

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY SUSANVILLE, CALIFORNIA,  
CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL  
ELECTION AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF  
LASSEN TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD WITH THE  
STATEWIDE PRIMARY ELECTION ON TUESDAY, NOVEMBER 8, 2022, FOR THE  
SUBMISSION TO THE QUALIFIED VOTERS AN ORDINANCE**

**WHEREAS,** it is desirable that the general municipal election be consolidated with the stateside primary election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the county election department of the County of Lassen canvass the returns of the general municipal election and that the election be held in all respects as if there were only one election; and

**WHEREAS**, the Ordinance was published as required by law; and

**WHEREAS**, the City Clerk examined the records of registration and ascertained that the petition is signed by the requisite number of voters, and

**WHEREAS**, the City Council is authorized and directed by statute to submit the ordinance to the voters.

Section 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities there is called and ordered to be held in the City of Susanville, California on Tuesday, November 8, 2022, a General Municipal election for the purpose of submitting an ordinance for consideration; and

Section 2. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in §14401 of the Elections Code of the State of California.

1 Section 3. That notice of the time and place of holding the election is given and the City  
2 Clerk is authorized, instructed and directed to give further or additional notice of the election, in  
time, form and manner as required by law.

3 Section 5. That pursuant to the requirements of §10403 of the Elections Code, the Board of  
4 Supervisors of the County of Lassen is hereby requested to consent and agree to the  
5 consolidation of a general municipal election with the statewide primary election on Tuesday,  
November 8, 2022, for the purpose of submitting an Ordinance for consideration.

6 Section 6. That the county election department is authorized to canvass the returns of the  
7 general municipal election. The election shall be held in all respects as if there were only one  
8 election, and only one form of ballot shall be used. The election will be held and conducted in  
accordance with the provisions of law regulating the statewide election.

9 Section 7. That the Board of Supervisors is requested to issue instructions to the county  
10 election department to take any and all steps necessary for the holding of the consolidated  
election.

11 Section 8. That the City of Susanville recognizes that additional costs will be incurred by the  
12 County by reason of this consolidation and agrees to reimburse the County for any associated  
costs.

13 Section 9. That the City Clerk is hereby directed to file a certified copy of this Resolution  
14 with the Board of Supervisors and the county election department of the County of Lassen.

15 Section 10. That pursuant to the requirements of the laws of the State of California  
16 relating to general law cities, there is called and ordered to be held in the City of Susanville,  
California, on Tuesday, November 8, 2022, a General Municipal Election for the purpose of  
submitting the following ordinance:

Shall the measure amending the city of Susanville's Municipal Code to establish regulations governing commercial cannabis activities in the city of Susanville be adopted?	YES
	NO

22 SECTION 11. That the text of the ordinance submitted to the voters is attached as Exhibit  
23 A.

24 SECTION 12. That the vote requirement for the measure to pass is a majority (50%+1)  
25 of the votes cast.

26 SECTION 13. That the ballots to be used at the election shall be in form and content as  
27 required by law.

28 SECTION 14. That in all particulars not recited in this resolution, the election shall be  
held and conducted as provided by law for holding municipal elections.

1 SECTION 15. That the City Clerk shall certify to the passage and adoption of this  
2 resolution and enter it into the book of original resolutions.

3 APPROVED:

4   
Quincy McCourt, Mayor

5 ATTEST:


6   
Heidi Whitlock, City Clerk

7 The foregoing Resolution was adopted at a regular meeting of the City Council of the City of  
8 Susanville, held on the 3rd day of August 2022, by the following vote:

9 AYES: Herrera, Stafford & McCourt  
10 NOES: Schuster & Brown  
11 ABSENT: None  
12 ABSTAIN: None

13   
Heidi Whitlock, City Clerk

14 APPROVED AS TO FORM:

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16 Margaret Long, City Attorney  
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## EXHIBIT A

**ORDINANCE NO. 22-1033**  
**AN ORDINANCE OF THE CITY COUNCIL OF THE**  
**CITY OF SUSANVILLE, CALIFORNIA, AMENDING THE CITY OF SUSANVILLE'S**  
**MUNICIPAL CODE SECTION TO ESTABLISH REGULATIONS GOVERNING**  
**COMMERCIAL CANNABIS ACTIVITIES IN THE CITY OF SUSANVILLE**

**THE CITY COUNCIL OF THE CITY OF SUSANVILLE ORDAINS as follows:**

**Section 1:** The Council finds, based on evidence and records presented, that:

A. Pursuant to its police power, and as authorized by the California Compassionate Use Act, the California Medical Cannabis Regulation and Safety Act ("MCRSA"), the Adult Use of Marijuana Act ("AUMA"), SB 94, and the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"), the City may enact laws or regulations pertaining to cannabis cultivation, dispensing, manufacturing, distribution, transporting, and testing within its jurisdiction.

B. The City wishes to establish a uniform regulatory structure for all cannabis uses in the City in accordance with State law.

C. The proposed zoning amendments contained herein are consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan in that the ordinance will direct commercial cannabis businesses to appropriate commercial and industrial districts designed to support such uses. The proposed zoning regulations are internally consistent with other applicable provisions of Title 17 of the Code in that the Code will apply to cannabis and designate it as a new land use classification, such as identifying where the use is allowed, under what permit authority, development standards, and locational and operating requirements. The proposed zoning changes will result in land uses that are compatible with existing and future uses and will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

**Section 2:** The City Council finds that the adoption of this Ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The passage of this Ordinance is not a "project" according to the definition in the California Environmental Quality Act ("CEQA"), and therefore is not subject to the provisions requiring environmental review. Pursuant to the Statutory Exemption set forth in subdivision (h) of Business and Professions Code section 26055, this Ordinance is exempt from the provisions requiring environmental review because it requires discretionary review under CEQA to approve licenses to engage in commercial cannabis activity within the jurisdictional limits of the City of Susanville.

