, and telephone number of the applicant;
  - b. **Applicant(s) Mailing Address:** The address to which notice of action on the application is to be mailed;
  - c. **Verification of Age:** Written proof that the applicant is at least twenty-one (21) years of age;
  - d. **Physical Description:** Applicant's height, weight, color of eyes and hair;
  - e. **Photographs:** Passport quality photographs for identification purposes;
  - f. **Tax History:** The Cannabis Related Business tax history of the applicant, including whether such person, in previously operating in this or another city, county or state under license has had a business license revoked or suspended, the reason therefor, and the business or activity or occupation in which the applicant engaged subsequent to such action of suspension or revocation;



- g. Management Information: The name or names and addresses of the person or persons having the management or supervision of applicant's business;
- h. Criminal Background: A completed background investigation verifying whether the person or person having the management or supervision of applicant's business has been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefor;
- i. Employee Information: Number of employees, volunteers, and other persons who will work at the Cannabis-Related Business;
- j. Plan of Operations: A plan of operations describing how the Cannabis Related Business will operate consistent with the intent of State law, including obtaining all applicable State licenses, and the provisions of this Section, including but not limited to ensuring that the Cannabis-Related Business will not engage in cannabis-related commercial activities that violate California law or this chapter.
- k. Written Response to Cannabis Related Business Standards: The applicant shall provide a comprehensive written response identifying how the Cannabis Related Business plan complies with each of the standards for review in this chapter, specifically the limitation on location and operating requirements in this Article;
- l. Security Plan: A detailed security plan and diagram outlining the proposed security arrangements for ensuring the safety of persons and to protect the premises from theft. The plan shall include installation of security cameras, a premises and panic alarm system monitored by a licensed operator, and a security assessment of the site conducted by a qualified professional;
- m. Floor Plan: A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the Cannabis Related Business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (6");
- n. Site Plan: A sketch or diagram showing exterior configuration of the premises, including the outline of all existing and proposed structures, parking and landscape areas, and property boundaries. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions to an accuracy of plus or minus six inches (6");
- o. Accessibility Evaluation: A written evaluation of accessibility to and within the building, and identification of any planned accessibility improvements;

- p. **Neighborhood Context Map:** An accurate straight-line drawing depicting the building and the portion thereof to be occupied by the Cannabis Related Business, and: (a) the property lines of any school within six hundred feet (600') of the property line of the Business for which a permit is requested, (b) the property lines of any Cannabis Related Business within two hundred fifty feet (250') of the primary entrance of the Business for which a permit is requested, and (c) the property lines of any youth-oriented facility or residential zone or use within two hundred fifty feet (250') of the primary entrance of the Business;
  - q. **Lighting Plan:** A lighting plan showing existing and proposed exterior premises and interior lighting levels that would be the minimum necessary to provide adequate security lighting for the use and comply with all City standards regarding lighting design and installation. All lighting shall be fully hooded and downcast, and shall not shine towards the night sky, adjacent property or any street;
  - r. **City Authorization:** Written authorization for the City, its agents and employees to seek verification of the information contained within the application;
  - s. **Statement of Owner's Consent:** A statement in writing by the Owner that he or she certifies under penalty of perjury that the applicant has the consent of the Owner and landlord to operate a Cannabis Related Business at the location;
  - t. **Applicant's Certification:** A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct;
  - u. **Other Information:** Such other information as deemed necessary by the Planning Department to demonstrate compliance with this Section including all City and State codes, including operating requirements established in this Section.
4. **Effect of Incomplete Filing:** Upon notification that an application submittal is incomplete, the applicant shall submit any additional documents or information required to complete the application within thirty (30) days of the date the applicant is notified in writing by the Planning Department that the application is incomplete. If the applicant fails to complete the application within said thirty (30) days, the application shall be deemed withdrawn and a new application submittal that complies with this Section shall be required in order to proceed with the application.
- B. **Operating Requirements for Cannabis Related Businesses:** Cannabis Related Business operations shall be established and managed only in compliance with the following standards:

