



Willows City Council Regular Meeting

August 14, 2018
Willows City Hall
7:00 p.m.

201 North Lassen Street
Willows, CA 95988
(530) 934-7041

Agenda

City Council
Kerri Warren, Mayor
Lawrence Mello, Vice Mayor
Gary Hansen, Council Member
Jeff Williams, Council Member
Jim Yoder, Council Member

Interim City Manager
Wayne Peabody

City Clerk
Tara Rustenhoven

1. **CALL TO ORDER- 7:00 p.m.**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PUBLIC COMMENT/WRITTEN COMMUNICATIONS**
 - a. **Public Comments:**

Members of the public wishing to address the Council on any item(s) within the jurisdiction of the city may do so at this time when recognized by the Mayor/Vice Mayor; however, no formal action will be taken unless a majority consensus of the Council directs staff to place the item on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. (Oral communications will be limited to three minutes)
5. **CONSENT AGENDA**

Consent items are considered to be routine by the City Council and will be enacted in one motion. There will be no separate discussion on these items unless a Council Member requests, in which event the item will be removed from the consent agenda. It is recommended that the Council:

 - a. Approval of general checking, payroll & direct deposit check registers (3609-36128, Z09343-Z09402, 37506-37563).
 - b. Approval of minutes of the Regular City Council Meeting held on July 10, 2018
 - c. Approval of minutes of the Regular City Council Meeting held on July 24, 2018

Comments from the public are welcome. The Mayor will allow an opportunity for comments related to Public Hearings and each action item on the agenda. Please limit comments to three minutes per topic, and one comment per person per topic. Once comments conclude, please allow the Council the opportunity to continue its consideration of the item without interruption.

6. PUBLIC HEARING

- a. Open the public hearing and upon conclusion, it is recommended that Council read by title only, pass second reading, and adopt the following three (3) Ordinances:
- b. An Ordinance of the City Council of the City of Willows amending Chapter 18.60.030 Cg General Commercial District of the Willows Municipal Code of the City of Willows specifically to add Section 18.60.030(11) Cannabis Retail Dispensary Business as a use with all other text to remain unchanged.
- c. An Ordinance of the City Council of the City of Willows amending Chapter 18.65.030 Highway Commercial District of the Willows Municipal Code of the City of Willows specifically adding Section 18.65.030(3) Cannabis Retail Dispensary Business to the Code with all other text to remain unchanged.
- d. An Ordinance of the City Council of the City of Willows amending Chapter 9.20.070 of the Willows Municipal Code of the City of Willows specifically Section 9.20.070(1) to add language where Cannabis Retail Dispensary Businesses are allowed with all other text to remain unchanged.

7. REGULAR BUSINESS AGENDA/ITEMS REQUIRING COUNCIL ACTION

- a. By motion, declare unused sporting equipment as surplus and allow the Recreation Department to sell some items and donate or discard the items that won't sell.
- b. By Consensus, give direction to staff provide in regards to a letter of opposition to proposed changed to Proposition 64.

8. COUNCIL/ STAFF REPORTS/COMMENTS

- a. Staff Reports/Comments:
- b. Council Reports/Comments:

9. RECESS TO CLOSED SESSION

- a. PUBLIC COMMENT- Pursuant to Government Code Section § 54954.3, the public will have an opportunity to directly address the legislative body on the item below prior to the Council convening into closed session. Public Comments are generally restricted to three minutes.
- b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS, pursuant to Gov. Code section 54956.8:

Property: 153 N. Lassen Street

Agency negotiators: Wayne Peabody, Tim Sailsbery.

Negotiating parties: Cathy Baroni-Briggs

Under negotiation: Price

10. RECONVENE IN OPEN SESSION

11. ANNOUNCEMENT OF ANY ACTION TAKEN IN CLOSED SESSION

12. ADJOURNMENT

This agenda was posted on August 10, 2018



Tara Rustenhoven, City Clerk

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours at City Hall or the Willows Public Library at 201 North Lassen Street in Willows or on the City's website at www.cityofwillows.org.

In compliance with the Americans with Disabilities Act, the City of Willows will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office at 934-7041 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

The City of Willows is an Equal Opportunity Provider



CONSENT AGENDA



Period

7/19/2018 TO 8/10/2018

General Checking 36069 TO 36128

Payroll Direct Deposit 209343 TO 209402

Payroll Checks 37506 TO 37563

APPROVAL DATE 8/14/2018

APPROVED _____

REPORT.: Jul 19 18 Thursday
 RUN...: Jul 19 18 Time: 15:35
 Run By.: JANE COLLINS

CITY OF WILLOWS
 Automatic Check Listing/Update
 Control Date.: 07/19/18 Cash Account No.: 000 1045

PAGE: 001
 ID #: PY-CL
 CTL.: WIL

Invoice No	Description	Invoice		G/L	Account No	Discount	Gross	Discount	Net
		Date	Actual Period						
Check #: 036069 Check Date.: 07/19/18		Vendor I.D.: ABF01 (CERTIFIED/FORTRESS SECURITY & FIRE)							
4135006-	ALARM MONITORING 7/1/18 - 9/30/18	07/01/18	07-18				78.00	.00	78.00
		07/19/18	01-19						
Check #: 036070 Check Date.: 07/19/18		Vendor I.D.: BYW00 (BYWATER)							
3979-	ANNUAL SUPPORT AND HOSTING 7/1/18 - 6/30/19	06/07/18	07-18				3000.00	.00	3000.00
		07/19/18	01-19						
Check #: 036071 Check Date.: 07/19/18		Vendor I.D.: COR02 (CORBIN WILLIAMS SYSTEMS)							
B806151-	CONT.SERV. FINANCE JULY 2018	06/15/18	07-18	A			407.87	.00	407.87
		07/19/18	01-19						
Check #: 036072 Check Date.: 07/19/18		Vendor I.D.: GLE48 (GLENN LOCAL AGENCY FORMATION COMMISSION)							
2018-001-	LAFCO EXPENSE 2018-2019	07/01/18	07-18				10000.00	.00	10000.00
		07/19/18	01-19						
Check #: 036073 Check Date.: 07/19/18		Vendor I.D.: MAX01 (MAXIMUM SECURITY SYSTEMS)							
30186-	PROF. SERVICES PARKS/PUB. JULY-SEPT 2018	07/01/18	07-18				60.00	.00	60.00
		07/19/18	01-19						
Check #: 036074 Check Date.: 07/19/18		Vendor I.D.: PEN04 (PENGUIN MANAGEMENT INC)							
49725-	EDISPATCH SERVICES 7/1/18 - 6/30/19	06/01/18	07-18				1548.00	.00	1548.00
		07/19/18	01-19						
Check #: 036075 Check Date.: 07/19/18		Vendor I.D.: THR00 (3CORE)							
20144-	MEMBERSHIP RENEWAL 2018-2019	04/25/18	07-18				7500.00	.00	7500.00
		07/19/18	01-19						
Check #: 036076 Check Date.: 07/19/18		Vendor I.D.: TON00 (TONY TAPIA CONSTRUCTION)							
B80719-	WEED ABATEMENT 2018	06/21/18	07-18				9955.78	.00	9955.78
		07/19/18	01-19						
** Total Checks Paid ----->							32549.65	.00	32549.65
							=====	=====	=====

REPORT.: Jul 26 18 Thursday
 RUN...: Jul 26 18 Time: 08:56
 Run By.: JANE COLLINS

CITY OF WILLOWS
 Cash Disbursement Detail Report
 Check Listing for 07-18 Bank Account.: 1045

PAGE: 001
 ID #: PY-DP
 CTL.: WIL

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
036077	07/24/18	R&R01	R & R AUTOBODY	3535.19	.00	3535.19	B80724P	VEHICLE CLAIM REPAIR-ARME
036078	07/26/18	ATT01	A.T.& T.	967.16	.00	967.16	B80725	TELEPHONE EXP. 6/19-7/19/
	07/26/18	BOB00	BOB'S PLUMBING	530.00	.00	530.00	3119	KITCHEN FACET INSTALL
036080	07/26/18	COR02	CORBIN WILLITS SYSTEMS	407.87	.00	407.87	B807151	CONT.SERV. FINANCE AUGUST
036081	07/26/18	CVC00	CVCWA	1625.00	.00	1625.00	19-050	MEMBERSHIP 7/1/18-6/30/18
036082	07/26/18	ESP01	OMAR ESPARZA	30.00	.00	30.00	B80725	REFUND SWIM LESSONS
036083	07/26/18	FGL00	FGL ENVIRONMENTAL	88.00	.00	88.00	875463A	BACTI ANALYSIS
036084	07/26/18	JER00	JEREMY'S PEST STOMPERS	35.00	.00	35.00	79184	PEST CONTROL FD JULY 2018
036085	07/26/18	LAM01	LAMBERT INSURANCE AGENCY	6795.00	.00	6795.00	B80725	INSURANCE-BUSINESS AUTO
				8886.00	.00	8886.00	1B80724	INSURANCE-INLAND MARINE
				26953.00	.00	26953.00	2B80724	INSURANCE-BUSINESS OWNERS
			Check Total.....:	42634.00	.00	42634.00		
036086	07/26/18	MAT01	MATSON & ISOM TECHNOLOGY	2843.00	.00	2843.00	64438	MANAGED PARTNER AGREEMENT
				180.00	.00	180.00	64488	OFFSITE BACKUP JULY 2018
			Check Total.....:	3023.00	.00	3023.00		
036087	07/26/18	MEN02	MENDES SUPPLY COMPANY	94.40	.00	94.40	R02899500	TISSUE
036088	07/26/18	OFF05	OFFICE DEPOT, INC.	375.63	.00	375.63	06411001	OFFICE SUPPLIES
				2.83	.00	2.83	07095001	OFFICE SUPPLIES
			Check Total.....:	378.46	.00	378.46		
036089	07/26/18	PAR12	PARCELQUEST	4000.00	.00	4000.00	19553	NAVIGATION 7/1/18-6/30/18
036090	07/26/18	PGE01	PG & E	14711.61	.00	14711.61	B80726	P.G. & E. 6/13-7/12/18
036091	07/26/18	SAC08	SACRAMENTO VALLEY MIRROR	1962.23	.00	1962.23	15463	LEGAL ADS-WEED ABATEMENT,
036092	07/26/18	SAF03	SAFETY TIRE SERVICE	308.64	.00	308.64	35092	TIRES
036093	07/26/18	TRU00	TRUE BLUE PROPANE	13.47	.00	13.47	3515	PROPANE
	07/26/18	USA02	UNDERGROUND SERVICE ALERT	437.16	.00	437.16	18070332	ANNUAL MEMBERSHIP
036095	07/26/18	WAL07	WAL-MART COMMUNITY	191.18	.00	191.18	B80725	JUNE/JULY STMT PER ATTACH
			Cash Account Total.....:	74972.37	.00	74972.37		
			Total Disbursements.....:	74972.37	.00	74972.37		
			Cash Account Total.....:	.00	.00	.00		

REPORT.: Aug 02 18 Thursday
 RUN....: Aug 02 18 Time: 16:11
 Run By.: JANE COLLINS

CITY OF WILLOWS
 Cash Disbursement Detail Report
 Check Listing for 07-18 Bank Account.: 1045

PAGE: 001
 ID #: PY-DP
 CTL.: WIL

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information-----	
							Invoice #	Description
036096	07/30/18	CAL01	CALIFORNIA WATER COMPANY	3129.02	.00	3129.02	B80726	WATER EXPENSE 6/13-7/11/1
036097	07/30/18	DEP02	DEPT. OF FORESTRY & FIRE	288.00	.00	288.00	153224	CONFINED SPACE AWARENESS
036098	07/30/18	ECO00	ECONOMIC & PLANNING SYSTE	1765.00	.00	1765.00	172008-8	FEASIBILITY DISTRICT STUD
036099	07/30/18	FED00	FEDEX	12.71	.00	12.71	624996763	SHIP EDA SPECS
036100	07/30/18	IND00	INDUSTRY PACKING & SEAL,	72.93	.00	72.93	24559	SHAFT SEAL
036101	07/30/18	MAT01	MATSON & ISOM TECHNOLOGY	9872.50	.00	9872.50	64163	WEBSITE REDESIGN
				361.25	.00	361.25	64366	CONFIGURE WORKSTATION
				1867.74	.00	1867.74	23357-IN	WORKSTATION
			Check Total.....:	12101.49	.00	12101.49		
036102	07/30/18	NSW00	NSWTS	100.00	.00	100.00	1445	MONTHLY SERVICE JUNE 2018
036103	07/30/18	USB04	U.S. BANK CORPORATE PAYME	3176.67	.00	3176.67	B80730	JUNE STMT PER ATTACHED
036104	07/30/18	WAL07	WAL-MART COMMUNITY	207.53	.00	207.53	B80726	JUNE/JULY STMT PER ATTACH
			Cash Account Total.....:	20853.35	.00	20853.35		
			Total Disbursements.....:	20853.35	.00	20853.35		

REPORT.: Aug 02 18 Thursday
 RUN...: Aug 02 18 Time: 16:15
 Run By.: JANE COLLINS

CTTY OF WILLOWS
 Cash Disbursement Detail Report
 Check Listing for 08-18 Bank Account.: 1045

PAGE: 001
 ID #: PY-DP
 CTL.: WIL

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
036105	08/02/18	AB000	STEVE ABOLD	200.00	.00	200.00	B80802	PUB. WKS. TOOL PARKS/PUB.
036106	08/02/18	AME02	AMERIPRIDE UNIFORM SVCS.	323.44	.00	323.44	B80802	JULY STMT PER ATTACHED
036107	08/02/18	COM16	COMCAST CABLE	145.93 150.93	.00 .00	145.93 150.93	B80802 AB80802	INTERNET ADMIN 7/29-8/28/ INTERNET PD 7/19-8/18/18
Check Total.....:				296.86	.00	296.86		
036108	08/02/18	COM20	COMP INC	1453.58	.00	1453.58	16795-00	DOT/EMPLOYMENT PHYSICAL
036109	08/02/18	COR10	CORNING LUMBER CO., INC.	57.48	.00	57.48	B80802	JULY STMT PER ATTACHED
036110	08/02/18	FLO01	JENN FLOWERDEW	235.00	.00	235.00	B80802	REIMBURSE LIFEGUARD TRAIN
036111	08/02/18	GLE12	GLENN COUNTY TAX COLLECTO	364.31 351.53	.00 .00	364.31 351.53	B80802 AB80802	PROPERTY TAX 145 N LASSEN PROPERTY TAX 138 N LASSEN
Check Total.....:				715.84	.00	715.84		
036112	08/02/18	GLE26	COUNTY OF GLENN	538.00	.00	538.00	IN0178837	HAZARDOUS MATERIAL PERMIT
036113	08/02/18	HUN02	ROBERT W HUNT	2227.50	.00	2227.50	18-08	GENERAL LEGAL SERVICES JU
036114	08/02/18	INT16	INTERSTATE BATTERY SYSTEM	107.15	.00	107.15	540606	BATTERIES
036115	08/02/18	LIF01	LIFE ASSIST	171.57	.00	171.57	867645	MEDIC SUPPLIES
036116	08/02/18	MAD03	TRACY MADSEN	30.00	.00	30.00	B80802	REFUND SWIM LESSONS
036117	08/02/18	MCD01	MCDONALD'S ELECTRIC STORE	5.30	.00	5.30	24326	SPLICE KIT
036118	08/02/18	MRR00	MR ROOTER	194.52	.00	194.52	B80802	REFUND BUILDING PERMIT
036119	08/02/18	NCC01	NCCSIF	80513.00 16228.00	.00 .00	80513.00 16228.00	2017 AB80802	LIABILITY INSURANCE 7/1/1 WORKERS COMP.7/1/18-6/30/
Check Total.....:				96741.00	.00	96741.00		
036120	08/02/18	NIS00	TRISHA NISSEN	225.00	.00	225.00	B80802	REIMBURSE LIFEGUARD TRAIN
036121	08/02/18	OLI02	JANET OLIVER	235.00	.00	235.00	B80802	REIMBURSE LIFEGUARD TRAIN
036122	08/02/18	PEA00	WAYNE PEABODY	200.00	.00	200.00	B80802	TECHNOLOGY ALLOWANCE JULY
036123	08/02/18	SAF03	SAFETY TIRE SERVICE	1216.54	.00	1216.54	B80802	JULY STMT PER ATTACHED
036124	08/02/18	SAI02	TIMOTHY L. SAILSBERY	200.00	.00	200.00	B80802	VEHICLE ALLOW. FINANCEJUL
036125	08/02/18	STE03	TIFFANY STEVENSON	195.00	.00	195.00	B80802	REIMBURSE LIFEGUARD TRAIN
036126	08/02/18	STO01	STONY CREEK UNIFIED SCHOO	100.00	.00	100.00	B80802	RENT EC LIBRARY JULY 2018
036127	08/02/18	THO00	THOMAS HYDRAULIC AND	492.50	.00	492.50	397430	DUMP TRUCK REPAIR
036128	08/02/18	WILHQ	WILLOWS AUTO PARTS	204.59	.00	204.59	B80802	JULY STMT PER ATTACHED
Cash Account Total.....:				106365.87	.00	106365.87		
Total Disbursements.....:				106365.87	.00	106365.87		

SUMMARY MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD July 10, 2018

*Meeting audio is available at the City of Willows website. This is not a live feature. Audio recordings are posted the succeeding business day following the scheduled City Council Meeting.
Please visit www.cityofwillows.org for free PodBean recordings.*

Mayor Warren called the meeting to order at 7:00 p.m.