Section 3. Government Code Section 65860 provides that zoning ordinances must be consistent with the City's general plan. The City Council hereby makes a finding that the zoning ordinance is consistent with the General Plan as it furthers the following objectives and goals of the General Plan.

**Section 3:** The City Council does hereby ordain that Chapter 17 of the City's Municipal Code is hereby amended as follows:

1. Addition of Chapter 17.150, REGULATION OF COMMERCIAL CANNABIS ACTIVITIES as shown in Exhibit A.
2. Addition of item (HH) "Cannabis Dispensaries, Distribution, Testing, and Manufacturing" to Chapter 17.36.030, GENERAL COMMERCIAL AND SHOPPING CENTER (C-2) DISTRICT Uses permitted within buildings.

3. Addition of item (E) "One Cannabis Dispensary" to Chapter 17.40.020, UPTOWN BUSINESS DISTRICT Permitted uses.
4. Addition of item (G) "Cannabis Dispensaries, manufacturing, testing, and distribution." to Chapter 17.56.020, GENERAL INDUSTRIAL (M) DISTRICT permitted uses.
5. Addition of item (Q) "Cannabis Micro Business that include indoor cannabis cultivation" to Chapter 17.56.030, GENERAL INDUSTRIAL (M) DISTRICT Uses Requiring Use Permit.
6. Addition of item (H) "Cannabis Dispensaries, manufacturing, testing, and distribution" to Chapter 17.48.020, COMMERCIAL-LIGHT INDUSTRIAL (C-M) DISTRICT Uses permitted within buildings.
7. Addition of item (L) "Indoor Cannabis Cultivation or Cannabis Micro Business that include indoor cannabis cultivation" to Chapter 17.48.030 COMMERCIAL-LIGHT INDUSTRIAL (C-M) DISTRICT Uses requiring use permit.
8. Addition of item (H) "Cannabis Dispensaries, manufacturing, testing, and distribution." To Chapter 17.52.020, LIGHT INDUSTRIAL DISTRICT permitted uses.
9. Addition of item (J) "Indoor Cannabis Cultivation or Cannabis Micro Business that include indoor cannabis cultivation" to Chapter 17.52.030, LIGHT INDUSTRIAL DISTRICT uses requiring use permit.
10. Removal of Chapter 17.104.120 Medical Marijuana Dispensaries. Ordinance No. 05-919 Regarding Medical Marijuana Dispensaries is repealed and replaced effective on the date this ordinance is passed and adopted.
11. Removal of Chapter 17.104.140, Cultivation of Marijuana. Ordinance No. 15-1002 Prohibiting the Cultivation of Medical Marijuana within the City Limits is repealed and replaced effective on the date this ordinance is passed and adopted.  
In Addition, Ordinance No. 19-1017 Regulating Medical and Adult use Cannabis is repealed and replaced effective on the date this ordinance is passed and adopted.

**Section 4.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared severable.

**Section 5.** This ordinance shall take effect thirty (30) days after its passage. Before the expiration of fifteen (15) days after passage of this ordinance it shall be published once with the names of the members of the City Council voting for and against the ordinance in a newspaper of general circulation published in the County of Lassen, State of California.

Approved: \_\_\_\_\_  
Quincy McCourt, Mayor

Attest: \_\_\_\_\_  
Heidi Whitlock, City Clerk

I hereby certify that the City of Susanville Ordinance amending the city of Susanville's Municipal Code section to establish regulations governing commercial cannabis activities in the city of Susanville was PASSED, APPROVED, AND ADOPTED by the People of the City of Susanville on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Heidi Whitlock, City Clerk

Approved as to Form: \_\_\_\_\_

Margaret Long, City Attorney

## **Chapter 17.150 REGULATION OF COMMERCIAL CANNABIS ACTIVITIES**

### **17.150.010 Purpose and intent.**

It is the purpose and intent of this section to regulate the cultivation, manufacturing, testing, distribution, and sale of cannabis in order to ensure the health, safety and welfare of the residents of the city. The regulations in this article, in compliance with the Compassionate Use Act, the Medical Marijuana Program Act, Proposition 64 (AUMA), SB 94 (MAUCRSA) and the California Health and Safety Code (collectively referred to as "state law") do not interfere with the right to use cannabis or medical cannabis as authorized under state law, nor do they criminalize the possession or cultivation of cannabis or medical cannabis as authorized under state law. All commercial cannabis business shall at a minimum, comply with current state law.

### **17.150.020 Scope of article.**

The operating standards established in this article apply to any site, facility, location, use, or business currently operating in the city, or which commences operations after the effective date of this section, that cultivates, distributes, dispenses, stores, sells, exchanges, processes, delivers, or gives away cannabis for medical or recreational purposes. Any commercial cannabis business shall operate in conformance with the operating standards set forth in this section of the code to assure that the operations of the retail facility, cultivation facility, manufacturing facility, distribution facility or testing facility are in compliance with state law and to mitigate the adverse secondary effects from its operations.