1. **Criminal History:** Any applicant, his or her agent or employees, volunteer workers, or any person exercising managerial authority of a Cannabis Related Business on behalf of the applicant shall not have been convicted of any of the felony offenses enumerated in Business and Professions Code Section 26057(b)(4), or of a felony or misdemeanor involving moral turpitude, or on probation for a drug offense, or engaged in misconduct related to the qualifications, functions or duties of a permittee. Notwithstanding the above, an application shall not be denied solely on the basis that the applicant or any manager has been convicted of a felony, if the person convicted has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar Federal statute or State law where the expungement was granted. In addition, notwithstanding the above, a prior conviction, where the sentence, including any term of probation, incarceration, or supervised release, is completed, for possession of, possession for sale, sale, manufacture, transportation, or cultivation of cannabis or cannabinoid preparations, is not considered related to the qualifications, functions, or duties of a permittee, and shall not be the sole ground for denial of an application.
2. **Minors:**
  - a. It is unlawful for any permittee, operator, or other person in charge of any Cannabis Related Business to employ any person who is not at least twenty-one (21) years of age.
  - b. The burden of proof is on the Cannabis Related Business personnel to establish compliance with this subsection B.2 by clear and convincing evidence.
3. **Inventory and tracking:** Cannabis Related Businesses shall at all times operate in a manner to prevent diversion of Cannabis and shall promptly comply with any track and trace program established by the State.
4. **Multiple permits per site:** Multiple Cannabis Related Businesses proposed on any one site or parcel shall be granted permit approval only if all of the proposed Cannabis Businesses and their co-location are authorized by both City and state law. Operators of Cannabis Related Businesses issued Use Permits for multiple business types or State license types at the same physical address shall maintain clear separation between license types unless otherwise authorized by this Code and State law.
5. **Operating Plans:** An Operating Plan for a Cannabis Related Business must contain the following unless not applicable:

- a. **Storage:** A Cannabis Related Business shall have suitable locked storage on premises, identified and approved as a part of the security plan, for after-hours storage of cannabis and cannabis products.
- b. **Odors Control:** The Cannabis Related Business shall have an air treatment system that prevents odors generated from any storage and cultivation of cannabis on the Business property from being detected by any reasonable person of normal sensitivity outside the Cannabis Related Business premises. To achieve this, both the storage and cultivation areas shall be, at minimum, mechanically ventilated with a carbon filter or superior method.
- c. **Security Plans:** A Cannabis Related Business shall provide adequate security on the premises, as approved by the Chief of Police, including lighting and a premises and panic alarm system monitored by a licensed operator, to ensure the safety of persons and to protect the premises from theft.
- d. **Security Cameras:** Security surveillance cameras shall be installed to monitor the main entrance and exterior of the premises to discourage loitering, crime, illegal or nuisance activities. The security surveillance system shall comply with current State standards for digital video surveillance systems to be installed on the premises of licensed Cannabis businesses, currently codified in the Cal. Code of Regulations, Title 16, Section 5044, and as may be amended.
- e. **Security Video Retention:** Security video shall be maintained for ninety (90) days. In the event of a crime on site or anywhere within range of the Cannabis Related Business's security cameras, the Cannabis Related Business shall provide the Chief of Police or his or her designee with a useable digital copy of the security video upon request or at the earliest convenience.
- f. **Alarm System:** Professionally monitored premises and panic alarm system shall be installed and maintained in good working condition.
- g. **Emergency access.** Security measures shall be designed to ensure emergency access in compliance the California Fire Code and Ukiah Valley Fire Authority standards.
- h. **Emergency Contact:** A Cannabis Related Business shall provide the Chief of Police with the name, e-mail address, phone number and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the Business. The Business shall make every good faith effort to encourage

neighborhood residents to call this person to try to solve operating problems, if any, before any calls or complaints are made to the City.