The meeting opened with the Pledge of Allegiance led by Planning Commissioner Jose Hansen.

Roll Call:

Council Members Present: Council Members Williams and Hansen, Vice-Mayor Mello and Mayor Warren.

Council Members Absent: Council Member Yoder

Staff Present: Administrative Services Director Tim Sailsbery

Public Comment/ Written Communications: No public comments or written communications.

Consent Agenda:

- a. Approval of minutes of the Regular City Council Meeting held on June 26, 2018.

Council Member Williams requested minor changes be made to the minutes; including two name directions.

Action:

Motion: Council Member Hansen/Second: Council Member Williams

Moved to approve the Consent Agenda as presented above and the following item(s). The motion passed unanimously 4/0 carried by the following voice vote:

AYES: Hansen, Yoder, Williams, Vice-Mayor Mello, Mayor Warren

NOES:

ABSENT: Council Member Yoder

ABSTAIN:

Regular Business:

- a. Conduct adoption of a Resolution authorizing staff to submit a HOME Program Funding Application in support of the proposed 24-unit family apartment housing project.

City Planner Karen Mantele introduced the agenda item to Council. Sharing a short summary that there is funding available that requires Council action. The proposal is in support of a 24-unit multi-family apartment housing project. The project has been discussed at the Planning Commission prior to reaching Council tonight.

She then gave information on the funding through NOFA (Notice of Funding Availability) explaining it came out in early June for developers and non-profit organizations such as various state and cities to apply for funding.

She then explained that the project began in June of 2016.

Cameron Johnson AMG Associates submitted some information towards this funding and his work was reviewed and approved, that work would be what the City would use on a parcel on W Sycamore kitty corner from the existing senior facility. Ms Mantele then explained the benefits to this apartment expressing it would meet the needs of residents within the City.

The Commission did approve this design review request. She then gave a brief description on what the esthetics would look like. The Structure would be two building both that each have two floors. Totaling eight two bedroom units, sixteen three bedroom units and community shared building.

Ms. Mantele then went on about more information on steps that were taken by the City and also Mr. Johnson in this process earlier on. Ms. Mantele ended her report by requesting that the Council approve staff to submit the HOME application for the project described, reminding the Council that there are no financial contributions needed from the City as the project would be grant funded. She then also shared that Mr. Johnson was present at the meeting and would address any questions that Council may have.

Council Member Hansen expressed that he thought this was a good project the first time it was brought to Council and he continues to think so.

Council Member Williams posed multiple questions; one clarification was that the City would not be responsible for any monies? City Planner Mantele assured him that the City would not be contributing it would be grant funded.

He then addressed Mr. Johnson with a question in regard to the estimated cost of the building? Mr. Johnson, responded with an estimated of about 26-27 million. Elaborating that, this is an opportunity to take Federal Funds that come to the City in the form of a grant. He then expressed that he hopes to apply for about 5.1 million which is the max. He then assured that his company would be working with City to help with the funds.

Council Member Hansen then added, we are always under the gun for housing plan. I think it's an important project. I think it would be silly to pass up on something like this.

Action:

Motion: Vice Mayor Mellow/Second: Council Member Hansen

Move to approve the adoption of a Resolution authorizing staff to submit a HOME Program Funding Application in support of the proposed 24-unit multi-family apartment housing project. With the correction of an additional zero added to the amount.

The motion passed unanimously 4/0 carried by the following voice vote:

AYES: Hansen, Williams, Vice-Mayor Mello, Mayor Warren

NOES:

ABSENT: Council Member Yoder

ABSTAIN:

- b. Discussion and possible action on potential sale or other disposition of surplus City real property.

Administrative Service Director Sailsbery introduced the topic, sharing that this topic was discussed at the special budget meeting and requested staff to look into property and the possible sale of it. One of those properties has become of interest to a local business owner. More specifically the parking lots that the City owns.

With this interest, it gave a good starting point for the sale of City property. With that, at the sale of these properties, it is code that the City notify all public agencies first, giving them a 60 day period if there is an interested party. If not, the sell goes out the general public.

He also shared the option of an appraisal, which Mr. Sailsbery shared the difference in opinion of his thoughts which was against the City investing in an appraisal and also the City Attorney's, which favors the City in getting an appraisal. Giving Council the option to choose which way would be in the City's best interest.

Staff recommends that we declare the city property as surplus, the City Attorney contacted Mr. Sailsbery and informed him that the decision needed to be done through resolution which is the resolution that has been placed at the dais Council to look over and consider.

Following Mr. Sailsbery's recommendation for Council gave brief comments and thoughts towards the decision to surplus the property or not.

Council Member Hansen began the comments, sharing he felt that the appraisal was not necessary. Furthermore, he would like to see the sale of the first parcel that surrounds the Ace Hardware Store and see how that goes.

Council Member Williams followed Council Member Hansen by asking staff, what the cost of an appraisal would be for the City. Staff responded with an estimate of about \$2000.00. He

continued with a few more questions of staff. Ending his comments with, he would agree with Council Member Hansen in that there is no upside to owning either of these parking lots.

Vice-Mayor Mello then shared brief comments going on the say that it is only valuable to someone who within that area and has potential interest in the parking lot. Mentioning that he felt the City should get rid of both parcels.

Mayor Warren finished commentary with agreement with Council Member Hansen that she didn't feel that an appraisal would be necessary and that Council should only surplus parcel 1 at this time. She then directed Council to respond to create consensus.

Consensus was determined by Council to only surplus parcel 1 without appraisal.

Action:

Motion: Council Member Hansen /Second: Council Member Williams

Moved to approve the resolution titled a resolution of the City Council of the City of Willows declaring certain real property as surplus with a minor change, only to surplus APN 003-034-006.

The motion passed unanimously 4/0 carried by the following voice vote:

AYES: Hansen, Yoder, Williams, Vice-Mayor Mello, Mayor Warren

NOES:

ABSENT: Council Member Yoder

ABSTAIN:

Council/Staff Reports/Comments:

a. Staff Reports/Comments:

- Sherriff Warren presented a monthly report to Council
- City Clerk Robyn Johnson gave Council information on elections
- Administrative Services Director Sailsbery gave brief comments in regards to Pers Unfunded Liability request from the Grand Jury and also comments about the confusion with the local newspaper.

b. City Council Reports/Comments:

Council Member Hansen:

- Participated in the 4th of July Parade with Kerri in her Corvette.
- He gave kudos to City Clerk Robyn Johnson for her work.

Council Vice Mayor Mello:

- He gave kudos to City Clerk Robyn Johnson as well.
- Participated in the 4th of July Parade in the Good Ship Lollipop.

Council Member Williams:

- Participated in the 4th of July Parade rode with Vice Mayor Mellow and his daughter Angela
- Attended the flag ceremony following the parade.
- Announced recusal from closed session due to family member conflict.

Mayor Warren:

- Participated in the 4th of July Parade in her Corvette.
- She gave kudos to the events at the Park.
- Young man from Willows High School went to Australia for Cross Country to run a 5.7 K out 3000, came in at 35th.

Recess to closed sessions:

- PUBLIC COMMENT-Pursuant to Government Code Section 54954.3, the public will have an opportunity to directly address the legislative body on the item below prior to the Council convening into closed session. Public Comments are generally restricted to three minutes.
 - CONFERENCE WITH REAL PROPERTY NEGOTIATORS, pursuant to Gov. Code Section 54956.8:
 - Property: 153 N. Lassen Street
 - Agency negotiators: Wayne Peabody, Tim Sailsbery
 - Negotiating parties: Cathy Baroni-Briggs
 - Under negotiations: Price
- Council reconvened into open sessions at 8:18 pm

Announcement of any action taken in closed session:

Mayor Warren reported that Directions was given to staff and there was no reportable action.

Adjournment:

The Meeting was adjourned at 8:18 p.m.

Dated: July 11, 2018

Robyn Johnson, City Clerk

SUMMARY MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD July 24, 2018

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Please visit www.cityofwillows.org for free PodBean recordings.*

Mayor Warren called the meeting to order at 7:00 p.m.

The meeting opened with the Pledge of Allegiance led by Council Member Hansen.

Roll Call:

Council Members Present: Council Members Yoder, Williams, and Hansen and Mayor Warren.

Council Members Absent: Vice Mayor Mello

Staff Present: Interim City Manager Wayne Peabody, Code Enforcement Officer Skip Sykes, and Recreation Coordinator Sarah Hoffman.

CEREMONIAL MATTERS (Proclamations, Recognitions, Awards)

A Proclamation was read honoring the Grand Opening and Open House for Northern Valley Indian Health Administrative Building.

Public Comment/ Written Communications:

Jamie Millen: Chamber of Commerce

Gave a brief update on the Chamber of Commerce and welcomed Lisa Diamond to the team.

- Information was provided on the Community Market: Saturday mornings at Tractor Supply- more vendors and people to buy produce. Invited citizens to come out on Saturday morning. The Market will be available to the end of August.
- 4th of July Fireworks: Park events went well, the Chamber was \$2,000.00 short. If this ever goes away we would never be able to afford it. She then encouraged people to attend the July 30th meeting at Round table. Helping the Chamber to help address the following questions; what can we do to make it better? How can we get the funding?

Jody Samons- Glenn County Development Director

Brought in a Publication of Glenn Grows and thanked the Valley Mirror on the help with publication.

Consent Agenda:

- a. Approval of general checking, payroll & direct deposit check registers (35984-36068, Z09288-Z09342, 37448-37505).

Action:

Motion: Council Member Williams /Second: Council Member Hansen

Moved to approve the Consent Agenda as presented above and the following item(s). The motion passed unanimously 4/0 carried by the following voice vote:

AYES: Hansen, Yoder, Williams, Mayor Warren

NOES:

ABSENT: Vice Mayor Mello

ABSTAIN:

Public Hearing:

- a. Conduct a public hearing and upon conclusion, consider the adoption of a resolution confirming costs of abatement and declaring them a special assessment as of August 3, 2018. Fire Chief Peabody, shared tonight is the end of the 2018 Weed Abatement schedule. Following code a Public Hearing is required to pass a resolution confirming costs. He then went on to explain, that the protest hearing was held on May 22nd and that tonight Council would be confirming the costs of the weed abatement that had been completed.

Mayor Warren then opened the Public Hearing at 7:19pm.

Ruth Ewing and her tenant that currently live at 211 N Culver addressed the Council with a discrepancy in their bill that they had from the City. They informed Council that they had done the work themselves and that the notice prior to the invoice was never received. Jose Hansen, citizen of Willows, approached the podium asking to forgive them of the bill that was sent.

After hearing from Mrs. Ewing, Council by consensus agreed to wave administrative fees from her bill.

After no more comments were made, Mayor Warren closed the Public Hearing at 7:27pm.

By Consensus of the Council, property 211 Culver was relieved of the administrative fees on the invoice sent.

Action:

Motion: Council Member Yoder /Second: Council Member Hansen

Moved to approve the resolution provided with the amendment on property 211 Culver.

The motion passed unanimously 4/0 carried by the following voice vote:

AYES: Hansen, Yoder, Williams, Mayor Warren

NOES:

ABSENT: Vice Mayor Mello

ABSTAIN:

- b. Conduct a public hearing and upon conclusion, consider reading by title only and passage of the first reading of the attached five Ordinances AMENDING SECTIONS OF CHAPTER 18 OF THE ZONING ORDINANCE OF THE CITY OF WILLOWS and directing return for a second reading and adoption at the appropriate future meeting.

City Planner Mantele, gave a brief overview sharing with Council beginning in November of 2017 the City of Willows introduced and adopted ordinance(s) regarding regulating cannabis use within the City. On November 28, 2017 the City Council introduced for first reading of an ordinance entitled "An Ordinance of the City Council of the City of Willows repealing Willows Municipal Code Chapter 9.20 ("Medical Marijuana"), adopting new Chapter 9.20 ("Cannabis"), repealing Chapter 8.10.010 ("Definitions"), adopting new Chapter 8.10.010 ("Definitions"), and amending Chapter 8.10.020 ("Nuisance") to regulate cannabis, use, cultivation, sales and other cannabis activities in the City of Willows. The Council enacted the Ordinance(s), which went into effect in late December 2017 including establishing the maximum number of Retail/Dispensary Cannabis Licenses that may be issued in the City of Willows, which was up to two dispensary licenses, pursuant to Chap. 9.20.070 of the Willows Municipal Code. In addition, the Council resolution established general guidelines regarding permitted locations of such businesses, and directed the Planning Commission to establish zoning district(s) in which a retail cannabis use would be allowed.

On December 20, 2017 the Planning Commission began the discussion as to the zone(s) in which a retail cannabis dispensary would be allowed. A subsequent meeting on January 17, 2018 was held wherein the Planning Commission reviewed two maps that Staff provided with recommended zoning districts in which a dispensary use could be located (zones CG/ML/PD; CG/PD; CC and CH). It was the final consensus of the Commission to direct Staff to recommend to the City Council to include the CC zone into the allowable districts where a dispensary can be established.

On February 13, 2018 Staff brought before the City Council the recommendation from the Planning Commission. The final Council vote was to not include the CC zone in the allowable zones for retail cannabis use, and only allow the use in the CG/ML/PD, CG/PD and the CH zones.

