

# Agenda City of Patterson



**City Council Special Meeting  
October 30, 2017  
6:00 PM**

**Council Chambers  
1 Plaza  
Patterson, CA 95363**

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- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Statements of Conflict**
- 4. Items from the Public**

Any member of the audience desiring to address the Council regarding a matter on the agenda, please raise your hand or step to the podium at the time the item is announced by the Mayor. The public wishing to address the Council on items that do not appear on the agenda may do so; however, Council will take no action other than referring the item to staff for study and analysis and shall place item on a future agenda (Resolution 92-25)

In order that all interested parties have an opportunity to speak, any person addressing the Council will be limited to a maximum of five (5) minutes unless the Mayor grants a longer period of time (Resolution 92-25)

Please State Your Name and City for the Record.

**5. Public Hearings**

5.1. City Attorney - Motion to Approve First Reading and Introduction of Ordinance No. 806, Reading by Title Only, Waiving Further Reading, An Ordinance of the City Council of the City of Patterson Amending Chapter 6.56, Marijuana Cultivation, Delivery and Dispensaries of, and Adding Chapter 6.57, Cannabis for Personal Use to, Title 6, Health and Safety, of the Patterson Municipal Code, to Regulate Cannabis.

Staff Report: City Manager Irwin  
Deputy City Attorney White

Mayor: Open/Close the Public Hearing

Council: Motion to Approve First Reading & Introduction of Ordinance No. 806, reading by title only, waiving further reading.

**6. Other Matters**

**7. Adjournment**



## City Council Agenda Report

**TO:** Mayor Novelli and Members of the City Council

**FROM:** Ken Irwin, City Manager

**BY:** Douglas White, Deputy City Attorney

**MEETING DATE:** October 30, 2017

**ITEM NO:** 5.1

**SUBJECT:** Motion to Approve First Reading and Introduction of Ordinance No. 806, Reading by Title Only, Waiving Further Reading, An Ordinance of the City Council of the City of Patterson Amending Chapter 6.56, Marijuana Cultivation, Delivery and Dispensaries of, and Adding Chapter 6.57, Cannabis for Personal Use to, Title 6, Health and Safety, of the Patterson Municipal Code, to Regulate Cannabis.

### **RECOMMENDATION**

Motion to Approve First Reading and Introduction of Ordinance No. 806, Reading by Title Only, Waiving Further Reading, An Ordinance of the City Council of the City of Patterson Amending Chapter 6.56, Marijuana Cultivation, Delivery and Dispensaries of, and Adding Chapter 6.57, Cannabis for Personal Use to, Title 6, Health and Safety, of the Patterson Municipal Code, to Regulate Cannabis.

### **BACKGROUND**

The Patterson Municipal Code (“P.M.C.”) currently prohibits all cannabis cultivation, delivery, and dispensaries within the City. As a result of the rapid changes in state law, the City is currently reexamining its policies relating to personal adult-use cannabis and its ban on cannabis businesses. The City held three public workshops to inform the public about the status of cannabis regulation at the state level and to obtain feedback regarding the potential regulation in the City.

At our regular meeting on October 17, 2017, the council reviewed the draft ordinance and provided direction to staff. That direction is as follows:

1. Correct grammatical errors regarding businesses.

2. Provide language prohibiting greenhouses for commercial cultivation.
3. Provide better visual of allowed locations, in certain commercial areas that may be considered ideal locations for cannabis businesses on a case by case basis.

Based on the input and feedback from the workshops, the Patterson City Council (“City Council”) voted to circulate a Request for Qualifications (“RFQ”), at the June 26, 2017, City Council meeting, to obtain proposals from cannabis business operators to gauge interest in the possible regulation of cannabis businesses. A number of businesses responded to that RFQ. Staff interviewed five dispensaries and seven cultivation and manufacturing businesses. Staff has determined two dispensaries and three cultivation and manufacturing businesses demonstrate very solid and professional backgrounds.

In order to permit the operation of any cannabis businesses within the City, the City Council may consider adoption of an ordinance establishing regulations for cannabis operations.

### ANALYSIS

On October 9, 2015, Governor Brown signed 3 bills into law (AB 266, AB 243, and SB 643), collectively referred to as the Medical Cannabis Regulation and Safety Act (“MCRSA”). MCRSA established the state’s first licensing system for commercial medicinal cannabis activity by qualified patients and their primary care givers. MCRSA also preserved local control of these businesses by requiring that a medicinal cannabis business obtain a local permit in order to operate.

In November of 2016, the voters of California approved Proposition 64 entitled the “Control, Regulate and Tax Adult Use of Marijuana” (“AUMA”). AUMA legalized the adult-use and possession of cannabis by persons 21 years of age and older and the personal cultivation of up to six cannabis plants within a private residence.

On June 27, 2017, Governor Jerry Brown signed into law the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”), which combined MCRSA and AUMA to create a single regulatory scheme for both medicinal and adult-use cannabis businesses. MAUCRSA retains the provisions in AUMA that granted local jurisdictions control over whether businesses engaged in commercial cannabis activity may operate in their jurisdiction.

In compliance with recently enacted state law, and consistent with direction provided to staff, the proposed ordinance accomplishes two tasks. First, the ordinance amends Chapter 6.56, Medical Marijuana Dispensaries, of the P.M.C. to establish a Cannabis Business Pilot Program to regulate cannabis businesses instead of prohibiting them. All cannabis businesses would be approved pursuant to a development agreement and a conditional use permit. Additionally, all fees associated with these uses will be established as part of the development agreement process.

Secondly, the proposed ordinance would establish a permit program for adults that desire to cultivate cannabis within their private residence for personal use. Applicable fees for personal cultivation will be established by resolution by the City Council. By adopting the proposed ordinance, the City Council will ensure that the regulation of cannabis remains within local control of the City while adhering to the requirements of state law.

### **A. Cannabis Cultivation for Personal Use**

Pursuant to AUMA, a person 21 years of age or older may cultivate indoors, and possess the cannabis produced by, six cannabis plants. A person 21 years of age or older may also give away not more than 28.5 grams of un-concentrated cannabis to another adult.

