



**OROVILLE CITY COUNCIL**  
Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

**November 20, 2018**  
**REGULAR MEETING**  
**CLOSED SESSION NONE**  
**OPEN SESSION 5:30 P.M.**  
**AGENDA**

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**CALL TO ORDER**

**ROLL CALL**

Council Members: Jack Berry, Marlene Del Rosario, Linda Draper, Art Hatley, Scott Thomson, Vice Mayor Janet Goodson, Mayor Linda Dahlmeier

**CLOSED SESSION- NONE**

**OPEN SESSION (5:30 p.m.)**

**PLEDGE OF ALLEGIANCE**

**ADOPT AGENDA**

**PRESENTATIONS/PROCLAMATIONS/OATH OF OFFICE - NONE**

**REQUESTS TO ADDRESS COUNCIL**

If you would like to address the Council at this meeting, you are requested to complete the blue speaker request form (located on the wall by the agendas) and hand it to the City Clerk, who is seated on the right of the Council Chamber. The form assists the Clerk with minute taking and assists the Mayor or presiding chair in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, please submit the form prior to the conclusion of the staff presentation for that item. Council has established time limitations of three (3) minutes per speaker on all items and an overall time limit of thirty minutes for non-agenda items. If more than 10 speaker cards are submitted for non-agenda items, the time limitation would be reduced to two minutes per speaker. If more than 15 speaker cards are submitted for non-agenda items, the first 15 speakers will be randomly selected to speak at the beginning of the meeting, with the remaining speakers given an opportunity at the end. **(California Government Code §54954.3(b))**. Pursuant to Government Code Section 54954.2, the Council is prohibited from taking action except for a brief response from the Council or staff to statements or questions relating to a non-agenda item.

**PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS** – This is the time to address the Council about any item not listed on the agenda. If you wish to address the Council on an item listed on the agenda, please follow the directions listed above.

**CONSENT CALENDAR - AGENDA ITEMS 1-3:** Consent calendar items are adopted in one action by the Council. Items that are removed will be discussed and voted on immediately after adoption of consent calendar items.

**1. RECOLOGY SERVICE RATE INCREASE FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE**

NO ACTION NECESSARY, INFORMATION ONLY

**2. AN URGENCY ORDINANCE TO ESTABLISH A TEMPORARY MORATORIUM ON RESIDENTIAL RENT INCREASES IN THE CITY OF OROVILLE**

ADOPT BY AT LEAST FOUR-FIFTHS MAJORITY VOTE URGENCY ORDINANCE NO. 1832 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA ESTABLISHING A TEMPORARY MORATORIUM ON RESIDENTIAL RENT INCREASES IN THE CITY OF OROVILLE

**3. AN URGENCY ORDINANCE REGARDING TEMPORARY RESIDENTIAL USE OF RECREATIONAL VEHICLES**

ADOPT URGENCY ORDINANCE NO. 1833 - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA AMENDING TITLE 17- ADDING SECTION 17.08.170 TO ALLOW THE RESIDENTIAL USE OF RECREATIONAL VEHICLES FOR THOSE PARTS OF THE CITY OF OROVILLE MOST SEVERELY IMPACTED BY THE CAMP FIRE OF NOVEMBER 2018.

**PUBLIC HEARINGS - NONE**

**REGULAR BUSINESS - Action Calendar**

**4. SECOND READING AND ADOPTION ORDINANCES NO. 1830 AMENDING TITLE 17 (ZONING) OF THE OROVILLE MUNICIPAL CODE TO ESTABLISH ZONING FOR COMMERCIAL CANNABIS ACTIVITIES AND ORDINANCE NO. 1831 AMENDING TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE OROVILLE MUNICIPAL CODE TO REGULATE THE ESTABLISHMENT AND OPERATION OF ALL COMMERCIAL CANNABIS ACTIVITIES IN THE CITY OF OROVILLE**

**RECOMMENDATION**

Waive second reading and adopt, Ordinance No. 1830 amending Oroville Municipal Code Title 17 (Zoning) and Ordinance No. 1831 amending Oroville Municipal Code Title 5 (Business Licenses and Regulations).

**5. HAVEN OF HOPE RESOURCE CENTER REQUEST FOR FUNDING FOR REHABILITATION AND REMODEL OF FACILITY**

**RECOMMENDATION**

Provide staff direction

**6. OROVILLE RESCUE MISSION REQUEST FOR FUNDING FOR REHABILITATION AND REMODEL OF FACILITY**

**RECOMMENDATION**

Provide staff direction

**COUNCIL ANNOUNCEMENTS/DISCUSSIONS/FUTURE AGENDA ITEMS**

**ADMINISTRATION REPORTS**

**CORRESPONDENCE**

**ADJOURN THE MEETING**

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on Tuesday, December 4, 2018 at 5:30 p.m.

*Accommodating Those Individuals with Special Needs* – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the City Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.

*Recordings* - All meetings are recorded and broadcast live on [cityoforoville.org](http://cityoforoville.org) and YouTube.

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS**

**FROM: BILL LAGRONE, ASSISTANT CITY ADMINISTRATOR**

**RE: RECOLOGY SERVICE RATE INCREASE FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE**

**DATE: NOVEMBER 20, 2018**

**SUMMARY**

The Council will receive an update on the Recology service rate increase for the collection and disposal of solid waste that will become effective January 1, 2019.

**DISCUSSION**

The intent of this Staff Report is to inform the Council of a rate increase that will become effective January 1, 2019. Recology, the City's contractor for the collection and disposal of solid waste, has submitted to the City pursuant to Section 6.1 of the Franchise Agreement between the City and Recology, their proposed rate increase for solid waste collection services effective January 1, 2019. In 1993, the City entered into a franchise agreement (Agreement No. 474) with what is now Recology, for collection and disposal of solid waste and recyclable materials generated by homes and businesses in the City limits, which has been subsequently amended five times.

Section 6.1 of the Agreement specifies that the fees collected by Recology shall be indexed to the United States Consumer Price Index (CPI) for all urban consumers and shall be adjusted each year to reflect the yearly changes, if any, in the cost of living as shown in the CPI for all urban consumers. These increases are to be in addition to any other increases that may be allowed by the Agreement. Additionally, Section 6.2 specifies that in addition to the cost of living increases in Section 6.1, Recology shall be entitled to pass through to customers any increases incurred by increases in fees at the Neal Road Landfill or caused by acts of any governmental body. Section 6 of the Agreement specifies that rates and increases, with the exception of the increases in Section 6.1 and 6.2 as identified herein, may not be altered without a Council action.

**FISCAL IMPACT**

No impact to the General Fund.

## **RECOMMENDATIONS**

None. For informational purposes only.

## **ATTACHMENTS**

A – Recology Rate Increase Package for 2019

B – Consumer Price Indexes Pacific Cities and U.S. City Average (August 2018)



City of Oroville

OCT 01 2018

Administration

26 September 2018


City of Oroville  
Bill LaGrone, City Manager  
1735 Montgomery St  
Oroville, CA 95965

RE: Rate Application City of Oroville 2019

Dear Mr. Bill LaGrone-

Please accept this letter and the attached supporting documentation as Recology's 2019 rate year application. Based upon the CPI for Oroville this year's application has a 2.700% increase. Please feel free to contact me with any questions.

Sincerely,

  
Daniel P. Shea  
General Manager

**Consumer Price Index  
 All Urban Consumers  
 U. S. City Average  
 Applicable to City of Oroville**

<b>Applies to Rate Year Beginning</b>	<b>Index Date (Month of:)</b>	<b>U.S. City Average</b>	
		Index	Per Cent Change
<b>January 1, 2019</b>	<b>August 2018</b>	<b>252.146</b>	
January 1, 2018	August 2017	245.519	
<b>Index Increase: August 2017 to August 2018</b>		<b>6.627</b>	<b>2.6992%</b>

Rounded to 4 decimal places    **2.700%**

**CITY OF OROVILLE**

**RATE YEAR 2019**

For Rates in Effect from January 01, 2019 to December 31, 2019

**Cost Factors & Components**

**Increase Components**

Factor	Year	
	Current	Prior
<b>Cost of Living</b>	<b>2.70%</b>	0.00%
Other	0.00%	0.00%
Other	0.00%	0.00%
<b>Total Increase</b>	<b>2.70%</b>	0.00%

**Landfill / Disposal Component**

<b>New Landfill Rate Component</b>	<b>\$41.77 per ton</b>
Old Landfill Rate Component	<b>\$40.67</b>
Landfill Increase	
\$	\$1.10 per ton
%	2.70%

**Franchise Fee**

Actual	10.00%
Calc Factor	10.00%

**Densities & Weights**

	Old		New	
	Lbs.	Lbs/Cu Yd	Lbs.	Lbs/Cu Yd
<b>Residential</b>				
32 gallon Can	28	177	28	177
64 gallon Can	65	205	65	205
96 gallon Can	75	158	75	158
20 gallon Bag	18	182	18	182
Other				
<b>Commercial Cans &amp; Carts</b>				
32 gallon Can	28	177	28	177
64 gallon Can	65	205	65	205
96 gallon Can	75	158	75	158
20 gallon Bag	18	182	18	182
Other				
<b>Commercial Bins</b>				
Regular Service Bin		150		150
Single Service / Pull Bin		500		500
<b>Debris Box &amp; Roll Off</b>				
Box - General MSW		275		275
C & D		300		300
Wood		345		345
<b>Compactors</b>				
Box - General MSW		600		600

**Gate Rates - Transfer Station Increase** 2.70%

**Fixed Amount Increases**

Base Rate	Increase	Total Rate
Current	0.00	\$0.00 /HH/Mo
Effective 5/1/04	0.00	0.00 /HH/Mo
Effective 1/1/05	0.00	0.00 /Mo

**Curbside Recycling**

	Increase	Total Rate
Effective 1/1/04	\$0.00	\$0.00 /HH/Mo
Effective 5/1/04	0.85	0.85 /HH/Mo
Effective 1/1/05	0.87	1.72 /HH/Mo
Effective 1/1/06	0.87	2.59 /HH/Mo

Increase By Biz. Unit Component

**Residential**

<b>Basic Service</b>	2.70%
Disposal	2.70%
Recycling (All)	2.70%
HHaz Waste	2.70%
GW Xfr Facility	0.00%
AB 939 Fee	0.00%
Senior Citizen Discount	0.00%
Other	0.00%

**Commercial**

<b>Basic Service</b>	2.70%
Disposal	2.70%
Recycling (All)	2.70%
HHaz Waste	2.70%
GW Xfr Facility	0.00%
AB 939 Fee	0.00%
Other	0.00%

**Debris Box**

<b>Basic Service</b>	2.70%
Disposal	2.70%
Recycling (All)	2.70%
HHaz Waste	2.70%
GW Xfr Facility	0.00%
AB 939 Fee	0.00%
Other	0.00%

**Compactors**

<b>Basic Service</b>	2.70%
Disposal	2.70%
Recycling (All)	2.70%
HHaz Waste	2.70%
GW Xfr Facility	0.00%
AB 939 Fee	0.00%
Other	0.00%

**Public Dumping Rates**

<b>Basic Service</b>	2.70%
Disposal	2.70%
Recycling (All)	2.70%
HHaz Waste	2.70%
GW Xfr Facility	0.00%
AB 939 Fee	0.00%
Other	0.00%

**Current Rates**

January 01, 2018  
December 31, 2018

**New Rates**

**January 01, 2019**  
**December 31, 2019**



**City of Oroville  
Residential Rates**

**CURRENT RESIDENTIAL RATES**

One Pickup per Week	Monthly Rate									
	Base Rate	C / S Recycling	C / S Green Waste	Disposal	Sub Total	Fran Fee	HHaz	AB 939	Other	Total Charge
1 x 32 - gallon can	\$13.39	\$3.28	\$0.00	\$2.47	\$19.14	\$2.25	\$0.46	\$0.63	\$0.00	\$22.48
2 x 32 - gallon can	19.02	3.28	0.00	4.94	27.24	3.15	0.46	0.63	0.00	31.48
3 x 32 - gallon can	22.38	3.28	0.00	7.41	33.07	3.80	0.46	0.63	0.00	37.96
1 x 64 -gallon cart	16.79	3.28	0.00	5.73	25.80	2.99	0.46	0.63	0.00	29.88
1 x 96 -gallon cart	17.67	3.28	0.00	6.61	27.56	3.18	0.46	0.63	0.00	31.83
1 Additional Can w/ 96-gal Cart	6.13			2.47	8.60	0.96	-	-	0.00	9.56
Back Yard Service	7.26			-	7.26	0.81	-	-	0.00	8.07
Senior Citizen Discount	(0.95)			-	(0.95)	(0.11)	-	-	0.00	(1.06)

**PROPOSED RATES - EFFECTIVE January 01, 2019**

**RESIDENTIAL RATES**

One Pickup per Week	Monthly Rate									
	Base Rate	C / S Recycling	C / S Green Waste	Disposal	Sub Total	Fran Fee	HHaz	AB 939	Other	Total Charge
1 x 32 - gallon can	\$13.75	\$3.37	\$0.00	\$2.53	\$19.65	\$2.31	\$0.47	\$0.63	\$0.00	\$23.06
2 x 32 - gallon can	19.53	3.37	0.00	5.06	27.96	3.23	0.47	0.63	0.00	32.29
3 x 32 - gallon can	22.98	3.37	0.00	7.59	33.94	3.89	0.47	0.63	0.00	38.93
1 x 64 -gallon cart	17.24	3.37	0.00	5.88	26.49	3.07	0.47	0.63	0.00	30.66
1 x 96 -gallon cart	18.15	3.37	0.00	6.79	28.31	3.27	0.47	0.63	0.00	32.68
1 Additional Can w/ 96-gal Cart	6.30			2.53	8.83	0.98			0.00	9.81
Back Yard Service	7.46			-	7.46	0.83			0.00	8.29
Senior Citizen Discount	(0.95)			-	(0.95)	(0.11)			0.00	(1.06)

**City of Oroville**  
**Commercial Can & Cart Rates**

**CURRENT COMMERCIAL CAN & CART RATES**

One Pickup per Week	Monthly Rate							Total Charge
	Base Rate	Disposal	Sub Total	Fran Fee	HHaz	AB 939	Other	
1 x 32 - gallon can	\$13.41	\$2.47	\$15.88	\$1.83	\$0.00	\$0.63	\$0.00	\$18.34
2 x 32 - gallon can	19.04	4.94	23.98	2.73	0.00	0.63	0.00	27.34
3 x 32 - gallon can	22.39	7.41	29.80	3.38	0.00	0.63	0.00	33.81
1 x 64 -gallon cart	16.80	5.73	22.53	2.57	0.00	0.63	0.00	25.73
1 x 96 -gallon cart	17.69	6.61	24.30	2.77	0.00	0.63	0.00	27.70
1 Additional Can w/ 96-gal Cart	6.13	2.47	8.60	0.96			0.00	9.56

**PROPOSED RATES - EFFECTIVE January 01, 2019**

**COMMERCIAL CAN & CART RATES**

One Pickup per Week	Monthly Rate							Total Charge
	Base Rate	Disposal	Sub Total	Fran Fee	HHaz	AB 939	Other	
1 x 32 - gallon can	\$13.77	\$2.53	\$16.30	\$1.88	\$0.00	\$0.63	\$0.00	\$18.81
2 x 32 - gallon can	19.55	5.06	24.61	2.80	0.00	0.63	0.00	28.04
3 x 32 - gallon can	22.99	7.59	30.58	3.47	0.00	0.63	0.00	34.68
1 x 64 -gallon cart	17.25	5.88	23.13	2.64	0.00	0.63	0.00	26.40
1 x 96 -gallon cart	18.17	6.79	24.96	2.84	0.00	0.63	0.00	28.43
1 Additional Can w/ 96-gal Cart	6.30	2.53	8.83	0.98			0.00	9.81

**City of Oroville  
Commercial Bin Rates**

**CURRENT  
COMMERCIAL BIN RATES**

Bin Size	Frequency (Pickups per Week)					
	1	2	3	4	5	6
<b>1.0 Cu Yd</b>						
Base Rate	\$86.93	\$161.09	\$235.26	\$309.37	\$383.53	\$499.99
Disposal	13.22	26.44	39.65	52.87	66.09	79.31
Other	0.00	0.00	0.00	0.00	0.00	0.00
Sub Total	\$100.15	\$187.53	\$274.91	\$362.24	\$449.62	\$579.30
Franchise Fee	11.13	20.84	30.55	40.25	49.96	64.37
TOTAL	\$111.28	\$208.37	\$305.46	\$402.49	\$499.58	\$643.67
<b>1.5 Cu Yd</b>						
Base Rate	\$105.52					
Disposal	19.83					
Other	0.00					
Sub Total	\$125.35					
Franchise Fee	13.93					
TOTAL	\$139.28					
<b>2.0 Cu Yd</b>						
Base Rate	\$124.81	\$224.69	\$324.58	\$424.47	\$524.41	\$684.90
Disposal	26.44	52.87	79.31	105.74	132.18	158.61
Other	0.00	0.00	0.00	0.00	0.00	0.00
Sub Total	\$151.25	\$277.56	\$403.89	\$530.21	\$656.59	\$843.51
Franchise Fee	16.81	30.84	44.88	58.91	72.95	93.72
TOTAL	\$168.06	\$308.40	\$448.77	\$589.12	\$729.54	\$937.23
<b>3.0 Cu Yd</b>						
Base Rate	\$162.64	\$288.32	\$413.96	\$539.66	\$665.31	\$869.60
Disposal	39.65	79.31	118.96	158.61	198.27	237.92
Other	0.00	0.00	0.00	0.00	0.00	0.00
Sub Total	\$202.29	\$367.63	\$532.92	\$698.27	\$863.58	\$1,107.52
Franchise Fee	22.48	40.85	59.21	77.59	95.95	123.06
TOTAL	\$224.77	\$408.48	\$592.13	\$775.86	\$959.53	\$1,230.58
<b>4.0 Cu Yd</b>						
Base Rate	\$200.51	\$351.93	\$503.36	\$654.76	\$806.15	\$1,054.38
Disposal	52.87	105.74	158.61	211.48	264.36	317.23
Other	0.00	0.00	0.00	0.00	0.00	0.00
Sub Total	\$253.38	\$457.67	\$661.97	\$866.24	\$1,070.51	\$1,371.61
Franchise Fee	28.15	50.85	73.55	96.25	118.95	152.40
TOTAL	\$281.53	\$508.52	\$735.52	\$962.49	\$1,189.46	\$1,524.01
<b>5.0 Cu Yd</b>						
Base Rate	\$238.39	\$415.55	\$592.74	\$769.89	\$947.27	\$1,239.15
Disposal	66.09	132.18	198.27	264.36	330.44	396.53
Other	0.00	0.00	0.00	0.00	0.00	0.00
Sub Total	\$304.48	\$547.73	\$791.01	\$1,034.25	\$1,277.71	\$1,635.68
Franchise Fee	33.83	60.86	87.89	114.92	141.97	181.74
TOTAL	\$338.31	\$608.59	\$878.90	\$1,149.17	\$1,419.68	\$1,817.42
<b>6.0 Cu Yd</b>						
Base Rate	\$276.27	\$479.15	\$682.11	\$885.03	\$1,088.36	\$1,423.93
Disposal	79.31	158.61	237.92	317.23	396.53	475.84
Other	0.00	0.00	0.00	0.00	0.00	0.00
Sub Total	\$355.58	\$637.76	\$920.03	\$1,202.26	\$1,484.89	\$1,899.77
Franchise Fee	39.51	70.86	102.23	133.58	164.99	211.09
TOTAL	\$395.09	\$708.62	\$1,022.26	\$1,335.84	\$1,649.88	\$2,110.86