Concluding her information by giving the item to Council and asked that they hold a Public Hearing prior to passing the 1st reading of the ordinances that will have text amendments.

Mayor Warren Opened the Public Hearing at 7:43 pm.

Doug Ross, resident of City of Willows gave brief comments pertaining to the legalization of marijuana within the state and also expressed the benefits that the dispensaries will do for our community.

With no other comments to be made Mayor Warren Closed the Public Hearing at 7:44pm.

Action:

Motion: Council Member Hansen /Second: Council Member Yoder
Moved to approve ordinance be approved by title only.

The motion passed unanimously 4/0 carried by the following voice
vote: AYES: Hansen, Yoder, Williams, and Mayor Warren

NOES:

ABSENT: Vice-Mayor Mello

ABSTAIN:

Motion: Council Member Hansen/ Second: Council Member Williams

Moved to approve An Ordinance entitled An Ordinance of the City Council of the City of Willows Amending Chapter 18.60.030 CG General Commercial District of the Willows Municipal code of the City of Willows specially to add section 18.60.030 (11) Cannabis retail dispensary business as a use with all other text to remain the same

The motion passed unanimously 4/0 carried by the following voice vote:

AYES: Hansen, Yoder, Williams, & Mayor Warren

NOES:

ABSENT: Vice-Mayor Mello

ABSTAIN:

Motion: Council Member Hansen /Second: Council Member Yoder

Moved to approve ordinance be approved by title only.

The motion passed unanimously 4/0 carried by the following voice vote:

AYES: Hansen, Yoder, Williams & Mayor Warren

NOES:

ABSENT: Vice-Mayor Mello

ABSTAIN:

Motion: Council Member Hansen/ Second: Council Member Williams

Moved to approve An Ordinance entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS AMENDING CHAPTER 18.65.030 HIGHWAY COMMERCIAL DISTRICT OF THE WILLOWS MUNICIPAL CODE OF THE CITY OF WILLOWS SPECIFICALLY ADDING SECTION 18.65.030(3) CANNABIS RETAIL DISPENSARY BUSINESS TO THE CODE WITH ALL OTHER TEXT TO REMAIN UNCHANGED.

The motion passed unanimously 4/0 carried by the following voice vote:

AYES: Hansen, Yoder, Williams, & Mayor Warren

NOES:

ABSENT: Vice-Mayor Mello

ABSTAIN:

Motion: Council Member Williams /Second: Council Member Yoder

Moved to approve ordinance be approved by title only.

The motion passed unanimously 4/0 carried by the following voice vote:

AYES: Hansen, Yoder, Williams & Mayor Warren

NOES:

ABSENT: Vice-Mayor Mello

ABSTAIN:

Motion: Council Member Williams / Second: Council Member Yoder

Moved to approve An Ordinance entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS AMENDING CHAPTER 9.20.070 OF THE WILLOWS MUNICIPAL CODE OF THE CITY OF

WILLOWS SPECIFICALLY SECTION 9.20.070(1) TO ADD LANGUAGE WHERE CANNABIS RETAIL DISPENSARY BUSINESSES ARE ALLOWED WITH ALL OTHER TEXT TO REMAIN UNCHANGED

The motion passed unanimously 4/0 carried by the following voice vote:

AYES: Hansen, Yoder, Williams, & Mayor Warren

NOES:

ABSENT: Vice-Mayor Mello

ABSTAIN:

Regular Business:

- a. Consider declaring E-3 surplus and direct to offer the engine to Elk Creek Fire Protection District for \$1,000.00 if Elk Creek Fire refuses, allow staff to sell or dispose of by other methods and designate proceeds of surplus to Fire Department Capital Replacement Fund.

Fire Chief Peabody introduced the topic sharing with Council, since 2016 Elk Creek fire has been in a long term loan with Engine 3(E-3). At this time we would like to declare the engine surplus as we will be starting the process to replacement the E-3. Pursuant to Willows Municipal Code 3.05.120, staff is requesting the City Council declare the engine surplus and direct staff to offer the engine to Elk Creek Fire Protection District. If Elk Creek fire does not need the engine any further. Staff will look to sell or dispose of the engine by sealed bid, auction, or other method.

He then requested Council thoughts on the Engine, Council had conversation back and forth of regarding the options to sell, dispose or auction off of the Engine. By Consensus of the Council, Council would like to sell the engine to the Elk Creek Fire Department for \$1.00.

Action:

Motion: Council Member Hansen / Second: Council Member Yoder

Moved to approve the engine 3 surplus and sell to Elk Creek for \$1.00.

The motion passed unanimously 4/0 carried by the following voice vote:

AYES: Hansen, Yoder, Williams & Mayor Warren

NOES:

ABSENT: Vice-Mayor Mello

ABSTAIN:

Council/Staff Reports/Comments:

a. Staff Reports/Comments:

- City Council will have a new mailbox area in the office area.
- Sycamore street project update was discussed.

b. City Council Reports/Comments:

Council Member Hansen:

- Glad for the attendance Sarah Hoffman glad for her attendance
- Grace Flowerdew and Claire Meghan lifeguards kudos with his granddaughter- Kristina did a good job supervising.
- Gave Kudos to Robyn Johnson City Clerk for her work for the City. Wishing her well in her future.

Council Member Williams:

- Promoted our Citizens to view our website.
- Sunday he attended the 90th birthday of Dorothy Beesley.

Mayor Warren:

- Gave kudos to Robyn Johnson City Clerk for her work for the City as well.

Adjournment:

The Meeting was adjourned at 8:09pm.

Dated: July 26, 2018

Robyn Johnson, City Clerk



PUBLIC HEARING

AGENDA ITEM

August 14, 2018

TO: Madam Mayor Warren and Members of City Council**SUBJECT:** Zoning Text Amendments (File # ZTA-18-01) to the City's Municipal Code/Zoning Ordinance, Chapter 18.60.030(11); Chapter 18.65.030(3); Chapter 9.20.070(1)**RECOMMENDATION**

- (1) Consider reading by title only and passage of the second reading of the attached three Ordinances **AMENDING TWO SECTIONS OF CHAPTER EIGHTEEN AND ONE SECTION OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF WILLOWS** and (2) adopt the attached Resolution approving the text amendments

Project Description

Staff is proposing to make several text amendments to the City's Municipal Code/Zoning Ordinance; Chapter 18 and Chapter 9. The Planning Commission at their regular June 20, 2018 meeting reviewed and discussed the proposed text amendments and have recommended to the City Council adoption of the changes. All proposed Ordinance Text Amendments are in **blue color font, bold, and underlined**.

Background

Beginning in November of 2017 the City of Willows introduced and adopted ordinance(s) regarding regulating cannabis use within the City. On November 28, 2017 the City Council introduced for first reading of an ordinance entitled "*An Ordinance of the City Council of the City of Willows repealing Willows Municipal Code Chapter 9.20 ("Medical Marijuana"), adopting new Chapter 9.20 ("Cannabis"), repealing Chapter 8.10.010 ("Definitions"), adopting new Chapter 8.10.010 ("Definitions"), and amending Chapter 8.10.020 ("Nuisance") to regulate cannabis, use, cultivation, sales and other cannabis activities in the City of Willows.*" The Council enacted the Ordinance(s), which went into effect in late December 2017 including establishing the maximum number of Retail/Dispensary Cannabis Licenses that may be issued in the City of Willows, which was up to two dispensary licenses, pursuant to Chap. 9.20.070 of the Willows Municipal Code. In addition, the Council resolution established general guidelines regarding permitted locations of such businesses, and directed the Planning Commission to establish zoning district(s) in which a retail cannabis use would be allowed.

On December 20, 2017 the Planning Commission began the discussion as to the zone(s) in which a retail cannabis dispensary would be allowed. A subsequent meeting on January 17, 2018 was held wherein the Planning Commission reviewed two maps that Staff provided with recommended zoning districts in which a dispensary use could be located (zones CG/ML/PD; CG/PD; CC and CH). It was the final consensus of the Commission to direct Staff to recommend to the City Council to include the CC zone into the allowable districts where a dispensary can be established.

On February 13, 2018 Staff brought before the City Council the recommendation from the Planning Commission. The final Council vote was to not include the CC zone in the allowable zones for retail cannabis use, and only allow the use in the CG/ML/PD, CG/PD and the CH zones

On June 20, 2018 Staff brought the proposed Text Amendments to the Planning Commission for review. The Commission recommended to the City Council adoption of the Amendments.

On July 24, 2018 Staff brought the proposed Text Amendments to the City Council for first reading. This item is now being brought forward to the City Council for the second reading and adoption of the proposed Ordinance Text Amendments.

Environmental Review

Staff has determined that the project, Text Amendments to the Zoning Ordinance, is exempt from CEQA per Section 15061(3). A Notice of Exemption will be filed upon City Council review, second reading, and approval of text amendments.

NOTIFICATION

A general notice in the newspaper of local record regarding the hearing of the second reading for the zoning text amendments was published on August 4, 2018.

ALTERNATE ACTION

None are recommended for consideration by the City Council.

STAFF RECOMMENDATION

Consider reading by title only and passage of the second reading of the attached three Ordinances **AMENDING TWO SECTIONS OF CHAPTER EIGHTEEN AND ONE SECTION OF CHAPTER NINE OF THE ZONING ORDINANCE OF THE CITY OF WILLOWS** and adopting the attached resolution approving the text amendments.,

Respectfully submitted,

Approved by



for K. Mantele

Karen Mantele
Principal Planner

Wayne Peabody
Interim City Manager

Attachments:

- 1) Ordinances Exhibits A-1 through A-3

ORDINANCE NO. _____ - 2018

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS AMENDING
CHAPTER 18.60.030 CG GENERAL COMMERCIAL DISTRICT OF THE WILLOWS
MUNICIPAL CODE OF THE CITY OF WILLOWS SPECIFICALLY TO ADD SECTION
18.60.030(11) CANNABIS RETAIL DISPENSARY BUSINESS AS A USE WITH ALL OTHER
TEXT TO REMAIN UNCHANGED**

THE CITY COUNCIL OF THE CITY OF WILLOWS DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council does hereby amend Chapter 18.60.030 of the Willows Municipal Code, adding section 18.60.030(11) to the Municipal Code, City of Willows, California, is hereby amended to read as follows;

**Chapter 18.60
CG GENERAL COMMERCIAL DISTRICT**

Sections:

- 18.60.010 Purpose.
- 18.60.020 Permitted uses.
- 18.60.030 Uses permitted with a conditional use permit.
- 18.60.040 Other regulations.

18.60.010 Purpose.

The general commercial or CG district is intended to be applied in areas where commercial facilities are necessary for public service and convenience. [Ord. 733-17 § 1, 11-14-17; Ord. 701-11 § 1, 7-12-11; Ord. 632-91 § 16.01, 10-22-91].

18.60.020 Permitted uses.

The following uses and structures are permitted in the CG district:

- (1) Uses permitted in the CC district as set forth in WMC 18.55.020.
- (2) Pet shops and veterinarian offices.
- (3) Mortuaries and funeral parlors.
- (4) Private schools and business colleges.
- (5) Commercial parking lots and parking garages.

(6) Automobile service stations.

(7) Residences, boardinghouses, transitional and supportive housing, and group dwellings; provided, that residential units and quarters occupy only the second story or higher of structures whose first stories contain nonresidential uses, either permitted or permitted by conditional use permits in the CG district, except as authorized by WMC [18.110.090\(8\)](#).

(8) Emergency shelters (up to 50 beds), subject to development and managerial standards per WMC [18.110.111](#). [Ord. 733-17 § 1, 11-14-17; Ord. 715-15 § 1, 6-9-15; Ord. 701-11 § 1, 7-12-11; Ord. 632-91 § 16.02, 10-22-91].

18.60.030 Uses permitted with a conditional use permit.

The following uses and structures may be permitted in the CG district only if a conditional use permit has first been secured:

(1) All uses permitted in any residential zones.

(2) Boardinghouses, group dwellings, and churches.

(3) Bars and cocktail lounges.

(4) Adult businesses.

(5) Major automobile and equipment repair service stations.

(6) Automobile and equipment sales and service including used car lots.

(7) Wholesale distribution uses and warehouses.

(8) Hotels, motels, hospitals, sanitariums, and rest homes.

(9) Other commercial uses in the opinion of the planning commission which are of similar nature to those uses listed above.

(10) Emergency shelters, 50 beds or more, subject to development and managerial standards per WMC [18.110.111](#). [Ord. 733-17 § 1, 11-14-17; Ord. 701-11 § 1, 7-12-11; Ord. 632-91 § 16.03, 10-22-91].

[\(11\) Cannabis Retail/Dispensary business in combined CG/ML/PD or CG/PD zones subject to development standards and WMC Section 9.20.070 to 9.20.80 and defined in Chapter 8.10.010.](#)

18.60.040 Other regulations.

(1) Commercial Uses.

(a) Minimum lot area: 5,000 square feet.

(b) Minimum Yard Requirements.

(i) Front: none.

(ii) Side: none.

(iii) Rear: 12 feet where accessible from street or alley for loading purposes. Building may project over rear yard area, providing 14 feet clear vertical distance from ground level is maintained. Building code and other regulations shall apply.

(c) Maximum building height: 35 feet. Additional height may be permitted if a use permit is secured in each case.

(d) Loading Space. Private off-street space for the handling of all materials and equipment.

(e) Minimum Parking. Off-street parking shall be provided in an amount in accordance with the regulations of Chapter 18.120 WMC.

(2) Residential Uses. Minimum lot area, front, side and rear setbacks, maximum building height, maximum lot coverage and parking requirements for residential uses permitted with a use permit shall be subject to the regulations of the residential zone(s) for which the use is considered a principally permitted use. [Ord. 733-17 § 1, 11-14-17; Ord. 701-11 § 1, 7-12-11; Ord. 632-91 § 16.04, 10-22-91].

SECTION 2: The City Council of the City of Willows finds that the foregoing amendment and adoption of Ordinance No. ____ is consistent with the General Plan, all applicable specific plans and the City of Willows Zoning Ordinance.

SECTION 3: The City Council of the City of Willows further finds that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(3) and Resolution No. _____ passed prior to the adoption of this amendment.

SECTION 4. Severability. Should any provision of this ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 5. Judicial Review. The time within which judicial review must be sought is governed by California Code of Civil Procedure Section 1094.6.

SECTION 6. Effective Date. This ordinance shall take effect and be in force thirty (30) days after its adoption as provided by Government Code Section 36937.

SECTION 7. Posting. The City Clerk shall cause this Ordinance to be published and/or posted within fifteen days after its adoption.

INTRODUCED for first reading on the ____ day of ____ 2018.

PASSED AND ADOPTED at a public meeting of the City Council of the City of Willows on the ____ day of ____ 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Kerri Warren, Mayor

ATTESTED:



Tara Rustenhoven, City Clerk

ORDINANCE NO. _____ - 2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS AMENDING CHAPTER 18.65.030 HIGHWAY COMMERCIAL DISTRICT OF THE WILLOWS MUNICIPAL CODE OF THE CITY OF WILLOWS SPECIFICALLY ADDING SECTION 18.65.030(3) CANNABIS RETAIL DISPENSARY BUSINESS TO THE CODE WITH ALL OTHER TEXT TO REMAIN UNCHANGED

THE CITY COUNCIL OF THE CITY OF WILLOWS DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council does hereby amend Chapter 18.65.030 Highway Commercial District of the Willows Municipal Code adding section 18.65.030(3) to the code of the Municipal Code, City of Willows, California, is hereby amended to read as follows:

**Chapter 18.65
CH HIGHWAY COMMERCIAL DISTRICT**

Sections:

- [18.65.010](#) Purpose.
- [18.65.020](#) Permitted uses.
- [18.65.030](#) Uses permitted with a conditional use permit.
- [18.65.040](#) Other regulations.