6. **Employee Records:** Each owner or operator of a Cannabis Related Business shall maintain a current register of the names of all volunteers and employees currently working at or employed by the Cannabis Related Business, and shall disclose such registration for inspection by any City officer or official for purposes of determining compliance with the requirements of this Article.
7. **Compliance with Other Requirements:** The operator shall comply with all applicable provisions of local, State or Federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.
8. **Confidentiality:** The information provided for purposes of this section regarding the Cannabis Business security plans, security site plan, and employee background checks shall be maintained by the City as confidential information, and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction or otherwise compelled by court order or the California Public Records Act.
9. **Display of Permit:** Every Cannabis Related Business shall display at all times during business hours the Use Permit issued pursuant to the provisions of this chapter for such Business in a conspicuous place so that the same may be readily seen by all persons entering the Business.
10. **Inspections:** During normal business hours, Cannabis Related Businesses permitted under this Chapter shall provide access for administrative inspections by City officials or officers or consultants hired by the City to verify compliance with this Article. Any Cannabis Related Business's refusal to comply with this section shall be deemed a violation of this Article.
11. **Notification of Theft, Loss, and Criminal Activity:** Cannabis Related Businesses shall comply with the California Code of Regulations, Title 16, Section 5036, or as may be amended, by notifying the applicable State authorities and the Ukiah Police Department within 24 hours of discovery of any of the following situations:
  - a. A significant discrepancy in the Business's inventory.
  - b. The Operator becomes aware of or has reason to suspect diversion, theft, loss, or any other criminal activity pertaining to the operations of the Business.

- c. The Operator becomes aware of or has reason to suspect diversion, theft, loss, or any other criminal activity by an agent or employee of the Business pertaining to the operations of the Business.
- d. The Operator becomes aware of or has reason to suspect the loss or unauthorized alteration of records related to cannabis goods, customers or clients, or the Business's employees or agents.
- e. The Operator becomes aware of or has reason to suspect any other breach of security.

The notification shall be in writing and include the date and time of occurrence of the theft, loss, or criminal activity and a description of the incident including, where applicable, the item(s) that were taken or lost.

- C. Review and Revocation: Use permits issued for Cannabis Related Business shall be subject to review after the first year of operation according to the procedures set forth in subsection D of this section, and shall be subject to revocation according to the procedures set forth in subsection E of this section.

D. Review of Use Permits for Cannabis Related Businesses:

- 1. Use permits for Cannabis Related Business will be subject to review after the first year of operation by the Zoning Administrator, including inspection of the business by the Zoning Administrator or his designee, to determine whether the business is being operated in accordance with any conditions of approval imposed on the use permit as issued by the Planning Commission or Zoning Administrator. The City Council may, from time to time by resolution in accordance with the procedures required by law, establish fees to be charged and collected for review pursuant to this subsection.
- 2. In the course of review and after inspection, the Zoning Administrator shall make findings of fact regarding the Cannabis Related Business operator's adherence to the conditions of approval for the use permit. In addition, the Zoning Administrator will consider the following nonexclusive criteria in making findings of fact which may be grounds for revocation of a use permit for a Cannabis Related Business:
  - a. Whether the Cannabis Related Business operated pursuant to the use permit has generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the Cannabis Related Business.
  - b. Whether there have been excessive secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including, but not limited to, disturbances of the peace, illegal drug activity, cannabis use in public,

harassment of passersby, littering, loitering, illegal parking, loud noises, odors, or lewd conduct.

- c. Whether the Cannabis Related Business operating pursuant to a use permit has a history of inadequate safeguards or procedures that show it is likely that it will not comply with any operating requirements and standards required in the conditions of approval.
  - d. Whether the Cannabis Related Business has failed to pay fees, penalties, or taxes required by the conditions of approval of the use permit or by this code or State law, or has failed to comply with any requirements for the production of records or other reporting requirements of this code.
  - e. Whether the operator of the Cannabis Related Business or one or more of its officers, employees, partners, managers or members with management responsibilities ("managers") has been convicted of a felony, or has engaged in misconduct that is substantially related to the qualifications, functions or duties of an operator of a Cannabis Related Businesses. A "conviction" within the meaning of this chapter means a plea or verdict of guilty, or a conviction following a plea of nolo contendere. Notwithstanding the above, an application shall not be denied solely on the basis that the applicant or any manager has been convicted of a felony, if the person convicted has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar Federal statute or State law where the expungement was granted.
  - f. Whether the operator or managers of the Cannabis Related Business have previously or are currently engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
  - g. Whether the cannabis-related business has been operated in compliance with applicable State law and provisions of this code generally.
3. If the Zoning Administrator determines that the Cannabis Related Business is being operated in violation of any conditions of approval imposed on the use permit as issued by the Planning Commission or the Zoning Administrator, the use permit may be subject to revocation.