**City of Oroville  
Commercial Bin Rates**

**RATES EFFECTIVE January 01, 2019  
COMMERCIAL BIN RATES**

Bin Size	Frequency (Pickups per Week)					
	1	2	3	4	5	6
<b>1.0 Cu Yd</b>						
Base Rate	\$89.28	\$165.44	\$241.61	\$317.72	\$393.89	\$513.49
Disposal	13.58	27.15	40.73	54.30	67.88	81.45
Other	0.00	0.00	0.00	0.00	0.00	0.00
Sub Total	\$102.86	\$192.59	\$282.34	\$372.02	\$461.77	\$594.94
Franchise Fee	11.43	21.40	31.37	41.34	51.31	66.10
TOTAL	\$114.29	\$213.99	\$313.71	\$413.36	\$513.08	\$661.04
<b>1.5 Cu Yd</b>						
Base Rate	\$108.37					
Disposal	20.36					
Other	0.00					
Sub Total	\$128.73					
Franchise Fee	14.30					
TOTAL	\$143.03					
<b>2.0 Cu Yd</b>						
Base Rate	\$128.18	\$230.76	\$333.34	\$435.93	\$538.57	\$703.39
Disposal	27.15	54.30	81.45	108.60	135.75	162.90
Other	0.00	0.00	0.00	0.00	0.00	0.00
Sub Total	\$155.33	\$285.06	\$414.79	\$544.53	\$674.32	\$866.29
Franchise Fee	17.26	31.67	46.09	60.50	74.92	96.25
TOTAL	\$172.59	\$316.73	\$460.88	\$605.03	\$749.24	\$962.54
<b>3.0 Cu Yd</b>						
Base Rate	\$167.03	\$296.10	\$425.14	\$554.23	\$683.27	\$893.08
Disposal	40.73	81.45	122.18	162.90	203.63	244.35
Other	0.00	0.00	0.00	0.00	0.00	0.00
Sub Total	\$207.76	\$377.55	\$547.32	\$717.13	\$886.90	\$1,137.43
Franchise Fee	23.08	41.95	60.81	79.68	98.54	126.38
TOTAL	\$230.84	\$419.50	\$608.13	\$796.81	\$985.44	\$1,263.81
<b>4.0 Cu Yd</b>						
Base Rate	\$205.92	\$361.43	\$516.95	\$672.44	\$827.92	\$1,082.85
Disposal	54.30	108.60	162.90	217.20	271.51	325.81
Other	0.00	0.00	0.00	0.00	0.00	0.00
Sub Total	\$260.22	\$470.03	\$679.85	\$889.64	\$1,099.43	\$1,408.66
Franchise Fee	28.91	52.23	75.54	98.85	122.16	156.52
TOTAL	\$289.13	\$522.26	\$755.39	\$988.49	\$1,221.59	\$1,565.18
<b>5.0 Cu Yd</b>						
Base Rate	\$244.83	\$426.77	\$608.74	\$790.68	\$972.85	\$1,272.61
Disposal	67.88	135.75	203.63	271.51	339.38	407.26
Other	0.00	0.00	0.00	0.00	0.00	0.00
Sub Total	\$312.71	\$562.52	\$812.37	\$1,062.19	\$1,312.23	\$1,679.87
Franchise Fee	34.75	62.50	90.26	118.02	145.80	186.65
TOTAL	\$347.46	\$625.02	\$902.63	\$1,180.21	\$1,458.03	\$1,866.52
<b>6.0 Cu Yd</b>						
Base Rate	\$283.73	\$492.09	\$700.53	\$908.93	\$1,117.75	\$1,462.38
Disposal	81.45	162.90	244.35	325.81	407.26	488.71
Other	0.00	0.00	0.00	0.00	0.00	0.00
Sub Total	\$365.18	\$654.99	\$944.88	\$1,234.74	\$1,525.01	\$1,951.09
Franchise Fee	40.58	72.78	104.99	137.19	169.45	216.79
TOTAL	\$405.76	\$727.77	\$1,049.87	\$1,371.93	\$1,694.46	\$2,167.88

**City of Oroville**  
**Commercial Bin Rates, viz.:**  
**Extra Pickup Rates**

**CURRENT EXTRA PICKUP RATES**

Container Size	Charge per Pickup							Total Rate
	Base Rate	Disposal	Sub Total	Franch Fee	HHaz	AB 939	Other	
1.0 Cubic Yard Bin	\$20.66	\$10.17	\$30.83	\$3.43	\$0.00	\$0.00	\$0.00	\$34.26
1.5 Cubic Yard Bin	22.50	\$15.25	37.75	4.19	0.00	0.00	0.00	\$41.94
2.0 Cubic Yard Bin	25.52	\$20.34	45.86	5.10	0.00	0.00	0.00	\$50.96
3.0 Cubic Yard Bin	31.40	\$30.50	61.90	6.88	0.00	0.00	0.00	\$68.78
4.0 Cubic Yard Bin	37.26	\$40.67	77.93	8.66	0.00	0.00	0.00	\$86.59
6.0 Cubic Yard Bin	49.32	\$61.01	110.33	12.26	0.00	0.00	0.00	\$122.59

**PROPOSED RATES - EFFECTIVE January 01, 2019**

**EXTRA PICKUP RATES**

Container Size	Charge per Pickup							Total Rate
	Base Rate	Disposal	Sub Total	Franch Fee	HHaz	AB 939	Other	
1.0 Cubic Yard Bin	\$21.22	\$10.44	\$31.66	\$3.52	\$0.00	\$0.00	\$0.00	<b>\$35.18</b>
1.5 Cubic Yard Bin	23.11	\$15.66	38.77	4.31	0.00	0.00	0.00	<b>43.08</b>
2.0 Cubic Yard Bin	26.21	\$20.89	47.10	5.23	0.00	0.00	0.00	<b>52.33</b>
3.0 Cubic Yard Bin	32.25	\$31.33	63.58	7.06	0.00	0.00	0.00	<b>70.64</b>
4.0 Cubic Yard Bin	38.27	\$41.77	80.04	8.89	0.00	0.00	0.00	<b>88.93</b>
6.0 Cubic Yard Bin	50.65	\$62.66	113.31	12.59	0.00	0.00	0.00	<b>125.90</b>

**Weight Allowances for Bins**

Weight included in Charges above	Maximum Wt. / Bin		Excess Weight Charge per	
	Pounds	Tons	Pound	Ton
1.0 Cubic Yard Bin	500	0.250	\$0.0258	\$51.57
1.5 Cubic Yard Bin	750	0.375	0.0258	51.57
2.0 Cubic Yard Bin	1,000	0.500	0.0258	51.57
3.0 Cubic Yard Bin	1,500	0.750	0.0258	51.57
4.0 Cubic Yard Bin	2,000	1.000	0.0258	51.57
6.0 Cubic Yard Bin	3,000	1.500	0.0258	51.57

Current Rate Totals	228.41	228.78	457.19	50.81	0.00	0.00	0.00	508.00
Proposed Rate Totals	234.59	234.96	469.55	52.17	0.00	0.00	0.00	521.72
Adjustment %	2.71%	2.70%	2.70%	2.68%				2.70%
	228.41	228.78	457.19	50.81	0.00	0.00	0.00	508.00

**City of Oroville  
Debris Box Rates**

**CURRENT DEBRIS BOX RATES - SINGLE PULL**

Debris Box Size	Charge per Pull							Total Charge
	Base Rate	Disposal	Sub Total	Franch Fee	HHaz	AB 939	Other	
3 Cubic Yards	\$120.33	\$16.78	\$137.11	\$15.23	\$0.00	\$0.00	\$0.00	\$152.34
6 Cubic Yards	146.28	33.55	179.83	19.98	0.00	0.00	0.00	199.81
15 Cubic Yards	234.61	83.88	318.49	35.39	0.00	0.00	0.00	353.88
20 Cubic Yards	256.92	111.84	368.76	40.97	0.00	0.00	0.00	409.73
22 Cubic Yards	0.00	0.00	0.00	0.00	0.00	0.00	0.00	n / a
25 Cubic Yards	0.00	0.00	0.00	0.00	0.00	0.00	0.00	n / a
30 Cubic Yards	335.56	167.76	503.32	55.92	0.00	0.00	0.00	559.24
35 Cubic Yards	0.00	0.00	0.00	0.00	0.00	0.00	0.00	n / a
40 Cubic Yards	389.31	223.69	613.00	68.11	0.00	0.00	0.00	681.11
50 Cubic Yards	0.00	0.00	0.00	0.00	0.00	0.00	0.00	n / a
Trip Charge	\$49.80		49.80	5.53	0.00	0.00	0.00	\$55.33

**PROPOSED RATES - EFFECTIVE January 01, 2019**

**DEBRIS BOX - Single Pull Rates**

Debris Box Size	Charge per Pull							Total Charge
	Base Rate	Disposal	Sub Total	Franch Fee	HHaz	AB 939	Other	
3 Cubic Yards	\$123.58	\$17.23	\$140.81	\$15.65	\$0.00	\$0.00	\$0.00	<b>\$156.46</b>
6 Cubic Yards	150.23	\$34.46	184.69	20.52	0.00	0.00	0.00	<b>205.21</b>
15 Cubic Yards	240.94	86.15	327.09	36.34	0.00	0.00	0.00	<b>363.43</b>
20 Cubic Yards	263.86	\$114.87	378.73	42.08	0.00	0.00	0.00	<b>420.81</b>
22 Cubic Yards	0.00	\$0.00	0.00	0.00	0.00	0.00	0.00	n / a
25 Cubic Yards	0.00	\$0.00	0.00	0.00	0.00	0.00	0.00	n / a
30 Cubic Yards	344.62	\$172.30	516.92	57.44	0.00	0.00	0.00	<b>574.36</b>
35 Cubic Yards	0.00	\$0.00	0.00	0.00	0.00	0.00	0.00	n / a
40 Cubic Yards	399.82	\$229.74	629.56	69.95	0.00	0.00	0.00	<b>699.51</b>
50 Cubic Yards	0.00	\$0.00	0.00	0.00	0.00	0.00	0.00	n / a
Trip Charge	\$51.14	\$0.00	51.14	5.68	0.00	0.00	0.00	<b>\$56.82</b>

**Weight Allowances for Debris Boxes**

Weight allowed in Charges above	Maximum Weight		Excess Weight Charge per	
	Pounds	Tons	Pound	Ton
	3 Cubic Yards	825	0.413	\$0.0258
6 Cubic Yards	1,650	0.825	0.0258	51.57
15 Cubic Yards	4,125	2.063	0.0258	51.57
20 Cubic Yards	5,500	2.750	0.0258	51.57
22 Cubic Yards	6,050	3.025	0.0258	51.57
25 Cubic Yards	6,875	3.438	0.0258	51.57
30 Cubic Yards	8,250	4.125	0.0258	51.57
35 Cubic Yards	9,625	4.813	0.0258	51.57
40 Cubic Yards	11,000	5.500	0.0258	51.57
50 Cubic Yards	13,750	6.875	0.0258	51.57

**City of Oroville  
Compactor Rates**

**CURRENT COMPACTOR RATES - SINGLE PULL CHARGE PER LOAD**

Bin / Box Size	Charge per Pull							Total Charge
	Base Rate	Disposal	Sub Total	Franch Fee	HHaz	AB 939	Other	
4 Cubic Yards	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	n / a
6 Cubic Yards	0.00	0.00	0.00	0.00	0.00	0.00	0.00	n / a
15 Cubic Yards	196.97	183.02	379.99	42.22	0.00	0.00	0.00	\$422.21
20 Cubic Yards	228.46	244.02	472.48	52.50	0.00	0.00	0.00	\$524.98
22 Cubic Yards	291.68	268.42	560.10	62.23	0.00	0.00	0.00	\$622.33
25 Cubic Yards	377.69	305.03	682.72	75.86	0.00	0.00	0.00	\$758.58
30 Cubic Yards	386.41	366.03	752.44	83.60	0.00	0.00	0.00	\$836.04
35 Cubic Yards	0.00	0.00	0.00	0.00	0.00	0.00	0.00	n / a
40 Cubic Yards	514.77	488.04	1,002.81	111.42	0.00	0.00	0.00	\$1,114.23
50 Cubic Yards	0.00	0.00	0.00	0.00	0.00	0.00	0.00	n / a
Trip Charge	\$48.85		48.85	5.43	0.00	0.00	0.00	\$54.28

**PROPOSED RATES - EFFECTIVE January 01, 2019**

**COMPACTOR - Single Pull Rates**

Bin / Box Size	Charge per Pull							Total Charge
	Base Rate	Disposal	Sub Total	Franch Fee	HHaz	AB 939	Other	
4 Cubic Yards	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	n / a
6 Cubic Yards	0.00	\$0.00	0.00	0.00	0.00	0.00	0.00	n / a
15 Cubic Yards	202.29	\$187.97	390.26	43.36	0.00	0.00	0.00	<b>433.62</b>
20 Cubic Yards	234.63	\$250.62	485.25	53.92	0.00	0.00	0.00	<b>539.17</b>
22 Cubic Yards	299.56	\$275.68	575.24	63.92	0.00	0.00	0.00	<b>639.16</b>
25 Cubic Yards	387.89	\$313.28	701.17	77.91	0.00	0.00	0.00	<b>779.08</b>
30 Cubic Yards	396.84	\$375.93	772.77	85.86	0.00	0.00	0.00	<b>858.63</b>
35 Cubic Yards	0.00	\$0.00	0.00	0.00	0.00	0.00	0.00	n / a
40 Cubic Yards	528.67	\$501.24	1,029.91	114.43	0.00	0.00	0.00	<b>1,144.34</b>
50 Cubic Yards	0.00	\$0.00	0.00	0.00	0.00	0.00	0.00	n / a
Trip Charge	\$50.17	\$0.00	50.17	5.57	0.00	0.00	0.00	<b>\$55.74</b>

**Weight Allowances for Compactor Boxes**

Weight allowed in Charges above	Maximum Weight		Excess Weight Charge per	
	Pounds	Tons	Pound	Ton
4 Cubic Yards	2,400	1.200	\$0.0258	\$51.57
6 Cubic Yards	3,600	1.800	0.0258	51.57
15 Cubic Yards	9,000	4.500	0.0258	51.57
20 Cubic Yards	12,000	6.000	0.0258	51.57
22 Cubic Yards	13,200	6.600	0.0258	51.57
25 Cubic Yards	15,000	7.500	0.0258	51.57
30 Cubic Yards	18,000	9.000	0.0258	51.57
35 Cubic Yards	21,000	10.500	0.0258	51.57
40 Cubic Yards	24,000	12.000	0.0258	51.57
50 Cubic Yards	30,000	15.000	0.0258	51.57



**CITY OF OROVILLE**  
**Rates in Effect through December 31, 2018**

<b>RESIDENTIAL RATES</b>		
One Pickup per Week	Monthly Rate	
	Regular	Senior
1 x 32 -gallon Can (w/o S/Cs)	\$21.39	\$20.33
2 x 32 -gallon Cans (w/o S/Cs)	30.39	29.33
3 x 32 -gallon Cans (w/o S/Cs)	36.87	n / a
1 x 64 -gallon Cart (w/o S/Cs)	\$28.79	\$27.73
1 x 96 -gallon Cart (w/o S/Cs)	\$30.74	\$29.68
Add'l Can w/ 96-gal Toter	\$9.56	n / a
Back Yard Service	\$8.07	n / a
Hazardous Waste Surcharge	\$0.46	\$0.46
AB 939 Compliance Fee (City)	\$0.63	\$0.63

<b>COMMERCIAL RATES</b>							
Container Size	Frequency (Pickups per Week)						
	1	2	3	4	5	6	7
1.0 Cu. Yd. Bin	\$111.28	\$208.37	\$305.46	\$402.49	\$499.58	\$643.67	n / a
1.5 Cu. Yd. Bin	\$139.28	n / a	n / a	n / a	n / a	n / a	n / a
2.0 Cu. Yd. Bin	\$168.06	\$308.40	\$448.77	\$589.12	\$729.54	\$937.23	n / a
3.0 Cu. Yd. Bin	\$224.77	\$408.48	\$592.13	\$775.86	\$959.53	\$1,230.58	n / a
4.0 Cu. Yd. Bin	\$281.53	\$508.52	\$735.52	\$962.49	\$1,189.46	\$1,524.01	n / a
6.0 Cu. Yd. Bin	\$395.09	\$708.62	\$1,022.26	\$1,335.84	\$1,649.88	\$2,110.86	n / a
1 x 32 -gallon Can	\$18.34	n / a	n / a	n / a	n / a	n / a	n / a
2 x 32 -gallon Cans	\$27.34	n / a	n / a	n / a	n / a	n / a	n / a
3 x 32 -gallon Cans	\$33.81	n / a	n / a	n / a	n / a	n / a	n / a
1 x 64 -gallon Cart	\$25.73	n / a	n / a	n / a	n / a	n / a	n / a
1 x 96 -gallon Cart	\$27.70	n / a	n / a	n / a	n / a	n / a	n / a

<b>DEBRIS BOX - Single Pull Rates</b>	
20 Cu. Yd. Bin	\$409.73 per pull
30 Cu. Yd. Bin	\$559.24 per pull
40 Cu. Yd. Bin	\$681.11 per pull
Trip charge	\$55.33 per trip

**CITY OF OROVILLE**  
**Rates to Become Effective January 01, 2019**

<b>RESIDENTIAL RATES</b>		
One Pickup per Week	Monthly Rate	
	Regular	Senior
1 x 32 -gallon Can (w/o S/Cs)	\$21.96	\$20.90
2 x 32 -gallon Cans (w/o S/Cs)	31.19	30.13
3 x 32 -gallon Cans (w/o S/Cs)	37.83	n / a
1 x 64 -gallon Cart (w/o S/Cs)	\$29.56	\$28.50
1 x 96 -gallon Cart (w/o S/Cs)	\$31.58	\$30.52
Add'l Can w/ 96-gal Toter	\$9.81	n / a
Back Yard Service	\$8.29	n / a
Hazardous Waste Surcharge	\$0.47	\$0.47
AB 939 Compliance Fee (City)	\$0.63	\$0.63

