

**ORDINANCE NO. 1064**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RED BLUFF, AMENDING ARTICLE VIII (COMMERCIAL DISTRICTS), ARTICLE IX (INDUSTRIAL DISTRICTS), ARTICLE XXII (PROHIBITED USES) AND ARTICLE XXV (DEFINITIONS) OF CHAPTER 25 (ZONING) OF THE CODE OF THE CITY OF RED BLUFF**

WHEREAS, the City of Red Bluff, pursuant to its police power, may adopt regulations to protect the health, safety and welfare of the public, Cal. Const. art. XI, § 7, Cal. Gov. Code § 37100, and thereby is authorized to declare what use and condition constitutes a public nuisance; and

WHEREAS, a duly noticed public hearing held by the Planning Commission on January 26, 2022 with all persons having the opportunity to speak for and against the Ordinance; and

WHEREAS, a duly noticed public hearing held by the City Council on February 1, 2022 with all persons having the opportunity to speak for and against the Ordinance where the Council introduced the first reading of the Ordinance; and

WHEREAS, the City Council finds that the provisions of this Ordinance are consistent with the Red Bluff General Plan; and

WHEREAS, the City of Red Bluff, pursuant to the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code § 21000 et seq.) and State CEQA guidelines (§ 15000 et seq.) has determined that the Ordinance requires the preparation and adoption of an Initial Study/Mitigated Negative Declaration; and

WHEREAS, all legal prerequisites prior to the adoption of this Ordinance have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RED BLUFF DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1:** The Code of the City of Red Bluff, Chapter 25, Article VIII: Commercial Districts, Section 25.79, Commercial Zones and Permit Requirements, is hereby amended to add the following underlined text to the list of commercial zones and permit requirements to read as follows:

**§ 25.79 COMMERCIAL ZONES AND PERMIT REQUIREMENTS.**

The following is a list of commercial zones and certain permit requirements.

<i>Land Use</i>	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>FC</i>	<i>HC</i>	<i>Examples</i>
<b><u>Cannabis Uses:</u></b>						
<u>Testing Laboratory</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	

<u>Distributor</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	
<u>Volatile Manufacturer</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Non-volatile Manufacturer</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	
<u>Retailer - Delivery</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	
<u>Retailer – Storefront</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	
<u>Cultivation – Indoor</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>Microbusiness</u>	<u>N</u>	<u>P*</u>	<u>P*</u>	<u>N</u>	<u>P*</u>	<u>*Permitted in the specific zones allowed for all the license categories authorized by the Commercial Cannabis Business Permit.</u>
<u>Cannabis Event Organizer</u>	<u>N</u>	<u>P*</u>	<u>P*</u>	<u>N</u>	<u>P*</u>	<u>*If utilizing a commercial space. Permitted in all Zoning Districts if operated as a home occupation pursuant to section 25.187.</u>
<u>Cannabis Event</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<b>NOTES TO TABLE:</b>						
8. All Cannabis Uses must comply with Chapter 6B.						

**Section 2:** The Code of the City of Red Bluff, Chapter 25, Article IX: Industrial Districts, Section 25.92, Industrial Zones and Permit Requirements, is hereby amended to add the following underlined text to the list of industrial zones and permit requirements to read as follows:

**§ 25.92 INDUSTRIAL ZONES AND PERMIT REQUIREMENTS.**

The following is a list of industrial zones and permit requirements.

*\*The City of Red Bluff is an Equal Opportunity Provider\**

<i>Land Use</i>	<i>M—1</i>	<i>M—2</i>	<i>P-I</i>	<i>Examples</i>
<b><u>Cannabis Uses:</u></b>				
<u>Testing Laboratory</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Distributor</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Volatile Manufacturer</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Non-Volatile Manufacturer</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Retailer - Delivery</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Retailer - Storefront</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Cultivation – Indoor</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Microbusiness</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>*Permitted in the specific zones allowed for all the license categories authorized by the Commercial Cannabis Business Permit.</u>
<u>Cannabis Event Organizer</u>	<u>N*</u>	<u>N*</u>	<u>N*</u>	<u>* Permitted in all Zoning Districts if operated as a home occupation pursuant to section 25.187.</u>
<u>Cannabis Event</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<b>NOTES TO TABLE:</b>				
<u>7. All Cannabis Uses must comply with Chapter 6B.</u>				