Persons who cultivate cannabis for their sole personal use, or qualified primary caregivers who cultivate medical cannabis on behalf of their qualified patient(s), may do so in quantities recommended by their physician and in accordance with all state and local regulations without submitting any application or requiring a license or license. It is hereby declared to be unlawful and a public nuisance may also be deemed to exist if such activity is determined to be related to the cultivation of cannabis or any commercial cannabis business operations or activities, and produces any of the following:

1. Odors which are disturbing to people residing or present on adjacent or nearby property or areas open to the public.
2. Repeated responses to the property from law enforcement or other code enforcement officers (more than three times in a one-year period).
3. Repeated disruption to the free passage of persons or vehicles in the neighborhood (more than three times in a one-year period) as reported to law enforcement officers or the city code enforcement officer.
4. Any other impact which adversely impacts the health, safety or general welfare of people on adjacent or nearby property or areas open to the public.

Nothing in this chapter shall be construed as a limitation on the city's authority to abate any nuisance which may exist from the planting, growing, harvesting, drying, processing or storage of cannabis plants or any part thereof from any location.

All cannabis cultivation shall be subject to Chapter 15 of the City of Susanville Municipal Code (Buildings and Construction), which includes the California Building Code, Title 24, by reference, Chapter 15.10 (abatement of dangerous buildings and structures), the state housing code (California Health and Safety Code), and other applicable provisions of local and state law.

### **17.150.030 Definitions.**

The definitions listed here are applicable throughout this code where cannabis is referenced. All definitions are intended to comply with those in this code and state law, including, but not limited to, the Business and Professions Code, and the Health and Safety Code.

"Applicant" shall mean an owner who is required to file an application for a permit or license under this chapter.

"Cannabis" means all parts of the *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. For the purpose of this chapter, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

"Cannabis goods" means both cannabis and/or cannabis products.

"Cannabis products" 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.

"Cannabis manufacturing site" means the premises that produces, prepares, propagates, or compounds manufactured cannabis or cannabis products either directly or indirectly, or by extraction methods, or by a combination of extraction and chemical synthesis at a fixed location that packages, or repackages cannabis goods, or labels or relabels its container.

"Cannabis testing facility" means a public or private laboratory licensed and certified or approved by the Department of Cannabis Control or any other regulatory body controlling testing facilities, to conduct research and analyze cannabis, cannabis products, and cannabis concentrate for contaminants and potency.

"Canopy" means the total combined canopy area for all locations on a property where cannabis is being cultivated, including indoor areas, outdoor areas, or a combination of both, as measured by the horizontal extent of the plant or combination of plants at the widest point and measured in a straight line.

"City Administrator" means the city administrator or manager of the City of Susanville or designee. "Commercial Cannabis" means any commercial cannabis activity allowed under MMRSA, AUMA and/or MAUCRSA ( SB 94), as limited by the allowable licenses issued by the State of California, as may be amended from time to time, and all uses permitted under any subsequent enacted state law pertaining to the same or similar use for recreational cannabis.

"Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, dispensing, or sale of cannabis and/or cannabis products.

"Commercial cannabis business" means any business which engages in commercial cannabis activity. "Commercial cannabis business" also means the location at which a person engages in commercial cannabis activities.

"Commercial cannabis business license" means a regulatory license issued by the City of Susanville pursuant to this chapter to a commercial cannabis business to engage in those commercial cannabis activities authorized by the license and is required before any cannabis business may conduct any commercial cannabis activity in the city.



"Cultivation" and/or "cultivate" shall mean the planting, growing, harvesting, drying, processing, or storage of one or more cannabis plants or any part thereof.

"Customer" means a natural person twenty-one (21) years of age or older or a natural person eighteen (18) years of age or older who possesses a physician's recommendation, or a primary caregiver who is engaged in a transaction with a retailer for purposes of obtaining cannabis goods (i.e., purchase).

"Day Care Facility" shall mean any legally established child day care business that was established and licensed by the city prior to any cannabis related businesses.

"Delivery" means the transfer of commercial cannabis or commercial cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.

"Distribution" means the procurement, sale, and transport of cannabis goods between state-licensed cannabis businesses.

"Distributor" means a commercial cannabis business that is locally authorized to engage in the distribution of cannabis goods.

"Employee" shall mean any person employed by a commercial cannabis business that is locally authorized to engage in commercial cannabis activity.

"Immature cannabis plant" or "immature plant" means a plant that is nonflowering and is shorter and narrower than eighteen (18) inches.

"Indoor cultivation" means cultivation that is conducted within a fully enclosed building, permitted for such use, accessible only through one or more locking doors, which is secure against unauthorized entry.

"Labeling" means any label or other written, printed, or graphic matter upon a cannabis good, upon its container or wrapper, or that accompanies any cannabis good.

"Planner or Administrator" shall mean an employee responsible for management and/or supervision of a commercial cannabis business.

"Manufacture" means to produce, prepare, propagate, or compound, or otherwise blend, extract, or infuse cannabis and/or a cannabis product either directly or indirectly, or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

"Non-climbable fence" means a fence with a smooth exterior surface that is not equipped with steps or other provisions for climbing.

"Nursery" means a commercial cannabis business that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

"Outdoor cultivation" means any commercial cannabis cultivation without the use of light deprivation and/or artificial lighting in the canopy area, and that is not conducted within a fully enclosed, permitted building, accessible only through one or more locking doors, which is secure against unauthorized entry.