Under the proposed ordinance, an Administrative Cultivation Permit (“ACP”) will be required to cultivate indoors a maximum of six (6) plants per parcel for personal use. Greenhouses are not permitted at this time. A secured shed may be used if approved by the Building and Planning Departments. Outdoor cultivation of cannabis for personal use is prohibited. Property owner permission is required. Inspections are required to obtain an ACP, which expires in one (1) year. At that time, an additional inspection is required to renew the permit. ACP fees will be established by resolution of the City Council.

### **B. Commercial Cannabis Cultivation**

Pursuant to MAUCRSA, there are 14 cultivation license types that cover outdoor, indoor, and mixed-light cultivation. These license types apply to both medicinal and adult-use cannabis. The Department of Food and Agriculture is the state entity responsible with oversight of cultivation licenses. Effective January 1, 2018, all commercial cannabis cultivation is subject to a state tax of \$9.25 per dry-weight ounce for flowers and \$2.75 per dry weight ounce for leaves.

Under the proposed ordinance, all commercial cannabis cultivation businesses will require a Development Agreement with the City and a Conditional Use Permit. Commercial cultivation is only permitted indoors in a Light Industrial (LI), Heavy Industrial (HI), West Patterson Industrial Business Park (IBP), or West Patterson Light Industrial (IL) District, or in other districts as specified in a Development Agreement, Conditional Use Permit and applicable zoning code provisions. Other requirements include Secure Building protocols, a Security Plan, Insurance requirements, and a Waste Management Plan. The proposed ordinance does not allow outdoor cultivation.

### **C. Cannabis Testing Laboratory**

MAUCRSA requires all cannabis and cannabis products to be tested by a licensed testing laboratory before distribution to retailers. Laboratories test for potency, purity, and other detailed information such as terpene counts. A testing laboratory is required to destroy the remains of any sample tested.

The Type 8 license is the only testing laboratory license type. A licensee who obtains a Type 8 license is prohibited from also obtaining any other cannabis business license. This license type applies to both medicinal and adult-use cannabis. The Bureau of Cannabis Control (the “Bureau”) is the state agency responsible with oversight of testing laboratory licenses.

Under the proposed ordinance, all cannabis testing businesses will require a Development Agreement with the City and a Conditional Use Permit. Cannabis testing laboratories are only permitted indoors in a Light Industrial (LI), Heavy Industrial (HI), West Patterson Industrial Business Park (IBP), or West Patterson Light Industrial (IL) District, or in other districts as specified in a Development Agreement, Conditional Use Permit and applicable zoning code provisions. Other requirements include Secure Building protocols, a Security Plan, Insurance

requirements, and a Waste Management Plan.

#### **D. Cannabis Dispensaries**

Dispensaries sell cannabis and cannabis products directly to consumers. State law allows dispensaries to also provide delivery services, so long as they maintain a physical location from which commercial activities are conducted. The Bureau is the state agency responsible for regulating this business type.

The proposed ordinance permits up to two (2) cannabis dispensaries and requires a Development Agreement and a Conditional Use Permit. The City Council would have the discretion to allow or prohibit a dispensary to provide delivery services. Under the proposed ordinance, all commercial cannabis dispensary businesses will require a Development Agreement with the City and a Conditional Use Permit. Dispensaries are only permitted indoors in a Light Industrial (LI), Heavy Industrial (HI), West Patterson Industrial Business Park (IBP), or West Patterson Light Industrial (IL) District, or in other districts as specified in a Development Agreement, Conditional Use Permit and applicable zoning code provisions. Other requirements include Secure Building protocols, a Security Plan, Insurance requirements, and a Waste Management Plan.

#### **E. Cannabis Manufacturing**

Cannabis is commonly thought of as simply a flower. However, it also includes “the resin extracted from any part of the plant; and every compound...derivative, mixture, or preparation of the plant.” The extracted resin is used to create products that include hashish, oils, and edible foods. The extraction process is considering manufacturing. Cannabis manufacturing also includes the labeling and sealing of cannabis products. The California Department of Public Health regulates this cannabis industry.

Generally, the cannabis manufacturing process is designated into two categories: non-volatile and volatile. Non-volatile manufacturing is the production, preparation, and compounding of cannabis and cannabis products, using pressure, ice water, or screening. It also includes the preparation of an edible cannabis item by dissolving cannabis resin in a fat such as butter.

Volatile manufacturing includes use of volatile solvents, that are pressurized and run over the resin glands to separate it from the rest of the plant. The resin glands are collected and processed into their end product.

Under the proposed ordinance, all cannabis manufacturing businesses will require a Development Agreement with the City and Conditional Use Permit. Cannabis manufacturing is only permitted indoors in a Light Industrial (LI), Heavy Industrial (HI), West Patterson Industrial Business Park (IBP), or West Patterson Light Industrial (IL) District, or in other districts as specified in a Development Agreement, Conditional Use Permit and applicable zoning code provisions. Other requirements include Secure Building protocols, a Security Plan, Insurance requirements, and a Waste Management Plan.

### **ENVIRONMENTAL REVIEW**

MAUCRSA provides an exemption under the California Environmental Quality Act (“CEQA”) for any ordinance, rule, or regulation by a city that requires discretionary review and approval for

commercial cannabis activity. Additionally, this item does not constitute a project under the CEQA because it does not establish any entitlements or authorize any projects within the City.

### **FISCAL IMPACT**

If the proposed ordinance is introduced and subsequently adopted, the City will have a system in place to process cannabis business proposals received during the RFQ solicitation. This, coupled with the impact fees the City may impose pursuant to a Development Agreement, should ensure that any costs and regulatory issues associated with cannabis businesses are adequately addressed. The anticipated increase in revenue to the City's general fund can be used to offset any increased public safety costs.