<b>COMMERCIAL RATES</b>							
Container Size	Frequency (Pickups per Week)						
	1	2	3	4	5	6	7
1.0 Cu. Yd. Bin	\$114.29	\$213.99	\$313.71	\$413.36	\$513.08	\$661.04	n / a
1.5 Cu. Yd. Bin	\$143.03	n / a	n / a	n / a	n / a	n / a	n / a
2.0 Cu. Yd. Bin	\$172.59	\$316.73	\$460.88	\$605.03	\$749.24	\$962.54	n / a
3.0 Cu. Yd. Bin	\$230.84	\$419.50	\$608.13	\$796.81	\$985.44	\$1,263.81	n / a
4.0 Cu. Yd. Bin	\$289.13	\$522.26	\$755.39	\$988.49	\$1,221.59	\$1,565.18	n / a
6.0 Cu. Yd. Bin	\$405.76	\$727.77	\$1,049.87	\$1,371.93	\$1,694.46	\$2,167.88	n / a
1 x 32 -gallon Can	\$18.81	n / a	n / a	n / a	n / a	n / a	n / a
2 x 32 -gallon Cans	\$28.04	n / a	n / a	n / a	n / a	n / a	n / a
3 x 32 -gallon Cans	\$34.68	n / a	n / a	n / a	n / a	n / a	n / a
1 x 64 gallon Cart	\$26.40	n / a	n / a	n / a	n / a	n / a	n / a
1 x 96 gallon Cart	\$28.43	n / a	n / a	n / a	n / a	n / a	n / a

<b>DEBRIS BOX - Single Pull Rates</b>	
20 Cu. Yd. Bin	\$420.81 per pull
30 Cu. Yd. Bin	574.36 per pull
40 Cu. Yd. Bin	699.51 per pull
Trip charge	\$56.82 per trip

**Recology Butte Colusa Counties**  
**RESIDENTIAL RATES**  
**City of Oroville**  
**Rates effective January 01, 2018**

	<b>January 01, 2018</b>
<b>Household Hazardous Waste Surcharge</b>	\$0.46
<b>AB 939 Compliance Fee(City of Oroville)</b>	\$0.63
<b>Once per Week Service</b>	
<b>96-gallon Cart</b>	
Basic Rate	\$30.74
Household Hazardous Waste Surcharge	0.46
AB 939 Compliance Fee	0.63
Monthly Charge	<b>\$31.83</b>
<b>64-gallon Cart</b>	
Basic Rate	\$28.79
Household Hazardous Waste Surcharge	0.46
AB 939 Compliance Fee	0.63
Monthly Charge	<b>\$29.88</b>
<b>Additional Can (with 96-gallon Cart)</b>	
Basic Rate	\$9.56
Household Hazardous Waste Surcharge	n/a
AB 939 Compliance Fee	n/a
Monthly Charge	<b>\$9.56</b>
<b>1 x 32-gallon Can</b>	
Basic Rate	\$21.39
Household Hazardous Waste Surcharge	0.46
AB 939 Compliance Fee	0.63
Monthly Charge	<b>\$22.48</b>
<b>2 x 32-gallon Cans</b>	
Basic Rate	\$30.39
Household Hazardous Waste Surcharge	0.46
AB 939 Compliance Fee	0.63
Monthly Charge	<b>\$31.48</b>
<b>3 x 32-gallon Cans</b>	
Basic Rate	\$36.87
Household Hazardous Waste Surcharge	0.46
AB 939 Compliance Fee	0.63
Monthly Charge	<b>\$37.96</b>
<b>Backyard Pickup</b>	
Regular (in addition to service above)	\$8.07
<b>Senior Citizen Discount (applies to Cartor Can service only)</b>	(\$1.06)

**Recology Butte Colusa Counties**  
**RESIDENTIAL RATES**  
**City of Oroville**  
**Rates to become Effective January 01, 2019**

	<b>January 01, 2019</b>
<b>Household Hazardous Waste Surcharge</b>	\$0.47
<b>AB 939 Compliance Fee(City of Oroville)</b>	\$0.63
<b>Once per Week Service</b>	
<b>96-gallon Cart</b>	
Basic Rate	\$31.58
Household Hazardous Waste Surcharge	0.47
AB 939 Compliance Fee	0.63
Monthly Charge	<b>\$32.68</b>
<b>64-gallon Cart</b>	
Basic Rate	\$29.56
Household Hazardous Waste Surcharge	0.47
AB 939 Compliance Fee	0.63
Monthly Charge	<b>\$30.66</b>
<b>Additional Can (with 96-gallon Cart)</b>	
Basic Rate	\$9.81
Household Hazardous Waste Surcharge	n/a
AB 939 Compliance Fee	n/a
Monthly Charge	<b>\$9.81</b>
<b>1 x 32-gallon Can</b>	
Basic Rate	\$21.96
Household Hazardous Waste Surcharge	0.47
AB 939 Compliance Fee	0.63
Monthly Charge	<b>\$23.06</b>
<b>2 x 32-gallon Cans</b>	
Basic Rate	\$31.19
Household Hazardous Waste Surcharge	0.47
AB 939 Compliance Fee	0.63
Monthly Charge	<b>\$32.29</b>
<b>3 x 32-gallon Cans</b>	
Basic Rate	\$37.83
Household Hazardous Waste Surcharge	0.47
AB 939 Compliance Fee	0.63
Monthly Charge	<b>\$38.93</b>
<b>Backyard Pickup</b>	
Regular (in addition to service above)	\$8.29
<b>Senior Citizen Discount (applies to Cart or Can service only)</b>	(\$1.06)

**Recology Butte Colusa Counties**  
**COMMERCIAL RATES**  
**City of Oroville**  
**Rates effective January 01, 2018**

**Carts (Toters) and 32-gallon Cans**

Once per Week Service	Monthly Charge
96-gallon Cart	\$27.70
64-gallon Cart	25.73
1 x 32-gallon Can	\$18.34
2 x 32-gallon Cans	27.34
3 x 32-gallon Cans	33.81
Additional Can (with 96-gallon Cart)	\$9.56

**Bins - Charge per Month**

Ctr. Size (Cu. Yd.)	Service (times per week)					
	1	2	3	4	5	6
1.0	\$111.28	\$208.37	\$305.46	\$402.49	\$499.58	\$643.67
1.5	139.28					
2.0	168.06	308.40	448.77	589.12	729.54	937.23
3.0	224.77	408.48	592.13	775.86	959.53	1,230.58
4.0	281.53	508.52	735.52	962.49	1,189.46	1,524.01
6.0	395.09	708.62	1,022.26	1,335.84	1,649.88	2,110.86

**Extra Pickup: Charge per Pickup**

Ctr. Size (Cu. Yd.)	Charge
1.0	\$34.26
1.5	41.94
2.0	50.96
3.0	68.78
4.0	86.59
6.0	122.59

**Recology Butte Colusa Counties**  
**COMMERCIAL RATES**  
**City of Oroville**  
**Rates to become Effective January 01, 2019**

**Carts (Toters) and 32-gallon Cans**

Once per Week Service	Monthly Charge
96-gallon Cart	\$28.43
64-gallon Cart	26.40
1 x 32-gallon Can	\$18.81
2 x 32-gallon Cans	28.04
3 x 32-gallon Cans	34.68
Additional Can (with 96-gallon Cart)	\$9.81

**Bins - Charge per Month**

Ctr. Size (Cu. Yd.)	Service (times per week)					
	1	2	3	4	5	6
1.0	\$114.29	\$213.99	\$313.71	\$413.36	\$513.08	\$661.04
1.5	143.03					
2.0	172.59	316.73	460.88	605.03	749.24	962.54
3.0	230.84	419.50	608.13	796.81	985.44	1,263.81
4.0	289.13	522.26	755.39	988.49	1,221.59	1,565.18
6.0	405.76	727.77	1,049.87	1,371.93	1,694.46	2,167.88

**Extra Pickup: Charge per Pickup**

Ctr. Size (Cu. Yd.)	Charge
1.0	\$35.18
1.5	43.08
2.0	52.33
3.0	70.64
4.0	88.93
6.0	125.90

**Recology Butte Colusa Counties**  
**COMPACTOR & DEBRIS BOX RATES**  
**City of Oroville**  
**Rates effective January 01, 2018**

<b>DEBRIS BOX</b>	<b>Charge per Load</b>
Size (In cubic Yards	
3	\$152.34
6	199.81
15	353.88
20	409.73
22	n / a
25	n / a
30	559.24
40	681.11

<b>COMPACTOR</b>	<b>Charge per Load</b>
Size (In cubic Yards	
4	n / a
6	n / a
15	\$422.21
20	524.98
22	622.33
25	758.58
30	836.04
40	1,114.23

<b>Trip Charge</b>	<b>\$54.28</b>
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**Recology Butte Colusa Counties**  
**COMPACTOR & DEBRIS BOX RATES**  
**City of Oroville**  
**Rates to become Effective January 01, 2019**

<b>DEBRIS BOX</b>	<b>Charge per Load</b>
Size (In cubic Yards	
3	\$156.46
6	205.21
15	363.43
20	420.81
22	n / a
25	n / a
30	574.36
40	699.51

<b>COMPACTOR</b>	<b>Charge per Load</b>
Size (In cubic Yards	
4	n / a
6	n / a
15	\$433.62
20	539.17
22	639.16
25	779.08
30	858.63
40	1,144.34

<b>Trip Charge</b>	<b>\$55.74</b>
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**Recology Butte Colusa Counties  
PUBLIC DUMPING RATES**

Current Rates - Effective January 01, 2018

<b>Minimum Charge</b>	<b>\$13.00</b>
<b>Comm'l Vehicles ( per Ton)</b>	<b>\$68.00 Per Ton</b>
<b>Waste Containers</b>	
<= 64 gal	<b>\$13.00 Each</b>
> 64 gal	<b>\$14.00 Each</b>
<b>Small Pickup (6-ft Bed)</b>	
Level or below bed top	<b>\$25.00 Per Load</b>
Over bed top	<b>\$40.00 Per Load</b>
<b>Large Pickup (7 - 8 ft Bed)</b>	
Level or below bed top	<b>\$40.00 Per Ton</b>
Over bed top	<b>\$61.00 Per Ton</b>
<b>Green Waste/Yard Trimmings</b>	<b>\$13.00</b>
<b>Green Waste/Yard Trimmings - Minimum Charge</b>	<b>\$60.00 Per Ton</b>
<b>Stumps &gt; 24" diam.</b>	<b>\$60.00 Per Ton</b>
<b>Green Waste does not include palm, Bamboo, iceplant or cactus.</b>	
<b>Mattresses/Furniture Items</b>	<b>\$18.00 Each</b>
<b>Appliances Without Freon</b>	<b>\$22.00 Each</b>
<b>Appliances With Freon</b>	<b>\$51.00 Each</b>
<b>Tires</b>	
15" or smaller	<b>\$5.00 Each</b>
15" - 17"	<b>\$15.00 Each</b>
17" - 24"	<b>\$29.00 Each</b>
> 24"	<b>Quote</b>

**Scale operator reserves right to charge all vehicles by the ton depending on the type of waste material.**

**Recology Butte Colusa Counties  
PUBLIC DUMPING RATES**

**Rates to become Effective January 01, 2019**

<b>Minimum Charge</b>	<b>\$13.00</b>
<b>Comm'l Vehicles ( per Ton)</b>	<b>\$68.00 Per Ton</b>
<b>Waste Containers</b>	
<= 64 gal	<b>\$13.00 Each</b>
> 64 gal	<b>\$14.00 Each</b>
<b>Small Pickup (6-ft Bed)</b>	
Level or below bed top	<b>\$25.00 Per Load</b>
Over bed top	<b>\$40.00 Per Load</b>
<b>Large Pickup (7 - 8 ft Bed)</b>	
Level or below bed top	<b>\$40.00 Per Ton</b>
Over bed top	<b>\$61.00 Per Ton</b>
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15" or smaller	<b>\$5.00 Each</b>
15" - 17"	<b>\$15.00 Each</b>
17" - 24"	<b>\$29.00 Each</b>
> 24"	<b>Quote</b>

**Scale operator reserves right to charge all vehicles by the ton depending on the type of waste material.**

**CONSUMER PRICE INDEXES PACIFIC CITIES AND U. S. CITY AVERAGE**  
**August 2018**  
**ALL ITEMS INDEXES**  
(1982-84=100 unless otherwise noted)

MONTHLY DATA	All Urban Consumers (CPI-U)						Urban Wage Earners and Clerical Workers (CPI-W)					
	Indexes			Percent Change			Indexes			Percent Change		
				Year ending	1 Month ending					Year ending	1 Month ending	
Aug 2017	Jul 2018	Aug 2018	Jul 2018	Aug 2018	Aug 2018	Aug 2017	Jul 2018	Aug 2018	Jul 2018	Aug 2018	Aug 2018	
U. S. City Average.....	245.519	252.006	252.146	2.9	2.7	0.1	239.448	246.155	246.336	3.2	2.9	0.1
(1967=100).....	735.466	754.898	755.317	-	-	-	713.243	733.221	733.760	-	-	-
Los Angeles-Long Beach-Anaheim.....	256.739	266.007	266.665	3.9	3.9	0.2	247.260	256.632	257.318	4.0	4.1	0.3
(1967=100).....	758.521	785.904	787.846	-	-	-	730.727	758.426	760.453	-	-	-
West .....	255.282	263.971	264.395	3.6	3.6	0.2	246.978	255.931	256.311	3.9	3.8	0.1
(Dec. 1977 = 100) .....	412.649	426.695	427.380	-	-	-	397.375	411.779	412.390	-	-	-
West – A*.....	262.522	272.296	272.606	3.9	3.8	0.1	252.086	262.441	262.699	4.2	4.2	0.1
(Dec. 1977 = 100) .....	428.079	444.016	444.522	-	-	-	408.079	424.842	425.259	-	-	-
West – B/C**(Dec. 1996=100).....	149.255	153.464	153.797	3.2	3.0	0.2	148.925	153.326	153.625	3.3	3.2	0.2

BI-MONTHLY DATA	All Urban Consumers (CPI-U)						Urban Wage Earners and Clerical Workers (CPI-W)					
	Indexes			Percent Change			Indexes			Percent Change		
				Year ending	2 Months ending					Year ending	2 Months ending	
Aug 2017	Jun 2018	Aug 2018	Jun 2018	Aug 2018	Aug 2018	Aug 2017	Jun 2018	Aug 2018	Jun 2018	Aug 2018	Aug 2018	
San Francisco-Oakland-Hayward.....	275.893	286.062	287.664	3.9	4.3	0.6	269.827	280.219	281.536	4.0	4.3	0.5
(1967=100).....	848.172	879.435	884.358	-	-	-	821.645	853.291	857.300	-	-	-
Seattle-Tacoma-Bellevue.....	263.333	272.395	271.625	3.3	3.1	-0.3	259.528	268.957	267.757	3.6	3.2	-0.4
(1967=100).....	802.742	830.365	828.019	-	-	-	769.761	797.727	794.166	-	-	-

\* A = greater than 2,500,000 population

\*\* B/C = 2,500,000 population or less

Dash (-) = Not Available.

Release date Sep. 13, 2018. The next monthly releases are scheduled for Oct. 11, 2018. The next bi-monthly releases are scheduled for Nov. 14, 2018.

Due to the 2018 geographic revision, Anchorage, Honolulu, Phoenix, and San Diego area index numbers are now published bi-monthly. Semi-annual averages can be accessed online at [www.bls.gov/cpi/data.htm](http://www.bls.gov/cpi/data.htm). The Portland CPI has been discontinued. Additional information on the geographic revision is available at [www.bls.gov/regions/west/factsheet/2018cpigeorevision.htm](http://www.bls.gov/regions/west/factsheet/2018cpigeorevision.htm). For questions, please contact us at [BLSinfoSF@BLS.GOV](mailto:BLSinfoSF@BLS.GOV) or (415) 625-2270.

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: SCOTT E. HUBER, CITY ATTORNEY**

**RE: AN URGENCY ORDINANCE TO ESTABLISH A TEMPORARY  
MORATORIUM ON RESIDENTIAL RENT INCREASES IN THE CITY OF  
OROVILLE**

**DATE: NOVEMBER 20, 2018**

**SUMMARY**

The Council will consider approving an urgency ordinance to establish a temporary moratorium on residential rent increases in the City of Oroville.

**DISCUSSION**

As a result of the Camp Fire, which has decimated the Town of Paradise, the City has received information that rent prices have increased by 10% (the maximum amount allowed by law following a natural disaster). Such increases have the consequences of pricing many people out of the housing market and will take advantage of those who have been impacted by the recent natural disaster.

As a result, staff recommends that the Council pass an urgency ordinance prohibiting rent increases for at least 90 days. This urgency ordinance can be extended should the need still be in place after 90 days.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Adopt by at least four-fifths majority vote Urgency Ordinance No. 1832 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA ESTABLISHING A TEMPORARY MORATORIUM ON RESIDENTIAL RENT INCREASES IN THE CITY OF OROVILLE

**ATTACHMENTS**

Urgency Ordinance No. 1832

**URGENCY ORDINANCE NO. 1832**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA ESTABLISHING A TEMPORARY MORATORIUM ON RESIDENTIAL RENT INCREASES IN THE CITY OF OROVILLE**

**WHEREAS**, pursuant to Article XI, Section 7 of the California Constitution, the City of Oroville may make and enforce all regulations and ordinances using its police powers; and

**WHEREAS**, the Camp Fire in the town of Paradise has forced approximately 30,000 people to evacuate; and

**WHEREAS**, the City of Paradise is only 17.34 miles from the City of Oroville; and

**WHEREAS**, the Camp Fire has destroyed most of the town of Paradise and more than 40 people have died, making the Camp Fire the most deadly fire in California history; and

**WHEREAS**, the Camp Fire has burned more than 113,000 acres and as of November 12, 2018 it was only 25% contained; and

**WHEREAS**, the Camp Fire has destroyed 6,453 residences and 260 commercial structures as of November 12, 2018; and

**WHEREAS**, landlords in the City of Oroville have an immediate incentive to increase rents to higher levels; and

**WHEREAS**, in order to preserve the public peace, health and safety, it is necessary to prevent residential rent increases during this devastating time.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF OROVILLE DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Findings.**

The City Council of the City of Oroville adopts and finds as true and correct, the aforementioned recitals and incorporate them herein as findings.

**SECTION 2. Imposition of Temporary Moratorium on Residential Rent Increases.**

A temporary Moratorium on Residential Rent increases is hereby imposed for a period of forty-five (45) days. During the Moratorium Period, no Landlord shall increase Rent for any Rental Unit. This moratorium shall not apply to any rent increase which has become effective prior to the effective date of this Ordinance. The Moratorium may be extended pursuant to Government Code Section 65858.

**SECTION 3. Severability.**

If any section, subsection, clause, phrase or word of this Ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

///

///

**SECTION 4.     Effective Date.**

This Ordinance is an Urgency Ordinance enacted under California Government Code Sections 36934 and 36937(b). This Urgency Ordinance is immediately effective upon adoption by a four-fifths vote of the City Council.

