

CITY OF RIVERBANK

ORDINANCE NO. 2017-007

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING TITLE XI: BUSINESS REGULATIONS, BY REPEALING
CHAPTER 120: BAN ON MEDICAL MARIJUANA DISPENSARIES AND
COMMERCIAL AND OUTDOOR CULTIVATION IN ITS ENTIRETY AND
SUBSTITUTING IN ITS PLACE A NEW CHAPTER 120: CANNABIS REGULATIONS;
AND REPEALING SECTION 110.19: DELIVERY BY VEHICLE IN CHAPTER 110:
BUSINESS LICENSE TAX OF THE RIVERBANK MUNICIPAL CODE OF
ORDINANCES**

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

WHEREAS, in 2016, the voters of the State of California approved Proposition 64 entitled “Control, Regulate and Tax Adult Use of Marijuana” (“AUMA” or “Prop 64”); and

WHEREAS, Prop 64 has legalized the nonmedical use and possession of cannabis by persons 21 years of age and older and the personal cultivation of up to six (6) cannabis plants within a residence; and

WHEREAS, on June 27, 2017, the Governor signed into law Senate Bill 94 which repealed MCRSA, included certain provisions of MCRSA in the licensing provisions of AUMA, and created a single regulatory scheme for both medical and non-medical cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”). MAUCRSA retains the provisions in the MCRSA and AUMA that granted local jurisdictions control over whether businesses engaged in commercial cannabis activity could operate in a particular jurisdiction. Specifically, California Business and Professions Code section 26200 provides that MAUCRSA shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances that completely prohibit the establishment or operation of one or more businesses licensed under the State, within that local jurisdiction. Furthermore, MAUCRSA provides that a State licensing authority shall not approve an application for a State license for a cannabis business if approval of the State license will violate the provisions of any local ordinance or regulation; and

WHEREAS, Local decisions on the regulation of cannabis activities should be made prior to January 1, 2018, when the State of California will begin issuing cannabis licenses; and

WHEREAS, the City Council finds that (1) outdoor cannabis cultivation, whether for medicinal or adult-use purposes, can adversely affect the health, safety, and well-being of city residents and shall be prohibited both commercially and personally; (2) city-wide regulation of indoor cannabis activities is proper and necessary to avoid the risks of criminal activity and the degradation of the natural environment that could result from indoor cultivation; and (3) that cannabis activity without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

WHEREAS, the City Council of the City of Riverbank finds that this ordinance is consistent with the city's current prohibition of outdoor cultivation and that keeping cannabis activities indoors is in the best interest of the health, welfare and safety of the public.

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

SECTION 1: Chapter 120: Ban on Medical Marijuana Dispensaries and Commercial and Outdoor Cultivation, of Title XI: Business Regulations, of the Riverbank Municipal Code shall be repealed in its entirety and replaced with a new Chapter 120: Cannabis Regulations, which shall read as follows:

CHAPTER 120: CANNABIS REGULATIONS

Section

General Provisions

- 120.01 Legislative intent
- 120.02 Cannabis definitions
- 120.03 All state and local licenses required

Regulations for Cultivation of Cannabis for Personal Use

- 120.04 Cultivation of cannabis for personal use: administrative cultivation permit
- 120.05 Application for administrative cultivation permit
- 120.06 Regulations for administrative cultivation permit
- 120.07 Expiration and renewal of an administrative cultivation permit
- 120.08 Suspension and termination
- 120.09 Multiple administrative cultivation permit applications

Regulations for Commercial Cannabis Cultivation

120.10 Commercial cannabis cultivation

Regulations for Cannabis Testing Laboratories

120.11 Cannabis testing laboratory

Regulations for Cannabis Dispensaries

120.12 Cannabis dispensaries

Regulations for Cannabis Delivery

120.13 Cannabis delivery

Appeals and Enforcement

120.14 Appeals procedure.

120.15 Penalties

120.16 Cost recovery

120.17 Severability

GENERAL PROVISIONS

§ 120.01 LEGISLATIVE INTENT.

It is the intent of the city to encourage responsible personal and commercial cannabis activities and to discourage violations of related state laws, especially those that prohibit the sale, use, or distribution of cannabis and cannabis products to minors. It is not the intent of the city to expand, reduce, or alter the penalties for violations of state cannabis laws.

§ 120.02 CANNABIS DEFINITIONS.

(A) **Definitions.** For the purposes of this chapter, the following definitions shall apply.

(1) **CANNABIS** has the same meaning as that term is defined by Cal. Business and Professions Code § 26001.

(2) **CANNABIS BUSINESS** means any business engaged in commercial cannabis activity including, but not limited to, a cannabis dispensary, and a cannabis testing laboratory.