### **ALTERNATIVE ACTIONS**

The City Council's options regarding Ordinance No. 806 include:

1. Introduce Ordinance No. 806 for a first reading;
2. Continue introduction of Ordinance No. 806 for a first reading to the next regular City Council meeting with changes or revisions as provided by the City Council;
3. Reject the introduction of Ordinance No. 806 for first reading.

### **RECOMMENDED ACTION**

Motion to introduce for first reading, Ordinance No. 806, amending Chapter 6.56, Marijuana Cultivation, Delivery and Dispensaries of, and adding Chapter 6.57, Cannabis for Personal Use to, Title 6, Health and Safety, of the P.M.C., to regulate cannabis.

### **ATTACHMENT**

Ordinance No. 806

**CITY OF PATTERSON**

**ORDINANCE NO. 806**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PATTERSON AMENDING CHAPTER 6.56, MARIJUANA CULTIVATION, DELIVERY AND DISPENSARIES OF, AND ADDING CHAPTER 6.57, CANNABIS FOR PERSONAL USE TO, TITLE 6, HEALTH AND SAFETY, OF THE PATTERSON MUNICIPAL CODE, TO REGULATE CANNABIS**

**WHEREAS**, on October 9, 2015, Governor Jerry Brown signed three bills into law (Assembly Bill 266, Assembly Bill 243, and Senate Bill 643), which are collectively referred to as the Medical Cannabis Regulation and Safety Act (“MCRSA”). MCRSA established the first statewide regulatory system for medical cannabis businesses; and

**WHEREAS**, in 2016, the voters of California approved Proposition 64 entitled the “Control, Regulate and Tax Adult Use of Marijuana” (“AUMA”). AUMA legalized the adult-use and possession of cannabis by persons 21 years of age and older and the personal cultivation of up to six cannabis plants within a private residence; and

**WHEREAS**, on June 27, 2017, Governor Jerry Brown signed into law the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”), which created a single regulatory scheme for both medical and adult-use cannabis businesses. MAUCRSA retains the provisions in the MCRSA and AUMA that granted local jurisdictions control over whether businesses engaged in commercial cannabis activity may operate in a particular jurisdiction; and

**WHEREAS**, the City Council finds that (1) regulating the personal cultivation of adult-use cannabis is appropriate; (2) outdoor cannabis cultivation, whether for medicinal or adult-use purposes, can adversely affect the health, safety, and well-being of city residents and shall be prohibited both commercially and personally; and (3) a Cannabis Pilot Program to regulate a small number of cannabis businesses is proper to determine whether if in the long-term these businesses are proper for the community; and

**WHEREAS**, the City Council of the City of Patterson finds that this ordinance is in the best interest of the health, welfare, and safety of the public.

**NOW, THEREFORE THE CITY OF PATTERSON CITY COUNCIL DOES ORDAIN AS FOLLOWS:**

**SECTION 1:** Chapter 6.56, Marijuana Cultivation, Delivery and Dispensaries, of the Patterson Municipal Code is hereby deleted in its entirety and amended to read as follows:

**Chapter 6.56. Cannabis Business Pilot Program.**

**6.56.010 Purpose.**

- A. The purpose and intent of this Code is to establish a cannabis business pilot program containing a comprehensive set of regulations with regulatory permits applicable to the operation of cannabis businesses and to protect the health, safety, and welfare of the residents of the City of Patterson. It is the intent of the city to encourage responsible commercial cannabis activities and to discourage violations of related state laws, especially those that prohibit the sale, use, or distribution of cannabis and cannabis products to minors. It is not the intent of the city to expand, reduce, or alter the penalties for violations of state cannabis laws.
- B. The city finds and declares that the outdoor cultivation of cannabis can adversely affect the health, safety, and well-being of city residents by increasing the risks of criminal activity, degradation of the natural environment, malodorous smells that may result from such activities.
- C. This chapter is not intended to conflict with federal or state law, nor is this chapter intended to answer or invite litigation over the unresolved legal questions posed by the existing conflict between state and federal law regarding the legality of cannabis. It is the intention of the city council that this chapter be interpreted to be compatible with existing federal and state enactments and in furtherance of the public purposes that those enactments encompass.

**6.56.020 Definitions.**

- A. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. “Cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.
- B. “Cannabis business” means any business engaged in commercial cannabis activity. “Cannabis business” does not include any of the following:
  - 1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.

2. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code.
  3. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code.
  4. A residential hospice or a home health agency licensed pursuant to Chapter 8 and Chapter 8.5 of Division 2 of the Health and Safety Code.
  5. The cultivation, delivery, gift, or furnishing of cannabis by a qualified patient, a primary caregiver, or other person with an identification card as defined by Section 11362.7 of Health and Safety Code provided such activity complies strictly with all applicable state law, including but not limited to, Sections 11362.5 and 11362.765 of the Health and Safety Code.
- C. “Cannabis cultivation business” means any cannabis business that, pursuant to a Type 1, Type 1A, Type 1B, Type 1C, Type 2, Type 2A, Type 2B, Type 3, Type 3A, Type 3B, Type 4, Type 5, Type 5A, Type 5B, or Type 12 state cannabis license, cultivates cannabis or cannabis products.
- D. “Cannabis delivery business” means any cannabis business that, pursuant to a Type 10 state cannabis license, delivers, makes available, or distributes cannabis and cannabis products to a consumer.
- E. “Cannabis manufacturing business” means any cannabis business that, pursuant to a Type 6, Type 7, or Type 12 state cannabis licenses manufactures cannabis or cannabis products.
- F. “Cannabis product” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.
- G. “Cannabis testing laboratory” means a cannabis business that tests cannabis or cannabis products pursuant to a Type 8 state cannabis license.
- H. “Commercial cannabis activity” includes the cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis or cannabis products that requires a state license.
- I. “Commercial cannabis waste” means cannabis plants and plant materials that are discarded by a cannabis business, including but not limited to extra vegetative plants, failed clones, and harvest waste.
- J. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

- K. “Dispensary” means any cannabis business where medicinal or adult-use cannabis or cannabis products are sold at retail to customers, pursuant to a Type 10 state cannabis license.
- L. “Indoor cultivation” means the cultivation of cannabis for personal use within a fully enclosed and secure structure that has a complete roof in which cannabis plants cannot be seen from any public right of way. Indoor cultivation does not include any commercial cannabis activity.
- M. “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- N. “Outdoor cultivation” means the cultivation of cannabis that does not meet the definition of indoor cultivation.
- O. “Primary caregiver” has the same meaning as that term is defined by Section 11362.7 of the Health and Safety Code.
- P. “Qualified patient” has the same meaning as that term is defined by Section 11362.7 of the Health and Safety Code.