18.65.010 Purpose.

The highway commercial or CH district is intended to be applied along main roads and highway frontages in order to provide necessary services for the traveling public. [Ord. 632-91 § 17.01, 10-22-91].

18.65.020 Permitted uses.

The following uses and structures are permitted in the CH district:

- (1) Motels and hotels.
- (2) Automobile service stations.
- (3) Restaurants and cafes.
- (4) Convenience stores.
- (5) Office space. [Ord. 632-91 § 17.02, 10-22-91].

18.65.030 Uses permitted with a conditional use permit.

The following uses and structures may be permitted in the CH district only if a conditional use permit has first been secured:

(1) Additional highway commercial uses will require a conditional use permit only if the planning commission finds that the type of use is necessary for servicing the traveling public.

(2) All permitted uses set forth in WMC 18.60.020. [Ord. 664-00 § 17.03, 6-27-00; Ord. 632-91 § 17.03, 10-22-91].

(3) Cannabis Retail/Dispensary business subject to development standards and WMC Section 9.20.070 to 9.20.80 and defined in Chapter 8.10.010.

18.65.040 Other regulations.

(1) Commercial Uses.

(a) Minimum lot area: 5,000 square feet.

(b) Minimum Yard Requirements.

(i) Front: none.

(ii) Side: none.

(iii) Rear: 12 feet where accessible from street or alley for loading purposes. Building may project over rear yard area, providing 14 feet clear vertical distance from ground level is maintained. Building code and other regulations shall apply.

(c) Maximum building height: 35 feet. Additional height may be permitted if a use permit is secured in each case.

(d) Loading Space. Private off-street space for the handling of all materials and equipment.

(e) Minimum Parking. Off-street parking shall be provided in an amount in accordance with the regulations of Chapter 18.120 WMC. [Ord. 632-91 § 17.04, 10-22-91].

SECTION 2: The City Council of the City of Willows finds that the foregoing amendment and adoption of Ordinance No. ____ is consistent with the General Plan, all applicable specific plans and the City of Willows Zoning Ordinance.

SECTION 3: The City Council of the City of Willows further finds that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(3) and Resolution No. _____ passed prior to the adoption of this amendment.

SECTION 4. Severability. Should any provision of this ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that

PUBLIC HEARING ITEM C

determination shall have no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 5. *Judicial Review.* The time within which judicial review must be sought is governed by California Code of Civil Procedure Section 1094.6.

SECTION 6. *Effective Date.* This ordinance shall take effect and be in force thirty (30) days after its adoption as provided by Government Code Section 36937.

SECTION 7. *Posting.* The City Clerk shall cause this Ordinance to be published and/or posted within fifteen days after its adoption.

INTRODUCED for first reading on the _____ day of _____ 2018.

PASSED AND ADOPTED at a public meeting of the City Council of the City of Willows on the ____ day of ____ 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTESTED:



Tara Rustenhoven, City Clerk

Kerri Warren, Mayor

ORDINANCE NO. ____ - 2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS AMENDING CHAPTER 9.20.070 OF THE WILLOWS MUNICIPAL CODE OF THE CITY OF WILLOWS SPECIFICALLY SECTION 9.20.070(1) TO ADD LANGUAGE WHERE CANNABIS RETAIL DISPENSARY BUSINESSES ARE ALLOWED WITH ALL OTHER TEXT TO REMAIN UNCHANGED

THE CITY COUNCIL OF THE CITY OF WILLOWS DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council does hereby amend Chapter 9.20.070(1) of the Willows Municipal Code adding language to the code of the Municipal Code, City of Willows, California, is hereby amended to read as follows;

Chapter 9.20 CANNABIS

Sections:

Article I. General Provisions

- 9.20.010 Findings.
- 9.20.015 Purpose and intent.
- 9.20.020 Definitions.
- 9.20.025 Possession of cannabis or cannabis products.

Article II. Prohibited Activities

- 9.20.031 Public consumption of cannabis.
- 9.20.032 Prohibited activities – Unlawful – Nuisance.
- 9.20.033 Outdoor cultivation.
- 9.20.034 Commercial cultivation.

Article III. Cannabis Cultivation

- 9.20.041 Purpose and intent.
- 9.20.042 Definitions.
- 9.20.043 Cultivation of cannabis for personal use.
- 9.20.044 Cultivation of marijuana restricted.
- 9.20.045 Public nuisance prohibited.

Article IV. Residential Cultivation Permits, Enforcement, Penalties

- 9.20.050 Residential cultivation.
- 9.20.051 Permit required.
- 9.20.052 Residential cultivation permits.
- 9.20.053 Review and issuance.
- 9.20.054 Permit renewal.
- 9.20.055 Denials, suspensions and revocations.
- 9.20.056 Appeal of denials, revocations and suspensions.
- 9.20.057 Penalties.
- 9.20.058 Regulations and enforcement.
- 9.20.059 Public nuisance.
- 9.20.060 Enforcement.
- 9.20.061 Right of entry for enforcement officer.
- 9.20.062 Abatement.
- 9.20.063 Summary abatement.
- 9.20.064 Alternative remedies.
- 9.20.065 Other violations.
- 9.20.066 Penalties not exclusive – Violation constitutes a crime.
- 9.20.067 Severability.

Article V. Retail/Dispensary Cannabis Business Licenses

- 9.20.070 Retail/dispensary cannabis business licenses.
- 9.20.071 Retail/dispensary cannabis business license applications.
- 9.20.072 Renewal.
- 9.20.073 Transfer of license or modification to license.
- 9.20.074 Retail/dispensary cannabis business license fees and taxes.
- 9.20.075 Denials, revocations and suspensions.
- 9.20.076 Appeal of disapprovals, revocations and suspensions.
- 9.20.080 General conditions for all retail/dispensary cannabis business licenses.

Article VI. Regulations and Enforcement

- 9.20.091 Regulations and enforcement.
- 9.20.092 Public nuisance.
- 9.20.093 Enforcement.

- 9.20.094 Right of entry for enforcement officer.
- 9.20.095 Abatement.
- 9.20.096 Summary abatement.
- 9.20.097 Alternative remedies.
- 9.20.098 Violations.
- 9.20.099 Penalties.
- 9.20.100 Penalties not exclusive – Violation constitutes a crime.
- Article VII. Severability
- 9.20.120 Severability.
- Article I. General Provisions

9.20.010 Findings.

- (1) The Federal Controlled Substances Act (21 U.S.C. Section 841 et seq.) makes it unlawful to manufacture, distribute, dispense or possess cannabis, and, accordingly, medical and nonmedical cannabis dispensaries and retail businesses are illegal under federal law;
- (2) In 2013, Deputy U.S. Attorney General James Cole issued a memorandum to all federal prosecutors to provide guidance on the enforcement of the Federal Controlled Substances Act as it related to cannabis, indicating that enforcement would not be a priority in states and local jurisdictions that have laws authorizing cannabis-related conduct; that have implemented strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests; and that have provided the necessary resources to demonstrate the willingness to enforce their laws and regulations;
- (3) In 2015, Congress began to defund enforcement of the Federal Controlled Substances Act in states where such enforcement activities would prevent states from implementing their own state laws that authorize the use, distribution, possession or cultivation of medical cannabis;
- (4) The voters of the state of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 et seq., "The Compassionate Use Act of 1996" or "CUA"); the intent of Proposition 215 was to enable persons who are in need of cannabis for medical purposes to obtain and use it without fear of state criminal prosecution;
- (5) On October 9, 2015, Governor Brown approved a series of bills commonly referred to as the Medical Cannabis Regulation and Safety Act ("MCRSA"), effective on January 1, 2016, which established a comprehensive state licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, and sale of medical cannabis, also known as marijuana; and which recognizes the authority of local jurisdictions to either impose additional restrictions or prohibit certain activities related to the cultivation, manufacture, transportation, storage, distribution, delivery, and sale of medical cannabis;
- (6) On November 8, 2016, the voters of the state of California approved Proposition 64, known as the "Control, Regulate and Tax Adult Use of Marijuana Act" ("AUMA"), which established a comprehensive state licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, and sale of recreational cannabis, also known as marijuana; and which recognized the authority of local jurisdictions to either impose additional restrictions or regulate or prohibit certain activities related to the cultivation, manufacture, transportation, storage, distribution, delivery, and sale of recreational cannabis;
- (7) On June 27, 2017, Governor Brown signed into law SB 94, a bill which, among other things, reconciled differences between MCRSA and AUMA, and established a new statutory framework regulating medical and nonmedical cannabis use, possession, cultivation and commercial activities in the state of California (referred to as "MAUCSRA");
- (8) The city council of the city of Willows has recognized, and continues to recognize, the potential adverse impacts on the health, safety, and welfare of its residents and business from secondary effects associated with commercial cannabis activity, which include: offensive odors, trespassing, theft, violent encounters between growers and persons attempting to steal plants, fire hazards, increased crime in and about points of sale, robberies of customers, negative impacts on nearby businesses, nuisance problems, and increased DUI incidents;
- (9) There is a need to adopt health, safety, and welfare regulations to avoid or mitigate adverse impacts on the community which may arise from commercial cannabis activity;
- (10) The MCRSA, AUMA and MAUCRSA set forth a comprehensive framework to regulate cannabis and cannabis products from seed to use or ingestion by a consumer, which includes uniform health and safety standards designed to implement quality control, a labeling and a track-and-trace program, and other consumer protections, which mitigates against some of the potential adverse impacts identified by the city council; and
- (11) An effective regulatory system governing cannabis in the city of Willows as provided in this chapter, will address potential adverse impacts to the public health, welfare, and safety, thereby allowing commercial cannabis activity and other use of cannabis and cannabis products consistent with California law. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.015 Purpose and intent.

It is the purpose and intent of this chapter for the city council to exercise its police powers derived from Section 7 of Article XI of the California Constitution and state law to promote the health, safety, and general welfare of the residents and businesses of the city of Willows by regulating cannabis activities within the city's jurisdictional limits, unless preempted by federal or state law. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.020 Definitions.

For purposes of this chapter, the following definitions shall apply:

"A-license" means a license issued by the state of California for the sale of cannabis or cannabis products that are intended for adults who are 21 years of age and older and who do not possess a physician's recommendation.

"Applicant" means a person who is required to file an application for a permit or license under this chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a retail establishment or dispensary.

"AUMA" refers to the California law entitled "Control, Regulate and Tax Adult Use of Marijuana Act of 2016," also known as Proposition 64, and any regulations promulgated thereunder.

"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. The terms "cannabis" and "marijuana" may be used interchangeably herein, and both shall have the meaning specified here.

"Cannabis business" means a business or enterprise engaged in any commercial cannabis activity.

"Cannabis business owner" means any of the following:

(a) Each person or entity having an ownership interest in a commercial cannabis business other than a security interest, lien, or encumbrance on property that will be used by the commercial cannabis business.

(b) Each person or entity applying for a commercial cannabis license, or having an ownership interest in an entity applying for a commercial cannabis license, in the city of Willows.

(c) The chief executive officer of a nonprofit or other entity, or any person or entity with an aggregate ownership interest of five percent or more in such entity.

(d) A member of the board of directors of a nonprofit or other entity.

(e) Each person who participates in the direction, control, or management of the commercial cannabis business.

"Cannabis product" means marijuana or 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 marijuana and other ingredients.

"Caregiver" shall have the same meaning as "primary caregiver."

"Church" means a structure or leased portion of a structure which is used primarily for religious worship and related religious activities.

"City" means the city of Willows.

"Commercial cannabis activity" includes cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, research and development, delivery or sale of cannabis or cannabis products for commercial purposes, whether for profit or nonprofit.

"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or processing of cannabis.

"Cultivation site" means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

"Customer" means a natural person 21 years of age or older or a natural person 18 years of age or older who possesses a physician's recommendation, or a primary caregiver.

"Day care center" has the same meaning as in Health and Safety Code Section 1596.76.

"Deliver" or "delivery" shall have the same meaning as set forth in Business and Professions Code Section 26001 and Health and Safety Code Section 11009. "Deliver" or "delivery" as used in this chapter shall not include the transfer of cannabis to a patient by a primary caregiver, or the transfer of bulk cannabis or cannabis product by a transporter to or from a licensed dispensary or retail business for resale.

"Dispensary" means a retail establishment, facility or location holding an Mlicense issued by the state of California where the primary purpose is to dispense medical cannabis or medical cannabis products. A "dispensary" shall not include dispensing of medical cannabis by primary caregivers to qualified patients in the following locations and uses, as long as the location of such uses is otherwise regulated by this code or applicable law: a qualified patient's or caregiver's place of residence, a clinic licensed pursuant to Health and Safety Code Division 2, Chapter 1, a health care facility licensed pursuant to Health and Safety Code Division 2, Chapter 2, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Health and Safety Code Division 2, Chapter 3.01, a residential care facility for the elderly licensed pursuant to Health and Safety Code Division 2, Chapter 3.2, a residential hospice, or a home health agency licensed pursuant to Health and Safety Code Division 2, Chapter 8, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq.

"Juvenile" or "minor" means any natural person who is under the age of 21 years.

"License" means an authorization issued by the city of Willows, subject to all terms and conditions under which such license may be issued, authorizing a licensee to engage in the retail business of selling medical or nonmedical cannabis and cannabis products at a specified location within the city.

"Licensee" means any person or entity holding a license to sell medical or nonmedical cannabis and cannabis products in the city under this chapter.

"M-license" means a state of California license issued for commercial cannabis activity involving medicinal cannabis and cannabis products.

"Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

"Marijuana" as used in this chapter shall have the same meaning as "cannabis" set forth in this section.

"MAUCRSA" means the Medicinal and Adult-Use Cannabis Regulation and Safety Act of 2017.

"MCRSA" refers to the California law entitled Medical Cannabis Regulation and Safety Act.

"Medicinal or medical cannabis" or "medicinal or medical cannabis product" means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Health and Safety Code Section 11362.5, by a medicinal cannabis patient in California who possesses an identification card issued by the California Department of Public Health, Glenn County department of public health, or a physician's recommendation.

"Owner" means the title holder to a parcel of real estate.

"Permit" refers to an authorization issued by the city to a person as described in Article III to cultivate cannabis for personal use.

"Permittee" means any natural person holding a permit issued by the city to engage in cultivation of not more than six cannabis plants in accordance with Article III.

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

"Physician's recommendation" means a recommendation by a physician and surgeon that a patient may use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Health and Safety Code Section 11362.5.

"Premises" means the designated structure or structures and land specified in an application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee. "Premises" shall also mean the designated residence structure or structures and land specified in an application where the applicant cultivates cannabis for his or her personal use.

"Primary caregiver" has the same meaning as in Health and Safety Code Section 11362.7 and who holds a valid caregiver identification card issued by the California Department of Health or the Glenn County department of public health.

"Purchaser" means the customer who is engaged in a transaction with a licensee for purposes of obtaining cannabis or cannabis products.