"Person" includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business, business trust, receiver, syndicate, collective, cooperative, or any other group or entity, or combination acting as a unit, and the plural as well as the singular.

"Premise" means the designated structure(s) and land of a legal parcel specified in the application that is owned, leased, used, possessed, or otherwise held under the control of the commercial cannabis business where the commercial cannabis activity will be or is conducted. The premise shall be a contiguous area and shall only be occupied by one licensee.

"Primary caregiver" shall have the same meaning as set forth in California Health and Safety Code Section 11362.7.

"Qualified patient" shall have the same meaning as set forth in the California Health

and Safety Code Section 11362.7.

"Retail" or "retailer" means a premise that is locally authorized to engage in retail sale and delivery of cannabis or cannabis goods.

"Retail nursery" means a premise that is locally authorized to engage in retail sale and delivery of only cannabis clones, immature plants, and seeds. The sale of all other cannabis goods is prohibited.

"School" means any public or private school providing instruction in kindergarten or grades one to twelve (12), inclusive, but does not include any private school in which education is primarily conducted in private homes.

"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.

#### **17.150.040 Separation requirements.**

No commercial cannabis dispensary may be located within a 600-foot linear foot (from property line to property line) from a school, day care facility, recreational center, youth center, library or public park.

No commercial cannabis business that is not a dispensary, may be located within a 200-foot linear foot (from property line to property line) from a school, day care facility, recreational center, youth center, library or public park.

#### **17.150.050 Maximum number of retail businesses licensed citywide.**

In no case shall the city allow more **than three retail (dispensary) businesses to operate within city limits**. Retail nurseries are excluded from this restriction. However, retail nurseries are limited to M, M-L, and C-M Zoning Districts.

#### **17.150.060 Commercial cannabis cultivation, testing, manufacturing, distribution, retail facilities, and Micro Businesses.**

- A. Commercial cannabis cultivation shall be limited to **indoor cultivation only** in an M (General Industrial District), M-L (Light Industrial District), or C-M (Commercial-Light Industrial District) and require that a Use Permit first be secured prior to operation. Outdoor cultivation is prohibited.
- B. M (General Industrial District) zoning shall allow Dispensaries and Micro Businesses.
- C. UBD (Uptown Business District) zoning shall only allow one Dispensary.
- D. C-2 (General Commercial/Shopping Center District) zoning shall allow for Dispensaries, Distribution, Testing, and Manufacturing only.
- E. C-M (Commercial/Light Industrial District) zoning shall allow for Dispensaries and Micro Businesses.
- F. M-L (Light Industrial District) zoning shall allow for Dispensaries and Micro Businesses.
- G. Cannabis cultivation, distribution, manufacturing or testing facilities shall not contain an exhibition or product sales area or allow for retail sale of products at that location.
- H. All commercial cannabis businesses shall be required to provide an air treatment system that ensures off-site odors shall not result from its operations. This requirement, at a minimum, means that the facility shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the location is not detected outside the building, including on adjacent properties or public rights-of-way, or within any other unit located within the same building as the facility, if the use occupies only a portion of a building.

(Ord. No. 21-1033)

**17.150.070 Commercial cannabis business license required.**

- A. It shall be unlawful for any person, entity, association, partnership or corporation to engage in, conduct or carry on, in or upon any premises within the city without a commercial cannabis business license. A cannabis business shall register and obtain a commercial cannabis business license from the city prior to operation. The applicant shall pay a nonrefundable fee in an amount established by the city council.
- B. A copy of the commercial cannabis business license shall be displayed at all times in a place visible to the public.
- C. A commercial cannabis business license shall be valid for one year, unless sooner revoked. No license granted herein shall confer any vested right to any person or business for more than the above-referenced period.

(Ord. No. 22-1033,

**17.150.080 Commercial cannabis business license.**

- A. A commercial cannabis business license shall not be issued to an individual or a business entity associated with an individual, who has violated California Health and Safety Code Section 11590 and its provisions.
- B. The commercial cannabis business license shall be issued to the specific person or persons listed on the cannabis license application.
- C. A commercial cannabis business license does not transfer with the land and does not transfer with the transfer of the property.

(Ord. No. 22-1033,

**17.150.090 Commercial cannabis business license application submission process.**

- A. The City Administrator will ensure the preparation of cannabis application forms and a related administrative policy. Each applicant interested in operating pursuant to this section may submit an application together with a nonrefundable processing fee in an amount established by the city council.
- B. The City Administrator shall determine whether each application received demonstrates compliance with the minimum requirements to be eligible to be entered into the selection process. These requirements include, but are not limited to:
  - 1. Application was submitted during the application period.
  - 2. Application is filled out completely.
  - 3. Application fee is paid.
  - 4. The location indicated on the application meets the zoning criteria established in Section 17.10.020.
  - 5. The location indicated on the application meets the separation criteria established in Section 5.05.040.
  - 6. A planning and/or building permit with a receipt proving payment for processing from the city planning department for the property location the commercial cannabis business will occupy.
  - 7. A notarized signature from the property owner authorizing the location to be used for commercial cannabis business activity.
  - 8. Authorization from the management association/CC&R's that a cannabis business use is allowed on that parcel (if applicable).