I HEREBY CERTIFY that the foregoing ordinance was introduced and read by the City Council of the City of Oroville on the \_\_\_ day of November, 2018, and was duly read and adopted at a regular meeting on \_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

AYES:                               COUNCIL MEMBERS:

NOES:                               COUNCIL MEMBERS:

ABSENT:                            COUNCIL MEMBERS:

ABSTAIN:                          COUNCIL MEMBERS:

\_\_\_\_\_  
LINDA DAHLMEIER, Mayor

FORM APPROVED:

ATTEST:

\_\_\_\_\_  
JOANNA GUTIERREZ, Interim City Clerk

\_\_\_\_\_  
SCOTT HUBER, City Attorney

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: SCOTT E. HUBER, CITY ATTORNEY**

**RE: AN URGENCY ORDINANCE REGARDING TEMPORARY  
RESIDENTIAL USE OF RECREATIONAL VEHICLES**

**DATE: NOVEMBER 20, 2018**

**SUMMARY**

The Council may consider the adoption of an Urgency Ordinance adding Section 17.08.170 to the Oroville Municipal Code regarding residential use of recreational vehicles.

**DISCUSSION**

On November 8, 2018, conditions of extreme peril to the safety of persons and property within the county were caused by a fast-moving and widespread fire, referred to as the Camp Fire. The Camp Fire has burned 125,000 acres and is only 30% contained as of November 13, 2018. The Camp Fire has destroyed 7,200 structures and 15,000 more structures are currently threatened. On November 8, 2018, the Governor of the State of California proclaimed a State of Emergency for Butte County and on November 12, 2018, the President of the United States issued a Major Disaster Declaration for Butte and other counties in the state of California.

Due to the devastation caused by the Camp Fire it is necessary to consider adding a section to the Municipal Code to allow residents affected by the fire to live temporarily in recreational vehicles. This Ordinance will expire on December 31, 2020 unless extended by the Council.

**FISCAL IMPACT**

None

**RECOMMENDATION**

Adopt Urgency Ordinance No. 1833 - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA AMENDING TITLE 17- ADDING SECTION 17.08.170 TO ALLOW THE RESIDENTIAL USE OF RECREATIONAL VEHICLES FOR THOSE PARTS OF THE CITY OF OROVILLE MOST SEVERELY IMPACTED BY THE CAMP FIRE OF NOVEMBER 2018.

**ATTACHMENTS**

Urgency Ordinance No. 1833



**URGENCY ORDINANCE NO. 1833**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA AMENDING TITLE 17- ADDING SECTION 17.08.170 TO ALLOW THE RESIDENTIAL USE OF RECREATIONAL VEHICLES FOR THOSE PARTS OF THE CITY OF OROVILLE MOST SEVERELY IMPACTED BY THE CAMP FIRE OF NOVEMBER 2018**

**WHEREAS**, pursuant to Article XI, Section 7 of the California Constitution, the City of Oroville may make and enforce all regulations and ordinances using its police powers; and

**WHEREAS**, Conditions of extreme peril to the safety of persons and property within the county were caused by a fast-moving and widespread fire, referred to as the Camp Fire, commencing on November 8, 2018; and

**WHEREAS**, the Camp Fire has burned 125,000 acres and is only 30% contained as of November 13, 2018; and

**WHEREAS**, the Camp Fire has destroyed 7,200 structures and 15,000 more structures are being threatened; and

**WHEREAS**, the Governor of the State of California proclaimed a State of Emergency for Butte County on November 8, 2018; and

**WHEREAS**, On November 12, 2018, the President of the United States issued a Major Disaster Declaration for Butte and other counties in the state of California; and

**WHEREAS**, Government Code §36937(b) allows an ordinance to take effect immediately for the preservation of public peace, health or safety and it contains a declaration of the facts constituting the urgency; and

**WHEREAS**, the proposed amendment is internally consistent with other applicable provisions of this Zoning Code, in that the amendment will implement the General Plan through standards for zoning districts already adopted into the Zoning Code; and

**WHEREAS**, adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding repairs and replacement work after a state-declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code, and Section 15269(c) regarding specific actions necessary to prevent or mitigate an emergency; and

**WHEREAS**, The City Council has been provided with information upon which the findings and actions set forth in this Ordinance are based, allowing the Council to adopt this urgency ordinance to be effective upon adoption; and

**WHEREAS**, for the reasons set forth above, this Ordinance is declared by the City Council to be necessary for preserving the public peace, welfare, health or safety and to avoid a current, immediate and direct threat to the peace, health, safety or welfare of the community and the recitals above taken together constitute the City Council’s statement of the reasons for adopting this Ordinance on an urgency basis.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF OROVILLE DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Findings.**

The City Council of the City of Oroville adopts and finds as true and correct, the aforementioned recitals and incorporate them herein as findings.

**SECTION 2. Add Section 17.08.170- Residential Use of Recreational Vehicles to the Oroville Municipal Code.**

Section 17.08.170- Residential Use of Recreational Vehicles is hereby added to the Oroville Municipal Code to read as follows:

Section 17.08.170

**A. Effective Period.**

1. The provisions of this section shall remain in effect until December 31, 2020, unless specified herein, subject to extension or modification by the council. Unless extended or modified by the council, this section shall expire on December 31, 2020, and be of no further force or effect.

**B. Definitions.**

**CalOES.** The California Governor’s Office of Emergency Services or successor agency.

**Displaced person(s).** A city resident or residents whose residential dwelling has been destroyed or damaged by the Camp Fire, such that the resident(s) cannot occupy the dwelling. Displaced person(s) may be required to provide verification to the city to substantiate their eligibility for uses, permits and/or approvals described in this section.

**Effective Date.** The date of council adoption of this ordinance.

**FEMA.** The Federal Emergency Management Agency or successor agency.

**Recreational vehicle.** A motor home, travel trailer, truck camper or camping trailer that is (1) self-contained and designed for human habitation for recreational or emergency occupation; (2) self-propelled, truck-mounted, or permanently towable on California roadways; and (3) a California Department of Motor Vehicles licensed vehicle or similar vehicle as determined by the city.

**Camp Fire.** The fire that began on November 8, 2018 in Butte County destroying the town of Paradise and threatening the communities of Butte Creek Canyon, Chico, Concow, Forest Ranch, Helltown, Inskip, Oroville, Stirling City and Yankee Hill.

**C. Residential Use of Recreational Vehicles.**

1. Initial use. For a period of 45 days from the Effective Date, residential use and occupancy of recreational vehicles on any residential lot in any zoning district outside of the area affected by the Camp Fire shall be allowed without city approval, zoning or building permit, provided that such lots and/or vehicles have temporary septic holding capacity and/or portable toilets that are serviced through routine pumping services or use of dump stations.
2. Recreational vehicles for reconstruction or repair of damaged dwellings. The use of one (1) recreation vehicle per parcel in any residential zoning district during the term of this ordinance shall be allowed, subject to city approval or permit as applicable, for use by displaced persons who are repairing or reconstructing a fire-damaged dwelling on the same or another parcel.

**D. Standards.** All residential use of recreational vehicles shall meet the following standards.

1. The property owner or the property owner's authorized agent shall obtain a city temporary use approval or permit and all other required permits. Written consent of the property owner is required in all cases.
2. Residential use of recreational vehicles is limited to vehicles not on a permanent foundation and used to house displaced persons during the effective period in section 1.
3. Residential use of recreational vehicles shall be located outside the boundaries of any recorded easements.
4. The recreational vehicle shall be connected to an approved source of water meeting one of the following criteria: public water supply; existing well provided that it has been approved by the city as safe for domestic consumption; or other water source approved by the city.
5. The recreational vehicle shall be connected to an approved sewage disposal system meeting one of the following criteria: public sewer system; existing on-site sewage disposal system that has been approved by the city to be intact, adequately sized, and functioning following the disaster; temporary holding tank with a contract with a pumping company for regular pumping; or other method of sewage disposal approved by the director.
6. The recreational vehicle shall be connected to an approved source of electricity meeting one of the following criteria: permitted electrical service hook-up; or other power source approved by the city.

7. Residential use of recreational vehicles under this ordinance shall not be allowed in either of the following areas:
  - a. A special flood hazard area defined by this code or regulations, or other authorized federal or state official.
  - b. An area with health and safety hazards as determined by the city.

E. **Standards for Fire-Affected Sites.** Recreational vehicles for residential use on fire-affected sites shall meet the following additional standards:

1. Residential use of recreational vehicles on fire-affected sites shall be permitted only on parcels on which a permitted or legally established residence was destroyed or damaged and rendered uninhabitable as determined by the city as a result of the Camp Fire.
2. Except as provided herein, no city approval or permit for residential use of a recreational vehicle shall be issued until the site is approved for reconstruction by the city, CalOES or FEMA.
3. Recreational vehicles may be located within the Zoning Ordinance setback areas, other than the riparian setbacks, such that placement of the recreational vehicle will allow for unobstructed reconstruction on the site.

F. Recreational vehicles for residential use on lots not affected by the Camp Fire shall comply with all Zoning Ordinance and riparian setback requirements.

### **SECTION 3. Environmental Determination.**

The Council finds that the adoption and implementation of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding repairs and replacement work after a state-declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code, and Section 15269(c) regarding specific actions necessary to prevent or mitigate an emergency.

### **SECTION 4. Severability.**

If any section, subsection, clause, phrase or word of this Ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

### **SECTION 5. Effective Date.**

This Ordinance is an Urgency Ordinance enacted under California Government Code Sections 36934 and 36937(b). This Urgency Ordinance is immediately effective upon adoption by a four-fifths vote of the City Council.

I HEREBY CERTIFY that the foregoing ordinance was introduced and read by the City Council of the City of Oroville on the \_\_\_ day of November, 2018, and was duly read and adopted at a regular meeting on \_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
LINDA DAHLMEIER, Mayor

ATTEST:

FORM APPROVED:

\_\_\_\_\_  
JOANNA GUTIERREZ, Interim City Clerk

\_\_\_\_\_  
SCOTT HUBER, City Attorney

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO:** Mayor and City Council Members

**FROM:** Tom Lando, Interim City Administrator

**RE:** Second Reading and adoption Ordinances No. 1830 Amending Title 17 (Zoning) of the Oroville Municipal Code to Establish Zoning for Commercial Cannabis Activities and Ordinance No. 1831 Amending Title 5 (Business Licenses and Regulations) of the Oroville Municipal Code to Regulate the Establishment and Operation of All Commercial Cannabis Activities in the City of Oroville.

**DATE:** November 20, 2018

**BACKGROUND**

With the passing of Proposition 64 by California voters in 2016, recreational adult-use cannabis became legal beginning in 2018. In response to Proposition 64, the California legislature adopted Senate Bill 94 in 2017, which outlines a state regulatory system for the various commercial operations associated with the legalization. As part of the state regulations, local jurisdictions may prohibit or allow various cannabis uses outlined in state law and, if they allow them, identify appropriate locations for and restrictions on those uses. On January 16, 2018, the City Council directed staff to pursue amendments to the City of Oroville Municipal Code regarding commercial cannabis regulations and pursue a special or general tax applicable to all commercial cannabis businesses. On February 20, 2018, the City Council hired SCI Consulting Group to assist City staff with the development of cannabis regulatory and zoning ordinances for medicinal and adult-use cannabis uses and a cannabis business tax ballot measure for the November 2018 general election.

On August 7, 2018 the Cannabis Land Use Ordinance and Cannabis Business License Ordinance were presented to the Planning Commission and City Council at a joint meeting for introduction and first reading. The Planning Commission voted 6-0 in favor of continuing the discussion of the Ordinance No. 1830 for one month to allow time for the commissioners to meet with staff and gather more information. The Council voted 5-1 in favor in favor of introducing Ordinance No. 1830 and 1831, subject to any changes the Planning Commission may have.

On August 23, 2018 the Planning Commission provided direction and amendments to Ordinance No. 1830 to City staff. On October 4, 2018 the Planning Commission voted 3-1 in favor of recommending Ordinance No. 1830 to the City Council for adoption as amended. **Please refer to attachments #2 and #3 for a summary of the amendment proposed by the Planning Commission.**

## DISCUSSION

**\*\*\*Planning Commission amendments highlighted in yellow\*\*\***

### **Public Education and Outreach**

On May 24, 2018, SCI Consulting Group and City staff held two community meetings, a morning and evening session. SCI gave a “Cannabis 101” presentation outlining the cannabis implementation process followed by a public comment period. Following the community meetings, SCI and Staff conducted a stakeholder meeting on June 14, 2018. Prior to the meeting, staff announced the stakeholder meeting to the public at the June 6<sup>th</sup> Council Meeting and invited interested parties to contact the City. The meeting was attended by both participants/advocates from the cannabis industry as well as community members opposed to cannabis. SCI, serving as the facilitator, asked each attendee questions pertaining to the various cannabis activities, zoning and important health and safety priorities. The recommendations gathered by staff and SCI were incorporated into the proposed zoning and business license ordinances.

### **Amendment of Title 17 (Zoning):**

The proposed ordinance:

1. Repeals section 17.08.120 (Marijuana Dispensaries), which currently prohibits cannabis retail sale, cannabis delivery and commercial processing.
2. Amends section 17.04.060 (Definitions)
3. Adds section 17.16.XXX (Commercial cannabis businesses) to Chapter 17.6 (Use-Specific Regulations)
4. Amends Land Use tables for Residential Districts, Commercial Districts, Industrial Districts, and Special Purpose Districts.

**17.16.XXX Commercial Cannabis Business:** This Section develops the following use-specific regulations for commercial cannabis businesses:

- One thousand (1000)-foot buffer from a school (K-12), day care centers, **public parks, the Downtown Historic Overlay District (DH-O), churches with 20 or more members, or youth center as defined in Business and Professions Code section 26001 that are in existence at the time the permit is issued. All undeveloped parklands are excluded from the 1000-foot buffer.**
- 1000-foot separation requirement between retail businesses
- Minimum of three (3) cannabis retail businesses
- Development and Operational Standards
  - Onsite consumption prohibited
  - Odor-absorbing ventilation required
  - Outdoor cultivation prohibited
  - **No advertisement signs allowed for any cannabis business**
  - **Cultivation shall not be visible from any exterior location.**

### **Land Use table Amendments:**

- **Retail Sales and Delivery:** The State cannabis retail license (Type 10) applies to “the retail sale and delivery of cannabis or cannabis products to customers.” Licensed retailers must “have a licensed premise which is a physical location from which commercial

cannabis activities are conducted. A retailer's premises may be closed to the public. A retailer may conduct sales exclusively by delivery". Given this definition, deliveries to consumers can originate from a retail store that is open to the public, or they can originate from a non-storefront retail operation that is not open to the public.

Retail cannabis industry stakeholders have expressed a desire to locate in commercial areas, rather than hidden away in industrial areas. This approach also helps to avoid crime by keeping retail stores, which are potential crime targets, in areas with high visibility and also provides safe access for customers and medicinal patients. However, stakeholders also raised concerns with retail stores being located within the Historic Downtown area. Since delivery-only retail (closed to the public) is similar to existing warehousing or distribution uses, this use would be appropriate within the Industrial Districts.

The proposed ordinance permits retail cannabis sales and delivery uses in the **C-1** and **C-2, CH, CLM and OF** Zoning Districts of the Commercial District and **M-1** and **M-2** Zoning Districts of the Industrial District, subject to an approval of a Conditional Use Permit. Since this type of activity can generate significant community interest and concern, the CUP process will facilitate a necessary dialog between the applicant, community, and City to consider and resolve potential community impacts.

- **Manufacturing:** This State license (Type 7) defines manufacture as "the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container." A Level 2 license is required for sites that use volatile solvents, while a Level 1 license is required for all other sites.

The proposed ordinance permits cannabis manufacturing (volatile and non-volatile) in the **M-1** and **M-2** Zoning Districts of the Industrial District, subject to an approval of a Conditional Use Permit. Cannabis manufacturing is a comparable activity to other light manufacturing uses that are already permitted within the Industrial Districts. Although there are extensive State regulations in place to regulate cannabis manufacturing, staff is proposing this as a conditional use.

- **Cultivation:** This State license type covers a wide range of cultivation and nursery activities, depending on the specific activity to be undertaken (e.g., outdoor, indoor, mixed light). While cultivation is defined as "any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis," nursery is defined as "any licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis." All cultivation uses were supported by most stakeholders. While some were still adamantly opposed to all cannabis implementation, the consensus was if the City is going to allow it they might as well consider all uses. Stakeholder's raised concerns over odor nuisances and increase in crime.

The proposed ordinance permits cannabis indoor and mixed-light cultivation in the **M-1** and **M-2** Zoning Districts of the Industrial District, subject to an approval of a Conditional Use Permit. Due to the lack of Agriculture land within the City of Oroville, cannabis cultivation and nursery uses are limited to indoor and mixed-light cultivation and outdoor



cultivation is prohibited. Due to health and safety concerns raised by stakeholders such as odor, crime, energy consumption and water quality, Cultivation uses will be subject to approval CUP.

- **Distribution:** This State license (Type 11) applies to the “procurement, sale, and transport of cannabis and cannabis products between licensees. “This license type applies to wholesale facilities without a retail component.

The proposed ordinance permits cannabis distribution within the **M-1** and **M-2** Zoning Districts of the Industrial District, subject to an approval of a Conditional Use Permit. Cannabis distribution would be an activity similar to wholesale distribution warehousing, which is currently permitted within these zones.

- **Testing:** This State license (Type 8) applies to designated testing laboratories, defined as “a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state and licensed by the Bureau. A licensed testing facility is prohibited by State law from conducting any other cannabis activity other than testing.

The proposed ordinance permits cannabis testing within the **C-1** and **C-2**, **CH**, **CLM** and **OF** Zoning Districts of the Commercial District and **M-1** and **M-2** Zoning Districts of the Industrial District, subject to an approval of a Conditional Use Permit. Cannabis testing uses is a comparable activity to other research or testing facilities. In order to align with the current Commercial and Industrial zones that allow for research facilities, cannabis testing will require a CUP.

- **Microbusiness:**

This State license (Type 12) defines a microbusiness as a business that “cultivates cannabis on an area less than 10,000 square feet and acts as a licensed distributor, Level 1 manufacturer (i.e., nonvolatile), and retailer, provided such licensee can demonstrate compliance with all requirements imposed by [the State] on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities.”

The proposed ordinance permits cannabis testing within the **M-1** and **M-2** Zoning Districts of the Industrial District, subject to an approval of a Conditional Use Permit. Since microbusinesses combine multiple activities on the same premises, they can only be located where the approved Zoning Districts overlap. Therefore, only the above Industrial Districts would be appropriate for consideration for microbusiness uses.

