

**ORDINANCE NO. 2020-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, CALIFORNIA  
MODIFYING AMERICAN CANYON MUNICIPAL CODE CHAPTER 5.10 COMMERCIAL  
CANNABIS LICENSE TO CLARIFY LIMITS ON THE NUMBER OF ALLOWABLE COMMERCIAL  
CANNABIS BUSINESSES IN THE CITY OF AMERICAN CANYON**

**WHEREAS**, on September 18, 2018, the City Council adopted the "Commercial Cannabis Ordinance" and changes to the "Zoning Code" to permit commercial cannabis uses upon approval of a Conditional Use Permit within a specific area of the General Industrial Zoning District (Ordinance 2018-06); and

**WHEREAS**, Commercial Cannabis Ordinance Section 5.10.080 states: "the number of each type of commercial cannabis business that shall be permitted to operate in the City shall be established by Resolution of the City Council"; and

**WHEREAS**, on December 18, 2018, the City Council adopted Resolution 2018-10 to establish a limit of six (6) Commercial Cannabis Permits in American Canyon; and

**WHEREAS**, on February 4, 2020, staff provided an annual update on the status of Commercial Cannabis Business Permit applications that includes two businesses that each require three (3) Commercial Cannabis permits for a total of six (6) permits; and

**WHEREAS**, on April 16, 2020, the City Council agreed to reopen the Cannabis Business Permit application period from May 1 to June 15, 2020 and directed staff to return at a subsequent meeting to discuss whether to: a) increase the number of allowable State-Issued Cannabis Permits; and b) impose a "reasonable" amount of time for Cannabis Applicants to complete the approval process; and

**WHEREAS**, the Cannabis Ordinance and Implementing Resolution refer to: "City Cannabis Permit," "State Cannabis Permit," "Cannabis Business," and "Type of Cannabis Business." The similar wording and subtle differences among these terms can lead to a misinterpretation of intent; and

**WHEREAS**, amending the Cannabis Ordinance will clarify the City Council's intent that the Commercial Cannabis approvals in American Canyon are limited to six (6) businesses; and

**WHEREAS**, nothing in this Ordinance shall be construed to allow persons to engage in conduct that violates the law, endangers others, causes a public nuisance, allows the illegal use or diversion of Cannabis, or allows any activity relating to Cannabis that is otherwise illegal under California state law, as amended, except to the extent otherwise specifically set forth; and

**WHEREAS**, the City Council has considered all of the written and oral testimony presented at a public hearing on June 16, 2020 in making its decision; and

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The above recitals are true and correct and are incorporated herein.

**SECTION 2.** The City Council determines that it is in the best interest of the residents of the City to allow certain Commercial Cannabis Activities in compliance with applicable State Law, including MAUCRSA, to be established and operated as permitted uses within certain areas of the City subject to the regulations and restrictions provided in this Ordinance. It is the City Council's intention that nothing in this Ordinance shall be construed to:

1. Allow a Person to engage in conduct that endangers others or causes a public nuisance.
2. Allow any activity relating to Cannabis that is otherwise not permitted under State law.

**SECTION 3.** The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act pursuant to Sections 15061 and 15305 of Title 14, Division 6, Chapter 3 of the California Code of Regulations, in that the Ordinance alone does not have the potential for causing a significant effect on the environment. Further permits and approvals will be required before any activity that will affect the environment will be permitted.

**SECTION 4.** The City Council amends American Canyon Municipal Code Chapter 5.10 (Commercial Cannabis License) as follows:

**5.10.050 Definitions.**

Section 5.10.050 When used in this Chapter, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

(s) "Commercial cannabis business" means a business which engages in medicinal or adult-use commercial cannabis activity as authorized by the City of American Canyon Municipal Code.

**5.10.080 Maximum Number of Authorized Commercial Cannabis Businesses.**

The number of commercial cannabis businesses that may be permitted to operate in the City shall be established by Resolution of the City Council.

(a) Section 5.10.080 is intended to identify a maximum number of commercial cannabis businesses that may be authorized to operate in the City. Nothing in this Chapter creates a mandate that the City Council must authorize any or all of the commercial cannabis businesses if it is determined that the applicant(s) do not meet the application standards or will negatively impact public health, safety, or welfare.

(b) Each year following the City Council's initial award of permits, if any, or at any time in the City Council's discretion, the City Council may reassess the number of commercial cannabis businesses that may be authorized. The City Council in its discretion, may determine by Resolution whether to reduce, maintain or expand the number of commercial cannabis businesses.

**SECTION 5.** Compliance with California Environmental Quality Act. The City Council finds that this Resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15305 – Minor Alteration in Land Use Limitations because the Community Commercial zoning district has an average slope less than 20% and the zone change does not result in any changes in land use or density from the perspective that the new zoning standards allow an increase in lot coverage, and does not result in any change to population density.

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**SECTION 6.** Effective Date. This ordinance shall become effective thirty (30) days following adoption.

**SECTION 7.** Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, 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, sentence, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 8.** Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 4831 Broadway, Suite 201, American Canyon, CA 94503. The custodian of these records is the City Clerk.

**SECTION 9.** Restatement of Existing Law. Neither the adoption of this ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the City related to the same subject matter or relating to the enumeration of permitted uses under the zoning code, shall be construed as restatements and continuations, and not as new enactments.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 16th day of June, 2020 by the following vote:

AYES: Council Members Aboudamous, Joseph, Leary, Vice Mayor Oro, Mayor Garcia  
NOES: None  
ABSTAIN: None  
ABSENT: None

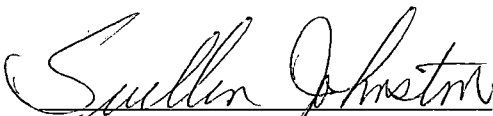
The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 21st day of July, 2020, by the following vote:

AYES: Council Members Aboudamous, Joseph, Leary, Vice Mayor Oro, Mayor Garcia  
NOES: None  
ABSTAIN: None  
ABSENT: None

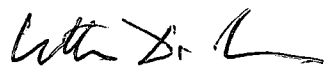


Leon Garcia, Mayor

ATTEST:

  
Suellen Johnston, CMC, City Clerk

APPROVED AS TO FORM:

  
William D. Ross, City Attorney