9. Business owner(s)/applicant(s) referenced on the application completes live scan background check.
  10. There may be no change in applicant/business owner from the one(s) listed on the commercial cannabis business license application.
  11. All other application documents required in the city's application package instructions, state regulations and any other applicable regulations as they may be amended.
  12. Photographs of the exterior of the building including the entrance(s), exit(s), street frontage(s), and parking area.
  13. If the property is being rented, leased or purchased under contract, the lease agreement term, name of lessor or equivalent, shall be provided by a notarized signed affidavit of the property owner.
  14. The name and address of the applicant's current agent for service of process.
  15. A copy of the applicant's board of equalization seller's permit.
  16. A copy of the commercial cannabis business operating standards, listed in Sections 5.05.140, 5.05.150, and 5.05.160, if applicable, containing a statement dated and signed by the business owner stating that under penalty of perjury that they read, understand and shall ensure compliance with the aforementioned operating standards.
  17. Provide a statement, signed by the applicant under penalty of perjury, that the information provided is complete, true, and accurate.
  18. Release of the city from all liability associated with the commercial cannabis business. Such a release includes indemnifying the city for claims, damages and injuries that may arise as a result of the commercial cannabis business.
  19. Provide a completed utility load information form.
- (Ord. No. 22-1033)

**17.150.100 Environmental clearance required for commercial cannabis business license applications.**

- A. The purpose of this section is to provide the City of Susanville, license applicants, and the public with the procedures to be used in administering the city's responsibilities under the California Environmental Quality Act (CEQA), codified as Public Resources Code Section 21000, et seq., as amended. The procedures are intended to protect both local and regional natural resources in a manner that is consistent with the goals and policies of the general plan, and the requirements of CEQA.
- B. Each applicant interested in operating pursuant to this chapter shall submit an application for environmental clearance with the City Administrator together with a nonrefundable processing fee in an amount established by the city council at the time of application for a commercial cannabis business license. The City Administrator will prepare documents as required for environmental clearances for all cannabis business licenses.
- C. The full text of the state CEQA guidelines as amended is hereby incorporated by reference into this chapter as if fully set out herein and shall supersede any inconsistent provisions of these city environmental review procedures. These environmental review procedures supplement the state CEQA guidelines adopted as 14 California Code of Regulations, Title 14, Section 15000, et seq. In the event there is a conflict between the Public Resources Code and the CEQA guidelines, the Public Resources Code shall govern.
- D. The list of defined terms in Chapter 17.150.030 (definitions), under title 17 of the City of Susanville Municipal Code is expanded by reference to include the definitions contained in the Public Resources Code and the state CEQA guidelines.

- E. The City Administrator shall determine whether an application for environmental clearance is complete within thirty (30) calendar days from the receipt of the application. If no written determination of the completeness of the application is made within that period, the application shall be deemed complete on the thirty-first (31<sup>st</sup>) day.
1. When reviewing the application for completeness, the City Administrator shall identify environmental issues that require additional information or explanation by the applicant. An application for a commercial cannabis business license shall not be accepted as complete until all the information necessary for environmental review as determined by the City Administrator has been submitted.
  2. Accepting an application as complete does not limit the authority of the city to require the applicant to submit additional information needed for environmental evaluation and as determined by the City Administrator.
  3. Notice of Exemption. When the City Administrator determines that a project is categorically or statutorily exempt from CEQA and the city decides to approve the commercial cannabis license, the city may file a notice of exemption. The notice of exemption may be prepared in accordance with Section 15062 of the CEQA guidelines.
  4. Filing of Notice of Exemption. The city may file the notice of exemption with the County Clerk of Lassen County. Copies of the notice may also be available for public inspection at the city. Filing and posting the notice of exemption commences a thirty-five-day statute of limitations from the date of project approval.
- F. A commercial cannabis business license shall not be issued until such time that environmental clearance where required by this chapter and the provisions of CEQA has been completed.
1. Exception: Where the issuance of a commercial cannabis business license also involves the issuance of a discretionary land use entitlement as set forth in Chapter 17.150, the environmental clearance may be completed in combination with the land use entitlement.

(Ord. No. 22-1033)

**17.150.110 Commercial cannabis business license application selection process.**

- A. The City Administrator will evaluate the applications received and make a determination on the eligibility of each application. Each application that is complete and in compliance with this chapter shall be placed on the "qualified commercial cannabis business application list" and shall be notified in writing that they are a "qualified commercial cannabis business applicant."
- B. The City Administrator, after receiving the application and aforementioned information, will grant the license if they find:
1. The required fee has been paid.
  2. The application conforms in all respects to the provisions of this chapter.
  3. The applicant has not knowingly made a material misrepresentation in the application.
  4. The applicant has fully cooperated in the investigation and background checks required by this section.
  5. The applicant has not had a commercial cannabis business license or other similar license or license denied or revoked for cause by this city or any other city in the state within the last five years prior to the date of the application.
  6. The commercial cannabis business, as proposed by the applicant would comply with all applicable laws including, but not limited to, health, zoning, fire, and safety requirements.