### **Amendment of Title 5 (Business Licenses and Regulations):**

Under the proposed Business License Ordinance, Title 5 - Business Licenses and Regulations of the Oroville Municipal Code would be amended to add a chapter titled “Commercial Cannabis”. The purpose and intent of this Chapter is to regulate commercial cannabis activities in order to ensure the health, safety and welfare of the residents of the City of Oroville. This Chapter establishes a Cannabis Business Permit (CBP) and requires all commercial cannabis businesses to obtain a CBP, Land Use Permit and State license before they are allowed to commence

activities within the City of Oroville. Furthermore, this ordinance establishes general regulations and operation requirements for all commercial activities. The proposed ordinance includes the following:

- **Land Use Reference:** The determination on a Cannabis Business Permit (CBP) will be dependent on issuance of the required land use permit. Any commercial cannabis business in the City of Oroville must also operate in compliance with the City's zoning ordinance.
- **General Provisions for All Commercial Cannabis Activity:** List of Cannabis Business Permit types and requirements for obtaining a business permit, expiration and validity of a business permit, and record and reporting requirements. Recordkeeping is required for seven (7) years and records are to be produced for inspection by City staff. The purpose of recordkeeping is to ensure that operators are conforming to the regulations as outlined, including the proper State licenses, contracts with other cannabis activity, financial records including purchases, sales, tax records, employee verification, proof of insurance. The following commercial cannabis activities will be permitted within the City of Oroville:
  - a. Cultivation (Indoor and Mixed-Light, outdoor prohibited)
  - b. Distribution
  - c. Manufacturing (Volatile and Non-volatile)
  - d. Microbusinesses
  - e. Nurseries
  - f. Retail (Dispensaries)
  - g. Testing
- **Operational Standards:** This proposed Chapter also details required operational standards for commercial cannabis business activities that relate to health and safety, including standards related to the following:
  - a. Security cameras, surveillance systems and alarm systems
  - b. Participation in the State's track and trace system
  - c. Interior and exterior lighting
  - d. Nuisances like trash, litter and graffiti
  - e. Odor control systems
  - f. Business abandonment
  - g. Testing, labeling and storage of cannabis products
  - h. Disposal of cannabis and related materials
  - i. Water usage
  - j. Employee safety
- **Additional Operational Requirements:** All cannabis-related operations and facilities are required to follow all State regulations along with any additional regulations listed in these sections specifically for each type of activity. The additional provisions are intended to address specific requirements due the special activity. Examples include:

**Retail:**

- Only three (3) retail businesses permitted.
- One security guard is required at all times.
- Hours of Operation – 9am to 9pm.

**Delivery:**

- Cannabis Delivery is allowed only from a City permitted and state licensed cannabis retailer or a licensed cannabis retailer outside of the City.
- Delivery shall only take place during normal business hours.

**Manufacturers:**

- Volatile and Non-volatile extractions are permitted.
- No exhibitions or product sales areas.

**Testing Laboratories:**

- A licensed cannabis testing facility business, its owners and its employees may not hold an interest in any other cannabis business except another testing business.

**Cultivation:**

- Outdoor cultivation prohibited.
- Cultivation must occur within fully enclosed and secured structure
- No exterior evidence of cannabis cultivation.

**Microbusinesses:**

- A licensee must engage in at least three (3) of the following commercial cannabis activities: cultivation, manufacturing, distribution, and retail sale.
- ***Cannabis Business Permit Selection Process:*** The CBP selection process will be conducted in two phases, Phase 1 and Phase 2. In Phase 1, each Applicant interested in operating a commercial cannabis business will pay an application fee in an amount established by the City Council by resolution. The application will be reviewed for completeness by the City Administrator or designee. In Phase 2, the applicant will pay an application fee in an amount established by the City Council and a complete background check of the business owner and review of the business plans will be conducted by the City Administrator to ensure compatibility with State and local regulations.

For commercial cannabis activities restricted by number of permits available, such as Retail, the City will establish a competitive selection process using a merit-based scoring system and a selection panel to objectively award permits in the event that there are more applications than there are permits available for a specific license type. The City Administrator shall convene a Selection Panel to make the final decision, based on a merit-based scoring system, of the highest-ranking applicant or applicants to recommend to the City Council for the approval of the CBP. A complete description of the merit-based scoring system shall be included with the application forms.

- ***Suspension or Revocation of Cannabis Business Permit:*** The regulations are designed to minimize negative impacts on the City and neighboring uses, and promote the health, safety, and general welfare of residents and businesses within the City. In addition to any other penalties authorized by law, a Cannabis Business Permit may be suspended or revoked if the City finds, after notice to the permittee and opportunity to be heard, that the permittee or his or her agents or employees has violated any provision of the Ordinance.

- ***Fees and Taxes.*** All cannabis businesses shall pay all applicable fees and taxes. Should Council adopt this ordinance, the City will develop Proposition 26 compliant cost-recovery fees for application processing and annual monitoring and compliance.

### **FISCAL IMPACT**

Adoption of the proposed ordinance should be revenue neutral, assuming that the City Council establishes fees for applications and annual permits at sufficient levels to fund administration and enforcement of the permits and municipal code. Staff will propose fees for the City Council's consideration at a later meeting if an ordinance is adopted.

### **RECOMMENDATIONS:**

1. City Council Recommendations: Waive second reading and adopt, Ordinance No. 1830 amending Oroville Municipal Code Title 17 (Zoning) and Ordinance No. 1831 amending Oroville Municipal Code Title 5 (Business Licenses and Regulations).

### **ALTERNATIVES:**

The alternative recommendations available to the **City Council** are as follows:

1. Waive the reading and adopt Ordinance No. 1830 amending Oroville Municipal Code Title 17 (Zoning) and Ordinance amending Oroville Municipal Code Title 5 (Business Licenses and Regulations).
2. Decline to waive the reading and adopt Ordinance No. 1831 amending Oroville Municipal Code Title 17 (Zoning) and Ordinance amending Oroville Municipal Code Title 5 (Business Licenses and Regulations).

### **ATTACHMENTS**

**Attachment 1:** Title 17 Zoning Ordinance No. 1830 – Final

**Attachment 2:** Title 5 Business Licenses and Regulations Ordinance No. 1831 - Final

**ORDINANCE NO. 1830**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AMMENDING TITLE 17 (ZONING) OF THE OROVILLE MUNICIPAL CODE BY AMMENDING SECTION 17.04.060 (DEFINITIONS); REPEALING SECTION 17.08.120 (MARIJUANA DISPENSARIES); ADDING SECTION 17.16.XX (COMMERCIAL CANNABIS BUSINESSES); AND AMMENDING SECTIONS 17.28.010 (ALLOWED USES IN RESIDENTIAL DISTRICTS); 17.32.010 (ALLOWED USES IN COMMERCIAL DISTRICTS); 17.34.020 (ALLOWED USES IN INDUSTRIAL DISTRICTS); 17.36.010 (ALLOWED USES IN INDUSTRIAL DISTRICTS); 17.40.010 (ALLOWED USES IN SPECIAL PURPOSE DISTRICTS) TO ESTABLISH ZONING FOR COMMERCIAL CANNABIS ACTIVITIES WITHIN THE CITY OF OROVILLE.**

**WHEREAS**, in 1996, the California electorate approved Proposition 215, the Compassionate Use Act of 1996, which allows a patient, with a doctor's recommendation, to use cannabis for medical purposes without the fear of prosecution or arrest; and

**WHEREAS**, in 2003, the California legislature passed Senate Bill 420 (Medical Marijuana Program Act) which amended the Health and Safety Code to permit the establishment of medical cannabis dispensaries for the distribution of cannabis for medical purposes; and

**WHEREAS**, in 2005 the California Board of Equalization began issuing seller's permits for sales consisting of medical cannabis; and

**WHEREAS**, in 2008 the California Attorney General issued guidelines for the security and non-diversion of cannabis grown for medical use; and

**WHEREAS**, in 2015, the Governor signed into law Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Marijuana Regulation and Safety Act ("MMRSA") further amended in 2016 as the Medicinal Cannabis Regulation and Safety Act ("MCRSA"), which established regulations and a state licensing system for medical cannabis cultivation, manufacturing, delivery, and dispensing; and

**WHEREAS**, in 2016 the voters of the State of California approved and passed Proposition 64 also known as the Adult Use of Marijuana Act ("AUMA"); and

**WHEREAS**, Health & Safety Code Section 11362.83 provides that cities are free to adopt and enforce local ordinances that regulate the location, operation, or establishment of medical cannabis dispensaries and cultivation; and

**WHEREAS**, after studying various alternatives for the regulation of commercial cannabis considering input from stakeholders and a public hearing, and reviewing the legal status of cannabis under applicable law, the City Council finds that the regulation of commercial cannabis activities is necessary to protect the public health, safety, and welfare by mitigating the adverse secondary effects including but not limited to; impacts to sewer capacity, traffic, law enforcement, air quality, utilities, and municipal services, from the operations of these uses; and

**WHEREAS**, the City of Oroville has a compelling interest in ensuring that cannabis is not distributed in an illicit manner, in protecting the public health, safety and welfare of its residents and businesses, in preserving the peace and quiet of the neighborhoods in which these uses may operate, and in providing access of cannabis to residents; and

**WHEREAS**, the City has conducted a CEQA review of all proposed commercial cannabis

projects and no further environmental analysis is required. This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15061(b)(3) "General Rule Exemption" and Section 15305 "Minor Alterations in Land Use Limitations."

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF OROVILLE DOES ORDAIN AS FOLLOWS:**

**SECTION 1: Findings.**

The City Council of the City of Oroville adopts and finds as true and correct the aforementioned recitals and incorporate them herein as findings.

**SECTION 2: Title 17 (Zoning), Chapter 17.04 (General Provisions), Section 17.04.060 is amended to read as follows:**

**17.04.060 Definitions.**

C. Definitions, "C."

**Cannabis.** All parts of the Cannabis sativa Linnaeus, Cannabis Indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 14017 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

**Cannabis business.** The cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, distribution, delivery, or retail sale of cannabis or a cannabis product.

**Cannabis canopy.** Means all of the following:

- (A) The designated area(s) at a licensed premise that will contain mature plants at any point in time;
- (B) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries;
- (C) Canopy may be noncontiguous, but each unique area included in the total canopy calculation shall be separated by an identifiable boundary such as an interior wall or by at least 10 feet of open space; and
- (D) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

**Cannabis cultivation.** Any activity involving the propagation, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

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

**Cannabis distribution.** The procurement, sale, and transport of cannabis or cannabis products between licensed cannabis businesses.

**Cannabis manufacturing.** means the production, preparation, propagation, or compounding of manufactured cannabis or cannabis products including businesses involving the extraction of a substance from a cannabis plant, the infusion or mixture of cannabis into another substance, the preparation of an edible item that contains cannabis, and the packaging and labeling of cannabis or cannabis products.

**Cannabis nursery.** The wholesale sale of clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

**Cannabis retail, non-storefront.** A brick-and-mortar cannabis retail use that is closed to the public but is authorized to conduct retail cannabis sales exclusively by delivery This use does not include on-site retail sales of cannabis or cannabis products.

**Cannabis retail, storefront.** The retail sale of cannabis, cannabis products, or devices for the use of cannabis or cannabis products, either individually or in any combination, including an establishment that delivers cannabis or cannabis products as part of a retail sale.

**Cannabis testing.** A facility, entity, or site that offers or performs tests of cannabis or cannabis products, and that is accredited as operating to ISO standard 17025 by an accrediting body and registered with the State Department of Public Health.

Delete the Definition of "Marijuana dispensary" in its entirety.

M. "Definitions, "M":

~~**Marijuana dispensary.** "Marijuana dispensary" means any of the following:~~

~~1. Any for-profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where any person(s) (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") makes available, sells, gives, distributes, or otherwise provides marijuana to any 2 or more other persons (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") pursuant to [Health and Safety Code](#) Sections 11362.8 and/or 11362.7 et seq., or otherwise; or~~

~~2. Any for-profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate to make available, sell, give away, distribute, or otherwise provide marijuana for medicinal marijuana "cooperatives" and "collectives."~~

~~The terms "primary caregiver," "qualified patient," "person with an identification card," "cooperative," and "collective" shall be as defined in Proposition 215 (Health and Safety Code Section 11362.5) and Senate Bill 420 (Health and Safety Code Section 11362.7 et seq.).~~

**SECTION 3: Title 17 (Zoning), Chapter 17.08 (General Regulations), Section 17.08.120 is hereby repealed.**

**17.08.120 Marijuana dispensaries.**

- ~~A. Pursuant to Government Code Section 65858, and notwithstanding any other provision of this Code, the establishment, development, construction, maintenance, or operation of a marijuana dispensary is hereby prohibited, and is not a permitted use in any of the following zoning districts, even if located within an otherwise permitted use: Urban Reserve 10 Acres (UR-10), Urban Reserve 5 Acres (UR-5), Agricultural Residential (RA), Rural Residential 1 Acre (RR-1), Rural Residential 20,000 Square Feet (RR-20), Rural Residential 10,000 Square Feet (RR-10), Large-Lot Residential (RL), Single-Family Residential (R-1), Medium-Density Residential (R-2), High-Density Residential (R-3), Urban-Density Residential (R-4), High-Density Residential/Professional (RP), Neighborhood Commercial (CN), Limited Commercial (C-1), Intensive Commercial (C-2), Highway Commercial Corridor (CH), Commercial Light Manufacturing (CLM), Office (OF), Downtown Mixed-Use (MXD), Neighborhood Mixed-Use (MXN), Corridor Mixed-Use (MXC), Airport Business Park (ABP), Light Industrial (M-1), Intensive Industrial (M-2), Public or Quasi-Public Facilities (PQ), and Open Space (OS). No person shall establish, develop, construct, maintain, or operate a marijuana dispensary, and no application for a building permit, use permit, variance, or any other entitlement authorizing the establishment, development, construction, maintenance, or operation of any marijuana dispensary shall be approved by the City of Oroville or any officer or employee thereof in any of the above districts.~~
- ~~B. **Prohibition of Cannabis Delivery and Commercial Processing.**~~
- ~~1. All deliveries of cannabis are expressly prohibited within the City of Oroville. No person shall conduct any deliveries that either originate or terminate within city limits.~~
  - ~~2. All commercial processing of cannabis is expressly prohibited within the City of Oroville.~~
- ~~C. **Permit or License Issuance.** The city shall not issue any permit, license, or other entitlement for any activity prohibited by the Oroville Municipal Code for which a state license is required under the Medical Marijuana Regulation and Safety Act or the Control, Regulate and Tax Adult Use of Marijuana Act.~~
- ~~D. **Public Nuisance.** Any use or condition caused, or permitted to exist, in violation of any provision of this section shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the city pursuant to Code of Civil Procedure Section 731 or any other remedy available to the city.~~
- ~~E. **Civil Penalties.** In addition to any other enforcement permitted by this section, city counsel may bring a civil action for injunctive relief and civil penalties, as permitted by law, against any person or entity that violates this section. In any civil action brought pursuant to this section, a court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party.~~

**SECTION 4: Title 17 (Zoning), Chapter 17.16 (Use-Specific Regulations), Section 17.16.XXX is amended to read as follows:**

**17.16.XXX Commercial cannabis businesses.**

- A. **Applicability.** This section applies to all commercial cannabis activities.
- B. **Permit Requirements.**
1. Any application for a commercial cannabis use must specify the State cannabis license type under which the business will operate.
  2. A commercial cannabis business shall be subject to and in conformance with the provisions of Oroville Municipal Code Chapter 5.XX, including the requirement for a



Cannabis Business Permit.

- C. **Buffers.** The following limitations shall apply to all commercial cannabis uses:
1. A commercial cannabis use shall provide a minimum one thousand hundred (1000)-foot buffer from a school providing instruction in kindergarten or any grade one (1) through twelve (12), day care centers, public parks, the Downtown Historic Overlay District (DHO), churches with 20 or more members, or youth centers as defined in Business and Professions Code section 26001 that is in existence at the time the permit is issued. All undeveloped parklands are excluded from the 1000-foot buffer.
  2. The distance specified in this subsection shall be the horizontal distance measured in a straight line from the property line of the school or center to the closest property line of the lot on which the permittee is to be located without regard to intervening structures.
- D. **Separation requirements between Cannabis Retail Businesses.** Cannabis retail businesses shall not be permitted or allowed to operate within one thousand (1000) feet of each other.
- E. **Maximum Number of Cannabis Retail Businesses.** No more than three (3) cannabis retail businesses shall be permitted or allowed to operate within the jurisdictional limits of the City of Oroville.
- F. **Development and Operational Standards.** Commercial cannabis uses shall comply with site development standards specified in the applicable zoning district, and must be located and operated in compliance with the following standards:
1. Regulations Applicable to All Commercial Cannabis Uses. All commercial cannabis uses shall comply with the following site development and operational standards:
    - a. Parking. Commercial cannabis uses shall comply with the parking requirements set forth in Oroville Municipal Code Chapter 17.12.070.
    - b. Lighting. Commercial cannabis uses shall comply with the lighting requirements set forth in Oroville Municipal Code Chapter 17.12.010.
    - c. Fencing, Screening and Landscaping. All commercial cannabis uses must comply with the fencing, screening, and landscaping requirements set forth in Oroville Municipal Code Chapter 17.12.020 and 17.12.050.
    - d. Odor. A sufficient odor-absorbing ventilation and exhaust system shall be installed to ensure that odor generated by the use is not detected outside the building, anywhere on adjacent properties or public rights-of-way, or within any other unit located within the same building or property as the commercial cannabis use. The escape of odors when delivering or transferring cannabis or cannabis products shall be prevented.
    - e. Signs. Signs for commercial cannabis uses shall comply with Oroville Municipal Code Chapter 17.20. In addition, commercial cannabis uses shall comply with the following provisions:
      - i. A sign shall be posted stating that the consumption of cannabis or cannabis products on or near the premises is prohibited;
      - ii. A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 (for medical cannabis uses) or 21 (for recreational cannabis use) is allowed on site. The operator of the establishment shall require all customers to show proof of age; and

- iii. A sign shall be posted stating that loitering on or near the premises is prohibited.
    - iv. All other signage shall be approved through a conditional use permit.
  - f. Property Maintenance. To prevent and deter crime, the site shall be maintained free of debris, litter, and trash.
  - g. Consumption. No use, inhalation, smoking, eating, ingestion, or other consumption of cannabis on the premises, are permitted. The term "premises" includes the actual building, as well as any accessory structures, parking lot or parking area(s), walks or other immediate surroundings.
  - h. Transactions. No transactions outside, or partially outside, of an enclosed building are permitted.
- 2. Regulations Applicable to Storefront Cannabis Retail Uses. All storefront cannabis retail uses shall comply with the following site development and operational standards:
  - a. The site shall not include patio or café seating, unless used exclusively for employees.
  - b. No alcohol or tobacco shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to patrons, employees, guests, visitors, or volunteers of retail cannabis stores. The term "patron" refers to a customer, consumer, visitor, or guest of a retail establishment.
  - c. No advertisement signs shall be allowed.
- 3. Regulations Applicable to Non-Storefront Cannabis Retail Uses. All non-storefront cannabis retail uses shall comply with the following site development and operational standards:
  - a. The site shall not be open to the general public.
  - b. No alcohol or tobacco shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to patrons, employees, guests, visitors, or volunteers of retail cannabis stores. The term "patron" refers to a customer, consumer, visitor, or guest of a retail establishment.
  - c. No organized and advertised tours shall be permitted.
  - d. No exhibition or product sales area or retail sales are permitted on the site.
  - e. No advertisement signs shall be allowed.
- 4. Regulations Applicable to Cannabis Manufacturing Uses. All cannabis manufacturing uses shall comply with the following operational standards:
  - a. The site shall not be open to the general public.
  - b. No organized and advertised tours shall be permitted.
  - c. No exhibition or product sales area or retail sales are permitted on the site.
  - d. No advertisement signs shall be allowed.
- 5. Regulations Applicable to Cannabis Distribution Uses. All cannabis distribution uses shall comply with the following operational standards:
  - a. The site shall not be open to the general public.
  - b. No organized and advertised tours shall be permitted.
  - c. No advertisement signs shall be allowed.