"Retail" means the sale of either medical or nonmedical cannabis or cannabis products to the public in relatively small quantities for use or consumption rather than for resale.

"Retail business" or "retail/dispensary cannabis business" means (a) the commercial activity of engaging in the retail sales of cannabis or cannabis products, or (b) the location upon or from which the retail sales of cannabis or cannabis products are made.

"School" means an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school, or a special institution of learning under the jurisdiction of the State Department of Education, or a site that is planned for such school uses in the city's general plan, but it does not include a vocational or professional institution or any institution of higher education, including a community or junior college, college or university.

"Sell," "sale," and "to sell" include any transaction whereby, for any consideration, title to cannabis or cannabis products is transferred from one person to another in exchange for payment.

"Youth-oriented facility" shall mean elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. This shall not include a licensed daycare or preschool facility that provides supervision of eight or fewer minor children, or children under 10 years of age. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.025 Possession of cannabis or cannabis products.

Persons 21 years of age or older may possess, obtain, purchase and transport, without receiving any compensation in any form whatsoever, not more than 28.5 grams of cannabis not in the form of concentrated cannabis, or not more than eight grams of concentrated cannabis, including cannabis products. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

Article II. Prohibited Activities

9.20.031 Public consumption of cannabis.

The use or consumption, smoking or ingestion, of cannabis in any form, or any cannabis product, is prohibited on any public property or in any facility or space to which members of the public have access including, but not limited to, schools, playgrounds, parks and other areas where children are present or may generally attend or congregate. Consumption of cannabis or cannabis product on or about the premises of any retail/dispensary cannabis business is also prohibited. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.032 Prohibited activities – Unlawful – Nuisance.

The cultivation, manufacturing, distribution, delivery, dispensing, sale, possession and use of cannabis and cannabis products in the city of Willows is expressly prohibited, unless otherwise authorized by this code. It is hereby declared to be unlawful, a public nuisance, and a violation of this chapter for any person to engage in such cultivation, manufacturing, distribution, delivery, dispensing, sale, possession and use of cannabis and cannabis products in the city of Willows, unless otherwise authorized by this code. It is further hereby declared to be unlawful, a public nuisance, and a violation of this chapter for any person owning, leasing, occupying, or having charge or possession of any premises or parcel within any zoning district in the city of Willows to cause or allow such premises or parcel to be used for the cultivation, manufacturing, distribution, delivery, dispensing, sale, possession and use of cannabis and cannabis products, unless such activity is otherwise authorized by this code. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.033 Outdoor cultivation.

It is hereby declared to be unlawful, a public nuisance, and a violation of this chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the city to engage in, cause or allow such premises to be used for the outdoor cultivation of marijuana plants. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.034 Commercial cultivation.

It is hereby declared to be unlawful, a public nuisance, and a violation of this chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the city to engage in, cause or allow the cultivation of more than six cannabis plants on any parcel within the city of Willows. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

Article III. Cannabis Cultivation

9.20.041 Purpose and intent.

The city council finds as follows:

- (1) Purpose and Intent. The purpose and intent of this article is to regulate the cultivation of cannabis for personal use in a manner that protects the health, safety and welfare of the residents who cultivate and the community consistent with state and federal law. This article is not intended to give any person unfettered legal authority to grow cannabis; it is intended to regulate the personal cultivation of cannabis when it is authorized by California law.
- (2) Applicability. The cultivation of cannabis for personal use in the city of Willows shall be controlled and regulated by the provisions of this article. Cultivation of more than six cannabis plants is deemed commercial cultivation. All commercial cultivation is prohibited in the city of Willows pursuant to WMC 9.20.034.
- (3) Nonconflicting Enactment. No part of this article shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. Section 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. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.042 Definitions.

As used herein the following definitions shall apply:

“Authorized grower” means a natural person 21 years and older who is authorized by, and in compliance with, federal or state law to cultivate cannabis indoors for personal or medical use, and who obtains a permit from the city authorizing cultivation of cannabis for personal use.

“Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or otherwise processing of marijuana plants or any part thereof.

“Fully enclosed and secure structure” means a fully enclosed space within a building that complies with the California Building Code (“CBSC”), as adopted in the city of Willows, or if exempt from the permit requirements of the CBSC, that has a complete roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, is accessible only through one or more lockable doors, and which interior is not visible from a public right-of-way or any other parcel of property. Walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two-inch by four-inch nominal or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement. If indoor grow lights or air filtration systems are used, they must comply with the California building, electrical, and fire codes as adopted in the city of Willows.

“Immature plant” means a cannabis plant, whether male or female, that has not yet flowered and which does not yet have buds that are readily observed by unaided visual examination.

“Indoors” means within a fully enclosed and secure structure as that structure is defined in this section.

"Mature plant" means a cannabis plant, whether male or female, that has flowered and which has buds that are readily observed by unaided visual examination.

"Outdoor" means any location within the city of Willows that is not within a fully enclosed and secure structure as defined in this section.

"Parcel" means real property assigned a separate parcel number by the Glenn County assessor.

"Permit" refers to a permit issued to a person as described in this article. Only one permit may be issued for each parcel, without regard to the number of residents or qualified patients residing on that parcel.

"Permittee" means any natural person holding a permit issued by the city of Willows to engage in cultivation of not more than six cannabis plants.

"Private residence" means a house, apartment unit, mobile home, or other similar dwelling unit. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.043 Cultivation of cannabis for personal use.

When authorized by state law, an authorized grower shall be allowed to cultivate cannabis only in a private residence or on the grounds of such residence, only indoors, and only for personal use, subject to the following regulations:

(1) The cannabis cultivation area shall be located indoors within a residential structure and shall not exceed 50 square feet and not exceed 10 feet in height, nor shall it come within 12 inches of the ceiling or any cultivation lighting.

Cultivation in a greenhouse or other enclosed structure on the property of the residence but not physically part of the home is allowed, as long as it is fully enclosed, secure, not visible from a public right-of-way or other parcel of property, and meeting all requirements in this article.

(2) Not more than six cannabis plants, mature or immature, are permitted for personal cultivation at any one time under this article.

(3) Cannabis cultivation lighting shall not exceed 1,200 watts in total for the total cultivation area within the residence.

(4) Only one permit may be issued for each parcel, without regard to the number of residents or qualified patients residing in or on that parcel, and no more than six cannabis plants may be cultivated at any time on any parcel.

(5) An owner of real property may prohibit the cultivation of cannabis on such property.

(6) The use of gas products such as but not limited to CO₂, butane, methane, or any other flammable or nonflammable gas for cannabis cultivation or processing is prohibited.

(7) There shall be no exterior visibility or evidence of cannabis cultivation outside the private residence, or other structure, from the public right-of-way or other parcel of property, including but not limited to any cannabis plants, equipment used in the growing and cultivation operation, odors and any light emanating from cultivation lighting.

(8) The permittee shall reside full-time in the residence where the cannabis cultivation occurs.

(9) The permittee shall not participate in cannabis cultivation in any other location within the city of Willows.

(10) The residence shall include fully functional and usable kitchen, bathroom, and bedroom areas for their intended use by the resident authorized grower, and the premises shall not be used primarily or exclusively for cannabis cultivation.

(11) The cannabis cultivation area shall be in compliance with the current adopted edition of the California Building Code Section 1203.4, Natural Ventilation, or Section 402.3, Mechanical Ventilation (or equivalent), as amended from time to time.

(12) The city's building official may require additional specific standards to meet the California Building Code and Fire Code, including but not limited to installation of fire suppression sprinklers or upgrade of electrical service.

(13) Cannabis cultivation shall not result in a nuisance or adversely affect the health, welfare, or safety of the resident or nearby residents by creating dust, glare, heat, noise, noxious gases, odors, fire danger, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

(14) Cannabis in excess of 28.5 grams produced by plants kept for indoor personal cultivation under this article must be kept in a securely-locked space on the grounds of the private residence which space is not accessible to minors and is not visible from the public right-of-way. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.044 Cultivation of marijuana restricted.

(1) Commercial cultivation of cannabis is prohibited in the city of Willows.

(2) Cultivation of more than six cannabis plants is prohibited in the city of Willows.

(3) Outdoor cultivation of cannabis is prohibited in the city of Willows.

(4) No person shall grow cannabis in the city of Willows until and unless they first secure a permit from the city of Willows and pay such fee(s) as may be required and set by resolution of the city council.

(5) It is hereby declared to be unlawful, a public nuisance and a violation of this article for any person owning, leasing, occupying, or having charge or possession of any parcel within the city to cause or allow such parcel to be used for the cultivation of marijuana, unless the person is authorized by state law to grow marijuana for a specifically authorized purpose within a private residence in a residential zone, and such authorized grower is complying with all requirements of this chapter. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.045 Public nuisance prohibited.

It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within the city to create a public nuisance in the course of cultivating marijuana plants or any part thereof in any location, indoor or outdoor. A public nuisance may be deemed to exist, if:

- (1) Such activity produces odors which are disturbing to people of reasonable sensitivity residing or present on adjacent or nearby property or areas open to the public;
- (2) Such activity results in repeated responses to the parcel by law enforcement personnel;
- (3) Such activity causes repeated disruption to the free passage of persons or vehicles in the neighborhood, excessive noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public;
- (4) Such activity produces any other impacts on the neighborhood which are disruptive of normal activity in the area including, but not limited to, grow lighting visible outside the dwelling, excessive vehicular traffic or parking occurring at or near the dwelling, and excessive noise emanating from the dwelling; or
- (5) There is growing and cultivation of marijuana outdoors or in such location as to visible by neighboring properties or the public rights-of-way. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

Article IV. Residential Cultivation Permits, Enforcement, Penalties

9.20.050 Residential cultivation.

California law allows a person 21 years of age or older to cultivate for personal use up to six cannabis plants, subject to additional limitations. Health and Safety Code Section 11362.2(b)(1) authorizes a city to enact and enforce regulations to reasonably regulate such personal cultivation. The city of Willows establishes the following regulations to protect the health, safety and welfare of personal cultivators and the community at large, while not prohibiting or banning such personal cultivation. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.051 Permit required.

Every person seeking to cultivate cannabis for personal use must first apply and be issued the appropriate permit to engage in such cultivation within the city of Willows. All such personal cultivation shall comply with this article. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.052 Residential cultivation permits.

(1) The form and content of the application for a residential cultivation permit shall be specified by the city manager and shall include, at a minimum, the following information sworn by the applicant to be true and correct under penalty of perjury:

- (a) The name, address, and telephone number of the applicant, together with a photocopy of the applicant's driver's license or state-issued identification card.
- (b) The address of the property on which the residential cultivation is proposed.
- (c) Affirmation that the applicant is a full-time resident of the property on which the cultivation is proposed.
- (d) The name, address and telephone number(s) of the owner(s) of such property, together with the notarized written consent of such owner if not the applicant.
- (e) A description of the area within the property in which the cultivation is proposed to occur, including a floor plan, specifically identifying exit points, of the building in which the cultivation is proposed.
- (f) A certification from a licensed electrician that the electrical service of the property is sufficient to service the proposed cultivation, and in compliance with all state and local building codes.
- (g) Affirmation that the applicant does not cultivate cannabis in any other location within the city of Willows.
- (h) Consent of the applicant for entry to the premises by the city of Willows for the purposes of inspection and verification, with or without notice.

(2) Together with a completed application, applicant shall pay a nonrefundable residential cultivation permit fee.

(3) The city council shall establish such residential cultivation permit fee, which may be adjusted from time to time, by resolution in such amount(s) as reasonably calculated to cover the city's costs incurred in processing such applications, conducting inspections, and enforcing the provisions of this article.

(4) The term of initially issued residential cultivation permits shall be one year. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.053 Review and issuance.

(1) Applications for residential cultivation permits shall be filed with the city manager's office. Applications shall include all of the information required in WMC 9.20.052, any other information reasonably requested by the city manager, and shall be accompanied by a nonrefundable residential cultivation permit fee. A request for additional information by the city manager shall be "reasonable" if it is intended to elicit more information or clarification about the applicant, property ownership, or other information related to the proposed location of the cultivation or the safety of such location and facility.

(2) If the city manager determines that the application is incomplete or has been completed improperly, the city manager shall notify the applicant within 10 days of application submittal. The city manager may grant the applicant an extension of up to 30 days to complete the application. In the event the applicant fails to provide the information necessary to complete the application within the extension granted by the city manager, the application shall lapse and the application fee shall be forfeited to the city of Willows.

(3) If the city manager determines that the residential cultivation permit application is complete and, on the face of the application, there appears to be no basis for denial of the permit, the city manager shall issue the residential cultivation permit. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.054 Permit renewal.

(1) The holder of a residential cultivation permit shall, no less than 30 days prior to the expiration of the then-current permit, file an application for renewal of the permit. The application shall include all of the information, appropriately updated, required in the initial application, together with a residential cultivation permit renewal fee.

(2) Upon receiving a renewal application, the city manager shall determine whether the application is complete. If the city manager determines that the application is incomplete or has been completed improperly, the city manager shall notify the applicant within 10 days. The city manager may grant the applicant an extension up to 10 days to complete the renewal application.

(3) If the city manager determines that the application is complete, and there are no grounds for denying the renewal application pursuant to this chapter, the city manager shall so notify the applicant. The city manager may then issue a renewal of the permit for a two-year period. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.055 Denials, suspensions and revocations.

(1) Incomplete Application. If the application is incomplete, or remains incomplete upon the expiration of any extension, the city manager may deny the residential cultivation permit application or renewal thereof. If the city manager denies the application for this reason, written notice of denial shall be served on the applicant. Notwithstanding any provisions of this code to the contrary, the decision of the city manager shall be final and not subject to administrative appeal.

(2) Suspension of Permit.

(a) If the city manager deems continuation of the permittee's residential cultivation permit will cause a significant threat to the health, safety or welfare of the public, the city manager may suspend the permit and all rights and privileges thereunder. The permittee must immediately cease all cannabis cultivation immediately upon receiving notice of the suspension of his or her permit.

(b) The city manager shall give notice to the permittee of his or her intent to suspend a permit in the same manner as notice of permit denial and provide the city clerk with a copy of the notice.

(c) Such notification shall inform the permittee of the grounds for the suspension, together with action(s) necessary to cure or correct such grounds, including a period of time not to exceed 30 days for such cure or correction to be completed.

(d) Such suspension shall remain in effect, and the permit holder must cease all cannabis cultivation, unless and until the basis for which the suspension was imposed has been cured or corrected, and/or the term of the permit expires, in which event the permittee's authorization to engage in cultivation of cannabis for personal use has ended.

(3) Denial or Revocation of Permit.

(a) The granting of a residential cultivation permit or a renewal thereof may be disapproved, and an existing permit revoked if:

(i) The applicant or permittee has knowingly made a false statement in the application or in any reports or other documents furnished to the city.

(ii) The property owner withholds or revokes consent for the cultivation of marijuana on the property.

(iii) The permittee has violated the terms of this code or California law by cultivating more than six cannabis plants at any one time.

(iv) The permittee has engaged in the sale or distribution of cannabis or cannabis products.

(v) Excessive traffic, neighborhood and/or law enforcement activity at the location of the applicant's or permittee's cultivation of cannabis.

