



**City of American Canyon  
ORDINANCE 2009- 08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON ADOPTING AMENDMENTS TO MUNICIPAL CODE CHAPTER 5.04.080 ENTITLED "GROUNDS FOR DENIAL" AND CHAPTER 19.05.010 ENTITLED "PURPOSE" TO PROHIBIT ANY USE THAT IS ILLEGAL IN ACCORDANCE WITH STATE AND/OR FEDERAL LAW**

**WHEREAS**, pursuant to Section 65850 of the State Planning and Zoning Law, the City of American Canyon adopted a Zoning Ordinance in 1996 to implement the General Plan and regulate the use of land, buildings and structures, the size and use of lots; the intensity of land uses; and to establish other requirements to provide a clear and concise guide for the physical development of the City and to protect and promote the public health, safety, peace, comfort, convenience, aesthetics, prosperity, and general welfare; and

**WHEREAS**, Zoning Ordinance Chapter 19.48 provides that the City Council may amend the Zoning Ordinance after the amendment is referred to the Planning Commission for review and recommendation to the City Council; and

**WHEREAS**, under the American Canyon Municipal Code, a question has been posed regarding what type of application would be required to open a medical marijuana dispensary and what zone a medical marijuana dispensary could legally operate; and

**WHEREAS**, uses that may potentially be proposed in the City of American Canyon may be illegal in accordance with State and/or Federal law, such as medical marijuana dispensaries and cooperatives; and

**WHEREAS**, the City of American Canyon does not desire to permit uses that are illegal in accordance with State and/or Federal law; and

**WHEREAS**, the Municipal Code Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15305 which applies to minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density; and

**WHEREAS**, on March 19, 2009, the City of American Canyon Planning Commission unanimously recommended City Council approval of the proposed ordinance; and

**WHEREAS**, a duly-noticed public hearing was held by the City of American Canyon City Council on April 21, 2009 at which time all those in attendance were given the opportunity to speak on the proposal; and

**WHEREAS**, the City Council considered all of the written and oral testimony presented at the public hearing in making its decision.

**NOW THEREFORE, the City Council of the City of American Canyon, California, does hereby resolve as follows:**

**SECTION 1:** The Recitals set forth above are true and accurate and incorporated herein by this reference.

**SECTION 2:** The City Council amends Title 5 and Title 19 of the American Canyon Municipal Code ("Municipal Code") to add specific language to Chapter 5.04.080 entitled "Grounds for denial" and Chapter 19.05.010 entitled "Purpose" to read as follows:

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"Chapter 5.04

**BUSINESS LICENSES GENERALLY**

**5.04.080 Grounds for denial.**

A. The city manager may refuse to issue a license to carry on any business, occupation or activity, if such business, occupation or activity has been, will be, or is apt to become any one or more of the following:

1. Prohibited by any local ordinance or by any state law, statute, rule or regulation and/or prohibited by federal law, statute, rule or regulation;
2. A public nuisance;
3. In any way detrimental to the public interest;
4. Prohibited by zoning laws and ordinances.

B. A license may also be denied on the grounds that the applicant has knowingly made a false statement in a material matter either in his application or in his testimony before the city manager or other body hearing such testimony.

Chapter 19.05  
USE CLASSIFICATIONS

**19.05.010 Purpose.**

The purpose of these provisions is to classify uses according to types on the basis of common functional, product, or compatibility characteristics, and to set forth permitted and conditionally-permitted uses for each zoning district. Notwithstanding any provision in this Code to the contrary, any use of land, operation, or business that is in violation of State and/or Federal law shall be prohibited in all specific plan areas, districts, and/or zones within the City."

**SECTION 3: Findings**

1. A. Find, based on the following evidence and as required by Zoning Ordinance Section 19.48.040 C, that:

- a. The amendments are consistent with the goals and policies of the General Plan.

The proposed amendments are consistent with the goals and policies of the General Plan to the extent that the General Plan encourages legal uses in accordance with State and Federal laws.

- b. The amendment is consistent with the purposes of the Zoning Ordinance, as set forth in Chapter 19.01, Authority, Purposes, and Effects of the Zoning Ordinance.

The amendments are consistent with the purpose of the Zoning Ordinance to provide a clear and concise guide for the physical development of the City, establish clear, understandable and applicable land use regulations consistent with the City's police powers, and foster a harmonious and workable relationship among land uses.

**SECTION 4: Severability**

The City Council hereby declares that if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

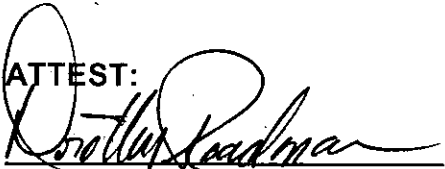
**PASSED AND ADOPTED** by the City Council of the City of American Canyon at a regular meeting on May 5, 2009, by the following vote:

**AYES:** Garcia, Callison, Coffey, Bennett, West  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None



Leon Garcia, Mayor

**ATTEST:**

  
Dorothy Roadman, City Clerk

**APPROVED AS TO FORM:**

  
William Ross, City Attorney

Business License and Regulations Chapter 5.04

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Zoning Code Chapter 19.05

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