#### **6.56.030 State and Local Requirements.**

- A. Any cannabis business that does not have an applicable state license is prohibited within the city.
- B. Any cannabis business allowed in the city shall obtain a development agreement, a city business license, and a conditional use permit, as set forth in this chapter. A cannabis business shall apply for all of these requirements with the Community Development Department.
- C. At the time of application to the city, every cannabis business applicant shall submit to the Community Development Department a copy of its state license or state license application required for its operation.
- D. Any cannabis business allowed in the city shall maintain strict compliance with applicable cannabis state laws or regulations, as they might be amended from time to time.

#### **6.56.040 Commercial Cannabis Cultivation.**

- A. Not more than one (1) cannabis cultivation business(es) may be permitted within city limits pursuant to a development agreement, pursuant to Section 3.64.030, and conditional use permit, pursuant to Section 18.18.020.
- B. Additionally, not more than one (1) cannabis business that operates as both a cannabis cultivation business and a cannabis manufacturing business may be permitted within city

limits pursuant to the requirements of subsection A. Any such cannabis business shall comply with the requirements of this section and Section 6.56.070.

- C. A cannabis cultivation business shall only be allowed in a Light Industrial (LI), Heavy Industrial (HI), West Patterson Industrial Business Park (IBP), or West Patterson Light Industrial (IL) District, or in other districts as specified in a development agreement, conditional use permit and applicable zoning code provisions.
- D. A commercial cannabis cultivation business shall not cultivate outdoors anywhere within the city.
- E. All commercial cannabis cultivation businesses shall maintain any applicable state permit, city business license, conditional use permit, and comply with all of the following:
  - 1. **Secure Building.** All commercial cannabis activity shall occur entirely inside of a building that is secure, locked, and fully enclosed, with a ceiling, roof, or other enclosure. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures (commercial greenhouse structures are not allowed), and include material strong enough to prevent entry except through an open door. Notwithstanding the foregoing, the roof may be of solid translucent material provided other security measures exist to ensure that the commercial cannabis activity cannot be seen, heard, or smelled beyond the property line.
  - 2. **Security.** A cannabis cultivation business shall comply with security requirements acceptable to the Police Chief on an individual project basis. At a minimum, the Dispensary security system shall consist of:
    - i. **Security surveillance cameras.** Security surveillance cameras and a video recording system shall be installed to monitor all doors into the buildings on the business site, the parking lot, loading areas, and all exterior sides of the property adjacent to the public rights of way. The cameras and recording system shall be of adequate quality, color rendition, and resolution to allow the identification of any individual present on the cultivation site. The recording system shall be capable of exporting the recorded video in standard MPEG formats to another common medium, such as a DVD or USB drive.
    - ii. **Security video retention.** Video from the security surveillance cameras shall be recording at all times (twenty-four (24) hours a day, seven (7) days a week) and the recording shall be maintained for at least thirty (30) days. The video recordings shall be made available to the City upon request.
    - iii. **Alarm system.** Professionally and centrally-monitored fire, robbery, and burglar alarm systems shall be installed and maintained in good working

condition. The alarm system shall include a private security company that is required to respond to every alarm.

- iv. **Law enforcement.** Any security plan shall comply with the applicable regulations required by law enforcement at the time of operation.
- 3. **Odor control.** A detailed plan shall be submitted describing the air treatment system, or other methods that will be implemented to prevent cannabis odors from being detected outside the business site.
- 4. **Insurance.** A cannabis cultivation business shall maintain insurance in the amounts and of the types that are acceptable to the City Manager or his or her designee. The city shall be named as additional insured on all city-required insurance policies.
- 5. **Waste Management Plan.** A cannabis cultivation business shall submit a cannabis waste management plan to, and have that plan approved by, the Public Works Department describing how commercial cannabis waste will be disposed. A cannabis cultivation business shall comply with its cannabis waste management plan at all times. If applicable, the plan shall include a description of measures to be taken relating to light bulb recycling.

#### 6.56.050 Cannabis Testing Laboratory.

- A. Up to two (2) cannabis testing laboratories may be permitted within city limits pursuant to a development agreement, pursuant to Section 3.64.030, and conditional use permit, pursuant to Section 13.18.020.
- B. A cannabis testing laboratory shall only be located in Light Industrial (LI), Heavy Industrial (HI), West Patterson Industrial Business Park (IBP), or West Patterson Light Industrial (IL) District districts, or in other districts as specified in a development agreement, conditional use permit and applicable zoning code provisions.
- C. A cannabis testing laboratory shall meet the accreditation criteria in the International Organization for Standardization (ISO) guidelines known as ISO 17025.
- D. All cannabis testing laboratories shall maintain any applicable state permits, city business license, conditional use permit, and maintain compliance with all of the following:
  - 1. **Secure Building.** All commercial cannabis activity shall occur entirely inside of a building that is secure, locked, and fully enclosed, with a ceiling, roof, or other enclosure. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures, and include material strong enough to prevent entry except through an open door. Notwithstanding the foregoing, the roof may be of solid translucent material provided other security measures exist to ensure that the commercial cannabis activity cannot be seen, heard, or smelled beyond the property line.