(a) **CANNABIS BUSINESS** shall not include any of the following, as long as the location of such uses are otherwise regulated by this code or applicable law including Cal. Health and Safety Code §§ 1136.7 et seq.:

1. A clinic licensed pursuant to Cal. Health and Safety Code Division 2, Chapter 1.

2. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Cal. Health and Safety Code Division 2, Chapter 3.01.

3. A residential care facility for the elderly licensed pursuant to Cal. Health and Safety Code Division 2, Chapter 3.2.

4. A residential hospice or a home health agency licensed pursuant to Cal. Health and Safety Code Division 2, Chapter 8 and Chapter 8.5.

(b) **CANNABIS BUSINESS** as defined herein is not intended, nor shall it be construed, to apply to the cultivation, delivery, gift, or furnishing of cannabis by a qualified patient, a primary caregiver, or other person with an identification card as defined in Cal. Health and Safety Code § 11362.7 provided such activity complies strictly with all applicable state law, including but not limited to, Cal. Health and Safety Code §§ 11362.5 and 11362.765.

(3) **CANNABIS DELIVERY.** Any cannabis business that, pursuant to a Type 10 or Type 12 state cannabis license, delivers, makes available, or distributes cannabis and cannabis products to a consumer.

(4) **CANNABIS DISPENSARY.** Any physical location where medicinal or adult-use cannabis or cannabis products are sold at retail to customers pursuant to Business and Professions Codes § 26000 et seq.

(5) **CANNABIS TESTING LABORATORY.** A laboratory licensed pursuant to Business and Professions Codes § 26100 et seq. that meets the accreditation criteria in the International Organization for Standardization (ISO) guidelines known as ISO 17025. A Cannabis Testing Laboratory may test for cannabinoids, pesticides, water activity (microbial growth), and other substances in cannabis and cannabis products. A Cannabis Testing Laboratory may conduct other testing unrelated to cannabis.

(6) **COMMERCIAL CANNABIS WASTE** means cannabis plants and plant materials that are discarded by a cannabis business, including but not limited to extra vegetative plants, failed clones, and harvest waste. Said waste shall be documented, shredded, blended 50/50 with shredded cardboard or paper, bagged up, and taken to a transfer station/landfill. Any reuse or

recycling of the shredded materials for hemp paper or cloth shall be covered under a development agreement or conditional use permit. This definition shall not apply to indoor cultivation.

(7) **COMMERCIAL CANNABIS ACTIVITY** includes the cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, including industrial manufacturing activities, or sale of cannabis or cannabis products that require a state license pursuant to Medicinal and Adult-Use Cannabis Regulation and Safety Act (Cal. Business & Professions Code § 26000 *et seq.*).

(8) **CULTIVATION** means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(9) **CULTIVATION SITE** means the location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occur.

(10) **DAY CARE** means a facility, center, or home requiring a license that is issued by the State of California which provides for the care, health, safety, supervision, or guidance of a child's social, emotional, and educational growth on a regular basis, in a place other than the child's own home, or any facility meeting the definition of California Health and Safety Code Section 1596.76.

(11) **GROUP HOME** means any community care facility regulated and licensed by a Federal or State agency. Unlicensed community care facilities or those community care facilities the regulation of which is not otherwise preempted by State or Federal law shall not constitute group homes.

(12) **INDOOR CULTIVATION** means the cultivation of cannabis for personal use within a fully enclosed and secure structure that has a complete roof in which cannabis plants cannot be seen from any public right of way. Indoor cultivation does not include any commercial cannabis activity.

(13) **OUTDOOR CULTIVATION** means the cultivation of cannabis that does not meet the definition of indoor cultivation.

(14) **CANNABIS FOR PERSONAL USE** means the use or possession of cannabis that does not require a license pursuant to Cal. Business and Professions Code §§ 26000 *et seq.*

(15) **PRIMARY CAREGIVER** has the same meaning as that term is defined by Cal. Health and Safety Code §§ 11362.7.

(16) **QUALIFIED PATIENT** has the same meaning as that term is defined by Cal. Health and Safety Code §§ 11362.7.

(17) **YOUTH CENTER** means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

§ 120.03 ALL STATE AND LOCAL LICENSES REQUIRED.

(A) Any cannabis business that does not have all applicable state licenses is prohibited within the city.

(B) Any cannabis business allowed in the city shall be permitted pursuant a development agreement, a city business license, a conditional use permit, or a combination of the three, as set forth in this chapter.

(C) At the time of application to the city, every cannabis business applicant shall submit to the Director of Community Development or his/her designee a copy of its state license or state license application required for its operation.