7. The applicant has demonstrated compliance with this code and state regulations.
- C. After all tenant improvements have been finalized by the commercial cannabis business owner, the City Administrator, may request an inspection of the cannabis business location to confirm compliance with this section.
- D. If any of the items listed in the application process are not met, the City Administrator shall notify the applicant of the deficiency, after which the applicant will have ten (10) days from receipt of notice to correct the deficiency. If the deficiency is not corrected within ten (10) days, or City Administrator may deny the license and notify the applicant of this determination in writing after which the applicant may appeal the decision in accordance with Section 5.05.130 (appeal of denial of license reference).
- (Ord. No. 22-1033)

**17.150.120 Cannabis license annual renewal.**

- A. Applications for the renewal of a license shall be submitted at least thirty (30) calendar days before the expiration of the current license. Any licensee allowing their license to lapse, or which license expired during a suspension shall be required to submit a new application, pay the corresponding original application fees and be subject to all aspects of the selection process.
- B. Any person desiring to obtain a renewal of their respective license shall file a written application under penalty of perjury on the required form. The application shall be accompanied by a nonrefundable filing fee established by the city council to defray the cost of the review required. An applicant shall be required to update the information contained in their original license application and provide any new and/or additional information as may be reasonably required by the City Administrator in order to determine whether said license should be renewed.
- (Ord. No. 22-1033)

**17.150.130 Denial of license.**

- A. City Administrator, in consultation with law enforcement, building official and city fire protection district, will review all commercial cannabis business applications, and all other relevant information, and determine if a license should be granted. If City Administrator determines that the license shall not be granted, the reasons for denial shall be provided in writing to the applicant. The applicant shall have fourteen (14) calendar days from the date of the receipt of the written denial to correct the reasons for denial and request in writing reconsideration of license issuance. Following review of the amended license application, the City Administrator will approve or deny the license by providing written notice to the applicant.
- B. An applicant who disagrees with the decision may appeal such decision pursuant to the appeals process of this chapter.
- (Ord. No. 22-1033)

**17.150.140 Operational standards for all commercial cannabis business activities.**

- A. Interior and exterior locations of the business property shall be monitored at all times by digital video surveillance system with a minimum camera resolution of one thousand two hundred eighty (1280) by seven hundred twenty (720) pixels and at a minimum of fifteen (15) frames per second for security purposes. The video surveillance system shall at all times be able to effectively and clearly record images of the area under surveillance. Each camera shall be permanently mounted and in a fixed location. The video surveillance system shall record areas where cannabis goods are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the licensed premise including: all limited-access areas, security rooms, point-of-sale areas, and all points of entry and exit on the premise.



The video surveillance system shall clearly record activity occurring within twenty (20) feet of all points of entry and exit on the premise.

- B. Surveillance recordings shall clearly and accurately display the time and date and shall be maintained, unaltered, in secured location, stored digitally, for a period of not less than ninety (90) days. The city or law enforcement may request the recordings in connection with an investigation. If the recordings are not voluntarily provided, the city or law enforcement may seek a warrant or court order for the recordings.
- C. A commercial cannabis business entity that remains inoperative for more than ninety (90) days shall be deemed "abandoned" and the license shall be automatically forfeited. A business may temporarily suspend operations for a period of time as may be reasonably required to affect upgrades, modifications, repairs, or other property issue mitigations as approved by the development services director or his or her designee.
- D. Create and maintain an active account within the state's track and trace system prior to commencing any commercial cannabis activity. In the event of system failure, the business shall keep a hard copy record and transfer the information to the track and trace system within twenty-four (24) hours of the system being available.
- E. Register with the department of pesticide regulation if using any pesticides.
- F. Comply with all state regulations regarding testing, labeling and storage of all cannabis products.
- G. Meet all state and local regulations for the disposal of all cannabis materials and materials used in conjunction with manufacturing, testing, processing, distributing and cultivating of cannabis.
- H. Conform to all state regulations requiring the use of appropriate weighing devices.
- I. Conform to all state and local regulations regarding water usage.
- J. All electrical and plumbing must comply with state and local regulations, including the California Building Code and California Fire Code, as adopted by the City of Susanville.
- K. Comply with all state insurance and security bond regulations.
- L. The commercial cannabis business shall have a centrally monitored fire and burglar alarm system which shall include all perimeter entry points and perimeter windows.
- M. All persons with ownership interest, and all employees, agents, officers and other persons acting on behalf of a licensee must be at least twenty-one (21) years of age. (Ord. No. 22-1033)

**17.150.150 Additional operational standards for retail business.**

- A. A licensed cannabis retail business shall comply with all state regulations. During the hours of operation, the cannabis retail business shall hire or contract for security personnel who are at least twenty-one (21) years of age and licensed by the Bureau of Security and Investigative Services and shall comply with Chapters 11.4 and 11.5 of Division 3 of the Business and Professions Code.
- B. The security personnel and cannabis retail business personnel shall monitor the site and the immediate vicinity of the site to assure that patrons immediately leave the site and do not consume cannabis in the vicinity of the retail business or on the property or in the parking lot.
- C. Signage.
  - 1. All exterior signage shall conform with existing zoning requirements. The existing retail business signage is 'grandfathered' in as of April 1, 2017. Any additional signage modifications shall comply with retail business requirements.
  - 2. The following information shall be provided on a sign posted in a

conspicuous location inside the cannabis dispensary:

- a. Smoking, ingesting or consuming cannabis on this property or within one hundred (100) feet of the business is prohibited.
- b. No one under the age of twenty-one (21) shall be allowed to enter this facility unless they are a qualified patient, or a primary caregiver and they are in the presence of their parent or legal guardian.
- c. The City of Susanville has not tested or inspected any cannabis product for pesticides, or other regulated contaminants, distributed at this location.
- D. No recommendations from a doctor for medical cannabis shall be issued on-site.
- E. Each retail business owner shall establish minimum training standards for all employees.
- F. There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption of food, alcohol, tobacco or cannabis by patrons without prior written approval from the city.
- G. Drive-through sales must be approved in writing by the city prior to implementing.
- H. The retail business shall comply with state department of health requirements pertaining to use of commercial kitchen facilities for the cannabis operations.
- I. All employees of the retail business shall wear a laminated or plastic-coated photo identification badge clearly identifying them as employees when on duty. Badges shall include a color frontal face picture, employee name, employee number, business name and number, and be at least one and one-half inches in width by one and one-half inches in height.
- J. No cannabis retail facility shall cause or the access, sale, or exchange of cannabis goods to any person who is not at least twenty-one (21) years of age or at least eighteen (18) years of age with a valid physician's recommendation for medical cannabis.  
(Ord. No. 22-1033)