#### E. Revocation of Use Permits for Cannabis Related Businesses:

1. In addition to the reasons for revocation of an approved use permit set forth in subsection H2 of Section 9262 of this Code and subsection D2 of this Section, an approved use permit for a cannabis-related business may be revoked through the City's revocation process, as set forth in subsection H2 of Section 9262, except that all references therein to the Planning Commission shall be deemed to refer to the Zoning Administrator, if the



Cannabis Related Business is operated in a manner that violates the conditions of approval imposed by the use permit or the provisions of this code, or conflicts with State law. At the public hearing to be conducted by the Zoning Administrator as set forth in subsection H2 of this Section 9262, the Zoning Administrator shall make findings regarding the alleged specific violations of this code or State law.

2. An appeal of the Zoning Administrator's decision on revocation of a use permit for a Cannabis Related Business may be made to the Planning Commission for a final decision. Any such appeal must comply with the requirements of section 9266 of this code, except that all references therein to the City Council shall be deemed to refer to the Planning Commission.
3. When a final decision revoking a use permit for a Cannabis Related Business is made as provided in this section, the permittee shall become ineligible for a period of three (3) years thereafter to apply for a use permit for a Cannabis Related Business. The ineligibility shall include any corporation or other business entity, including, but not limited to, a partnership or limited liability company, in which the permittee has any direct or indirect beneficial, financial or ownership interest.

#### F. Limitations on Locations of Cannabis Related Businesses

1. All Cannabis Related Businesses, as defined in Section 9278 of this code, operating subject to use permits under this chapter will operate indoors in a fully enclosed secure structure, as defined in Section 9254 of this Code, and shall not be allowed in the following areas:
  - a. Within six hundred feet (600') of a school, as defined in section 5702P of this code, with that distance measured as the horizontal distance in a straight line from the property line of the school to the closest property line of the lot on which the Cannabis Related Business is to be located without regard to intervening structures, pursuant to California Health and Safety Code section 11362.768; or
  - b. Within two hundred fifty feet (250') of a youth-oriented facility other than a school, as defined in section 5702R of this code, with that distance measured by street frontage from the property line of the youth-oriented facility to the closest property line of the lot on which the Cannabis Related Business is to be located, and not radial distance; or
  - c. Abutting, on any side of the parcel upon which the Cannabis Related Business is located, a parcel occupied by a youth-oriented facility or a school; or



- d. Within any residential zoned parcel or primary land use, or any property with an underlying residential or mobile homes general plan land use designation; or
  - e. On a parcel having a residential unit, or on a parcel directly abutting a residentially zoned property, unless there are intervening nonresidential uses between the Cannabis Related Business and the residential unit or the residentially zoned property that the decision-making entity charged with hearing and making the decision on the use permit application or the appeal of that decision determines sufficient to provide an appropriate separation.
- 2. A Cannabis Retailer, as defined in Section 9278 of this code, shall not be allowed within two hundred fifty feet (250') of another Cannabis Retailer, with that distance measured by street frontage from the property line of the other Cannabis Retailer to the closest property line of the lot on which the Cannabis Retailer is to be located, and not radial distance.
  - 3. A waiver of the provisions in subsections F1a through e and F2 of this section may be granted if the applicant demonstrates on plans and materials presented for review and the Planning Commission determines that a physical barrier or other condition exists which achieves the same purpose and intent as the distance separation requirements established herein, and that, as a result, the Zoning Administrator or the Planning Commission makes a finding of no adverse impact resulting from the proposed location of the cannabis-related business.

## **SECTION 8**

**A new Section 9174.3 shall be added to Article 15.7 of Chapter 2 in Division 9 of the Ukiah City Code and shall read as follows:**

### **§9174.3 CANNABIS RETAILERS**

A. Applicability: The standards and requirements in this Section apply specifically to Cannabis Retailers, as defined in Section 9278 of this Code, and other Cannabis Businesses with a retail component, and shall apply in addition to the requirements and standards for all Cannabis Businesses set forth in Section 9174.2 and elsewhere in this Code. In the event of any conflict between the requirements of this Section and those included elsewhere in the City Code, the requirements of this Section shall control.