6. Regulations Applicable to Cannabis Testing Uses. All cannabis testing uses shall comply with the following operational standards:
  - a. The site shall not be open to the general public.
  - b. No organized and advertised tours shall be permitted.
  - c. No advertisement signs shall be allowed.
7. Regulations Applicable to Cannabis Cultivation Uses. All cannabis cultivation uses shall comply with the following operational standards:
  - a. All cultivation shall occur indoors.
  - b. Cultivation shall not be visible from any exterior location.
  - c. Cultivation may rely on artificial lighting or mixed light, which is a combination of natural and supplemental artificial lighting.
  - d. The site shall not be open to the general public.
  - e. No organized and advertised tours shall be permitted.
  - f. No exhibition or product sales area or retail sales are permitted on the site.
  - g. No advertisement signs shall be allowed.
8. Regulations Applicable to Cannabis Nursery Uses. All cannabis cultivation uses shall comply with the following operational standards:
  - a. All nursery operations, including cultivation, shall occur indoors.
  - b. Cultivation shall not be visible from any exterior location.
  - c. Cultivation may rely on artificial lighting or mixed light, which is a combination of natural and supplemental artificial lighting.
  - d. The site shall not be open to the general public.
  - e. No organized and advertised tours shall be permitted.
  - f. All sales shall be wholesale transactions between licensed cannabis operators. No retail sales are permitted on the site.
  - g. No advertisement signs shall be allowed.
9. Regulations Applicable to Cannabis Microbusiness Uses.
  - a. Microbusinesses with Storefront Retail. All cannabis microbusiness uses that include storefront retail shall comply with the following operational standards:
    - i. The site shall not include patio or café seating, unless used exclusively for employees.
    - ii. No alcohol or tobacco shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to patrons, employees, guests, visitors, or volunteers of retail cannabis stores. The term “patron” refers to a customer, consumer, visitor, or guest of a retail establishment.
    - iii. All cultivation shall occur indoors.
    - iv. Cultivation shall not be visible from any exterior location.
    - v. Cultivation may rely on artificial lighting or mixed light, which is a combination of natural and supplemental artificial lighting.
    - vi. No advertisement signs shall be allowed.

b. Microbusinesses with Non-Storefront Retail. All cannabis microbusiness uses that include non-storefront retail shall comply with the following operational standards:

- i. The site shall not be open to the general public.
- ii. No organized and advertised tours shall be permitted.
- iii. No exhibition or product sales area or retail sales are permitted on the site.
- iv. All cultivation shall occur indoors.
- v. Cultivation shall not be visible from any exterior location.
- vi. Cultivation may rely on artificial lighting or mixed light, which is a combination of natural and supplemental artificial lighting.
- vii. No advertisement signs shall be allowed.

**SECTION 5:** Title 17 (Zoning), Chapter 17.28 (Residential Districts), Section 17.28.010 is amended to read as follows:

**17.28.010 Allowed uses in residential districts.**

Land Use	Zoning Districts												Use-Specific Regulations
	UR-10	UR-5	RA	RR-1	RR-20	RR-10	RL	R-1	R-2	R-3	R-4	RP	
<i>Residential</i>	—	—	—	—	—	—	—	—	—	—	—	—	
Marijuana dispensary	—	—	—	—	—	—	—	—	—	—	—	—	—

**SECTION 6:** Title 17 (Zoning), Chapter 17.32 (Commercial Districts), Section 17.32.010 is amended to read as follows:

**17.32.010 Allowed uses in commercial districts.**

Land Use	Zoning Districts							Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF		
<i>Retail</i>								
Cannabis Marijuana Retail	—	CUP	CUP	CUP	CUP	CUP		17.16.XXX
<i>Services</i>								
Cannabis Testing	—	CUP	CUP	CUP	CUP	CUP		17.16.XXX

**SECTION 7:** Title 17 (Zoning), Chapter 17.34 (Mixed-Use Districts), Section 17.34.020 is amended to read as follows:

**17.34.020 Allowed uses in mixed-use districts.**

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
<i>Retail</i>				
Marijuana dispensary	—	—	—	—

**SECTION 8:** Title 17 (Zoning), Chapter 17.36 (Industrial Districts), Section 17.36.010 is amended to read as follows:

**17.36.010 Allowed uses in industrial districts.**

Land Use	Zoning Districts			Use-Specific Regulations
	ABP	M-1	M-2	
<i>Retail</i>				
Cannabis Marijuana Retail	—	CUP	CUP	17.16.XXX
<i>Manufacturing, Wholesale, Repair and Storage</i>				
Cannabis Cultivation	—	CUP	CUP	17.16.XXX
Cannabis Distribution	—	CUP	CUP	17.16.XXX
Cannabis Manufacturing	—	CUP	CUP	17.16.XXX
Cannabis Microbusiness	—	CUP	CUP	17.16.XXX
Cannabis Nursery	—	CUP	CUP	17.16.XXX
Cannabis Testing	—	CUP	CUP	17.16.XXX

**SECTION 9:** Title 17 (Zoning), Chapter 17.40 (Special Purpose Districts), Section 17.40.010 is amended to read as follows:

**17.40.010 Allowed uses in industrial districts.**

Land Use	Zoning Districts		Use-Specific Regulations
	PQ	OS	
<i>Retail</i>			
Marijuana dispensary	—	—	—

**SECTION 10: Severability.**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 11: Effective Date.**

This ordinance shall take effect thirty (30) days after the date of its final adoption. The City Clerk shall certify to adoption thereof and cause its publication according to law.

**I HEREBY CERTIFY** that the foregoing ordinance was introduced and read by the City Council of the City of Oroville on the 7<sup>th</sup> day of August, 2018, and was duly read and adopted at a regular meeting on the 20<sup>th</sup> day of November, 2018, by the following vote:

**AYES: COUNCIL MEMBERS:**  
**NOES: COUNCIL MEMBERS:**  
**ABSENT: COUNCIL MEMBERS:**  
**ABSTAIN: COUNCIL MEMBERS:**

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**LINDA DAHLMEIER, Mayor**

**ATTEST:**

**FORM APPROVED**

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**JOANNA GUTIERREZ, Interim City Clerk**

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**SCOTT HUBER, City Attorney**

**ORDINANCE NO. 1831**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE,  
CALIFORNIA, AMENDING TITLE 5 (BUSINESS LICENCES AND REGULATIONS)  
OF THE OROVILLE MUNICIPAL CODE BY ADDING CHAPTER 5.XX  
(COMMERCIAL CANNABIS) TO REGULATE THE ESTABLISHMENT AND  
OPERATION OF ALL COMMERCIAL CANNABIS ACTIVITIES IN THE CITY OF  
OROVILLE**

**WHEREAS**, in 1996, the California electorate approved Proposition 215, the Compassionate Use Act of 1996, which allows a patient, with a doctor's recommendation, to use cannabis for medical purposes without the fear of prosecution or arrest; and

**WHEREAS**, in 2003, the California legislature passed Senate Bill 420 (Medical Marijuana Program Act) which amended the Health and Safety Code to permit the establishment of medical cannabis dispensaries for the distribution of cannabis for medical purposes; and

**WHEREAS**, in 2005 the California Board of Equalization began issuing seller's permits for sales consisting of medical cannabis; and

**WHEREAS**, in 2008 the California Attorney General issued guidelines for the security and non-diversion of cannabis grown for medical use; and

**WHEREAS**, in 2015, the Governor signed into law Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Marijuana Regulation and Safety Act ("MMRSA") further amended in 2016 as the Medicinal Cannabis Regulation and Safety Act ("MCRSA"), which established regulations and a state licensing system for medical cannabis cultivation, manufacturing, delivery, and dispensing; and

**WHEREAS**, in 2016 the voters of the State of California approved and passed Proposition 64 also known as the Adult Use of Marijuana Act ("AUMA"); and

**WHEREAS**, Health & Safety Code Section 11362.83 provides that cities are free to adopt and enforce local ordinances that regulate the location, operation, or establishment of medical cannabis dispensaries and cultivation; and

**WHEREAS**, after studying various alternatives for the regulation of commercial cannabis considering input from stakeholders and a public hearing, and reviewing the legal status of cannabis under applicable law, the City Council finds that the regulation of commercial cannabis activities is necessary to protect the public health, safety, and welfare by mitigating the adverse secondary effects from the operations of these uses; and

**WHEREAS**, the City of Oroville has a compelling interest in ensuring that cannabis is not distributed in an illicit manner, in protecting the public health, safety and welfare of its residents and businesses, in preserving the peace and quiet of the neighborhoods in which these uses may operate, and in providing access of cannabis to residents; and

**WHEREAS**, the City has conducted a CEQA review of all proposed commercial cannabis projects and no further environmental analysis is required. This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15061(b)(3) “General Rule Exemption” and Section 15305 “Minor Alterations in Land Use Limitations.”

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF OROVILLE DOES ORDAIN AS FOLLOWS:**

**SECTION 1: Findings.**

The City Council of the City of Oroville adopts and finds as true and correct the aforementioned recitals and incorporate them herein as findings.

**SECTION 2: Title 5 of the Oroville Municipal Code is hereby amended adding Chapter 5.XX (Cannabis) with a title to read as follows:**

**CANNABIS**

**Sections:**

- 5.XX.010 Purpose and Intent.**
- 5.XX.020 Land Use Reference.**
- 5.XX.030 Zoning Compliance and Cannabis Business Permit Required.**
- 5.XX.040 Definitions.**
- 5.XX.050 Compliance with State and Local Licensing Requirements.**
- 5.XX.060 General Provisions for All Commercial Cannabis Activity.**
- 5.XX.070 Operational Standards for All Commercial Cannabis Businesses.**
- 5.XX.080 Additional Regulations for Cannabis Retail Businesses.**
- 5.XX.090 Additional Regulations for Cannabis Retail Delivery Services.**
- 5.XX.100 Additional Regulations for Cannabis Manufacture Businesses.**
- 5.XX.110 Additional Regulations for Cannabis Testing Laboratory Businesses**
- 5.XX.120 Additional Regulations for Cannabis Distribution Businesses.**
- 5.XX.130 Additional Regulations for Cannabis Cultivation Businesses.**
- 5.XX.140 Additional Regulations for Microbusiness Businesses.**
- 5.XX.150 Cannabis Business Permit Application Procedures.**
- 5.XX.160 Cannabis Business Permit Selection Process.**
- 5.XX.170 Cannabis Business Permit Annual Renewal**
- 5.XX.180 Appeal and Denial of Cannabis Business Permit.**
- 5.XX.190 Suspension or Revocation of Cannabis Business Permit.**
- 5.XX.200 Enforcement.**
- 5.XX.210 Fees and Taxes.**
- 5.XX.220 Limitations on City’s Liability.**

**Section 5.XX.010 Purpose and Intent.**



The purpose and intent of this Chapter is to regulate commercial cannabis activities in order to ensure the health, safety and welfare of the residents of the City of Oroville ("City") by establishing regulations necessary for a commercial cannabis business to obtain and maintain a Cannabis Business Permit ("CBP"). All commercial cannabis facilities shall at all times operate in accordance with the State law and any applicable provisions of the Code. All commercial cannabis business shall comply with the conditions of approval associated with the applicable zone for the parcel of real property upon which the commercial cannabis activities are conducted. Any commercial cannabis business shall qualify for and receive a CBP from the City of Oroville as provided by this ordinance and operate only in an allowable zone as defined in Title 17, Zoning of the Oroville Municipal Code, before commencing any commercial cannabis activity. Any commercial cannabis business without a State license, CBP, and a Land Use Permit is in violation of this ordinance. The regulations in this article, in compliance with the Compassionate Use Act, the Medical Marijuana Program Act, SB 94, Proposition 64, and the California Health and Safety Code (collectively referred to as "State Law") do not interfere with the right to use cannabis or medicinal cannabis as authorized under State Law, nor do they criminalize the possession or commercial activities of cannabis or medicinal cannabis as authorized under State Law.

**Section 5.XX.020 Land Use Reference.**

This Chapter corresponds with Title 17 Zoning and will be taken together with the provisions of Title 17 Zoning to determine whether a cannabis business is permitted and to determine the approval process. Any commercial cannabis business in the City of Oroville must also operate in compliance with the City's zoning ordinance.

**Section 5.XX.030 Zoning Compliance and Cannabis Business Permit Required.**

Commercial cannabis activities are expressly prohibited in all zones in the City of Oroville; however, certain commercial cannabis businesses are allowed with a Conditional Use Permit, pursuant to the provisions of Title 17 Zoning. No commercial cannabis business may operate in the City of Oroville without a CBP. As a requisite for obtaining a CBP, commercial cannabis businesses shall conduct business only in the appropriate zones as described in Title 17 Zoning.

**Section 5.XX.040 Definitions**

The definitions are incorporated herein as fully set forth and are applicable to this ordinance. All definitions are intended to comply with those set forth by the State of California for all commercial cannabis activities.

**"Applicant"** means a person who is required to file an application for a permit under this Chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a commercial cannabis business.

**"Cannabis"** means all parts of the Cannabis sativa Linnaeus, Cannabis Indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 14017 of the

Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

**"Cannabis business"** means any enterprise engaged in the cultivation, possession, manufacture, processing, storage, laboratory testing, labeling, distribution, delivery, or retail sale of cannabis or a cannabis product.

**"Cannabis business permit (CBP)"** means a permit issued by the City to a cannabis business pursuant to this Chapter.

**"Cannabis goods"** means cannabis, including dried flower, and manufactured cannabis products.

**"Cannabis products"** shall have the meaning set forth in Health and Safety Code section 11018.1.

**"Cannabis retail business", "cannabis retailer", or "retailer"** means a business where cannabis goods, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination for retail sale, including an establishment that delivers cannabis or cannabis products as part of a retail sale.

**"Cannabis waste"** means waste that is not hazardous waste, as defined in Public Resources Code section 40191, that contains cannabis and that has been made unusable and unrecognizable in the manner prescribed by the State.

**"Canopy"** means all of the following:

- (1) The designated area(s) at a licensed premise that will contain mature plants at any point in time;
- (2) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries;
- (3) Canopy may be noncontiguous, but each unique area included in the total canopy calculation shall be separated by an identifiable boundary such as an interior wall or by at least 10 feet of open space; and
- (4) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

**"Commercial cannabis activity"** includes the cultivation, possession, manufacture, processing, storage, laboratory testing, labeling, distribution, delivery, or retail sale of cannabis or cannabis products, and shall be read together with any applicable definitions contained within Business and Professions Code Section 26001, except as set forth in Section 19319 of the Business and Professions Code, related to qualifying patients and primary caregivers. "Commercial cannabis activity" shall be used interchangeably with "commercial cannabis business." This section is intended to provide the broadest possible definition for the term.

**“Cultivation”** means any activity involving the propagation, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

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

**“Delivery employee”** means an individual employed by a licensed cannabis retailer who delivers cannabis goods from the licensed retail business to a customer at a physical address.

**“Dispensary”** see “Cannabis retail business”.

**“Display”** means cannabis goods that are stored in the licensed cannabis retail business during the hours of operation.

**“Distribution”** means the procurement, sale, and transport of cannabis or cannabis products between licensed cannabis businesses.

**“Distributor”** means a person or entity engaged in distribution, as defined by Business and Professions Code section 26001(r), of cannabis or cannabis products.

**“Edible cannabis product”** means manufactured cannabis that is intended to be used, in whole or in part, for human consumption. An edible medicinal cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code.

**“Free sample”** means any amount of cannabis goods provided to a medicinal cannabis patient, or purchaser of cannabis, or primary caregiver without cost or payment or exchange of any other thing of value.

**“License”** means a license issued by the State of California, or one of its departments or divisions under State Law, to engage in commercial cannabis activity.

**“Licensee”** means any person to which the State of California, or one of its departments or divisions, has issued a license under State Law, to engage in commercial cannabis activity.

**“Limited-access area”** means an area in which cannabis goods are stored or held and is only accessible to a licensee and its employees and contractors.

**“Manufacture”** means to compound, blend, extract, infuse, process or otherwise make or prepare a cannabis product.

**“Manufacturer”** means a business producing, preparing, propagating, manufacturing or compounding cannabis and cannabis products including businesses involving the extraction of a substance from a cannabis plant, the infusion or mixture of cannabis into another substance, the

preparation of an edible item that contains cannabis, and the packaging and labeling of cannabis or cannabis products.

**“Medicinal cannabis patient”** is a person whose physician has recommended the use of cannabis to treat a serious illness.

**“Microbusiness”** means the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer (non-volatile) as defined by the State, and retailer, provided such licensee can demonstrate compliance with all requirements imposed by the State on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities.

**“Operating hours”** means the hours within a day during which a licensed retail facility may allow cannabis purchasers and primary caregivers to enter the premises and purchase cannabis goods.

**“Ownership interest”** means an interest held by a person who is an owner as defined by State of California commercial cannabis regulations or who has a financial interest in the commercial cannabis business of 20% or more.

**“Package” and “Packaging”** means any container or wrapper that may be used for enclosing or containing any cannabis goods for final retail sale. “Package” and “packaging” does not include a shipping container or outer wrapping used solely for the transport of cannabis goods in bulk quantity to a licensee.

**“Person”** includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

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

**“Premises”** means the designated structure(s) and land specified in the application that are in possession of and used by the applicant or licensee to conduct the commercial cannabis activity.

**“Primary Caregiver”** has the same meaning as that term is defined in Section 11362.7 of the Health and Safety Code.

**“Private security officer”** has the same meaning as that term as defined in the State of California Business and Professions Code section 7574.01.

**“Publicly owned land”** means any building or real property that is owned by a city, county, state, federal, or other government entity.

**“Purchase”** means obtaining cannabis goods in exchange for payment.

**“Purchaser”** means a person who is engaged in a transaction with a licensee for purposes of obtaining cannabis goods.

**“Security monitoring”** means the continuous and uninterrupted attention to potential alarm signals that can be transmitted from a security alarm system for the purpose of summoning law enforcement.

**“Sell,” “sale,” and “to sell”** include any transaction whereby, for any payment, title to cannabis is transferred from one person to another and includes the delivery of cannabis goods pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same but does not include the return of cannabis goods by a licensee to the licensee from whom such cannabis goods were purchased.

**“State”** means the State of California.

**“Testing”** means a facility, entity, or site that offers or performs tests of cannabis or cannabis products, and that is accredited as operating to ISO standard 17025 by an accrediting body, and registered with the State Department of Public Health

**“Vehicle alarm system”** is a device or series of devices installed to discourage theft of the commercial vehicle or its contents and is intended to summon general attention or to summon law enforcement as a result of an indication of an attempted breach of the commercial vehicle.

**“Volatile solvent”** means a solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. “Volatile solvent” does not include carbon dioxide used for extraction or ethanol used for extraction and post-extraction processing.