REGULATIONS FOR CULTIVATION OF CANNABIS FOR PERSONAL USE

§ 120.04 CULTIVATION OF CANNABIS FOR PERSONAL USE: ADMINISTRATIVE CULTIVATION PERMIT.

(A) It shall be unlawful for any person to cultivate cannabis outdoors for personal use within the City.

(B) It shall be unlawful for any person to cultivate cannabis for personal use within a private residence without first having secured an Administrative Cultivation Permit from the Community Development Department.

(C) A person shall be limited to a maximum of one (1) Administrative Cultivation Permit at a time.

(D) An Administrative Cultivation Permit is not transferable. The Administrative Cultivation Permit shall only be used by the permittee to whom it is issued.

(E) Administrative Cultivation Permit shall expire one (1) year from the date of approval and may be renewed annually.

§ 120.05 APPLICATION FOR ADMINISTRATIVE CULTIVATION PERMIT.

(A) An applicant shall be at least twenty-one (21) years of age.

(B) The Administrative Cultivation Permit application shall require all of the following:

(1) Written consent signed by the legal property owner of the intended cultivation.

(2) Identification of any chemicals, fertilizers, or pesticides that will be used to cultivate plants to aid public safety officials in case of an emergency response to the location.

(C) An Applicant shall pay a nonrefundable Administrative Cultivation Permit application fee as established by resolution of the City Council.

(D) Within sixty (60) calendar days, the city will provide written notification of the complete application to the applicant, indicating whether the application has been approved or denied.

§ 120.06 REGULATIONS FOR ADMINISTRATIVE CULTIVATION PERMIT.

(A) A private residence shall not include more than one cultivation site.

(B) A person shall not cultivate more than six (6) living plants at a private residence. All marijuana plants and anything produced by the plants shall be kept within the permit holder's private residence, or upon the grounds of that private residence, and not be visible by normal unaided vision from a public place.

(C) A private residence shall not also be used for a day care, youth center, or group home. The private residence shall remain occupied and is required to maintain a functioning kitchen, bathroom(s), and the use of the two-car garage for their intended purposes.

(D) Each of the following shall apply to the cultivation site:

(1) The cultivation site shall be located within the private residence.

(2) To prevent safety hazards, the private residence shall not have plumbing, electrical, or other utilities that violate applicable local or state regulations. To prevent persons under twenty one (21) years of age from entering the cultivation site, the cultivation site shall have lockable door(s).

(3) The cultivation site shall not produce odors, sounds, or other emissions that are detectable by persons with reasonable sensitivity.

(E) All of the following shall be prohibited in the cultivation site:

(1) Volatile solvents including, but not limited to explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O₂ or H₂.

(2) Dangerous poisons, toxins, or carcinogens, such as Methanol, Iso-propyl Alcohol, Methylene Chloride, Acetone, Benzene, Toluene, and Trichloro-ethylene, unless evidence of a current license to operate such solvents is provided.

(3) Generators or gas products used to power electrical or lighting fixtures or equipment.

(F) Not more than six (6) living plants may be planted, cultivated, harvested, dried, or processed within a single private residence at any one (1) time.

(G) Each applicant shall pass an initial inspection of their cultivation site by a city inspector to ensure that the private residence meets the requirements of § 120.07 and does not pose a health or safety risk to the Applicant or public. If the inspection is denied, the applicant will have ten (10) calendar days to have the cultivation site re-inspected.

§ 120.07 EXPIRATION AND RENEWAL OF AN ADMINISTRATIVE CULTIVATION PERMIT.

(A) An Administrative Cultivation Permit may be renewed no sooner than sixty (60) days of expiration.

(B) The Administrative Cultivation Permit holder may be subject to a re-inspection of the cultivation site by the city inspector upon twenty-four (24) hours' notice.

(C) Renewal of an Administrative Cultivation Permit is subject to a renewal fee as approved by resolution by the City Council.

§ 120.08 SUSPENSION AND TERMINATION.

(A) The City may suspend or terminate an Administrative Cultivation Permit at any time for failure to comply with this chapter or state law or regulation.

(B) If a person's Administrative Cultivation Permit is suspended, terminated, or expired, the permit holder's marijuana plants that exceed 28.5 grams may be assessed fines by the City until both of the following are met:

- (1) The person reinstates their Administrative Cultivation Permit.
- (2) The person pays an administration penalty pursuant to § 120.15 PENALTIES.

(C) A person may appeal any suspension or termination of an Administrative Cultivation Permit pursuant to § 120.14 APPEALS PROCEDURE.

§ 120.09 MULTIPLE ADMINISTRATIVE CULTIVATION PERMIT APPLICATIONS.