(vi) The granting or renewing of the permit would perpetuate or encourage any of the following:

(A) Engaging in the sale or distribution of cannabis or cannabis products;

(B) Providing cannabis or cannabis products to minors;

(C) Diversion of cannabis or cannabis products to jurisdictions outside of the state where cannabis and cannabis products are unlawful under state or local law;

(D) Trafficking of other illegal drugs or facilitation of other illegal activity;

(E) Violence and the use of firearms in the cultivation or distribution of cannabis and cannabis products;

(F) The applicant or permittee has been sanctioned by a licensing authority or other city or county for unauthorized commercial cannabis activity; or

(G) The applicant or permittee violates any provision of the MCRSA, AUMA, MAUCRSA, this article or any other permits issued by the city for cannabis activity.

(vii) The applicant or permittee has been convicted of an offense that is substantially related to the permittee's qualifications for safely cultivating cannabis for personal use with due care for the residents of the property and the community at large, which includes but is not limited to:

(A) A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor; or

(B) A felony conviction for drug trafficking with an enhancement pursuant to Health and Safety Code Section 11370.4 or 113798.

(viii) Failure to pay required city fees.

(b) Disapproval of Application. If the city manager disapproves an application for residential cultivation permit or renewal thereof, or revokes an existing permit, he or she shall notify the applicant in writing, stating the reasons for the disapproval. Notification of disapproval shall be delivered by first class mail to the applicant. Service of such notice shall be deemed complete two business days following the deposit of the notice in the U.S. mail. A copy of such notification shall be filed with the city clerk. No permit shall issue unless a successful appeal of the disapproval is made within the requisite time frame.

(c) A permittee whose permit is revoked must immediately cease all cannabis cultivation immediately upon receiving notice of the revocation of his or her permit. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.056 Appeal of denials, revocations and suspensions.

(1) Within 15 days after the city manager serves notification of disapproval for any reason (other than incomplete applications), or revocation or suspension of an existing permit, an applicant/permittee may appeal the denial, revocation or suspension by notifying the city clerk in writing of the appeal, the reasons for the appeal, and depositing all applicable fees and costs associated with the appeal.

(2) The city clerk shall set a hearing on the appeal and shall fix a date and time certain, within 30 days after the receipt of the applicant's appeal, unless the city and the applicant agree to a longer time, to consider the appeal. The city clerk shall provide notice of the date, time and place of hearing, at least seven days prior to the date of the hearing.

(3) The city attorney shall appoint a hearing officer to hear the appeal and determine the order of procedure, and rule on all objections to admissibility of evidence. The applicant and the city manager shall each have the right to submit documents, call and examine witnesses, cross-examine witnesses and argue their respective positions. The proceeding shall be informal, and the strict rules of evidence shall not apply, and all evidence shall be admissible which is of the kind that reasonably prudent persons rely upon in making decisions.

(4) The hearing officer shall issue a written decision within 15 days after the close of the hearing. The decision of the hearing officer shall be final. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.057 Penalties.

(1) A violation of this article shall be punishable as a misdemeanor, which shall be punishable by a fine not to exceed \$500.00, or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment. Each day of engaging in any of the prohibited activities shall constitute a separate offense.

(2) Notwithstanding the foregoing section, cultivation of more than six cannabis plants shall be a felony if:

(a) The offender had or has a serious violent felony(ies) on his or her record;

(b) The offender is a registered sex offender;

(c) The offender has two or more prior convictions for cultivating more than six marijuana plants; or

(d) The offender violates certain California environmental laws in their marijuana cultivation activities.

(3) Forfeit of the privilege of personal cultivation of cannabis in the city of Willows.

(4) The penalties herein are cumulative and not in place of any penalties, fines or costs imposed pursuant to WMC Title 8.

(5) Any violation of this article or regulation promulgated under this article is hereby declared to be a public nuisance.

[Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.058 Regulations and enforcement.

(1) City Manager or Designee. Any action required by the city manager under this article may be fulfilled by the city manager's designee. In addition to city officers and employees, such designee may include, but is not limited to, officials of the Glenn County sheriff's office, attorneys or consultants.

(2) The city manager is authorized to coordinate implementation and enforcement of this article and may promulgate appropriate regulations for such purposes. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.059 Public nuisance.

Any violation of this article is declared to be a public nuisance, subject to redress as provided for in this title. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.060 Enforcement.

(1) This title shall be enforced pursuant to the provisions of this chapter and WMC Title 8.

(2) The city manager shall, as he deems necessary, instruct the chief of police, Glenn County sheriff, fire chief, director of public works, or code enforcement officer to abate any nuisance caused by a violation of this article; the cost thereof to be levied and collected as provided for in WMC Title 8. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.061 Right of entry for enforcement officer.

(1) Whenever an enforcement officer has reason to believe that a nuisance exists or that an inspection is necessary to enforce any provision of this article, the officer may enter the premises at any reasonable time to perform the inspection or any other duty imposed by this title. The enforcement officer shall provide reasonable notice of the need to enter and inspect. Notwithstanding the foregoing, in the event there is reasonable suspicion of the existence of a nuisance or

violation that presents a threat of imminent danger to the health, safety or welfare of the permittee or the community at large, the enforcement officer or other city official may enter the premises at any time without notice, and the applicant shall consent to such entry as a condition of qualifying for the residential cultivation permit.

(2) The enforcement officer shall present proper identification, state the purpose of the visit and request permission of the owner or responsible person to enter the premises. If entry is refused, the enforcement officer shall have recourse to every remedy provided by law to secure entry. Any such refusal shall be grounds for suspension or revocation of the permittee's permit.

(3) When the enforcement officer has first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or responsible person shall fail or neglect, after proper request is made as provided in this title, to promptly permit entry therein by the enforcement officer for the purpose of inspection and examination pursuant to this title. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.062 Abatement.

Public nuisances in violation of this article may be abated by demolition, removal, destruction, suspension or revocation of permit, or other appropriate action as determined by the city manager. Such nuisances may be abated pursuant to Chapter 8.10 WMC or, in the event of imminent or immediate dangers to the health, safety, welfare and morals of the citizens of the city of Willows, summarily abated pursuant to WMC 8.10.160. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.063 Summary abatement.

(1) Violations reasonably deemed by the city to constitute imminent or immediate dangers to the health, safety, welfare and morals of the citizens of the city of Willows may necessitate immediate correction. Accordingly, such violations, conditions or uses may be summarily abated by the city pursuant to WMC 8.10.160 and this article.

(2) Such abatement shall not occur unless the city manager and/or his/her designate finds, from a preponderance of the evidence, that such an imminent or immediate danger exists or is believed to exist on the basis of available evidence, and has provided or attempted to provide the owner of the property in question, or the person responsible for permitting the danger to occur, reasonable notice within which and direction to correct the condition, and the necessary corrective action has not taken place. Forty-eight hours shall be presumed to be reasonable notice in the absence of evidence to the contrary. Notice hereunder need not take any particular form, and may be dispensed with if the exigencies of the situation require immediate abatement and/or providing reasonable notice is impracticable.

(3) The cost and expenses of such summary abatement shall be made a lien on the property and shall be collected pursuant to the procedure found in WMC 8.10.130 through 8.10.150. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.064 Alternative remedies.

Nothing in the foregoing sections shall be deemed to prevent the city council from ordering the city attorney or Glenn County district attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable Civil or Penal Code provisions as an alternative to the proceedings set forth herein. Nothing herein shall prevent the city from abating a nuisance pursuant to any other procedure established by city ordinance or state law. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.065 Other violations.

(1) It shall be unlawful for any person to remove, deface, or mutilate any notice, order, statement, or resolution posted or required in this article.

(2) It shall be unlawful for any person to obstruct, impede, or interfere with any owner or his agent or with any representative of the city of Willows when engaged in performing any act reasonably necessary for the execution of the order of abatement.

(3) It shall be unlawful for an owner or occupant of any premises in the city to permit a condition declared by the city to be a public nuisance to exist upon the premises.

(4) Any person who shall violate this section shall be subject to the penalties set forth in WMC 1.05.080. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.066 Penalties not exclusive – Violation constitutes a crime.

The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any other criminal, civil, or administrative remedy or penalty authorized by, or set forth in, the Willows Municipal Code. None of the penalties or remedies authorized by, or set forth in, the Willows Municipal Code shall prevent the city from using any other penalty or remedy under state statute which may be available to enforce this section or to abate a public nuisance. Violation of this article shall constitute a crime punishable as a misdemeanor or infraction in the discretion of the city attorney. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.067 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this article is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this article. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or

phrase of this article irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

Article V. Retail/Dispensary Cannabis Business Licenses

9.20.070 Retail/dispensary cannabis business licenses.

(1) The City of Willows authorizes, subject to the conditions set forth in this code, and only in zones in which such sales are permitted uses pursuant to title 18 of this Code, the commercial sale of cannabis and cannabis products for medical and nonmedical uses. Such authorization, and any license issued hereunder, does not include the manufacturing or delivery of cannabis or cannabis products, nor the sale of cannabis or cannabis products at any location other than that for which a license is issued by the city of Willows.

(2) The city council shall, by resolution, limit the number(s) of retail/dispensary cannabis business licenses to be issued within the city of Willows in order to avoid an excessive concentration of cannabis businesses in the city of Willows.

(3) The city council may, by resolution, establish special conditions for retail/dispensary cannabis business licenses.

(4) Each retail/dispensary cannabis business seeking to operate within the city of Willows must first apply and be issued the appropriate license to operate within the city of Willows. The license is specific to the location where the commercial cannabis activity business will be operating. Multiple operating locations for the same cannabis business will require separate licenses.

(5) Prior to being issued a license to operate within the city of Willows, a retail cannabis business applicant must first hold an A-license issued by the state of California, and a dispensary cannabis business applicant must first hold an M-license issued by the state of California. A licensee which holds both an A-license and an M-license may conduct cannabis sales from the same premises, but will require separate licenses from the city of Willows.

(6) No license shall be issued if the cannabis activity is not a permitted land use in the city.

(7) For the convenience and efficiency of both the applicant and the city, applications for retail/dispensary cannabis business licenses shall be processed in three phases: (a) a preliminary application intended to confirm the eligibility and suitability of the applicant(s), as determined in the sole discretion of the city of Willows; (b) significant information about the proposed site of the business, proposed operations, security and other detailed business operations; and (c) final consideration and approval/disapproval by the city council. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.071 Retail/dispensary cannabis business license applications.

(1) Phase One Applications for Retail/Dispensary Cannabis Business License.

(a) Phase one applications for retail/dispensary cannabis business licenses shall be filed with the city manager's office. Applications shall include all of the information required in subsection (1)(b) of this section, any other information reasonably requested by the city manager, and shall be accompanied by a nonrefundable phase one license application fee, established by resolution of the city council in an amount reasonably calculated to reimburse the city for costs and expenses incurred including, but not limited to, fully burdened staff time in processing applicant's license phase application. The phase one license application fee shall be in addition to any other fee imposed by this code. A request for additional information by the city manager shall be "reasonable" if it is intended to elicit more information or clarification about the applicant, its ownership, or background of the owners relevant to the ownership and/or operation of a retail/dispensary cannabis business in the city.

(b) The phase one application shall be signed by one or more owners certifying that all of the information provided is true and correct under penalty of perjury, and shall set forth in writing:

(i) Identity of the Retail/Dispensary Cannabis Business. A description of the statutory entity or business form that will serve as the legal structure for the business and a copy of its formation and organizing documents, including but not limited to articles of incorporation, certificate of amendment, statement of information, articles of association, bylaws, partnership agreement, operating agreement, and fictitious business name statement. If a corporation, limited liability company, or a general or limited partnership is a stockholder owning more than five percent of the stock or membership interest of an applicant's business, or is one or more of the partners in an applicant's business, the applicant shall set forth the names and addresses of each of the partners, officers, directors, and stockholders of the corporation, limited liability company, or general or limited partnership.

(ii) Management Information.

(A) The name, address, telephone number, title, and function(s) of each manager of the business.

(B) For each manager, a legible copy of one valid government-issued form of photo identification, such as a state driver's license, a passport issued by the United States, or a permanent resident card.

(iii) Applicant's Phone Number and Mailing Address. The phone number and address to which notice of action on the application and future correspondence is to be mailed.

(iv) Previous Addresses. Previous addresses of the applicant for the past five years immediately prior to the present address.

(v) Verification of Age. Evidence that the applicant and all managers of the dispensary are at least 21 years of age.

(vi) Criminal Background.

(A) A list of each misdemeanor and/or felony conviction, if any, of the applicant, its owner(s) and manager(s), whether the conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each conviction, set forth the date of arrest, the offense charged, and the offense of which the applicant or manager was convicted.

(B) The applicant, each owner and each manager shall consent to fingerprinting and a criminal background investigation.

(vii) Employee Information. Number of employees, volunteers, and other persons who will work or provide services at the business.

(viii) State Licenses. Copies of the state licenses relating to marijuana, including cultivation licenses, the applicant holds, and/or a description of the state licenses the application for which the applicant intends to apply.

(ix) Plan of Operations. A plan describing how the business will operate consistent with state law and the provisions of this article.

(x) Business Description. A description of the proposed location, including the street address and parcel number, the square footage, and the characteristics of the neighborhood or surrounding area.

(xi) Response to the Zoning Code. An explanation of how the business complies or expects to comply with the zoning code, including, but not limited to, the location requirements.

(xii) Compliance with Applicable Taxes. The applicant shall provide a current copy of its business operations tax certificate and state sales tax seller's permit.

(xiii) City Authorization. Authorization and consent for the city manager to seek verification of the information contained within the application.

(xiv) Statement of Property Owner's Consent. Consent to operate a cannabis business at the proposed location, specifying the street address and parcel number, from the owner or landlord, of the proposed location.

(c) Review of Phase One Application.

(i) Upon receiving a phase one application for a retail/dispensary cannabis business license, the city manager shall determine whether the application is complete. If the city manager determines that the application is incomplete or has been completed improperly, the city manager shall notify the applicant within 30 days of application submittal. The city manager may grant the applicant an extension of up to 10 days to complete the phase one application.

(ii) If the city manager determines that the phase one application is complete and, on the face of the application, there appears to be no basis for denial of the permit, the city manager shall notify the applicant that it may continue to phase two in the application process.

(iii) If the application is incomplete, or remains incomplete upon the expiration of any extension, the city manager may deny the application on that ground. If the city manager denies the phase one application, pursuant to the provisions of this section, written notice of denial shall be served on the applicant. Notwithstanding any provisions of this code to the contrary, the decision of the city manager shall be final and not subject to administrative appeal.

(2) Phase Two Applications for Retail/Dispensary Cannabis Business License.

(a) If the city manager notifies the applicant that it may continue to phase two in the application process, the applicant shall file a phase two application with the city manager's office, that includes the following:

(i) A nonrefundable phase two license application fee in an amount established by resolution of the city council in an amount reasonably calculated to reimburse the city for costs and expenses incurred including, but not limited to, fully burdened staff time in processing applicant's phase two license application. The phase two license application fee shall be in addition to any other fee imposed by this code.

(ii) Copies of state-issued A-license and/or M-license.

(iii) Security Plan. A description and documentation of how the applicant will secure the premises 24 hours per day, seven days per week, and how waste derived from any cannabis commercial activity will be disposed of in a manner to ensure it may not be utilized for unlawful purposes. The security plan shall include, but is not limited to, the following:

(A) Preventing individuals from remaining on the premises if they are not engaged in activity expressly related to the operations of the cannabis activity;

(B) Establishing limited access areas accessible only to authorized personnel including security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products;

(C) Storing all finished cannabis and cannabis products in a secured and locked room, safe, or vault, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes, samples, immediate sale, if applicable;

(D) Providing tamper-proof and tamper-evident packaging for finished cannabis product;

(E) Preventing off-site impacts to adjoining or near properties; and

(F) Limiting the amount of cash on the premises.