#### **Section 5.XX.050 Compliance with State and Local Licensing Requirements.**

Commercial cannabis activity as defined by the State of California or the City of Oroville shall operate in conformance with all regulations and standards set forth in this Chapter of the Municipal Code to ensure that the operations of the retailer, cultivator, manufacturer, distributor, testing facility or any other commercial cannabis activity as defined by the State of California or allowed by the City of Oroville are in compliance with local and State law and are established to mitigate any adverse secondary effects from its operations. Cannabis businesses shall be required to obtain a State license and shall comply with any applicable State licensing requirements, such as operational standards and locational criteria. Multiple commercial cannabis activities and licenses proposed on any one site shall occur only if authorized by the State and the City of Oroville and only if all uses proposed are allowed pursuant to the City’s Zoning Code.

#### **Section 5.XX.060 General Provisions for All Commercial Cannabis Activity.**

##### **A. Cannabis Business Permit Required.**

1. Each business shall have a CBP specific to the business activity defined by the State pertaining to that activity and whether the activity is medicinal or adult-use or any other commercial cannabis activity the State may define and as they may be amended. Following is a list of current permit types:
  - a. Cultivation

- b. Distribution
  - c. Manufacturing
  - d. Microbusiness
  - e. Nurseries
  - f. Retail (Dispensaries)
  - g. Testing
2. It shall be unlawful for any person, association, partnership or corporation to engage in, conduct or carry on, in or upon any premises within the City of Oroville any commercial cannabis business without a CBP. A commercial cannabis business shall register and obtain a CBP from the City of Oroville prior to operation. The CBP applicant shall pay an annual non-refundable regulatory fee in an amount and at a frequency established by the City Council.
  3. A copy of the CBP shall be displayed at all times in a place visible to the public.
  4. A CBP shall be valid for one (1) year, unless sooner revoked. No permit granted herein shall confer any vested right to any person or business for more than the above-referenced period.
  5. A CBP shall not be issued to a person with felony convictions as reported by a Department of Justice "Live Scan", as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of Section 1192.7 of the Penal Code; with criminal convictions that substantially relate to the qualifications, functions, or duties of a business or profession, including a felony conviction involving fraud, deceit, or embezzlement, or with a criminal conviction for the sale or provision of controlled substances without specific written permission from the City.
  6. A Cannabis Business shall not employ any individuals with felony convictions as reported by a Department of Justice "Live Scan", as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of Section 1192.7 of the Penal Code; with criminal convictions that substantially relate to the qualifications, functions, or duties of a business or profession, including a felony conviction involving fraud, deceit, or embezzlement, or with a criminal conviction for the sale or provision of controlled substances without specific written permission from the City.
  7. A CBP shall be issued to the specific person or persons listed on the Cannabis Permit Application.
  8. A CBP may not be transferred from one person to another person. A CBP is not does not run with the land or with the business. Any change to the business location, organizational structure, or ownership requires a new application with associated fees.

**B. Maintenance of Records and Reporting.**

1. Licensing authorities may examine the records of a licensee and inspect the premises of a licensee as the licensing authority, or a state or local agency, deems necessary to perform its duties under this division. All inspections and examinations of records shall be conducted during standard business hours of the licensee or at any other reasonable time.

Licensees shall, make available at the licensee's premises, and/or deliver records to, and as directed by the licensing authority, upon request. Records shall be kept in a manner that allows the records to be produced for the City in either hard copy or electronic form, whichever the City requests.

2. All records for the commercial cannabis business of the following activities shall be maintained and available to the City of Oroville for at least 7 years. Records shall be produced within 24 hours of a request by an authorized City representative:
  - a. The business shall obtain and maintain a valid Seller's Permit from the California Department of Fee and Tax Administration (CDTFA) or its successor agency.
  - b. Financial records include, but are not limited to: bank statements, sales invoices, receipts, tax records, and all records required by the California State Board of Equalization or its successor agency under Title 18 California Code of Regulations section 1968.
  - c. The printed full name, date of birth, and present address and telephone number of the licensed individual, as well as for all persons with any financial interest in the commercial cannabis business.
  - d. Personnel records, including each employee's full name, address, phone number, date of beginning employment, and date of termination of employment if applicable.
  - e. Training records, including but not limited to the content of the training provided and the names of the employees that received the training.
  - f. Contracts with other licensees regarding commercial cannabis activity.
  - g. Permits, licenses, and other local authorizations to conduct the licensee's commercial cannabis activity, including valid Seller's Permit.
  - h. Security records.
  - i. Proof of building ownership or written permission from landlord permitting the cannabis business type to be operated on the leased premises.
  - j. Proof of insurance.
  - k. The City may also request access to recordings not specifically listed above as outlined in that California Business and Professions Code, Chapter 16, Records.

C. Child Support Obligations:

1. Prior to the issuance of an initial or renewal CBP under this Chapter, and at all times while holding a permit, applicants and Licensees shall be current or in good standing with their monthly child support obligations. If the applicant or Licensee has an account with past due child support arrears, he/she must have that balance at zero or have verification from

the Butte County Department of Child Support Services that they have been in and remain in compliance with a court ordered payment plan.

2. Licensees shall provide the Butte County Department of Child Support Services a quarterly list of all employees employed by Licensee at any time during the quarter. Reports are due by the 15th of the month following the end of the quarter. (March, June, September, and December). The list shall include names, addresses, phone numbers and social security numbers for all employees.
3. If Licensee uses a payroll withholding process, Licensee must comply with any income withholding order for child support for any employee in Licensee's employ. In addition, if the income withholding order is for an owner or part-owner of the business, the business shall also comply with the income withholding order and provide necessary tax information for purposes of determining accurate child support orders.

**Section 5.XX.070 Operational Standards for All Commercial Cannabis Businesses.**

- A. Interior and exterior locations of the business property shall be monitored at all times by closed circuit cameras for security purposes. The cameras and recording system shall be of adequate quality, color rendition and resolution to allow the sufficient identification of any individual committing a crime on the location premises, with a minimum of 15 frames per second. Cameras shall record 24 hours a day.
- B. The surveillance system storage device or cameras shall be transmission control protocol/TCP capable of being accessed through the internet by the City or their designee on request. Licensee shall provide secure, constant, and continuous electronic access to all cameras to City at all times, and expressly waives any warrant or other legal process requirements. Licensee shall conspicuously post signage at the entrance(s) to the premises advising all persons including employees and purchasers of the existence of the cameras and law enforcement's access to the cameras.
- C. All controlled access areas, security rooms and all points of ingress/egress to limited access areas and all point of sale (POS) areas shall have fixed camera coverage capable of identifying activity occurring within a minimum of twenty (20) feet. Camera video recordings shall be maintained unaltered in a secure location, stored digitally, for a period of not less than ninety (90) calendar days and be available for inspection at any time. The City or law enforcement may request the recordings in connection with an investigation. If the recordings are not voluntarily provided, the City or law enforcement may seek a warrant or court order for the recordings.
- D. Recorded images shall clearly and accurately display the time and date. Copies of the recordings shall be provided within 7 business days to the City of Oroville, the Oroville Police Department, or other law enforcement agency upon request. Failure to promptly comply with law enforcement request for recordings may subject licensee to revocation of license and/or CBP.
- E. All commercial cannabis businesses shall create and maintain an active account within the State's track and trace system prior to commencing any commercial cannabis activity. In the



event of system failure, the business shall keep a hard copy record and transfer the information to the track and trace system within 24 hours of the system being available.

- F. No physical modification of the licensed premises is allowed without written prior permission by the City, compliance with applicable building permit, inspection and approval processes, and payment of any additional fees required by the City.
- G. The commercial cannabis business shall minimize nuisances such as trash, litter, and graffiti.
- H. All commercial cannabis facilities shall be required to provide an air treatment system that ensures off-site odors shall not result from its operations. This requirement at a minimum means that the facility shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the location is not detected outside the building, on adjacent properties or public rights-of-way, or within any other unit located within the same building as the facility, if the use occupies only a portion of a building.
- I. A commercial cannabis business entity that remains inoperative for more than 90 calendar days shall be deemed “abandoned” and the permit shall be forfeited. A business may temporarily suspend operations for a period of time as may be reasonably required to affect upgrades, modifications, repairs, or other property issue mitigations as approved by the City Administrator or designee.
- J. The cannabis business shall comply with all State regulations regarding testing, labeling and storage of all cannabis products.
- K. The cannabis business shall meet all State and local regulations for the storage, use, and disposal of all cannabis goods and cannabis waste, and any materials used in conjunction with processing, distribution and cultivation of cannabis as well as any unsold cannabis or cannabis products.
- L. The cannabis business shall conform to all State and County regulations regarding the use of appropriate weighing devices.
- M. The cannabis business shall conform to all State and local regulations regarding water usage. No liquids of any kind shall be discharged into a public or private sewage or drainage system, watercourse, body of water or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board (California Administrative Code, Title 23, Chapter 27).
- N. All aspects of the commercial cannabis business premises shall comply with all State and local regulations including the California Building Code and California Fire Code, as adopted by the City of Oroville.
- O. The commercial cannabis business shall at all times maintain insurance policies of the types and with the terms, coverages, endorsements as shall be set forth in the application for CBP.
- P. All agents, private security officers or other persons acting for or employed by a licensee shall display a laminated identification badge at least 2” X 2” in size, issued by the licensee. The badge, at a minimum, shall include the licensee’s “doing business as” name and license

number, employee's first and last name, and a color photo of the employee that shows the full front of the employee's face.

- Q. The commercial cannabis business shall have a centrally-monitored fire and burglar alarm system which shall include all perimeter entry points and perimeter windows. In addition, the alarm system shall be equipped with silent panic alarm buttons at the main counter and money storage area.
- R. A commercial cannabis business shall ensure that a licensed alarm company operator or one or more of its registered alarm agents installs, maintains, monitors and responds to the alarm system. The alarm company shall obtain a City business license. The alarm company shall notify the Oroville Police Department public safety dispatch center (9-1-1 Center) of any alarm activations.
- S. No free samples of any cannabis goods may be distributed at any time.
- T. All persons hiring employees to engage in commercial cannabis activities shall document compliance with the following employee safety practice:
  - 1. Emergency action response planning as necessary
  - 2. Employee accident reporting and investigation policies
  - 3. Fire prevention
  - 4. Hazard communication policies, including maintenance of material safety data sheets
  - 5. Materials storage and handling policies
  - 6. Personal protective equipment policies
  - 7. Operation manager contacts
  - 8. Emergency responder contacts
  - 9. Poison control contacts
  - 10. Department of Justice "Live Scan" for all employees
- U. All persons with ownership interest, and all employees, agents, officers and other persons acting on behalf of a licensee must be at least 21 years of age.
- V. Shipments of cannabis goods may only be accepted during regular business hours.
- W. Inventory shall be secured and locked in a room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss during non-business hours.
- X. No cannabis goods shall be visible from the exterior of the business.
- Y. Smoking, ingesting or otherwise consuming cannabis on the premises of a commercial cannabis business, or within 100 feet of the premises, is prohibited.

**Section 5.XX.080 Additional Regulations for Cannabis Retail Businesses.**

- A. A licensed cannabis retail facility shall comply with all State regulations contained in California Code of Regulations Title 16, Division 42 and as it may be amended from time to time.
- B. Only three (3) dispensaries shall operate within the Oroville City Limits unless the City Council by resolution determines another number is appropriate.

- C. All cannabis goods available for sale shall be securely locked and stored.
- D. Display of cannabis goods shall be limited to only an amount necessary to provide a visual sample for customers.
- E. The use of vending machines (i.e., a machine that dispenses articles when a coin, bill, or token is inserted) to dispense cannabis goods is strictly prohibited.
- F. At all times, the cannabis retailer is open, the retailer shall provide at least one security guard who is registered with Bureau of Security and Investigative Services and possesses a valid and current security guard registration card on their person while on-duty.
- G. The security guard and cannabis retail personnel shall monitor the site and the immediate vicinity of the site to ensure that patrons immediately leave the site and do not consume cannabis in the vicinity of the retailer or on the property or in the parking lot.
- H. Retailers selling medicinal cannabis shall maintain the full name, address and telephone number(s) of all patient members to whom the business provides medicinal cannabis, and a copy of a physician-issued recommendation card for all patient members.
- I. Hours of operation shall be limited to no earlier than 9 a.m. Pacific Time and no later than 9 p.m. Pacific Time unless zoning regulations specify more restrictive hours.
- J. On-site consumption of cannabis or cannabis products is specifically prohibited on the premises at all times. The following information shall be provided on a sign posted in a conspicuous location inside the cannabis retail business: "Smoking, ingesting or consuming cannabis on this property or within 100 feet of the business is prohibited".
- K. No one under the age of 21 shall be allowed to enter this facility unless they are either a qualified patient or a primary caregiver.
- L. No recommendations from a doctor for medicinal cannabis shall be issued on-site.
- M. There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption of alcohol, tobacco or cannabis by patrons.

**Section 5.XX.090 Additional Regulations for Cannabis Retail Delivery Services.**

- A. All deliveries shall comply with Sections 5415 through 5421, inclusive, of Title 16 of the California code of Regulations.
- B. Commercial cannabis deliveries to locations within the jurisdictional boundaries of the City may be made only from a cannabis retailer with a CBP issued by the City in compliance with this Chapter, or from a licensed cannabis retailer from outside the City, and in compliance with all State regulations.
- C. All employees who deliver cannabis shall have valid identification and a copy of the retailer's CBP at all times while making deliveries.

- D. Proof of insurance, of the types and with the terms, coverages, and endorsements as shall be set forth in the application for CBP for any and all vehicles being used to transport cannabis goods.
- E. All deliveries shall only take place during normal business hours of the retail business.
- F. Delivery vehicles shall not be marked in any way indicating that it is a cannabis delivery vehicle. This includes any exterior advertising of the retail business on the vehicle.
- G. A retailer shall maintain a list of all deliveries, including the address delivered to, the amount and type of product delivered, and any other information required by the City.
- H. The maximum limit of any cannabis goods carried by the delivery vehicle may not exceed the limit set by State Law.

**Section 5.XX.100 Additional Regulations for Cannabis Manufacture Businesses.**

- A. At all times, the cannabis manufacturer will be compliant with all State regulations for cannabis manufacturing including California Code of Regulations Title 17 Division 1, Chapter 13, as it may be amended from time to time.
- B. A licensed cannabis manufacturer may conduct all activities permitted by the State.
- C. Any manufacturing activity that will be conducted by the licensee shall be included on the application. No additional manufacturing activity can be conducted without applying for and receiving written permission, after inspections and permitting (if applicable), from the City for that additional activity.
- D. Inspections by the Fire Chief, Building Official, and Butte County Division of Agriculture or their respective designees may be conducted anytime during the business's regular business hours, in addition to any other inspections allowed by other persons/entities as set forth in State or local law.
- E. Cannabis manufacturing facilities shall not contain an exhibition or product sales area or allow for retail distribution of products at that location.

**Section 5.XX.110 Additional Regulations for Cannabis Testing Laboratory Businesses.**

- A. A licensed cannabis testing business shall comply with all State regulations contained in California Code of Regulations Title 16, Division 42 and as it may be amended from time to time.
- B. Any cannabis testing facility shall maintain all certifications required by the State.
- C. A licensed cannabis testing facility business, its owners and its employees may not hold an interest in any other cannabis business except another testing business.

- D. Inspections by the Fire Chief, or Police Chief, or Building Official, or their designee may be conducted anytime during the business's regular business hours, in addition to any other inspections allowed by other persons/entities as set forth in State or local law.

**Section 5.XX.120 Additional Regulations for Cannabis Distribution Businesses.**

- A. A licensed cannabis distribution business shall comply with all State regulations contained in California Code of Regulations Title 16, Division 42 and as it may be amended from time to time.
- B. Any cannabis distribution facility shall provide proof of a bond of at least five thousand dollars to cover the costs of destruction of cannabis or cannabis products if necessitated by a violation of licensing requirements.
- C. Inspections by the City Police Chief or his/her designees may be conducted anytime during the business's regular business hours, in addition to any other inspections allowed by other person/entities as set forth in State or local law.

**Section 5.XX.130 Additional Regulations for Cannabis Cultivation Businesses.**

- A. A licensed cannabis cultivation facility shall comply with all State regulations contained in California Code of Regulations Title 3, Division 8 and as it may be amended from time to time.
- B. Outdoor cultivation of cannabis is expressly prohibited. All cannabis cultivation activities shall occur within a fully enclosed and secured structure that fully encloses the premises. Said facility shall not violate any other ordinance, code Section, or provision of law regarding the height, location, materials, or other fencing restrictions and shall not be constructed or covered with plastic or cloth. All screening shall conform to the requirements of applicable area, community, specific and design plans.
- C. Cultivation area shall not exceed that authorized by license issued by the State of California.
- D. The cannabis business shall register with the Department of Pesticide Regulation if using any pesticides.
- E. From a public right-of-way, there shall be no exterior evidence of cannabis cultivation.
- F. The Building Official may require additional specific standards to meet the California Building Code and Fire Code.
- G. Compliance with Section 13149 of Water Code as enforced by the State Water Resources Control Board.
- H. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or emergency.

**Section 5.XX.140 Additional Regulations for Microbusiness Businesses.**

- A. In order to hold a State Microbusiness license, a licensee must engage in at least three (3) of the following commercial cannabis activities: cultivation, manufacturing, distribution, and retail sale. Areas of the premises for manufacturing and cultivation shall be separated from the distribution and retail areas by a wall and all doors between the areas shall remain closed when not in use, as regulated per California Code of Regulations Title 16 Division 42 Chapter
- B. Any cannabis activity that is to be conducted as part of a microbusiness shall comply with all commercial cannabis activity regulations pertaining to each activity, as set forth in this Chapter.

**Section 5.XX.150 Cannabis Business Permit Application Procedures.**

The City Administrator or his/her designee will prepare cannabis application forms and a related administrative policy. Each Applicant interested in operating pursuant to this Chapter may submit an application together with a non-refundable processing fee in an amount established by the City Council.

**Section 5.XX.160 Cannabis Business Permit Selection Process.**

- A. Cannabis Business Permit Selection Process Overview.
  - 1. The CBP selection process will be conducted in two phases, Phase 1 and Phase 2. In Phase 1, each Applicant interested in operating a commercial cannabis business will pay an application fee in an amount established by the City Council by resolution. The application will be reviewed for completeness by the City Administrator or designee.
  - 2. In Phase 2, the applicant will pay an application fee in an amount established by the City Council and a complete background check of the business owner and review of the business plans will be conducted by the City Administrator to ensure compatibility with State and local regulations.
  - 3. For commercial cannabis activities restricted by number of permits available, the City has established a competitive selection process using a merit-based scoring system and a selection panel to objectively award permits in the event that there are more applications than there are permits available for a specific license type, as described in subsection (D).
  - 4. If any of the items listed in the application process are not met, the City Administrator shall notify the applicant of the deficiency within thirty (30) calendar days, after which the applicant will have ten (10) calendar days from receipt of notice to correct the deficiency. If the deficiency is not corrected within ten calendar days, the City Administrator may deny the permit and notify the applicant of this determination in writing within ten calendar days.
  - 5. Official issuance of the commercial cannabis business permit(s), however, is conditioned upon the prevailing applicant(s) obtaining all required land use approvals.
  - 6. Issuance of a commercial cannabis business permit does not create a land use entitlement or serve as a building permit. Furthermore, no permittee may begin operations, notwithstanding the issuance of a permit, unless all of the state and local laws and regulations, including but not limited to the requirements of this Chapter, applicable

building permits, and conditions of the commercial cannabis business permit, have been complied with.