(A) Application for Administrative Cultivation Permit in a New Private Residence.

(1) An Administrative Cultivation Permit holder may apply for an Administrative Cultivation Permit for a private residence other than the private residence specified on the existing permit. If the application is approved, the former Administrative Cultivation Permit shall be immediately null and void. If the application is denied, the existing Administrative Cultivation Permit shall continue under its applicable terms and conditions. If the applicant appeals a denial of the application, the existing Administrative Cultivation Permit shall continue under its applicable terms and conditions.

(B) Application for a Different Cultivation Site within the Same Private Residence.

(1) If a current Administrative Cultivation Permit holder applies for an Administrative Cultivation Permit for the private residence on the existing permit but for a cultivation site other than specified on the existing permit, the existing permit will terminate upon approval of the application.

(C) Application for the Same Cultivation Site in Same Private Residence.

(1) If an additional person applies for an Administrative Cultivation Permit for the same cultivation site within the same private residence of a current Administrative Cultivation Permit holder, a permit shall not be issued if the existing permit has been terminated or suspended. If the Administrative Cultivation Permit is approved for the additional Applicant, the total number of marijuana plants within a single private residence shall be limited to six (6). In no event shall the number of marijuana plants exceed six (6).

(2) An additional Administrative Cultivation Permit for the same cultivation site shall only be issued if all Administrative Cultivation Permits related to that cultivation site are in good standing with the City.

REGULATIONS FOR COMMERCIAL CANNABIS CULTIVATION

§ 120.10 COMMERCIAL CANNABIS CULTIVATION.

(A) A commercial cannabis cultivation business may be permitted within the city pursuant to a development agreement pursuant to California Government Code section 65864 *et seq.*, known as the Development Agreement Statute. The Development Agreement shall include a Risk Management Plan.

(B) A commercial cannabis cultivation business shall only be allowed in a Cannery District (CD), Industrial District (I), or Light Industrial (M-1) zoning district.

(C) A commercial cannabis cultivation business shall not cultivate outdoors anywhere within the city.

(D) All commercial cannabis cultivation businesses shall comply with all of the following:

(1) *Conditional Use Permit.* Concurrently with applying for a development agreement, the applicant shall obtain a conditional use permit pursuant to RMC §153.216 USE PERMIT of the Riverbank Municipal Code. Information that may be duplicative in the two applications can be incorporated by reference. The conditional use permit shall run with the development agreement and not the land.

(2) *Secure Building.* All commercial cannabis activity shall occur entirely inside of a building that is secure, locked, and fully enclosed, with a ceiling, roof, or other enclosure. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures (including, without limitation, commercial greenhouse structures), and include material strong enough to prevent entry except through an open door. Notwithstanding the foregoing, the roof may be of solid translucent material provided other security measures exist to ensure that the cannabis operation cannot be seen, heard or smelled beyond the property line.

(3) *Security Plan.* A commercial cannabis cultivation business shall comply with security requirements acceptable to the Police Chief on an individual project basis. The security

requirements will specify at a minimum provisions for perimeter fencing plan, interior and exterior lighting plan, security camera layouts, security team plan, alarm system details, transportation, remote monitoring, electronic track and trace, fire suppression plan, and record keeping.

(4) *Insurance.* A commercial cannabis cultivation business shall maintain insurance in the amounts and of the types that are acceptable to the City Manager or his or her designee. The city shall be named as additional insured on all city-required insurance policies.

(5) *Waste Management Plan.* A commercial cannabis cultivation business shall submit and comply with an approved commercial cannabis waste management plan describing how cannabis waste will be documented, shredded, blended 50/50 with shredded cardboard or paper, bagged up, and taken to a transfer station/landfill. Any reuse or recycling of the shredded materials for hemp paper and cloth or other uses shall be addressed under a development agreement or conditional use permit. If applicable, the plan shall include a description of measures to be taken relating to light bulb recycling.

(6) *Risk Management Plan.* A commercial cannabis cultivation business shall submit and comply with an approved risk management plan, which is used for identifying, analyzing and responding to risk factors throughout the life of the project. The risk management plan shall contain at a minimum these five (5) steps:

- (a) Step 1 – An identification of the risks;
- (b) Step 2 – An analysis of the risks;
- (c) Step 3 – An evaluation or ranking of the risks;
- (d) Step 4 – Recommended treatment for the risks; and
- (e) Step 5 – Discussion of a method to monitor and review the risks.