(iv) Floor Plan. A scaled floor plan for each level of the entire building showing the interior configuration of the building, including a statement of the total floor area occupied by the business. The floor plan must include entrances, exits, restrooms, waiting area, office space, storage, and area for the sale of cannabis to customers. The floor plan must be professionally prepared by a licensed civil engineer or architect.

(v) Site Plan. A scaled site plan of the parcel of real property on which the business building is located, including the outline of all structures, driveways, parking and landscape areas, and boundaries of the parcel. The site plan must be professionally prepared by a licensed civil engineer or architect.

- (vi) Accessibility Evaluation. A written evaluation of accessibility by the physically disabled to and within the building and identification of any planned accessibility improvements to comply with all state and federal disability access laws, including, but not limited to, California Code of Regulations Title 24 and the Americans with Disabilities Act. The evaluation must be professionally prepared by a licensed civil engineer or architect, or Certified Access Specialist ("CASP").
 - (vii) Neighborhood Context Map. An accurate straight-line drawing depicting the boundaries of the business property, the boundaries of all other properties within 1,000 feet of the business property, and the uses of those properties, specifically including, but not limited to, any use identified in the location requirements of the zoning code. The map must be professionally prepared by a licensed civil engineer or architect.
 - (viii) Lighting Plan. A lighting plan showing existing and proposed exterior and interior lighting levels that would be the minimum necessary to provide adequate security lighting for the use.
 - (ix) Zoning Code Compliance. A copy of a valid conditional use permit approved by the city's planning commission for the proposed business location.
 - (x) A copy of the business's commercial general liability insurance policy and all other insurance policies related to the operation of the business.
 - (xi) A copy of the business's annual budget for operations.
 - (xii) A copy of the business's most recent year's financial statement and tax return.
 - (xiii) A list of the most recent, or proposed, prices for all products and services provided by the business.
 - (xiv) Consent to entry by a city representative at any time, with or without prior notice and with or without reasonable cause, for the purpose of inspecting the premises and monitoring business operations and confirming compliance with the law and license conditions.
 - (xv) An affirmation, signed by each business owner and manager, under penalty of perjury, that all sales shall be accurately and faithfully reported to the city of Willows, that other financial information reasonably requested shall be timely provided, that all taxes and fees will be properly calculated and paid as and when due. The applicant shall also consent to the audit of the business's books and financial records at any time deemed necessary by the city of Willows, but not more frequent than once each 180 days.
 - (xvi) Applicant's Certification. A statement dated and signed by each owner and manager, under penalty of perjury, that the owner and manager has personal knowledge of the information contained in the phase one and phase two applications, that the information contained therein is true and correct, and that the applications have been completed under their supervision.
 - (xvii) Other Information. Such other information as deemed necessary by the city manager to demonstrate compliance with this code.
- (b) Review of Phase Two Application.
- (i) Complete Application.
 - (A) Upon receiving a phase two application, the city manager shall determine whether the application is complete. If the city manager determines that the application is incomplete or has been completed improperly, the city manager shall notify the applicant within 30 days of application submittal. The city manager may grant the applicant an extension up to 10 days to complete the phase two application.
 - (B) An application is not to be considered incomplete for purposes of this subsection (2)(b)(i) if the sole document remaining to be filed is the conditional use permit required to operate a retail/dispensary cannabis business in the city of Willows.
 - (ii) If the phase two application is incomplete, or remains incomplete upon the expiration of any extension, the city manager may deny the application on that ground. If the city manager denies the phase two application for being incomplete, pursuant to the provisions of this section, written notice of denial shall be served on the applicant. Notwithstanding any provisions of this code to the contrary, the decision of the city manager shall be final and not subject to administrative appeal.
 - (iii) The city manager shall notify the applicant that the application is complete if he or she determines that all of the required information has been provided and that the content and accuracy of the submitted documents is responsive to the requirements. The completion date of a phase two application shall be the date when the city manager notifies the applicant that it has received all of the information or materials required. If the conditional use permit is not submitted to the city manager, such notification shall advise the applicant that the otherwise complete application will be held in abeyance pending receipt of the required conditional use permit for a period not to exceed 60 days.
- (3) Review by City Council.
- (a) When the city manager has determined that the application is complete, including the issuance of a conditional use permit, the city manager shall have the application placed on the next available meeting agenda of the city council.
 - (b) The city council shall, in its sole discretion:
 - (i) Require any additional information deemed necessary or appropriate for consideration of issuance of the license; or
 - (ii) Deny the application and state the grounds therefor; or
 - (iii) By resolution, vote to issue the license, subject to any reasonable conditions imposed by the city council, upon applicant's payment of the business cannabis license fee established by the city council.
- (4) The term of an initially-issued retail/dispensary business cannabis license shall be one year. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.072 Renewal.

- (1) An application for renewal of a retail/dispensary cannabis business license, together with all applicable fees, must be submitted to the city manager at least 90 days before the expiration of the then-current license. Failure to submit a renewal application at least 90 days prior to the expiration date of the then-current license will result in the automatic expiration of the license on the expiration date.
- (2) Renewal applications shall update and correct any such information provided in the initial phase one and phase two applications that is no longer correct, as well as an affirmation by the business owners and managers, made under penalty of perjury, that all of the information, as corrected, is accurate and correct.
- (3) The city manager shall compile such information and documents, as well as any information pertaining to the licensee's business operations which may reasonably affect a determination regarding renewal of the business license.
- (4) The city manager shall place the renewal application, together with all relevant information and documentation, on a city council agenda approximately 30 days prior to the expiration of the then-current license.
- (5) The city council shall, in its sole discretion:
 - (a) Require any additional information deemed necessary or appropriate for consideration of the renewal of the license; or
 - (b) Deny the renewal application and state the grounds therefor; or
 - (c) By resolution, vote to renew the license, subject to any reasonable conditions imposed by the city council, upon applicant's payment of the then-current business cannabis license fee.
- (6) The term of a renewed retail/dispensary cannabis license shall be two years, subject to the payment of the business cannabis license fee for each year, in the amount current at the time of the commencement of each year.
- (7) License renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations in place at the time of initial issuance, and may require the submittal of additional information to ensure that the new standards are met. No person shall have any entitlement or vested right to receive a permit under this article.
- (8) The city of Willows, its council members, managers, employees, attorneys, agents and representatives shall have no liability for any lost profits, costs, expenses, damages, or relocation or demobilization costs, or other claims of any kind claimed to have been suffered as the result of the denial or nonrenewal of any application for a retail/dispensary cannabis business license. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.073 Transfer of license or modification to license.

- (1) A retail/dispensary cannabis business license is nontransferable to another person, entity or location, and no such transfer may be made except in accordance with this section. Any such transfer made without the prior consent of the city of Willows shall result in the revocation of the license. Any change in ownership of five percent or more, singly or cumulatively, shall be considered a "change in ownership" and constitute a "transfer" for purposes of this section.
- (2) Any requested transfer of an interest in a retail/dispensary cannabis business license as a result of a change in ownership shall require the submittal of all of the information regarding the proposed transferee(s) contained in a phase one application, pursuant to WMC 9.20.071. In addition, all such proposed transferees shall execute those consents and affirmations required in WMC 9.20.071.
- (3) Any requested transfer of a retail/dispensary cannabis business license to another location shall require the submittal of all of the information required in phase one and phase two applications pursuant to WMC 9.20.071. Any licensee conducting any cannabis business at a location other than as licensed by the city of Willows shall have his/her/its license immediately revoked.
- (4) Any modification of a licensee's business operations or to the premises to which the license has been issued shall require the submittal of all information identifying and describing the existing operation or premises affected by the proposed change, together with all proposed changes.
- (5) The city manager shall place the transfer/modification application, together with all relevant information and documentation, on a city council agenda within 30 days after receiving such complete application.
- (6) The city council shall, in its sole discretion:
 - (a) Require any additional information deemed necessary or appropriate for consideration of the transfer or modification of the license; or
 - (b) Deny the transfer/modification application and state the grounds therefor; or
 - (c) By resolution, vote to approve the transfer or modification of the license, subject to any reasonable conditions imposed by the city council including, but not limited to, a requirement that the applicant pay all expenses incurred by the city in processing such application, in addition to payment of the business cannabis license transfer/modification fee and, if the license is transferred to a new business location, the payment of an additional business cannabis license fee.
- (7) Every such application for a transfer or modification of a retail/dispensary cannabis business license shall be accompanied by the payment of a transfer or modification fee established by the city council in an amount reasonably calculated to reimburse the city for costs and expenses incurred in processing such transfer or modification application. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.074 Retail/dispensary cannabis business license fees and taxes.

- (1) For retail/dispensary cannabis business licenses the city council shall establish by resolution:

- (a) A phase one application fee in an amount reasonably calculated to reimburse the city for costs and expenses incurred including, but not limited to, fully burdened staff time in processing applicant's phase one license application.
 - (b) A phase two application fee in an amount reasonably calculated to reimburse the city for costs and expenses incurred including, but not limited to, fully burdened staff time in processing applicant's phase two license application.
 - (c) A cannabis business license fee, payable annually, authorizing the licensee to engage in the business of sales of cannabis and cannabis products in the city of Willows.
 - (d) A retail/dispensary cannabis business license renewal application fee in an amount reasonably calculated to reimburse the city for costs and expenses incurred including, but not limited to, fully burdened staff time in processing applicant's license renewal application.
 - (e) A retail/dispensary cannabis business license transfer/modification application fee in an amount reasonably calculated to reimburse the city for costs and expenses incurred including, but not limited to, fully burdened staff time in processing applicant's application for the transfer or application of a retail/dispensary cannabis business license.
 - (f) An appeal fee in an amount reasonably calculated to pay the full cost of an appeal of the denial/disapproval of an application for a retail/dispensary cannabis business license, or renewal thereof, or the revocation or suspension of any such license, including but not limited to all staff and management time, legal fees, hearing officer fees, document and record fees, and other associated costs and expenses.
 - (g) A cannabis business tax reasonably calculated to reimburse the city for costs and expenses incurred including, but not limited to, issuance of licenses and maintenance of records, monitoring and inspections, preparation and submittal of reports, collection of and accounting for fees and taxes, auditing, legal expenses, enforcement actions, and other anticipated costs and expenses directly or indirectly related to the licensee's sales of cannabis and cannabis products in the city of Willows.
 - (h) The fees set forth above shall be in addition to any other fee and/or tax imposed by this code or law.
- (2) The city council may, by resolution, adjust any fee required herein at any time, which adjustment shall be effective on the date of the council's adoption of the resolution. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.075 Denials, revocations and suspensions.

- (1) Incomplete Application. If the license application is incomplete, or remains incomplete upon the expiration of any extension, the city manager may deny the retail/dispensary cannabis business license application or renewal thereof on that ground. If the city manager denies the application, written notice of denial shall be served on the applicant. Such service shall be deemed complete two days following its deposit in the U.S. mail. Notwithstanding any provisions of this code to the contrary, the decision of the city manager shall be final and not subject to administrative appeal.
- (2) Suspension or Revocation of License.
 - (a) If the city manager deems, based on all available facts and circumstances, that continuation of the licensee's retail/dispensary cannabis business license will cause a significant threat to the health, safety or welfare of the public, the city manager may suspend or revoke the license and all rights and privileges thereunder.
 - (b) The city manager shall give notice to the licensee of his or her intent to suspend or revoke the license, together with the grounds therefor, in the manner set forth in subsection (1) of this section, and provide the city clerk with a copy of the notice.
 - (c) In the event of a suspension of a retail/dispensary cannabis business license, the city manager shall include in the notice of suspension the ground(s) therefor, the action necessary to cure or correct such ground(s), and provide the licensee a time limit to make such cure or correction. Failure to effect such cure or correction within the time provided, or any extension granted by the city manager, shall cause the revocation of the license.
 - (d) In the event of suspension or revocation of retail/dispensary cannabis business license, the licensee shall immediately cease operations.
- (3) Grounds for Denial of Application, License Renewal, or Suspension or Revocation of License. The granting of a retail/dispensary cannabis business license, or a renewal thereof, may be disapproved, and an existing license revoked or suspended if:
 - (a) The applicant or licensee has knowingly made a false statement in the application or in any reports or other documents furnished to the city of Willows.
 - (b) The owner of the business premises withholds or revokes consent for the sale of cannabis and cannabis products on the premises.
 - (c) The licensee has violated the terms of this code or California law relating to the conduct of commercial cannabis activities.
 - (d) Revocation or suspension of the required state-issued license.
 - (e) The licensee failed to properly and truthfully report sales of cannabis and cannabis products, and/or failed to pay all fees and taxes in full as and when due.
 - (f) The licensee has engaged in the sale or distribution of cannabis or cannabis products in a location other than the licensed premises.
 - (g) The licensee has engaged in or permitted the sale or distribution of other controlled substances on or from the premises.
 - (h) Excessive traffic, neighborhood and/or law enforcement activity at the location of the applicant's or licensee's business premises.

- (i) The licensee's failure to maintain the premises in a secure manner and/or to protect the safety and security of employees and customers.
 - (j) The granting or renewing of the license would perpetuate or encourage any of the following:
 - (i) Engaging in the illegal sale or distribution of cannabis or cannabis products or other controlled substances;
 - (ii) Providing cannabis or cannabis products to minors;
 - (iii) Diversion of cannabis or cannabis products to jurisdictions outside of the state where cannabis and cannabis products are unlawful under state or local law;
 - (iv) Trafficking of other illegal drugs or facilitation of other illegal activity;
 - (v) Violence and the use of firearms in the sale or distribution of cannabis and cannabis products;
 - (vi) The applicant or licensee or a cannabis business owner has been sanctioned by a licensing authority or other city or county for unauthorized commercial cannabis activity;
 - (vii) The applicant or licensee violates any provision of the MCRSA, AUMA, this article or any other permits issued by the city for the cannabis activity.
 - (k) The cannabis business owner has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the cannabis business for which the application is made, which includes but is not limited to:
 - (i) A violent felony conviction, as specified in Penal Code Section 667.5(c).
 - (ii) A serious felony conviction, as specified in Penal Code Section 1192.7.
 - (iii) A felony conviction involving fraud, deceit or embezzlement.
 - (iv) A felony conviction for drug trafficking with an enhancement pursuant to Health and Safety Code Section 11370.4 or 113798.
 - (v) A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.
- (l) Except as provided in subsection (3)(k) of this section, an application for a permit shall not be denied if the sole ground for denial is based upon a prior conviction of California Health and Safety Code Section 11357. An application for a permit also shall not be denied if the state would be prohibited from denying a license pursuant to either California Business and Professions Code Section 26057(b)(5) or Section 26059. Conviction of any controlled substance felony subsequent to permit issuance shall be grounds for revocation of a permit or denial of the renewal of a permit. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.076 Appeal of disapprovals, revocations and suspensions.