**17.150.160 Deliveries.**

- A. All deliveries shall comply with all state regulations contained in California Code of Regulations Title 16, Division 42 and as it may be amended from time to time.
- B. Deliveries may be made from a licensed retail business.
- C. All employees who deliver cannabis must have a valid identification card at all times while the delivery is being made.
- D. Deliveries may only take place during normal business hours of the retail business.
- E. A customer requesting delivery shall maintain a physical or electronic copy of the delivery request and shall make it available upon request by the licensing authority and law enforcement officers.
- F. A retail business shall maintain a list of all deliveries, including the address delivered to, the amount and type of product delivered, and any other information required by the state.
- G. A cannabis business shall only deliver cannabis in aggregate amounts tied to its members' needs. A cannabis business shall ensure compliance with state law limits as they regard cannabis and cannabis products.
- H. A manifest with all information required in this section must accompany any delivery person or delivery method at all times during the delivery process and delivery hours.  
(Ord. No. 22-1033)

**17.150.170 Additional operational standards for retail nurseries.**



- A. A retail nursery shall be restricted to the sale of only cannabis clones, immature plants, and seeds. The sale of all other cannabis goods is prohibited.
- B. A retail nursery shall be required to comply with the additional operating standards established for retail businesses in Section 5.05.140.
- C. A retail nursery shall be required to obtain a state-issued license.  
(Ord. No. 22-1033)

**17.150.180 Maintenance of records.**

- A. A commercial cannabis business shall maintain all the records required for retention by California Code of Regulations Title 3, Division 8; Title 16, Division 42; and Title 17, Division 1.
- B. These records shall be maintained for a period of seven years and shall be kept in a manner that allows the records to be produced for the City of Susanville and/or law enforcement at the cannabis business premises in either hard copy or electronic form, whichever the City of Susanville requires.  
(Ord. No. 22-1033)

**17.150.190 Inspection and enforcement responsibilities.**

City code enforcement officials may enter and inspect the location of any commercial cannabis business between the normal business hours to ensure compliance with this section. In addition, law enforcement may enter and inspect the location of any cannabis business and the recordings and records maintained as required by this section, except that the inspection and copying of private medical records shall be made available to law enforcement only pursuant to a properly executed search warrant, subpoena, or court order. A person engaging in commercial cannabis business without a license and associated unique identifiers required by this chapter shall be subject to civil penalties of up to twice the amount of the license fee for each violation, and the state or local authority, or court may order the destruction of cannabis associated with that violation. A violator shall be responsible for the cost of the destruction of cannabis associated with his or her violation, in addition to any amount covered by a bond required as a condition of licensure. Each day of operation in which a violation occurs shall constitute a separate violation of this section.

(Ord. No. 22-1033)

**17.150.200 Fees.**

All cannabis operations shall pay applicable fees and taxes, which may include one or more of the following.

- A. Application Fee. The business applicant shall submit a nonrefundable fee to cover the cost of processing an application and renewal application for the commercial cannabis business as determined by the City Administrator.
- B. Business License Fee. The business owner shall at all times maintain a current and valid business license and pay all business taxes required by Chapter 5.04 of this code.
- C. Regulatory License Fee. The business owner shall pay an annual regulatory license fee ("regulatory fee") to cover the costs of anticipated enforcement relating to the cannabis operation. The amount of the fee shall be set by resolution of the city council and be supported by the estimated additional costs of administration, enforcement, and monitoring of the city's cannabis regulation and/or specific cannabis operation. The regulatory fee shall be due and payable prior to opening for business and thereafter on or before the anniversary date. The regulatory fee may be amended from time to time based upon actual costs.
- D. Taxes. The business applicant shall stay current with all state, federal, and local

taxes, including commercial cannabis business tax set by the City of Susanville.

(Ord. No. 22-1033)

**17.150.210 Violation and enforcement.**

Each and every violation of this section shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by this code. Additionally, any violation of this article constituting a nuisance per se shall be subject to injunctive relief, revocation of the business's commercial cannabis business license, disgorgement and payment to the city of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or equity. The city may also pursue any and all remedies and actions available and applicable under local and state laws for any violations committed by the cannabis business and persons related or associated with the cannabis business.

(Ord. No. 22-1033)

**17.150.220 License suspension, modification or revocation.**

Commercial cannabis business licenses may be revoked, suspended, modified for any standard adopted pursuant to this Title 5.05, any license conditions, or any violation of any federal, state, or local law, rule, or regulation. If the City Administrator determines that there is cause to consider revocation, suspension or modification of any commercial cannabis business license, the City Administrator will:

1. Notify the licensee of the possible action and the reasons for it in writing;
2. Provide licensee with evidence the City Administrator possesses that may justify the revocation, suspension, or modification.
3. Advise the licensee that licensee may request a hearing before the City Administrator to present evidence, argument or other matters licensee feels the City Administrator should consider before taking any action.