B. Definitions.

For the purposes of this chapter, the following words and phrases shall have the

following meaning:

1. "Adult-use" means a person the age of 21 or over with a valid state ID, who is qualified to purchase cannabis from an established cannabis business.
2. "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform.
3. "Identification card" shall have the same definition as in California Health and Safety Code section 11362.7, and as it may be amended.
4. "Medical cannabis" or "medicinal cannabis" means cannabis that is intended to be used for medical cannabis purposes in accordance with State law.
5. "On site" means an activity or accessory use that is related to the primary use – i.e., lawful, retail distribution of cannabis – and is located on the same legal parcel as the primary use.
6. "Primary caregiver" shall have the same definition as set forth in California Health and Safety Code section 11362.7, and as it may be amended.
7. "Qualified patient" shall have the same definition as set forth in California Health and Safety Code section 11362.7, and as it may be amended.

#### C. Operating Requirements

1. Minors: Persons under the age of eighteen (18) shall not be allowed on the premises of a Cannabis Retailer unless they are a qualified patient or a primary caregiver, they are in the presence of their parent or guardian, and the Cannabis Retailer in question dispenses cannabis for medical use. Adult Use Cannabis Retailers shall only allow on the premises a person who is 21 years of age or older and who possesses a valid government-issued photo identification card.
2. Cannabis Retailer Access:
  - a. The entrance into the Cannabis Retailer building shall be locked at all times with entry strictly controlled; e.g., a buzz-in electronic/mechanical entry system with a vestibule is highly encouraged. A viewer shall be installed in the door that allows maximum angle of view of the exterior entrance.
  - b. Cannabis Retailer personnel shall monitor site activity, control loitering and site access.
  - c. Only Cannabis Retailer staff, persons the age of twenty-one (21) and over, qualified patients over the age of eighteen (18) who are purchasing Medical

cannabis, and persons with bona fide purposes for visiting the site shall be allowed on the premises.

- d. Only a primary caregiver and qualified patient or persons the age of twenty-one (21) and over shall be in the designated dispensing area with personnel. All other authorized visitors shall remain in the designated waiting area in the front entrance/lobby.
- e. Restrooms shall remain locked and under the control of management.

3. Operations:

- a. The Cannabis Retailer may sell cannabis or cannabis products to an individual only in an amount consistent with personal possession and use limits allowed by the State
- b. A Cannabis Retailer shall not have a physician on site to evaluate patients and provide a recommendation for medical cannabis.

4. Hours of Operation: Hours of operation are limited to nine o' clock (9:00) A.M. to nine o' clock (9:00) P.M., seven (7) days a week.

5. Consumption Restrictions:

- a. Cannabis shall not be consumed on the premises of the Cannabis Retailer. The term "premises" includes the actual building, as well as any accessory structures, parking areas, or other surroundings within two hundred feet (200') of the Cannabis Retailer's entrance.
- b. Cannabis Retailer operations shall not result in illegal redistribution of cannabis obtained from the Cannabis Retailer, or use in any manner that violates local, State or City codes.
- c. No person may consume cannabis, by smoking or vaporization, in any public places. Public places shall include, but are not limited to, City owned parks and/or City sponsored events where designated as nonsmoking areas by resolution of the City Council, streets, sidewalks, alleys, highways, public parking lots as defined in section 6000 of this Code and as amended, enclosed places and places of employment as defined in sections 4503 and 4505 of this Code and as amended, and any other property owned or leased by the City, or in which the City holds a right-of-way easement, and which is open to members of the general public, except while actively passing through on the way to another destination. Nothing in this Section is intended, nor shall it be construed, to be inconsistent with the California Indoor Clean Air

Act of 1976, Health and Safety Code Section 118875 et seq. and as amended.

6. Retail Sales and Cultivation:

- a. No cannabis shall be cultivated on the premises of the Cannabis Retailer, except in compliance with this Section and with Sections 6093 and 9254 of this code and applicable State laws and regulations.
- b. Cannabis Retailers may keep on the Premises immature nursery stock cannabis plants, or clones, that are not intended to be raised to maturity by the Cannabis Retailer but instead sold to Adult Use patrons or qualified patients.
- c. Up to one hundred fifty (150) square feet of the total square footage of the Cannabis Retailer may be utilized for display and sales of devices necessary for administering cannabis, including but not limited to rolling papers and related materials and devices, pipes, water pipes, and vaporizers.
- d. Retail sales of cannabis that violate California law or this Code are expressly prohibited.