- (1) Within 15 days after the city manager serves notification of disapproval of the application for a retail/dispensary cannabis business license, or renewal thereof, of the revocation or suspension of an existing license for any reason other than incomplete applications, an applicant may appeal the disapproval, revocation or suspension by notifying the city clerk in writing of the appeal, the reasons for the appeal, and depositing all applicable fees and costs associated with the appeal. The appellant shall be required to pay all fees and costs associated with any such appeal.
- (2) The city clerk shall set a hearing on the appeal and shall fix a date and time certain, within 30 days after the receipt of the applicant's or licensee's appeal, unless the city and the applicant agree to a longer time, to consider the appeal. The city clerk shall provide notice of the date, time and place of hearing, at least seven days prior to the date of the hearing.
- (3) The city attorney shall appoint a hearing officer to hear the appeal and determine the order of procedure, and rule on all objections to admissibility of evidence. The applicant and the city manager, or his designee, shall each have the right to submit documents, call and examine witnesses, cross-examine witnesses and argue their respective positions. The proceeding shall be informal, and the strict rules of evidence shall not apply, and all evidence shall be admissible which is of the kind that reasonably prudent persons rely upon in making decisions.
- (4) The hearing officer shall issue a written decision within 15 days after the close of the hearing. The decision of the hearing officer shall be final. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.080 General conditions for all retail/dispensary cannabis business licenses.

- (1) State License. Beginning at such time that the state has begun to issue licenses and at all times thereafter, cannabis businesses licensed within the city of Willows shall hold a valid A-license or M-license, or both.
- (2) Hours of Operation. All permitted retail/dispensary cannabis business premises shall be closed to the general public and transporter deliveries and pick-ups shall be prohibited between the hours of 7:00 p.m. and 8:00 a.m.
- (3) Odor Control. Odors shall be contained on the property on which the commercial cannabis activity is located. If the city receives any odor complaints, the cannabis business shall work with the building official or his designee to correct odor concerns. Unresolved or repeated odor complaints may be basis for suspension or revocation of the license or denial of license renewal.
- (4) Minors. Licensees shall ensure that no person less than 21 years of age is permitted to work as an employee, to purchase cannabis or cannabis products, or to be on the premises of the licensee at any time.
- (5) Business Conducted within Building. No production, distribution, storage, display or wholesale of cannabis and cannabis-infused products shall be visible from the exterior of the building where the commercial cannabis activity is being conducted.

(6) Security Measures. Every cannabis business shall maintain a commercial burglar alarm monitoring system, and install a video surveillance system.

(7) Security Breach. A cannabis business shall notify the city and the Glenn County sheriff's office within 24 hours after discovering any of the following:

(a) Diversion, theft, loss, or any criminal activity involving the cannabis or cannabis product or any agent or employee of the permittee.

(b) The loss or unauthorized alteration of records related to cannabis or cannabis product, registered qualifying patients, primary caregivers or employees or agents.

(c) Significant discrepancies identified during inventory.

(d) Any other material breach of security.

(8) Labeling and Packages. Labels and packages of cannabis and cannabis products shall meet all state and federal labeling and packaging requirements. Until such regulations are adopted by the federal and/or state authorities, as a condition of license issuance, the city manager may impose labeling and packaging requirements to protect the public safety, health and welfare of the citizens of the city of Willows.

(9) Inspection Records. Inspections, if necessary, shall take place at a reasonable time with prior notice to the cannabis business. Notwithstanding the foregoing, upon reasonable suspicion of a material violation of the law or the provisions of this code or the conditions of a license, inspections may be made at any time, with or without prior notice. Upon request, the cannabis business shall timely provide the city official with reports and records related to the business including, but not limited to, sales reports, utility bills from the commercial energy provider for the premises. This section shall not limit any inspection authorized under any other provision of law or regulation.

(10) In addition to a retail/dispensary cannabis business license, obtain and maintain a business license from the city of Willows.

(11) Maintain at all times commercial general liability insurance providing coverage at least as broad as ISO CGL Form 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury with limits of not less than \$1,000,000 per occurrence and comprehensive automobile liability (owned, nonowned, hired) providing coverage at least as broad as ISO Form CA 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than \$1,000,000. The commercial general liability policy shall provide contractual liability, shall include a severability of interest or equivalent wording, shall specify that insurance coverage afforded to the city shall be primary, and shall name the city of Willows, its officials, employees and attorneys as additional insured. Failure to maintain insurance as required herein at all times shall be grounds for suspension of the license immediately, and ultimately, revocation.

(12) By accepting the license, each licensee agrees to indemnify, defend and hold harmless to the fullest extent permitted by law the city of Willows, its officers, employees, attorneys, agents and consultants from and against any and all actual and alleged damages, claims, liabilities, costs (including attorney's fees), suits or other expenses resulting from and arising out of or in connection with licensee's operations, except such liability caused by the gross negligence or willful misconduct of city of Willows, its officers, employees, attorneys, agents and consultants.

(13) Maintain for a minimum of three years a written accounting or ledger of all cash, receipts, credit card and other financial transactions, and reimbursements (including any in-kind contributions) as well as records of all operational expenditures and costs incurred by the licensee in accordance with generally accepted accounting practices and standards typically applicable to business records, which shall be made available to the city, its auditors or consultants during business hours for inspection upon reasonable notice by the city manager and for purposes of audit.

(14) Inform the city manager, in writing, of any change of or to any of the information submitted to the city in phase one and phase two applications, any renewal application, or any amendments thereto, within 10 days of any such change including, but not limited to, any change in ownership of five percent or more in a single transaction or cumulatively.

(15) Notify the city manager within three days of any notices of violations or other corrective action ordered by a state or other local licensing authority, and provide copies of the relevant documents. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

Article VI. Regulations and Enforcement

9.20.091 Regulations and enforcement.

(1) City Manager or Designee. Any action required by the city manager under this chapter may be fulfilled by the city manager's designee. In addition to city officers and employees, such designee may include, but is not limited to, officials of the Glenn County sheriff's office, attorneys or consultants.

(2) The city manager is authorized to coordinate implementation and enforcement of this chapter and may promulgate appropriate regulations for such purposes. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.092 Public nuisance.

Any violation of this chapter is declared to be a public nuisance, subject to redress as provided for in this title. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.093 Enforcement.

(1) This title shall be enforced pursuant to the provisions of this chapter and Chapter 8.10 WMC.

(2) The city manager shall, as he deems necessary, instruct the chief of police, Glenn County sheriff, fire chief, director of public works, or code enforcement officer to abate any nuisance caused by a violation of this chapter; the cost thereof to be levied and collected as provided for in WMC Title 8. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.094 Right of entry for enforcement officer.

(1) Whenever an enforcement officer has reason to believe that a nuisance exists or that an inspection is necessary to enforce any provision of this chapter, the officer may enter the premises at any reasonable time to perform the inspection or any other duty imposed by this title. The enforcement officer shall provide reasonable notice of the need to enter and inspect. Notwithstanding the foregoing, in the event there is reasonable suspicion of the existence of a nuisance or violation that presents an immediate or imminent danger to the health, safety or welfare of the employees of licensee, its customers or the community at large, the enforcement officer or other city official may enter the premises at any time without notice.

(2) The enforcement officer shall present proper identification, state the purpose of the visit and request permission of the owner or responsible person to enter the premises. If entry is refused, the enforcement officer shall have recourse to every remedy provided by law to secure entry. Any such refusal shall be grounds for suspension of the licensee's license.

(3) When the enforcement officer has first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or responsible person shall fail or neglect, after proper request is made as provided in this title, to promptly permit entry therein by the enforcement officer for the purpose of inspection and examination pursuant to this title. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.095 Abatement.

Public nuisances in violation of this chapter may be abated by closure, removal, destruction, suspension or revocation of license, or other appropriate action as determined by the city manager. Such nuisances may be abated pursuant to Chapter 8.10 WMC or, in the event of imminent or immediate dangers to the health, safety, welfare and morals of the citizens of the city of Willows, summarily abated pursuant to WMC 9.20.096 and 8.10.160. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.096 Summary abatement.

(1) Certain violations of this chapter may constitute imminent or immediate dangers to the health, safety, welfare and morals of the citizens of the city of Willows. Accordingly, such violations, conditions or uses may be summarily abated by the city pursuant to WMC 8.10.160 and this chapter.

(2) Such abatement shall not occur unless the city manager and/or his/her designate finds, from a preponderance of the evidence, that such an imminent or immediate danger exists, and has provided or attempted to provide the owner of the property in question, or the person responsible for permitting the danger to occur, reasonable notice within which to correct the condition, and the necessary corrective action has not taken place. Twenty-four hours shall be presumed to be reasonable notice in the absence of evidence to the contrary. Notice hereunder need not take any particular form, and may be dispensed with if the exigencies of the situation require immediate abatement and/or providing reasonable notice is impracticable.

(3) The cost and expenses of a summary abatement shall be made a lien on the property and shall be collected pursuant to the procedure found in WMC 8.10.130 through 8.10.150. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.097 Alternative remedies.

Nothing in the foregoing sections shall be deemed to prevent the city council from ordering the city attorney or Glenn County district attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable Civil or Penal Code provisions as an alternative to the proceedings set forth herein. Nothing herein shall prevent the city from abating a nuisance pursuant to any other procedure established by city ordinance or state law. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.098 Violations.

(1) It shall be unlawful for any person to remove, deface, or mutilate any notice, order, statement, or resolution posted as required in this chapter.

(2) It shall be unlawful for any person to obstruct, impede, or interfere with any owner or his agent or with any representative of the city when engaged in performing any act reasonably necessary for the execution of the order of abatement.

(3) It shall be unlawful for an owner or occupant of any premises in the city to permit a condition declared by the city to be a public nuisance to exist upon the premises.

(4) Any person who shall violate this section shall be subject to the penalties set forth in WMC 1.05.080. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.099 Penalties.

- (1) A violation of this chapter shall be punishable as a misdemeanor, which shall be punishable by a fine not to exceed \$1,000, or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment. Each day of engaging in any of the prohibited activities shall constitute a separate offense.
- (2) Any violation of this chapter or regulation promulgated under this chapter is hereby declared to be a public nuisance. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

9.20.100 Penalties not exclusive – Violation constitutes a crime.

The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any other criminal, civil, or administrative remedy or penalty authorized by, or set forth in, the Willows Municipal Code. None of the penalties or remedies authorized by, or set forth in, the Willows Municipal Code shall prevent the city from using any other penalty or remedy under state statute which may be available to enforce this section or to abate a public nuisance. Violation of this chapter shall constitute a crime punishable as a misdemeanor or infraction in the discretion of the city attorney. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

Article VII. Severability

9.20.120 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase. [Ord. 736-17 § 7 (Exh. B), 11-28-17].

SECTION 2: The City Council of the City of Willows finds that the foregoing amendment and adoption of Ordinance No. ____ is consistent with the General Plan, all applicable specific plans and the City of Willows Zoning Ordinance.

SECTION 3: The City Council of the City of Willows further finds that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(3) and Resolution No. ____ passed prior to the adoption of this amendment.

SECTION 4. Severability. Should any provision of this ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 5. Judicial Review. The time within which judicial review must be sought is governed by California Code of Civil Procedure Section 1094.6.

SECTION 6. Effective Date. This ordinance shall take effect and be in force thirty (30) days after its adoption as provided by Government Code Section 36937.

SECTION 7. Posting. The City Clerk shall cause this Ordinance to be published and/or posted within fifteen days after its adoption.

INTRODUCED for first reading on the ____ day of ____ 2018.

PASSED AND ADOPTED at a public meeting of the City Council of the City of Willows on the ____ day of ____ 2018, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

APPROVED:

ATTESTED:

Kerri Warren, Mayor


Tara Rustenhoven, City Cler



REGULAR BUSINESS

AGENDA ITEM

TO: Interim City Manager, Wayne Peabody
FROM: Sarah Hoffman, Recreation Coordinator
SUBJECT: Surplus Property Unused Sporting Equipment

RECOMMENDATION:

By motion, declare unused sporting equipment as surplus and allow the Recreation Department to sell some items and donate or discard the items that won't sell.

SITUATION (or BACKGROUND):

In the last couple weeks, extensive organizing and cleaning has been done in the old Recreation office and shed. There has been many things found that have never been used or will not be used. Rather than just throwing these items away, it would be nice to make money for the department or to donate them to another group that may benefit from their use.

FINICIAL CONSIDERATIONS:

None

NOTIFICATION:

ALTERNATE ACTIONS:

- 1: Request additional information from staff
- 2: Reject staff recommendation and/or direct item to return.

RECOMMENDATION:

In the last couple weeks, extensive organizing and cleaning has been done in the old Recreation office and there has been many things found that have never been used or will not be used. Rather than just throwing these items away, it would be nice to make money for the department or to donate them to another group that may benefit from their use.

Respectfully Submitted



Sarah Hoffman
Recreation Coordinator

Recreation Surplus List

- Boxing ring
- 2 Basketball hoops
- Bag of adult catchers gear
- 5 bats
- 4 tennis rackets
- Pair of soccer cleats
- 7 pairs of batting gloves
- 3 old umpire shirts
- Several old yellow and green sports t-shirts

AGENDA ITEM

TO: Honorable Mayor Warren and Members of the Council
FROM: Wayne Peabody, Interim City Manager
SUBJECT: Bureau of Cannabis Control Proposed Regulations

RECOMMENDATION

By Consensus, give direction to staff provide in regards to a letter of opposition to proposed changed to proposition 64.

SITUATION (or BACKGROUND):

Staff has placed this item on the agenda for discussion and direction per Council Member Hansen request.

FINANCIAL CONSIDERATIONS:

None

NOTIFICATION

Agenda to be posted in accordance with Brown Act.

ALTERNATE ACTIONS

1. Request Additional information
2. Make no changes

RECOMMENDATION

By Consensus, give direction to staff provide in regards to a letter of opposition to proposed changed to Proposition 64.

Respectfully submitted,

Wayne Peabody
Interim City Manager

Attachments:

A: Proposed letter to Bureau of Cannabis Control Regulations



08-14-18

Lori Ajax, Chief
Bureau of Cannabis Control
P.O. Box 419106
Rancho Cordova, CA 95741
Submitted via Email: bcc.comments@dca.ca.gov

RE: Bureau of Cannabis Control Proposed Regulations – July 2018

Dear Chief Ajax:

The City of Willows appreciates the opportunity to comment on the proposed regulations released in July 2018, which seek to codify the emergency regulations implemented in December 2017.

The City of Willows strongly objects to two proposed changes that we view are in fundamental conflict with both the language and intent of Proposition 64 and will undermine our city's ability to effectively regulate cannabis at the local level:

- Section 5416(d), would drastically preempt local control and regulatory authority by authorizing cannabis delivery anywhere in the state regardless of conflicting local regulations or bans, and
- Sections 5001(c) (11) and 5002(c) (28) would undermine the ability of local agencies to ensure community standards are met by reducing from 60 to 10 days the period to verify if a licensee has obtained necessary local approvals.

The City of Willows believes the two proposed regulations go beyond the BCC's regulatory authority and instead create a new cannabis policy outside of the legislative process. California's voters were assured that "64 preserves local control"¹ and these regulations chip away at the very foundation of local control by allowing cannabis deliveries to every jurisdiction in California.

For this reason, the City of Willows respectfully opposes these regulations until such time as they are amended to address the concern listed above. We look forward to continued opportunities to comment on specific regulatory proposals.

Sincerely,

Kerri Warren
Mayor
City of Willows
cc:

Meg Desmond, League of California Cities, cityletters@cacities.org

¹ (Ballot Pamp., General Elec. (November 8, 2016) rebuttal to Argument against Prop. 64, p. 99.)