(7) *Signage.* Signage informing the public of a commercial cannabis cultivation business shall conform to the applicable zoning district requirements and include one (1) “green cross” logo, maximum four (4) square feet in size, lighted or unlighted, on the structure near the main entrance to each building for wayfinding. If unlighted, the sign shall be reflective. The green cross shall not count towards the maximum square footage of signage permitted for the site nor restrict the use of green crosses on other signage.

REGULATIONS FOR CANNABIS TESTING LABORATORIES

§ 120.11 CANNABIS TESTING LABORATORY.

(A) A cannabis testing laboratory may be permitted with a conditional use permit pursuant to RMC §153.216 USE PERMITS.

(B) Cannabis testing laboratories shall only be located in a General Commercial (C-2), Commercial-Industrial (CM), Downtown General (DG), Cannery District (CD), or Research and Development (R&D) zoning districts.

(C) All cannabis testing laboratories shall obtain the proper state permit(s), maintain a city business license, and maintain compliance with all of the following:

(1) *Standard Operating Procedures.* All commercial cannabis activities shall provide a copy of their State-required standard operating procedures.

(2) *Secure Building.* All commercial cannabis activity shall occur entirely inside of a building that is secure, locked, and fully enclosed, with a ceiling, roof, or other enclosure. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures and include material strong enough to prevent entry except through an open door.

(3) *Security Plan.* A cannabis testing laboratory shall comply with security requirements acceptable to the Police Chief on an individual project basis. The security requirements will specify at a minimum provisions for perimeter fencing plan, interior and exterior lighting plan, security camera layouts, security team plan, alarm system details, transportation, remote monitoring, electronic track and trace, fire suppression plan, and record keeping.

(4) *Insurance.* A cannabis testing laboratory shall maintain insurance in the amounts and of the types that are acceptable to the City Manager or his or her designee. The city shall be named as additional insured on all city-required insurance policies.

(5) *Waste Management Plan.* A cannabis testing laboratory shall submit and comply with an approved commercial cannabis waste management plan describing how cannabis waste will be documented, shredded, blended 50/50 with shredded cardboard or paper, bagged up, and taken to a transfer station/landfill. Any reuse or recycling of the shredded materials for hemp paper and cloth or other uses shall be addressed under the conditional use permit.

(6) *Signage.* Signage informing the public of a cannabis testing laboratory shall conform to the applicable zoning district requirements and include one (1) "green cross" logo, maximum four (4) square feet in size, lighted or unlighted, on the structure near the main entrance

to each building for wayfinding. If unlighted, the sign shall be reflective. The green cross shall not count towards the maximum square footage of signage permitted for the site nor restrict the use of green crosses on other signage.

(D) This section shall not apply to cannabis testing laboratories established pursuant to a development agreement and conditional use permit.

REGULATIONS FOR CANNABIS DISPENSARIES

§ 120.12 CANNABIS DISPENSARIES.

(A) A cannabis dispensary may be permitted pursuant only to a development agreement.

(B) Cannabis dispensaries shall only be located in a General Commercial (C-2), Commercial-Industrial (CM), Cannery District (CD), Highway Boulevard (HB), Downtown General (DG), Downtown Core (DC), Light Industrial (M-1) or Research and Development (R&D) zoning district and at least six hundred (600) feet from a school, day care facility, or youth center. Therefore it shall be prohibited and no permit shall be issued in any other zoning district or planned development zone.

(C) All cannabis dispensaries shall obtain any applicable state permit, obtain a city business license, and maintain compliance with all of the following:

(1) *Security Plan.* A cannabis dispensary shall comply with security requirements acceptable to the Police Chief on an individual project basis. The security requirements will specify at a minimum provisions for perimeter fencing plan, interior and exterior lighting plan, security camera layouts, security team plan, alarm system details, transportation, remote monitoring, electronic track and trace, fire suppression plan, and record keeping.

(2) *Waste Management Plan.* A cannabis dispensary shall submit and comply with an approved commercial cannabis waste management plan describing how cannabis waste will be documented, shredded, blended 50/50 with shredded cardboard or paper, bagged up, and taken to a transfer station/landfill. Any reuse or recycling of the shredded materials for hemp paper and cloth or other uses shall be addressed under a development agreement or conditional use permit. If applicable, the plan shall include a description of measures to be taken relating to light bulb recycling.

(3) *Risk Management Plan.* A commercial cannabis dispensary shall submit and comply with an approved risk management plan, which is used for identifying, analyzing and

responding to risk factors throughout the life of the project. The risk management plan shall contain at a minimum these five (5) steps:

- (a) Step 1 – An identification of the risks;
- (b) Step 2 – An analysis of the risks;
- (c) Step 3 – An evaluation or ranking of the risks;
- (d) Step 4 – Recommended treatment for the risks; and
- (e) Step 5 – Discussion of a method to monitor and review the risks.