7. Floor Plan: Cannabis Retailers or other Cannabis Businesses with a retail component shall have a lobby waiting area at the entrance to receive clients, and a separate and secure designated area for dispensing cannabis to qualified patients or designated caregivers or to eligible adult use patrons. The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

8. Hours of Operation: Hours of operation are limited to nine o' clock (9:00) A.M. to nine o' clock (9:00) P.M., seven (7) days a week.

D. Site Management:

1. The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if directly related to the patrons of the subject dispensary.
  - a. "Reasonable steps" shall include calling the police in a timely manner; and requesting those engaging in objectionable activities to cease those activities, unless personal safety would be threatened in making the request.

- b. "Nuisance" includes, but is not limited to, disturbances of peace, open public consumption of cannabis or alcohol, excessive pedestrian or vehicular traffic, illegal drug activity, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or excessive police detentions and arrests.
- 2. The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.
- E. Alcoholic Beverages: No Cannabis Retailer shall hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.
- F. Delivery: A Cannabis Retailer located in the City may deliver cannabis to qualified patients and caregivers and to persons eligible for adult-use at their residence in the City or to the same class of persons outside the City's jurisdiction. Such permissible delivery of cannabis to qualified patients or adults at least 21 years of age within the City limits shall be limited to delivery by lawfully operated, permitted retailers. All other cannabis delivery is a prohibited activity in the City, except where the City is preempted by Federal or State law from enacting a prohibition on such activity.

## **SECTION 9**

**Table 3 in Section 9223.1 of Article 18, Chapter 2 in Division 9 of the Ukiah City Code is hereby amended by removing from the column heading "Use Categories and Specific Uses" the reference to a Dispensary Use Permit (DUP) and specifying that a Cannabis Retailer is an allowable use with a Major Use Permit (MAUP), rather than with a DUP, in the General Urban (GU), Urban Center (UC), and Downtown Core (DC) zoning district.**

## **SECTION 10**

**Article 19 of Chapter 2 in Division 9 of the Ukiah City Code is hereby amended to read as follows:**

### **§ 9254 CANNABIS CULTIVATION**

**\* \* \***

**B. Cultivation of Cannabis:**

\* \* \*

3. Indoor Commercial Cultivation Of Cannabis: It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within the City of Ukiah to cause or allow such parcel to be used for the commercial cultivation of cannabis, unless (a) the person is operating a Cannabis Retailer pursuant to a valid use permit, within the C1, C2, CN, M, and PD (commercial) zoning districts and in the GU, UC, and DC downtown zoning districts, and the space devoted to on-site cultivation at the Cannabis Retailer does not exceed twenty-five percent (25%) of the total floor area, but in no case more than five hundred (500) square feet; or (b) the person is operating a commercial Cannabis Cultivation business of any type in compliance with all requirements set forth in Sections 9261, 9262, and 9278 of this Code and with all applicable State laws and regulations including licensing requirements.

## **SECTION 11**

**Article 20 of Chapter 2 in Division 9 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “\* \* \*”):**

### **§9261 DISCRETIONARY PLANNING PERMITS**

\* \* \*

D. \*\*\*

\* \* \*

5.
  - a. In all Zoning Districts in which they are a permitted use, the following Cannabis Related Businesses shall be considered major uses:

Cannabis Cultivation – Processor  
Cannabis Cultivation – Specialty Cottage.  
Cannabis Cultivation – Specialty Indoor.  
Cannabis Cultivation – Specialty Mixed Light.  
Cannabis Microbusiness.  
Cannabis Nursery.  
Cannabis Retailer.

Major Use Permits issued for Cannabis Related Businesses shall be subject to review after the first year of operation, and shall be subject to the review and revocation procedures set forth in Section 9174.2, subsections D and E of this Chapter.

- b. In all Zoning Districts in which they are a permitted use, the following Cannabis Related Businesses shall be considered minor uses:



Cannabis Distribution  
Cannabis Manufacturer – Level 1  
Cannabis Manufacturer – Packaging  
Cannabis Manufacturer – Shared Use

Minor Use Permits issued for Cannabis Related Businesses shall be subject to review after the first year of operation, and shall be subject to the review and revocation procedures set forth in Section 9174.2, subsections D and E of this Chapter.