2. **Security.** A cannabis testing laboratory shall comply with security requirements acceptable to the Police Chief on an individual project basis. At a minimum, the cannabis manufacturing businesses security system shall consist of:
  - i. **Security surveillance cameras.** Security surveillance cameras and a video recording system shall be installed to monitor all doors into the buildings on the business site, the parking lot, loading areas, and all exterior sides of the property adjacent to the public rights of way. The cameras and recording system shall be of adequate quality, color rendition, and resolution to allow the identification of any individual present on the cultivation site. The recording system shall be capable of exporting the recorded video in standard MPEG formats to another common medium, such as a DVD or USB drive.
  - ii. **Security video retention.** Video from the security surveillance cameras shall be recording at all times (twenty-four (24) hours a day, seven (7) days a week) and the recording shall be maintained for at least thirty (30) days. The video recordings shall be made available to the City upon request.
  - iii. **Alarm system.** Professionally and centrally-monitored fire, robbery, and burglar alarm systems shall be installed and maintained in good working condition. The alarm system shall include a private security company that is required to respond to every alarm.
  - iv. **Law enforcement.** Any security plan shall comply with the applicable regulations required by law enforcement at the time of operation.
3. **Odor control.** A detailed plan shall be submitted describing the air treatment system, or other methods that will be implemented to prevent cannabis odors from being detected outside the business site.
4. **Insurance.** A cannabis testing laboratory business shall maintain insurance in the amounts and of the types that are acceptable to the City Manager or his or her designee. The city shall be named as additional insured on all city-required insurance policies.
5. **Waste Management Plan.** A cannabis testing laboratory shall submit a cannabis waste management plan to, and have that plan approved by, the Public Works Department describing how commercial cannabis waste will be disposed. A cannabis testing laboratory shall comply with its cannabis waste management plan at all times.

### 6.56.060 Dispensary.

- A. Up to two (2) dispensaries may be permitted within city limits pursuant to a development agreement, pursuant to Section 3.64.030, and conditional use permit, pursuant to Section 18.18.020.
- B. A dispensary shall only be located in Light Industrial (LI), Heavy Industrial (HI), West Patterson Industrial Business Park (IBP), or West Patterson Light Industrial (IL) District, or in other districts as specified in a development agreement, conditional use permit and applicable zoning code provisions.
- C. A cannabis delivery business is prohibited within the city. Any commercial cannabis activity related to delivery is prohibited unless that activity is performed by a dispensary permitted by this chapter. The city reserves the right to prohibit a dispensary from performing delivery services.
- D. All dispensaries shall obtain any applicable state permit, obtain a city business license, and maintain compliance with all of the following:
  - 1. **Secure Building.** All commercial cannabis activity shall occur entirely inside of a building that is secure, locked, and fully enclosed, with a ceiling, roof, or other enclosure. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures, and include material strong enough to prevent entry except through an open door. Notwithstanding the foregoing, the roof may be of solid translucent material provided other security measures exist to ensure that the commercial cannabis activity cannot be seen, heard, or smelled beyond the property line.
  - 2. **Security** A dispensary shall comply with security requirements acceptable to the Police Chief on an individual project basis. At a minimum, the dispensary security system shall consist of:
    - i. **Security surveillance cameras.** Security surveillance cameras and a video recording system shall be installed to monitor all doors into the buildings on the business site, the parking lot, loading areas, and all exterior sides of the property adjacent to the public rights of way. The cameras and recording system shall be of adequate quality, color rendition, and resolution to allow the identification of any individual present on the cultivation site. The recording system shall be capable of exporting the recorded video in standard MPEG formats to another common medium, such as a DVD or USB drive.
    - ii. **Security video retention.** Video from the security surveillance cameras shall be recording at all times (twenty-four (24) hours a day, seven (7) days a week) and the recording shall be maintained for at least thirty (30)

days. The video recordings shall be made available to the City upon request.

- iii. **Alarm system.** Professionally and centrally-monitored fire, robbery, and burglar alarm systems shall be installed and maintained in good working condition. The alarm system shall include a private security company that is required to respond to every alarm.
  - iv. **Law enforcement.** Any security plan shall comply with the applicable regulations required by law enforcement at the time of operation.
3. **Odor control.** A detailed plan shall be submitted describing the air treatment system, or other methods that will be implemented to prevent cannabis odors from being detected outside the business site.
  4. **Insurance.** A dispensary shall maintain insurance in the amounts and of the types that are acceptable to the City Manager or his or her designee. The city shall be named as additional insured on all city-required insurance policies.
  5. **Waste Management Plan.** A dispensary shall submit a cannabis waste management plan to, and have that plan approved by, the Public Works Department describing how commercial cannabis waste will be disposed. A dispensary shall comply with its cannabis waste management plan at all times.

#### 6.56.070 Cannabis Manufacturing Business.

- A. Not more than one (1) cannabis manufacturing business(es) may be permitted within city limits pursuant to a development agreement, pursuant to Section 3.64.030, and conditional use permit, pursuant to Section 13.18.020.
- B. Additionally, not more than one (1) cannabis business(es) that operates as both a cannabis cultivation business and a cannabis manufacturing business may be permitted within city limits pursuant to the requirements of subsection A. Any such cannabis business shall comply with the requirements of this section and Section 6.56.040.
- C. A cannabis manufacturing business shall only be located in Light Industrial (LI), Heavy Industrial (HI), West Patterson Industrial Business Park (IBP), or West Patterson Light Industrial (IL) District, or in other districts as specified in a development agreement, conditional use permit and applicable zoning code provisions.
- D. All cannabis manufacturing business shall obtain any applicable state permit, obtain a city business license, and maintain compliance with all of the following:
  1. **Secure Building.** All commercial cannabis activity shall occur entirely inside of a building that is secure, locked, and fully enclosed, with a ceiling, roof, or other enclosure. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial

structures, and include material strong enough to prevent entry except through an open door. Notwithstanding the foregoing, the roof may be of solid translucent material provided other security measures exist to ensure that the commercial cannabis activity cannot be seen, heard, or smelled beyond the property line.