(Ord. No. 22-1033)

**17.150.230 Hearing.**

If a licensee wishes to have a hearing before the City Administrator, the licensee must, within five days of the City Administrator's notice, send to the City Administrator a written request for a hearing. The City Administrator will provide notice to licensee of the time and place of hearing. The City Administrator will consider argument and evidence offered by licensee and render a written decision within a reasonable time.

(Ord. No. 22-1033)

**17.150.240 Appeal process.**

- A. Within ten calendar days after the date of a decision of the City Administrator to revoke, suspend or deny a license, or to add conditions to a license, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper.
- B. At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the city council from time to time.
- C. Upon receipt of the written appeal, the city clerk shall set the matter for a hearing before the city council. The city council shall hear the matter de novo and shall conduct the hearing pursuant to the procedures set forth by the city.
- D. The appeal shall be held within a reasonable time after the filing the appeal.
- E. At the hearing the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing.
- F. At the conclusion of the hearing the city council may affirm, reverse or modify the

decision appealed. The decision of the city council shall be final and there shall be no other internal rights to appeal.  
(Ord. No. 22-1033)

## **Chapter 17.150.300 REGULATION OF PERSONAL CANNABIS CULTIVATION**

### **17.150.300 Purpose and intent.**

The purpose of this article is to impose restrictions on the personal cultivation of cannabis pursuant to state law. This article is not intended to interfere with a patient's right to use medical cannabis pursuant to the Compassionate Use Act, as may be amended, nor does it criminalize cannabis possession or cultivation otherwise authorized by state law. This article is not intended to give any person or entity independent legal authority to operate a cannabis business; it is intended simply to impose restrictions regarding personal cultivation of cannabis in the city pursuant to this code and state law.  
(Ord. No. 22-1033)

### **17.150.310 License required.**

The cannabis cultivation addressed in this chapter is required to be conducted pursuant to state law and in accordance with the requirements set forth herein. The city council may, by resolution, establish fees to cover costs incurred by the city in administering and enforcing this chapter.  
(Ord. No. 22-1033)

### **17.150.320 Applicability.**

No part of this article shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. § 800 et seq., nor to otherwise permit any activity that is prohibited under that act or any other local, state or federal law, statute, rule or regulation. Nothing in this article shall be construed to allow any conduct or activity relating to the cultivation, distribution, dispensing, sale, or consumption of cannabis that is otherwise illegal under local or state law. No provision of this article shall be deemed a defense or immunity to any action brought against any person by the city, the Attorney General of the State of California or the United States of America.

### **17.150.330 Definitions.**

The definitions in Section 17.150.030 are incorporated herein as fully set forth and are applicable to this chapter.  
(Ord. No. 22-1033)

### **17.150.340 Indoor personal cultivation.**

- Indoor Cultivation. Indoor personal cultivation of cannabis is permitted in all legally established dwelling units pursuant to the standards included in this chapter:
- A. All indoor personal cultivation, including by a qualified patient or primary caregiver, shall only occur in a legally established dwelling.
  - B. Medical cannabis shall be cultivated by a qualified patient (or primary caregiver) exclusively for his or her own personal medical use but who does not provide, donate, sell, or distribute medical cannabis to any other person.
  - C. Structures and equipment used for indoor cultivation, such as indoor grow lights, shall comply with all applicable building, electrical and fire code regulations as adopted by the city.
  - D. All accessory buildings and structures used for indoor cultivation shall comply with the state building code requirements pertaining to natural and mechanical ventilation or as otherwise determined by the building official or his/her designee. Cultivation shall not create an odor, humidity or mold problem on the subject property or adjacent

properties.

E. Indoor personal cultivation of cannabis may occur inside a dwelling and/or an accessory building or structure on the same parcel, subject to the following restrictions:

1. The cumulative cultivation area for medical cannabis shall total no more than twenty-five (25) contiguous square feet per qualified patient, and no more than one hundred (100) contiguous square feet for primary caregivers, but in no event shall the total cumulative cultivation area for medical cannabis exceed one hundred (100) contiguous square feet regardless of how many qualified patients or primary caregivers reside at the premises. Either a qualified patient or primary caregiver shall reside full-time on the premises where the medical cannabis cultivation occurs.
2. For persons other than qualified patients or primary caregivers, all personal cultivation shall be conducted by persons twenty-one (21) years of age or older. For persons other than qualified patients or primary caregivers, the cumulative total of cannabis plants on the property, indoor and outdoor, shall not exceed six cannabis plants, regardless of the number of persons residing on the property.

F. Personal cultivation of cannabis shall not interfere with the primary occupancy of the building or structure, including regular use of kitchen(s), bathroom(s) or the garage.

G. No exterior evidence of cannabis cultivation occurring at the property shall be discernable from the public right-of-way.

H. Nothing in this section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting personal cultivation of cannabis by tenants.

I. Nothing in this section is intended, nor shall it be construed, to authorize commercial cultivation of cannabis.

J. Nothing in this section is intended, nor shall it be construed, to authorize any public or private nuisance as specified in this code.

(Ord. No. 22-1033)

#### **17.150.360 Outdoor personal cultivation.**

Outdoor Cultivation:

A. Outdoor Cultivation is prohibited. (Ord. No. 22-1033)

#### **17.150.370 Enforcement.**

The provisions of this chapter will be enforced by the city's code enforcement officials. (Ord. No. 22-1033)