\* \* \*

## **SECTION 12**

**Article 21 of Chapter 2 in Division 9 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “\* \* \*):**

### **§9278 DEFINITIONS**

\*\*\*

B. \*\*\*

**CANNABIS:** Shall have the same definition as set forth for “Cannabis” in Business and Professions Code § 26001(e), as may be amended from time to time.

**CANNABIS CULTIVATION:** Shall have the same definition as set forth for “Cultivation” in Business and Professions Code § 26001(k), as may be amended from time to time.

**CANNABIS CULTIVATION – INDOOR:** Shall have the same definition as set forth for “Indoor Cultivation” in Title 4, California Code of Regulations, Section 15000(cc), as may be amended from time to time. For purposes of this Code, indoor cultivation involves cultivation of cannabis within a fully enclosed secure structure, as defined in section 9254 of this code.

\*\*\*

**CANNABIS CULTIVATION – MEDIUM INDOOR:** A Cannabis Related Business operating under a State cultivator license, or a state cultivation license type subsequently established, and meeting the definition of “Medium Indoor” set forth in Title 4, California Code of Regulations, Section 16201, as may be amended from time to time.

**CANNABIS CULTIVATION – MEDIUM MIXED LIGHT:** A Cannabis Related Business operating under a State cultivator license, or a state cultivation license type

subsequently established, and meeting the definition of "Medium Mixed Light Tier 1 and 2" set forth in Title 4, California Code of Regulations, Section 16201, as may be amended from time to time.

\*\*\*

**CANNABIS CULTIVATION – PROCESSOR:** A Cannabis Related Business operating under a State cultivator license, or a state cultivation license type subsequently established, and meeting the definition of "Processor" set forth in Title 4, California Code of Regulations, Section 16201, as may be amended from time to time.

\*\*\*

**CANNABIS CULTIVATION – SMALL INDOOR:** A Cannabis Related Business operating under a State cultivator license, or a state cultivation license type subsequently established, and meeting the definition of "Small Indoor" set forth in Title 4, California Code of Regulations, Section 16201, as may be amended from time to time.

**CANNABIS CULTIVATION – SMALL MIXED LIGHT:** A Cannabis Related Business operating under a State cultivator license, or a state cultivation license type subsequently established, and meeting the definition of "Small Mixed Light Tier 1 and 2" set forth in Title 4, California Code of Regulations, Section 16201, as may be amended from time to time.

**CANNABIS CULTIVATION – SPECIALTY COTTAGE:** A Cannabis Related Business operating under a State cultivator license, or a state cultivation license type subsequently established, and meeting the definition of "Specialty Cottage" set forth in Title 4, California Code of Regulations, Section 16201, as may be amended from time to time.

**CANNABIS CULTIVATION – SPECIALTY INDOOR:** A Cannabis Related Business operating under a State cultivator license, or a state cultivation license type subsequently established, and meeting the definition of "Specialty Indoor" set forth in Title 4, California Code of Regulations, Section 16201, as may be amended from time to time.

**CANNABIS CULTIVATION – SPECIALTY MIXED LIGHT:** A Cannabis Related Business operating under a State cultivator license, or a state cultivation license type subsequently established, and meeting the definition of "Specialty Mixed Light Tier 1 and 2" set forth in Title 4, California Code of Regulations, Section 16201, as may be amended from time to time.

**CANNABIS DISTRIBUTION:** Shall have the same meaning as the definition of "Distribution" set forth in Business and Professions Code § 26001(r), as may be amended from time to time.

**CANNABIS DISTRIBUTOR:** A Cannabis Related Business operating under a State Type 11 or 13 Distributor license, or a state distribution license type subsequently established, and meeting the definition of "Distributor" set forth in Business and Professions Code § 26001(s), as may be amended from time to time.



**CANNABIS MANUFACTURING:** Shall have the same definition as set forth for "Manufacture" in Title 4, California Code of Regulations, Section 15000(o), as may be amended from time to time.