2. **Security.** A cannabis manufacturing business shall comply with security requirements acceptable to the Police Chief on an individual project basis. At a minimum, the cannabis manufacturing businesses security system shall consist of:
  - i. **Security surveillance cameras.** Security surveillance cameras and a video recording system shall be installed to monitor all doors into the buildings on the business site, the parking lot, loading areas, and all exterior sides of the property adjacent to the public rights of way. The cameras and recording system shall be of adequate quality, color rendition, and resolution to allow the identification of any individual present on the cultivation site. The recording system shall be capable of exporting the recorded video in standard MPEG formats to another common medium, such as a DVD or USB drive.
  - ii. **Security video retention.** Video from the security surveillance cameras shall be recording at all times (twenty-four (24) hours a day, seven (7) days a week) and the recording shall be maintained for at least thirty (30) days. The video recordings shall be made available to the City upon request.
  - iii. **Alarm system.** Professionally and centrally-monitored fire, robbery, and burglar alarm systems shall be installed and maintained in good working condition. The alarm system shall include a private security company that is required to respond to every alarm.
  - iv. **Law enforcement.** Any security plan shall comply with the applicable regulations required by law enforcement at the time of operation.
3. **Odor control.** A detailed plan shall be submitted describing the air treatment system, or other methods that will be implemented to prevent cannabis odors from being detected outside the business site.
4. **Insurance.** A cannabis manufacturing business shall maintain insurance in the amounts and of the types that are acceptable to the City Manager or his or her designee. The city shall be named as additional insured on all city-required insurance policies.
5. **Waste Management Plan.** A cannabis manufacturing business shall submit a cannabis waste management plan to, and have that plan approved by, the Public Works Department describing how commercial cannabis waste will be disposed. A cannabis manufacturing business shall comply with its cannabis waste management plan at all times.

6. **Manufacturing Site Compliance.** A cannabis manufacturing business shall at all times comply with any applicable volatile or non-volatile regulations imposed by state law or regulation. A cannabis manufacturing business shall not open their manufacturing site to the public. A cannabis manufacturing business shall not allow anyone on the manufacturing site, except for managers, staff, and other persons with a bona fide business or regulatory purpose for being there, such as contractors, inspectors, and cannabis transporters. A manager must be on the manufacturing site at all times that any other person, except for a security guard, is on the site. A juvenile shall not be on the manufacturing site or operate a cannabis manufacturing business in any capacity, including, but not limited to, as a manager, staff, employee, contractor, or volunteer.

#### **6.56.080 Penalties.**

- A. Any use or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Section 731 of the Code of Civil Procedure or any other remedy available to the City.
- B. In addition to any other enforcement permitted by this chapter, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person or entity that violates this chapter. In any civil action brought pursuant to this chapter, a court of competent jurisdiction may award reasonable attorney's fees and costs to the prevailing party.
- C. Violations of this chapter shall be subject to an administrative penalty. The amount of the administrative penalty shall be two hundred and fifty dollars (\$250) for the first offense, five hundred dollars (\$500) for the second offense, and one thousand dollars (\$1,000.00) for any subsequent offense.

#### **6.56.090 Appeals**

- A. Any permit applicant may appeal any adverse action taken under this chapter to the City Council.
- B. All appeals taken under this chapter must be taken within thirty (30) days after the adverse action by filing with the office of the City Clerk a written notice of appeal specifying the grounds thereof. An appeal shall be accompanied by a non-refundable filing fee, as established by resolution adopted by the City Council from time to time.
- C. The City Clerk, upon the filing of such appeal and payment of an appeal fee, shall place the matter upon the agenda for the next regular meeting of the City Council occurring not earlier than five days after the filing of the appeal, and shall notify the appealing permit applicant by letter of the meeting date and place at which the appeal will be heard.

#### **6.56.100 Cost Recovery.**

- A. The city shall be entitled to recover its abatement and enforcement costs incurred in obtaining compliance with this chapter. Costs incurred by the city are recoverable even if a public nuisance, Municipal code, or other violation of law is corrected by the property owner or other responsible party.
- B. The cost of abating a public nuisance or enforcing this chapter shall either be a special assessment and lien on the subject property or the personal obligation of the owner of the subject property or the responsible party. If there is more than one responsible party, each party shall be jointly and severally liable for the costs.
- C. For purposes of this chapter, the following additional definitions shall apply:
  1. “Abatement costs” include the actual and reasonable costs incurred by the city to abate a public nuisance. These costs include all direct and indirect costs to the city that result from the total abatement action, including but not limited to, investigation costs, costs to enforce the Municipal code and any applicable State or County law, clerical and administrative costs to process paperwork, costs incurred to provide notices and prepare for and conduct administrative appeal hearings, and costs to conduct actual abatement of the nuisance. Costs include personnel costs, administrative overhead, costs for equipment such as cameras and vehicles, staff time to hire a contractor, and reasonable attorneys’ fees incurred by city.
  2. “Enforcement costs” include all actual and reasonable costs incurred by the city to enforce compliance with the Municipal code and any applicable State, County, or city public health and safety law that are not included within abatement costs. Enforcement costs shall also include, but are not limited to, costs of fringe benefits for personnel, administrative overhead, costs of equipment, costs of materials, costs related to investigations, costs related to issuing and defending administrative or court citations, costs incurred investigating and abating violations of the Municipal code or State or County law violations, and reasonable attorneys’ fees related to these activities.
  3. “Responsible party” means a person or entity responsible for creating, causing, committing, or maintaining the violation of this chapter or State or County law.
  4. “Subject property” means the real property that is the subject of any abatement or enforcement action by the city for which the city incurred costs and seeks recovery under this chapter.