(4) *No Loitering Signage.* A cannabis dispensary shall be posted with “No Loitering” signage and enforce it pursuant to RMC §130.02 Loitering.

REGULATIONS FOR CANNABIS DELIVERY

§ 120.13 CANNABIS DELIVERY.

All cannabis delivery is prohibited within the city unless the cannabis business obtains a city business license and maintains compliance with §120.12 and RMC §110.19 DELIVERY BY VEHICLE.

APPEALS AND ENFORCEMENT

§ 120.14 APPEALS PROCEDURE.

(A) Any permit applicant may appeal any adverse action taken under this chapter to the City Council.

(B) All appeals taken under this chapter must be taken within 30 days after the adverse action by filing with the office of the City Clerk a written notice of appeal specifying the grounds thereof. An appeal shall be accompanied by a non-refundable filing fee, as established by resolution adopted by the City Council from time to time.

(C) The City Clerk, upon the filing of such appeal and payment of an appeal fee, shall place the matter upon the agenda for the next regular meeting of the City Council occurring not

earlier than five days after the filing of the appeal, and shall notify the appealing permit applicant by letter of the meeting date and place at which the appeal will be heard.

§ 120.15 PENALTIES.

(A) Any use or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Cal. Code of Civil Procedure § 731 or any other remedy available to the City.

(B) In addition to any other enforcement permitted by this chapter, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person or entity that violates this chapter. In any civil action brought pursuant to this chapter, a court of competent jurisdiction may award reasonable attorney's fees and costs to the prevailing party.

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

§ 120.16 COST RECOVERY.

(A) The city shall be entitled to recover its abatement and enforcement costs incurred in obtaining compliance with this chapter. Costs incurred by the city are recoverable even if a public nuisance, Municipal Code, or other violation of law is corrected by the property owner or other responsible party.

(B) The cost of abating a public nuisance or enforcing this chapter shall either be a special assessment and lien on the subject property or the personal obligation of the owner of the subject property or the responsible party. If there is more than one responsible party, each party shall be jointly and severally liable for the costs.

(C) For purposes of this chapter, the following additional definitions shall apply:

(1) *Abatement costs* include the actual and reasonable costs incurred by the city to abate a public nuisance. These costs include all direct and indirect costs to the City that result from the total abatement action, including but not limited to, investigation costs, costs to enforce the Municipal Code and any applicable State or County law, clerical and administrative costs to process paperwork, costs incurred to provide notices and prepare for and conduct administrative appeal hearings, and costs to conduct actual abatement of the nuisance. Costs include personnel

costs, administrative overhead, costs for equipment such as cameras and vehicles, staff time to hire a contractor, and reasonable attorneys' fees incurred by city.

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

(3) *Responsible party* means a person or entity responsible for creating, causing, committing, or maintaining the violation of this chapter or State or County law.

(4) *Subject property* means the real property that is the subject of any abatement or enforcement action by the city for which the city incurred costs and seeks recovery under this chapter.

§ 120.17 SEVERABILITY.

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

SECTION 2: Amending Title XI: Business Regulations by repealing in its entirety Section 110.19: Delivery by Vehicle of Chapter 110: Business License Tax, which shall be replaced by a new Section 110.19, and shall read as follows:

CHAPTER 110: BUSINESS LICENSE TAX

Section

110.19 Delivery by vehicle

§ 110.19 DELIVERY BY VEHICLE.

(A) Every person not having a fixed place of business within the city, and not being herein otherwise licensed or classified, who delivers goods, wares, or merchandise of any kind by the use of vehicles in the city, shall pay a license fee at a rate set by the City Council, as amended time to time.

(B) Subsection (A) shall apply to all cannabis businesses that provide delivery service within the city unless that business is expressly exempt from this section.

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

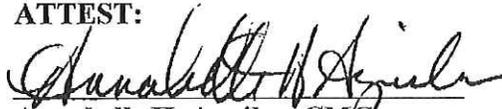
SECTION 4: This Ordinance shall become effective thirty (30) days from and after its final passage (09/22/2017), provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on August 8, 2017. Said ordinance was given a second reading by title only and adopted.