**Section 3:** The Code of the City of Red Bluff, Chapter 25, Article XXII: Prohibited Uses, Section 25.214, Marijuana cultivation, processing, delivery, and dispensaries prohibited, is hereby amended in its entirety to read as follows:

**§ 25.214 CANNABIS USES PROHIBITED UNLESS SPECIFICALLY AUTHORIZED.**

A. No person shall engage in, conduct and/or operate a commercial cannabis business, or cause, allow, permit and/or maintain a commercial cannabis business on any real property within the city except as specifically authorized both by the provision of this code, including but not limited to this chapter, chapter 6B, and state law.

B. Except as specifically authorized in this chapter and chapter 6B, or expressly made exempt from city regulation by state law, the cultivation, manufacturing,



processing, storing, laboratory testing, labeling, transporting, dispensing, furnishing, distribution, delivery, and/or sale of cannabis or a cannabis product, and/or conducting a cannabis event, is expressly prohibited anywhere in the city.

C. No commercial cannabis business may be located within a six hundred foot (600') linear radius measured from property line to property line of a school, day care center or youth center pursuant to the requirements of Chapter 6B.

**Section 4:** The Code of the City of Red Bluff, Chapter 25, Article XXV: Definitions, Section 25.239, Definitions, is hereby amended to add the underlined text read as follows:

#### **§ 25.239 DEFINITIONS.**

For the purpose of this chapter, the following definitions and the definitions set forth in Chapter 6B shall apply unless the context clearly indicates or requires a different meaning.

**Section 5:** Environmental Compliance. This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and requires the adoption of an Initial Study/Mitigated Negative Declaration.

#### **Section 6:** Penalties.

A. A violation of any of the provision of this Ordinance is punishable as a misdemeanor pursuant to section 1-23 of the Code of the City of Rebuff, is a public nuisance, and is subject to all other remedies available under said Code.

B. Any commercial cannabis activity operated, conducted, or maintained contrary to the provisions of this Ordinance shall be, and the same is declared to be, unlawful and a public nuisance and the city may commence an administrative and/or civil action(s) or proceeding(s), for the abatement, removal and/or enjoinder thereof, in the manner provided by law, and may take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief to abate, cause cessation, or remove such commercial cannabis business and restrain and enjoin any person, including but not limited to the owner or owners of real property upon which such business is located, from operating, conducting or maintaining, a commercial cannabis business contrary to the provisions of this chapter.

C. Each person in violation of any of the provisions of this Ordinance shall be guilty of a separate offense for each and every day, or part thereof, during which a violation of this chapter, is allowed, committed, continued, maintained, or permitted by such person.

D. Whenever in this Ordinance any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

E. The penalties set forth herein are cumulative and in addition to all other remedies, violations, and penalties set forth in the Code of the City of Red Bluff, or in any other ordinance, law, rule or regulation of the city, county, and/or the State of California.

**Section 7:** Inconsistencies. Any provision of the Code of the City of Red Bluff or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

**Section 8:** Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance, or the application thereof to any person, 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 portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, state, or federal law, regulation, or codes dealing with life safety factors.


**Section 9:** Effective Date. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the Red Bluff Daily News, a newspaper of general circulation, printed and published in the City of Red Bluff or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

IN COUNCIL, RED BLUFF, CALIFORNIA, February 15, 2022

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Johnna Jones, Council Member
<b>SECONDER:</b>	Clay Parker, Mayor Pro Tem
<b>AYES:</b>	Kris Deiters, Daniele Eyestone, Clay Parker, Johnna Jones
<b>NAYS:</b>	J.R. Gonzales

  
Kris Deiters, Mayor

ATTEST:

  
Anita Rice, Deputy City Clerk