### **6.56.110 Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

**SECTION 2:** Chapter 6.57, Cannabis for Personal Use, of the Patterson Municipal Code is hereby added to read as follows:

**6.57.010 Purpose.**

- A. It is the intent of the city to encourage responsible personal cannabis cultivation and to discourage violations of related state laws, especially those that prohibit the sale, use, or distribution of cannabis and cannabis products to minors. It is not the intent of the city to expand, reduce, or alter the penalties for violations of state cannabis laws.
- B. The city finds and declares that the outdoor cultivation of cannabis can adversely affect the health, safety, and well-being of city residents by increasing the risks of criminal activity, degradation of the natural environment, malodorous smells that may result from such activities.
- C. This chapter is not intended to conflict with federal or state law, nor is this chapter intended to answer or invite litigation over the unresolved legal questions posed by the existing conflict between state and federal law regarding the legality of cannabis. It is the intention of the city council that this chapter be interpreted to be compatible with existing federal and state enactments and in furtherance of the public purposes that those enactments encompass.

**6.57.020 Definitions.**

- A. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. “Cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.
- B. “Cannabis for personal use” means the use or possession of cannabis that does not require a license pursuant to Chapter 1 of Division 10 of the Business and Professions Code.
- C. “Cannabis product” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to,

concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

- D. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- E. “Cultivation site” means the location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occur.
- F. “Day care” means a facility, center, or home requiring a license that is issued by the State of California which provides for the care, health, safety, supervision, or guidance of a child’s social, emotional, and educational growth on a regular basis, in a place other than the child’s own home, or any facility meeting the definition of Section 1596.76 of the Health and Safety Code.
- G. “Group home” means any community care facility regulated and licensed by a Federal or State agency. Unlicensed community care facilities or those community care facilities the regulation of which is not otherwise preempted by State or Federal law shall not constitute group homes.
- H. “Indoor cultivation” means the cultivation of cannabis for personal use within a fully enclosed and secure structure that has a complete roof in which cannabis plants cannot be seen from any public right of way. Indoor cultivation does not include any commercial cannabis activity.
- I. “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- J. “Outdoor cultivation” means the cultivation of cannabis that does not meet the definition of indoor cultivation.
- K. “Private residence” means a house, an apartment unit, a mobile home, or other similar dwelling.
- L. “Primary caregiver” has the same meaning as that term is defined by Section 11362.7 of the Health and Safety Code.
- M. “Qualified patient” has the same meaning as that term is defined by Section 11362.7 of the Health and Safety Code.
- N. “Youth center” means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

### **6.57.030 Administrative Cultivation Permit Required.**

- A. Outdoor cultivation for personal use is prohibited within the city.
- B. All indoor cultivation is prohibited within the city unless a person first secures an Administrative Cultivation Permit from the Community Development Department.

**6.57.040 Application for an Administrative Cultivation Permit.**

- A. An applicant shall be at least twenty-one (21) years of age.
- B. The Administrative Cultivation Permit application shall require all of the following:
  - 1. Written consent signed by the property owner or legal tenant of the intended cultivation site.
  - 2. Identification of any chemicals, fertilizers, or pesticides that will be used for indoor cultivation. This information shall be used to aid public safety officials in case of an emergency response to the location.
- C. An applicant shall pay a nonrefundable Administrative Cultivation Permit application fee as established by resolution of the City Council.
- D. Within sixty (60) calendar days of receipt of a complete application, the city shall provide written notification to the applicant indicating whether the application has been approved or denied and the reason for denial, if any.

**6.57.050 Regulations for an Administrative Cultivation Permit.**

- A. A person shall be limited to a maximum of one (1) Administrative Cultivation Permit at a time.
- B. An Administrative Cultivation Permit is not transferable. The Administrative Cultivation Permit shall only be used by the permittee to whom it is issued.
- C. An Administrative Cultivation Permit shall expire one (1) year from the date of approval and may be renewed annually.
- D. A private residence shall not include more than one cultivation site.
- E. A person shall not cultivate more than six (6) cannabis plants at a private residence. All cannabis plants and anything produced by the plants shall be kept within the permit holder's private residence and not be visible by normal unaided vision from a public place.
- F. A private residence shall not also be used for a day care, youth center, or group home. The private residence shall remain occupied and is required to maintain a functioning kitchen and bathroom.
- G. Each of the following shall apply to the cultivation site:
  - 1. The cultivation site shall be located within the private residence or a secured shed

approved by the Building Dept. and the Planning Department.

2. Greenhouses are prohibited.
  3. To prevent safety hazards, the private residence shall not have plumbing, electrical, or other utilities that violate applicable local or state regulations.
  4. To prevent persons under twenty one (21) years of age from entering the cultivation site, the cultivation site shall have one lockable door.
  5. The cultivation site shall not produce odors, sounds, or other emissions that are detectable outside of the private residence by persons with reasonable sensitivity.
- H. All of the following shall be prohibited in the cultivation site:
1. Volatile solvents including, but not limited to explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline, or Kerosene.
  2. Dangerous poisons, toxins, or carcinogens, such as Methanol, Iso-propyl Alcohol, Methylene Chloride, Acetone, Benzene, Toluene, and Trichloro-ethylene, unless evidence of a current license to operate such solvents is provided.
  3. Generators or gas products used to power electrical or lighting fixtures or equipment.
- I. Multiple Administrative Cultivation Permit holders may cultivate marijuana at the same private residence; however, the private residence shall not include more than one cultivation site or more than a total of six (6) plants at one time.
- J. Each applicant shall pass an inspection of their cultivation site by a city building inspector to ensure that the private residence meets the requirements of section 6.57.060 and does not pose a health or safety risk to the applicant or public. If the inspection is denied, the applicant will have ten (10) calendar days to have the cultivation site re-inspected.

#### **6.57.060 Expiration and Renewal of an Administrative Cultivation Permit.**

- A. An Administrative Cultivation Permit may be renewed within no sooner than sixty (60) days of expiration.
- B. The Administrative Cultivation Permit holder shall pass a re-inspection of the cultivation site by the Community Development Department.
- C. Renewal of an Administrative Cultivation Permit is subject to a renewal fee as approved by resolution by the City Council.

#### **6.57.070 Suspension and Termination.**

- A. The city may suspend or terminate an Administrative Cultivation Permit at any time for failure to comply with this chapter or any local or state law or regulation. A person's continued indoor cultivation upon suspension, termination, or expiration of that person's

Administrative Cultivation Permit shall be a violation of this chapter.