**CANNABIS MANUFACTURING – LEVEL 1:** A Cannabis Related Business operating under a State Type 7 manufacturer license for extractions using volatile solvents, or a state manufacturer license type subsequently established, and meeting the definition of a Type 7 license set forth in Title 4, California Code of Regulations, Section 17006, as may be amended from time to time.

**CANNABIS MANUFACTURING – LEVEL 2:** A Cannabis Related Business operating under a State Type 6 manufacturer license for extractions using mechanical methods or nonvolatile solvents, or a state manufacturer license type subsequently established, and meeting the definition of a Type 6 license set forth in Title 4, California Code of Regulations, Section 17006, as may be amended from time to time.

**CANNABIS MANUFACTURER – PACKAGING:** A Cannabis Related Business operating under a State Type P license and meeting the definition of a Type P license set forth in Title 4, California Code of Regulations, Section 17006, as may be amended from time to time.

**CANNABIS MANUFACTURER – SHARED USE:** A Cannabis Related Business operating under a State Type S license and meeting the definition of a Type S license set forth in Title 4, California Code of Regulations, Section 17006, as may be amended from time to time.

\*\*\*

**CANNABIS MICROBUSINESS:** A Cannabis Related Business operating under a State Type 12 license for microbusinesses, or a state cannabis license type subsequently established, and meeting the definition of "microbusiness" set forth in Business and Professions Code § 26001(a), as may be amended from time to time. A Cannabis Microbusiness that also acts as a Cannabis Retailer must also comply with the provisions of Section 9174.3 of this Code.

**CANNABIS NURSERY:** A Cannabis Related Business operating under a State cultivation license for cannabis nurseries, or a state cultivation license type subsequently established, and meeting the definition of "Nursery" set forth in Business and Professions Code § 26001(ak), as may be amended from time to time.

**CANNABIS PRODUCTS:** Shall have the same definition as set forth for "Cannabis Products" in Business and Professions Code § 26001(h), as may be amended from time to time.

**CANNABIS RELATED BUSINESS:** An enterprise engaged commercial cannabis activity, as defined in Business and Professions Code § 26001(j), as may be amended from time to time, except as set forth in Business and Professions Code Section 26033 related to qualifying patients and primary caregivers, and Section 9254 of this Chapter pertaining to cultivation of cannabis for personal use. All Cannabis Related Businesses operating within the City must possess a valid State license appropriate for the type of business operated.

**CANNABIS RETAILER:** A commercial enterprise engaged in the retail sale and delivery of cannabis or cannabis products to customers. A retailer shall have a licensed premises which is a physical location from which commercial cannabis activities are conducted. A retailer's premises may be closed to the public. A retailer may conduct sales exclusively by delivery. All Cannabis Retail operations in the City of Ukiah are regulated pursuant to the general regulations for Cannabis Related Businesses in Section 9174.2 of this Code and the regulations specific to Retailers in Section 9174.3.

**CANNABIS TESTING LABORATORY:** Shall have the same definition as set forth for "Testing Laboratory" in Business and Professions Code § 26001(av), as may be amended from time to time.

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**SCHOOL:** Shall mean an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes an elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including any other college or university.

\*\*\*

**YOUTH-ORIENTED FACILITY:** Shall mean a public park, as shown on the official zoning map for the City; church; museum; library; or licensed daycare facility.

## **SECTION 13**

### **1. SEVERABILITY.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Ukiah hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one

or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

## **2. EFFECTIVE DATE.**

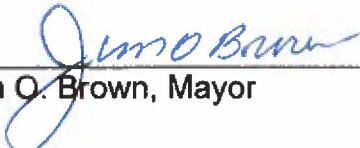
This Ordinance shall be published as required by law in a newspaper of general circulation in the City of Ukiah, and shall become effective thirty (30) days after its adoption.

Introduced by title only on July 20, 2022, by the following roll call vote:

AYES: Councilmembers Orozco, Crane, Rodin, Duenas, and Mayor Brown  
NOES: None  
ABSENT: None  
ABSTAIN: None

Adopted on August 3, 2022, by the following roll call vote:

AYES: Councilmembers Orozco, Crane, Rodin, Duenas, and Mayor Brown  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
\_\_\_\_\_  
Jim O. Brown, Mayor

ATTEST:  
  
\_\_\_\_\_  
Kristine Lawler, City Clerk