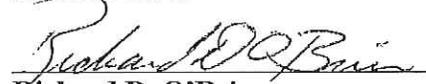
PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the 22nd day of August, 2017; motioned by Vice Mayor Leanne Jones Cruz, seconded by Councilmember District 4 Darlene Barber-Martinez, and moved said ordinance by a City Council roll call vote of 5-0:

AYES: Fosi, Barber-Martinez, Campbell, Jones Cruz, and Mayor O'Brien
NAYS: None
ABSENT: None
ABSTAINED: None

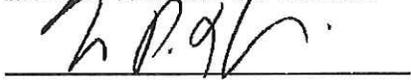
ATTEST:


Annabelle H. Aguilar, CMC
City Clerk

APPROVED:


Richard D. O'Brien
Mayor

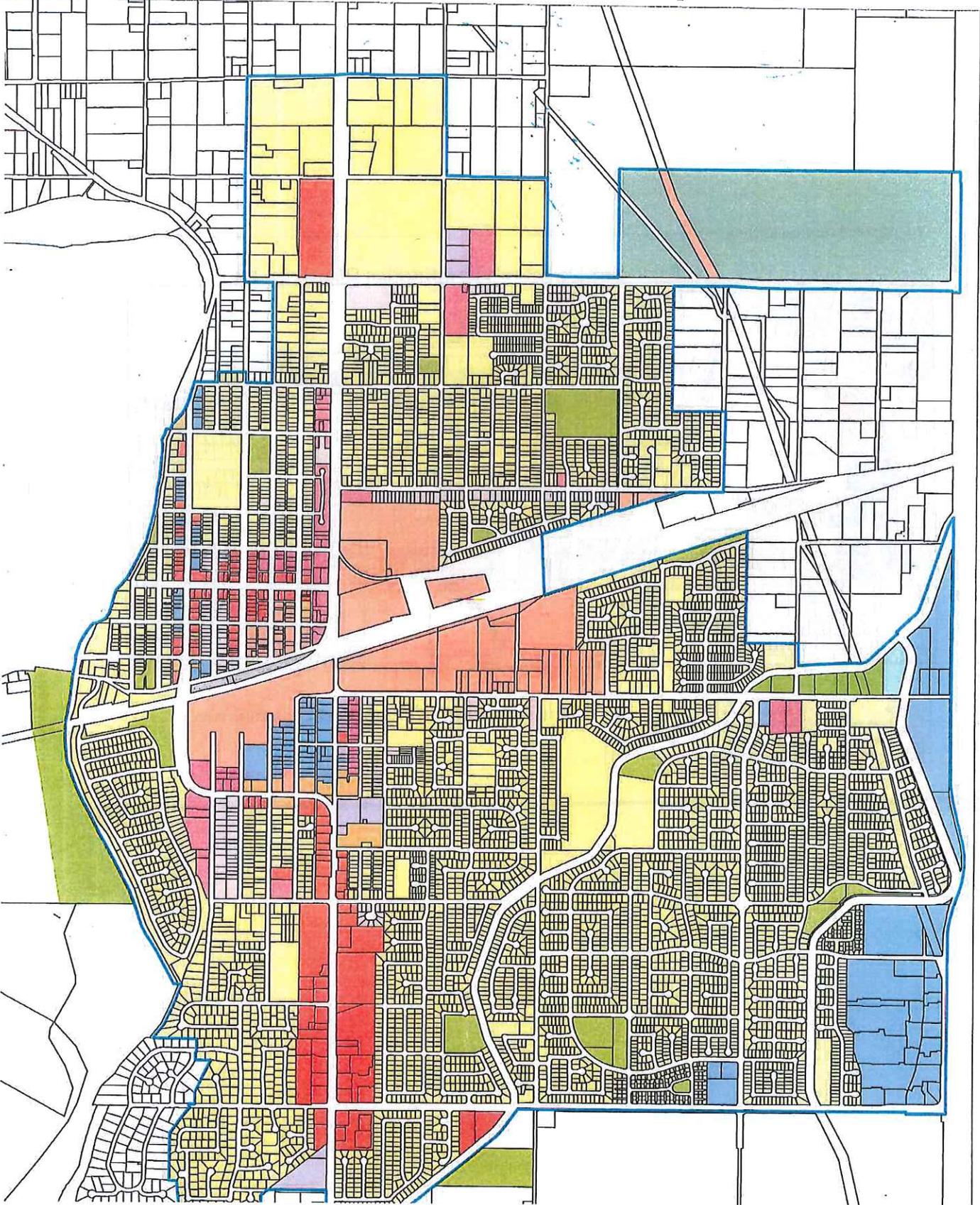
APPROVED AS TO FORM:


Tom P. Hallinan, City Attorney



City of Riverbank ZONING

- Neighborhood Commercial (C-1)
- General Commercial (C-2)
- Commercial - Industrial (CI)
- Light Industrial (M-1)
- Mixed Use (MX-1)
- Park
- Single Family Residential (R-1)
- Duplex Residential (R-2)
- Multiple Family Residential (R-3)
- Rural to Low Residential (RLR - SP1)
- Public/Quasi Public (PQP)
- Riverbank Industrial Complex Park
- Unassigned
- City Limits



August 2015

2.1 DISTRICT ZONE REGULATIONS

Riverbank Downtown Specific Plan District Zones



LEGEND

	Specific Plan Area		Downtown General
	Highway Boulevard		Mixed-Use Neighborhood
	Downtown Core		Downtown Neighborhood

Scale: 0 200 400 FEET

North arrow pointing up.