- B. A person may appeal any suspension or termination of an Administrative Cultivation Permit pursuant to section 6.57.100 Appeals.

#### **6.57.080 Multiple Administrative Cultivation Permit Applications.**

- A. Application for Administrative Cultivation Permit in a New Private Residence.
  - 1. An Administrative Cultivation Permit holder may apply for an Administrative Cultivation Permit for a private residence other than the private residence specified on the existing permit. If the application is approved, the former Administrative Cultivation Permit shall be immediately null and void. If the application is denied, the existing Administrative Cultivation Permit shall continue under its applicable terms and conditions. If the applicant appeals a denial of the application, the existing Administrative Cultivation Permit shall continue under its applicable terms and conditions.
- B. Application for a Different Cultivation Site within the Same Private Residence.
  - 1. If a current Administrative Cultivation Permit holder applies for an Administrative Cultivation Permit for the private residence on the existing permit but for a cultivation site other than the one specified on the existing permit, the existing permit will terminate upon approval of the application.
- C. Application for the Same Cultivation Site in Same Private Residence.
  - 1. If an additional person applies for an Administrative Cultivation Permit for the same cultivation site within the same private residence of a current Administrative Cultivation Permit holder, a permit shall not be issued if the existing permit has been terminated or suspended. If the Administrative Cultivation Permit is approved for the additional Applicant, the total number of cannabis plants within a single private residence shall be limited to six (6). In no event shall the number of cannabis plants exceed six (6).
  - 2. An additional Administrative Cultivation Permit for the same cultivation site shall only be issued if all Administrative Cultivation Permits related to that cultivation site are in good standing with the City.

#### **6.57.090 Penalties.**

- A. In addition to any other enforcement permitted by this chapter, any use or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Section 731 of the Code of Civil Procedure or any other remedy available to the City.
- B. In addition to any other enforcement permitted by this chapter, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person or entity that violates this chapter. In any civil action brought pursuant to this chapter, a court of

competent jurisdiction may award reasonable attorney's fees and costs to the prevailing party.

- C. In addition to any other enforcement permitted by this chapter, violations of this chapter shall be subject to an administrative penalty. The amount of the administrative penalty shall be two hundred and fifty dollars (\$250) for the first offense, five hundred dollars (\$500) for the second offense, and one thousand dollars (\$1,000.00) for any subsequent offense.

#### **6.57.100 Appeals**

- A. Any permit applicant may appeal any adverse action taken under this chapter to the City Council.
- B. All appeals taken under this chapter must be taken within thirty (30) days after the adverse action by filing with the office of the City Clerk a written notice of appeal specifying the grounds thereof. An appeal shall be accompanied by a non-refundable filing fee, as established by resolution adopted by the City Council from time to time.
- C. The City Clerk, upon the filing of such appeal and payment of an appeal fee, shall place the matter upon the agenda for the next regular meeting of the City Council occurring not earlier than five days after the filing of the appeal, and shall notify the appealing permit applicant by letter of the meeting date and place at which the appeal will be heard.

#### **6.57.110 Cost Recovery.**

- A. The city shall be entitled to recover its abatement and enforcement costs incurred in obtaining compliance with this chapter. Costs incurred by the city are recoverable even if a public nuisance, Municipal code, or other violation of law is corrected by the property owner or other responsible party.
- B. The cost of abating a public nuisance or enforcing this chapter shall either be a special assessment and lien on the subject property or the personal obligation of the owner of the subject property or the responsible party. If there is more than one responsible party, each party shall be jointly and severally liable for the costs.
- C. For purposes of this chapter, the following additional definitions shall apply:
  1. "Abatement costs" include the actual and reasonable costs incurred by the city to abate a public nuisance. These costs include all direct and indirect costs to the city that result from the total abatement action, including but not limited to, investigation costs, costs to enforce the Municipal code and any applicable State or County law, clerical and administrative costs to process paperwork, costs incurred to provide notices and prepare for and conduct administrative appeal hearings, and costs to conduct actual abatement of the nuisance. Costs include personnel costs, administrative overhead, costs for equipment such as cameras and vehicles, staff time to hire a contractor, and reasonable attorneys' fees incurred by city.
  2. "Enforcement costs" include all actual and reasonable costs incurred by the city to

enforce compliance with the Municipal code and any applicable State, County, or city public health and safety law that are not included within abatement costs. Enforcement costs shall also include, but are not limited to, costs of fringe benefits for personnel, administrative overhead, costs of equipment, costs of materials, costs related to investigations, costs related to issuing and defending administrative or court citations, costs incurred investigating and abating violations of the Municipal code or State or County law violations, and reasonable attorneys' fees related to these activities.

3. "Responsible party" means a person or entity responsible for creating, causing, committing, or maintaining the violation of this chapter or State or County law.
4. "Subject property" means the real property that is the subject of any abatement or enforcement action by the city for which the city incurred costs and seeks recovery under this chapter.

#### **6.57.120 Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

**SECTION 3.** If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4:** This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least fifteen (15) days prior to its effective date.

The foregoing Ordinance was introduced at a special meeting of the City Council of the City of Patterson held on the 30th day of October, 2017, by \_\_\_\_\_, who moved its introduction, which motion being duly seconded by \_\_\_\_\_. Said Ordinance was given a second reading at a regular meeting of the City Council held on the 7th day of November, 2017, and after such reading, \_\_\_\_\_ moved its adoption, seconded by \_\_\_\_\_, and said Ordinance was thereupon adopted by the following roll call vote:

AYES:

NOES:

EXCUSED:

ABSTAINED:

ATTEST:

APPROVED:

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Maricela L. Vela

Deborah M. Novelli

City Clerk

Mayor

APPROVED AS TO FORM:

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Tom Hallinan, City Attorney

Attachment: Ordinance No. 806 Cannabis Regulatory Ordinance (1st Read. & Intro. Oct. 30, 2017) final (Ordinance No. 806 Cannabis)