DISTRICT BOUNDARIES TO BE USED IN THE REGULATING PLAN

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
RAAP SPECIFIC PLAN EIR
PROJECT DESCRIPTION

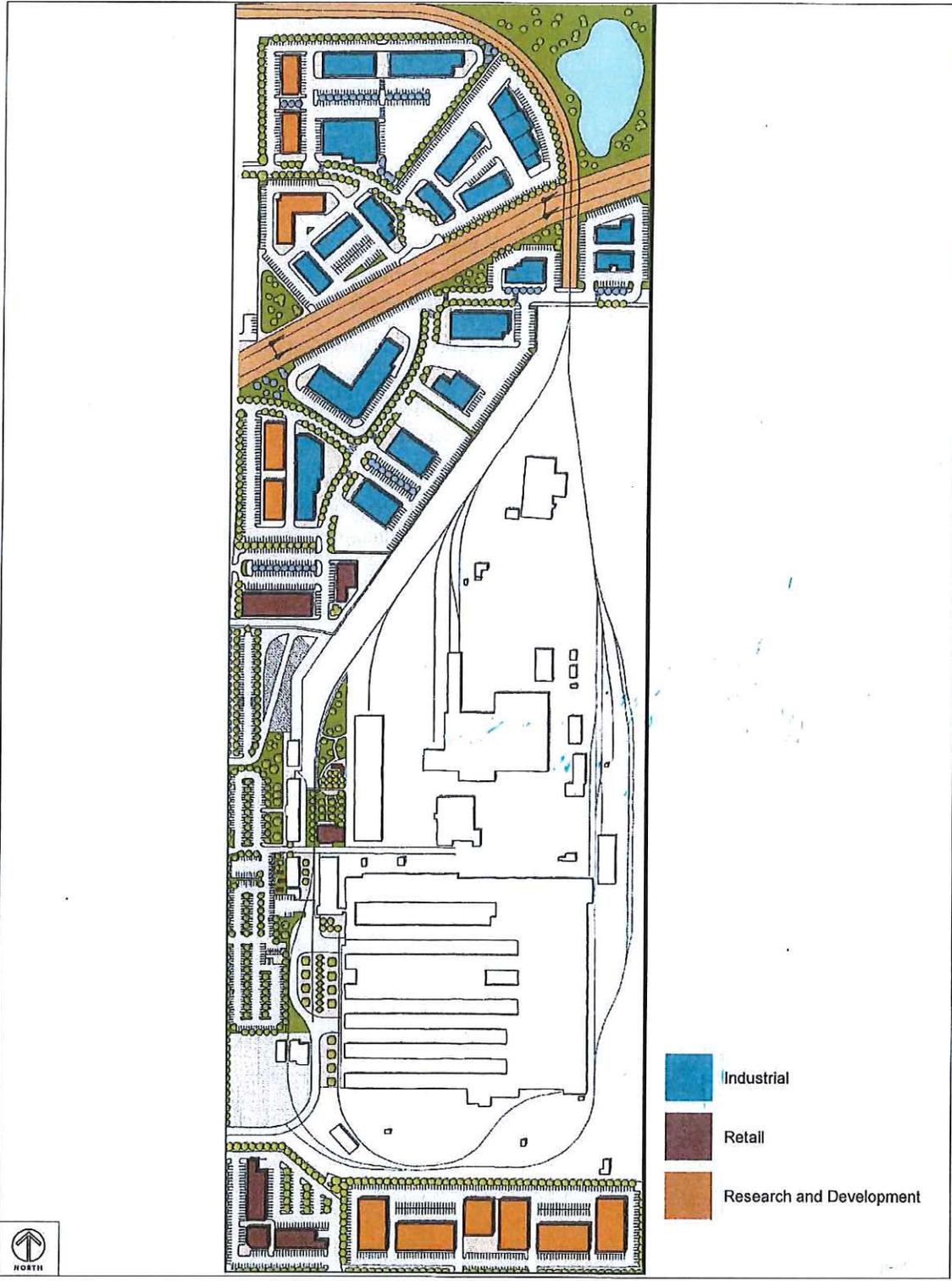


FIGURE 3-4
LAND USE CONCEPT