#### B. Cannabis Business Permit Selection – Phase 1 – Initial Review.

The City Administrator or designee(s) shall determine whether each application demonstrates compliance with the minimum requirements in Phase 1 Initial Review and proceed to the Phase 2 review process. These requirements include, but are not limited to:

1. Phase 1 application fee is paid;
2. All application documents required in the City's Phase 1 application package are submitted;
3. Application forms are filled out completely;
4. Business Owner(s) / Applicant(s) referenced on the application completes a Live Scan that was conducted within 14 days prior to submitting the application;
5. A zoning clearance letter that the proposed location of the cannabis business on the application meets the zoning criteria established in Title 17 Zoning including, but not limited to, any and all sensitive use separation criteria.

#### C. Cannabis Business Permit Selection – Phase 2 – Final Review.

The City Administrator or designee, after reviewing the applications approved in Phase 1 and reviewing the information below will make a recommendation to the City Council to approve or reject the application for the CBP for cannabis businesses that are not restricted by the number of permits available.

1. Phase 2 application fee is paid;
2. A comprehensive background check of anyone holding an ownership interest is completed to the satisfaction of the Chief of Police;
3. A comprehensive review of the business plans will be conducted by the City Administrator to ensure compatibility with State and local regulations;
4. A CBP will only be issued once the applicant has obtained the appropriate land use authorization. Nothing in this Chapter shall prevent a potential applicant from applying for a land use permit prior to any selection process.

#### D. Cannabis Business Permit Selection – Phase 2 – Competitive Selection Process.

The City has established a competitive selection process to objectively award permits for which there are a limited number of permits available.

1. Notice of the competitive application period shall be published by means determined by the City Administrator to provide public notice of the opportunity to apply.
2. The City Administrator shall open the competitive application period and make permit applications available. The competitive application period shall be thirty (30) calendar days from the date the applications are released. Should the 30<sup>th</sup> day fall on a day when City Hall is closed, the application period shall be extended to the next open day at 4:00 p.m. Following the close of the competitive application period, the City Administrator or designee shall stop accepting applications and review all applications received.
3. The City Administrator or designee(s) shall determine whether each application demonstrates compliance with the minimum requirements in Phase 1 Initial Review. Each application that is complete and in compliance with the application requirements in Phase 1, shall be placed into a pool of applicants for further review and selection shall be made on merit.
4. The City Administrator shall convene a Selection Panel to make the final decision, based on a merit-based scoring system, of the highest-ranking applicant or applicants to recommend to the City Council for the approval of the CBP. A complete description of the merit-based scoring system shall be included with the application forms.

#### **Section 5.XX.170 Cannabis Business Permit Annual Renewal**

- A. Applications for the renewal of a permit shall be filed with the City Administrator at least sixty (60) calendar days before the expiration of the current permit. Any permittee allowing their permit to lapse, or which permit expired during a suspension shall be required to submit a new application, pay the corresponding original application fees and be subject to all aspects of the selection process.
- B. Any person desiring to obtain a renewal of their respective permit shall file a written application under penalty of perjury on the required form with the City Administrator who will conduct a review. The application shall be accompanied by a nonrefundable filing fee established by the City Council to defray the cost of the review required by this Section. An applicant shall be required to update the information contained in their original permit application and provide any new and/or additional information as may be reasonably required by the City Administrator to determine whether said permit should be renewed.
- C. Following the submission of written application for renewal, all establishments issued a CBP may be subject to a regulatory inspection as part of the renewal evaluation process.
- D. Each commercial cannabis business permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance. Commercial cannabis business permits may be renewed as provided in this Chapter.

#### **Section 5.XX.180 Appeal of Denial of Cannabis Business Permit**

- A. The City Administrator will review all CBP applications and all other relevant information and determine if a permit should be granted. If the City Administrator determines that the permit



shall not be granted, the reasons for denial shall be provided in writing to the applicant. The applicant shall have seven (7) calendar days from the date of the receipt of the written denial to correct the reasons for denial and request in writing reconsideration of permit issuance along with submission of an amended permit application. Following review of the amended permit application, the City Administrator will approve or deny the permit by providing written notice to the applicant.

- B. The City Administrator's decision to deny or issue a CBP is only appealable by the applicant whose cannabis application was denied.
- C. An applicant who disagrees with the Selection Panel's decision may appeal the final decision to the Oroville City Council by submitting a written appeal to the City Clerk within seven (7) calendar days from receipt of the written denial. The City will then inform the applicant in writing of the date and time the appeal will be heard. The decision of the City Council shall be final.

**Section 5.XX.190      Suspension or Revocation of Cannabis Business Permit**

- A. The City Administrator or his/her designee may suspend or revoke a CBP when the permittee or the permittee's agent or employee has committed any one or more of the following acts:
  - 1. Any act which would be considered a ground for denial of the permit in the first instance.
  - 2. Violates any other provision of this section or any City of Oroville or State law, statute, rule or regulation relating to the business's permitted activity.
  - 3. Engages in or permits misconduct substantially related to the qualifications, functions or duties of the permittee.
  - 4. Conducts the permitted business in a manner contrary to the health, safety, or welfare of the public.
  - 5. Fails to take reasonable measures to control patron conduct on or near the premises, where applicable, resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the premises, traffic control problems, or creation of a public or private nuisance, or obstruction of the operation of another business.
  - 6. Violates or fails to comply with the terms and conditions of the CBP.
- B. The Chief of Police or City Administrator may issue an order suspending a CBP for a period not exceeding ten (10) calendar days without a hearing if they determine that the continued use of the permit will cause immediate hazard to the public safety, health or welfare.
- C. Notwithstanding Section 2 above the City Administrator shall provide the permittee with written notice of the City's intent to suspend or revoke the license, and the effective date of the suspension or revocation (which shall be no less than thirty calendar days from the date of the written notice), along with written notice of the permittee's right to a hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the

permit. Such written notice shall be served on the permittee either personally or by certified U.S. mail, postage prepaid. Within seven (7) calendar days of the date of mailing or personal service, the permittee shall submit a written request for hearing to the City Administrator. Failure to timely submit a request for hearing constitutes waiver of the right to a hearing. Upon receipt of a timely submitted request for hearing, the City shall provide the permittee written notice of the time and place of such hearing, which shall be served upon the permittee at least ten (10) calendar days prior to the date set for such hearing. Notice may be given either by personal delivery or by certified U.S. mail, postage prepaid. The applicant shall bear all expenses involved in printing, mailing and posting such notice. Failure to appear at the hearing shall constitute waiver of the right to a hearing. The decision of the Selection Panel shall be final, and shall be served on the permittee either personally or by certified U.S. mail within ten (10) days after the hearing.

### **Section 5.XX.200 Enforcement**

- A. A violation of the regulations in this ordinance by an act, omission, or failure of an agent, officer or other person acting for or employed by a licensee within the scope of their employment or office, shall be deemed the act, omission, or failure of the licensee.
- B. A permittee shall notify the Chief of Police or his/her designee of the City of Oroville upon discovery of any of the following situations:
  - 1. A discrepancy of more than \$1,000 in inventory over a period of 24 hours or \$3,000 over period of 7 days.
  - 2. A reason to suspect diversion, loss, theft or any other criminal activity pertaining to any aspect of the operation of the commercial cannabis business.
  - 3. The loss or alteration of records related to cannabis goods, registered medicinal cannabis patients, caregivers or the permittee's employees or agents.
  - 4. Distribution/sale of cannabis which exceeds the daily individual cannabis quantity allowance permitted under State law.
  - 5. Any other reason to suspect any other breach of security.
- C. A violation of this Section shall be subject to all remedies and enforcement measures authorized by SCCC 1.05.070. Additionally, as a nuisance per se, any violation of this article shall be subject to injunctive relief, revocation of the business's CBP, disgorgement and payment to the City of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or equity. The City may also pursue any and all remedies and actions available and applicable under local and state laws for any violations committed by the cannabis business and persons related or associated with the cannabis business.
- D. City Officials or their designees may enter and inspect the location of any commercial cannabis business during normal business hours to ensure compliance. In addition, law enforcement may enter and inspect the location of any cannabis business and the recordings and records maintained as required by this Section, except that the inspection and copying of

private medical records shall be made available to law enforcement only pursuant to a properly executed search warrant, subpoena, or court order. A person engaging in commercial cannabis business without a permit and associated unique identifiers required by this chapter shall be subject to civil penalties of up to twice the amount of the permit fee for each violation, and the department, state or local authority, or court may order the destruction of cannabis associated with that violation. A violator shall be responsible for the cost of the destruction of cannabis associated with the violation, in addition to any amount covered by a bond required as a condition of licensure. Each day of operation shall constitute a separate violation of this section.

#### **Section 5.XX.210 Fees and Taxes.**

All Cannabis Operations shall pay applicable fees and taxes, which may include one or more of the following:

- A. Initial Application Fees. The Business Applicant shall submit a non-refundable fee to cover the cost of processing an initial application for the commercial cannabis business. These fees may be divided into two fees according to Initial Review (Phase 1) and Final Review and Scoring. (Phase 2).
- B. Application Renewal Fees. The Business Owner shall submit a non-refundable fee to cover the cost of processing an application renewal annually.
- C. Business License Fee. The Business Owner shall at all times maintain a current and valid business license and pay all business taxes required by the Oroville Municipal Code.
- D. Commercial Cannabis Regulatory Fee. The Business Owner shall pay an annual municipal fee ("Regulatory Fee") to cover the costs of anticipated monitoring, enforcement, and other actions relating to the commercial cannabis business. The amount of the fee shall be set by Resolution of the City Council in accordance with State law. The Regulatory Fee shall be due and payable prior to opening for business and thereafter on or before the anniversary date. The Regulatory Fee may be amended from time to time.
- E. All required taxes including but not limited to sales and use taxes, business, payroll, etc.
- F. Additional cannabis-specific gross receipts, excise, cultivation or any other tax approved by the voters of the City of Oroville.
- G. The City shall be entitled to recover its cost of enforcement, including but not limited to its attorney's fees and costs.

#### **Section 5.XX.220 Limitations on the City's Liability**

To the fullest extent permitted by law, the City shall not assume any liability whatsoever, with respect to approving any CBP pursuant to this chapter or the operation of any cannabis facility approved pursuant to this chapter. As a condition of approval of a CBP as provided in this chapter, the applicant or its legal representative shall:

- A. Execute an agreement indemnifying the City from any claims, damages, injuries, or liabilities of any kind associated with the registration or operation of the cannabis facility or the prosecution of the applicant or licensee or its members for violation of federal or state laws;
- B. Maintain insurance in the amounts and of the types that are acceptable to the City, and name the City as an additional insured on the required policies;
- C. Agree to defend, at its sole expense, or at its carrier's expense, any action against the City, its Council, its agents, officers, volunteers, and employees related to the approval of a CBP; and
- D. Agree to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to the City's approval of a CBP. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

**SECTION 3. Severability.**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 4. Effective Date.**

This ordinance shall take effect thirty (30) days after the date of its final adoption. The City Clerk shall certify to adoption thereof and cause its publication according to law.

**I HEREBY CERTIFY** that the foregoing ordinance was introduced and read by the City Council of the City of Oroville on the 7<sup>th</sup> day of August, 2018, and was duly read and adopted at a regular meeting on the 20<sup>th</sup> day of November, 2018, by the following vote:

<b>AYES:</b>	<b>COUNCIL MEMBERS:</b>
<b>NOES:</b>	<b>COUNCIL MEMBERS:</b>
<b>ABSENT:</b>	<b>COUNCIL MEMBERS:</b>
<b>ABSTAIN:</b>	<b>COUNCIL MEMBERS:</b>

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**LINDA DAHLMEIER, Mayor**

**ATTEST:**

**FORM APPROVED**

\_\_\_\_\_  
**JOANNA GUTIERREZ, Interim City Clerk**

\_\_\_\_\_  
**SCOTT HUBER, City Attorney**

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS**

**FROM: BILL LAGRONE, ASSISTANT CITY ADMINISTRATOR**

**RE: HAVEN OF HOPE RESOURCE CENTER REQUEST FOR FUNDING  
FOR REHABILITATION AND REMODEL OF FACILITY**

**DATE: NOVEMBER 20, 2018**

**SUMMARY**

Council may provide staff direction on how to proceed with the request from the Haven of Hope Resource Center for repairs and improvements to their facility.

**DISCUSSION**

The Haven of Hope Resource Center has requested funding for repair and improvements to their facility.

The Haven of Hope Resource Center is requesting funding for their building at 3010 Myers Street. The Haven of Hope Resource Center is in the process of transforming this facility to meet their needs for Office space. The Haven of Hope Resource Center request funding to assist with the rehabilitation of the inside and outside of the building, to include ADA upgrades. No specific amount for this request was provided.

This request will need extensive review and detailed plans. If the Council chooses to move forward on this request staff will need to work with the requestor to obtain specific plans and multiple cost estimates to support those plans. This type of project would need to be sent to our Bond Counsel for review and recommendation prior to any disbursement of funds.

On August 29, 2018 other projects were sent to our consultant for advice and direction on how to best proceed. On September 6, 2018 staff spoke with our Bond Counsel, and Bond Consultant, to ensure those projects complied with the intended uses of this funding. This new request has not been through this process and should be prior to funding the request.

**FISCAL IMPACT**

None at this time

**RECOMMENDATION**

Provide Staff Direction

**ATTACHMENTS**

1. Request from Haven of Hope Resource Center

Good morning Chief,

Thank you for the heads up, under the circumstances we totally understand. I just wanted to make you aware that we are no longer asking for the City to assist us with the purchase of the building (Resource Center) we are needing to revise our request to assist with the rehab of the inside & outside of the building. Please let us know what you will need for us to provide as we will provide it accordingly. I hope all is well with you and your family, I'm not sure if you've been personally affected by the fires. Please know that you are in our thoughts and prayers at this time.

Kind Regards,  
Keesha

Good afternoon chief/ Tom

Could I please schedule a sit down with you to discuss the Haven of Hope resource center located in the city of Oroville.as you know we formed a group with local service providers Being the Hope Center, The Mission I'm hoping that we will be able-to possibly submit a joint proposal for ADA funding for our projects. It should not take more than 20 minutes of your precious time. thank you.

Pastor Kevin

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**From:** Kevin Thompson <[osciaceo@outlook.com](mailto:osciaceo@outlook.com)>

**Sent:** Wednesday, November 7, 2018 5:43 PM

**To:** goodson janet; Linda Draper; [mard1955@yahoo.com](mailto:mard1955@yahoo.com); Bill LaGrone

**Cc:** Tom Lando

**Subject:** Re: Oroville Southside Community Improvement Association, Inc

Hello everyone,

I forgot to mention that the amount for the purchase of the building is \$300K. I also forgot to add another individual who is extremely important & that's Tom Lando.

Mr. Tom Lando, please accept my apology for not including you in the first email (please see the email above).

Thank you again everyone for everything, we are truly grateful for the City of Oroville & all of your efforts.

Thank you,  
Pastor Kevin Thompson



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**From:** Kevin Thompson <[osciaceo@outlook.com](mailto:osciaceo@outlook.com)>  
**Sent:** Wednesday, November 7, 2018 4:21 PM  
**To:** goodson janet; Linda Draper; [mard1955@yahoo.com](mailto:mard1955@yahoo.com); Bill LaGrone  
**Subject:** Oroville Southside Community Improvement Association, Inc

Hello Everyone,

I hope your afternoon finds you well. I wanted to thank each & everyone of you for all of your hard work & dedication in seeing that the O.S.C.I.A (in association with our program Haven of Hope on Wheels) receive funding for our first hygiene unit to provide the much needed services to our homeless population. To give you all a brief update, our unit is being customized & outfitted as we speak. I am always in contact with our vendor & everything is moving forward as planned. We have purchased our truck locally & are looking forward to providing our services as soon as our trailer unit arrives.

Because we are quickly approaching the arrival of our unit our team is working diligently to ensure that our program is a success & as you all know that program includes a fully functioning Resource Center to provide follow up to those we serve with our hygiene trailer. In addition to follow up our Resource Center will provide job training, readiness & preparedness as well as assisting with some health services. With that being said, O.S.C.I.A. would like to return to the City of Oroville to request additional RDA funding. This request would be to **purchase the Resource Center outright at 3010 Myers Street** rather than paying rent each month. What this would do for Haven of Hope is allow more funding to be freed up for what matters most; that is to provide our services to our underserved population in the City of Oroville, rather than dealing with the larger overhead costs of monthly rent. If this is something that is feasible I am hoping to hear back from you by email. I would like for this to be placed on the City Council agenda as soon as possible. Thank you again for everything, I look forward to touching basis with you all soon. One last request, we don't have Jack's personal email, would one of you be so kind as to forward this email to Mr. Jack Berry?

Thank you,

*Pastor Kevin Thompson*

CEO, O.S.C.I.A.

PH: 530-693-0728

FX: 530-693-4605

E: [osciaceo@outlook.com](mailto:osciaceo@outlook.com)

[www.havenofhopeonwheels.org](http://www.havenofhopeonwheels.org)

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS**

**FROM: BILL LAGRONE, ASSISTANT CITY ADMINISTRATOR**

**RE: OROVILLE RESCUE MISSION REQUEST FOR FUNDING FOR REHABILITATION AND REMODEL OF FACILITY**

**DATE: NOVEMBER 20, 2018**

**SUMMARY**

Council may provide staff direction on how to proceed with the request from the Oroville Rescue Mission for repairs and improvements to their facility.

**DISCUSSION**

The Oroville Rescue Mission has requested funding for repair and improvements to their facility.

The Oroville Rescue Mission is requesting funding for their building at 2130 Bird Street and 2150 Bird Street. The Oroville Rescue Mission is moving their administrative office into this facility and need interior walls, Paint, Carpeting, Tile, ADA upgrades in restroom, AC/Heat, Possible Electrical upgrades, Ceiling tile replacement, Exterior Sealing, Exterior Paint (match other buildings on the block), Front Awning rehabilitation. No specific amount of funding was requested at this time.

This request will need extensive review and detailed plans. If the Council chooses to move forward on this request staff will need to work with the requestor to obtain specific plans and multiple cost estimates to support those plans. This type of project would need to be sent to our Bond Counsel for review and recommendation prior to any disbursement of funds.

On August 29, 2018 other projects were sent to our consultant for advice and direction on how to best proceed. On September 6, 2018 staff spoke with our Bond Counsel, and Bond Consultant, to ensure those projects complied with the intended uses of this funding. This new request has not been through this process and should be prior to funding the request.

**FISCAL IMPACT**

None at this time

**RECOMMENDATION**

Provide Staff Direction

**ATTACHMENTS**

1. Request from Oroville Rescue Mission

From: **Steve Terry** <[steve@orovillerescuemission.org](mailto:steve@orovillerescuemission.org)>

Date: Thu, Oct 11, 2018, 09:02

Subject: RDA Funding

To: Bill LaGrone <[blagrone@oropd.org](mailto:blagrone@oropd.org)>

Good Morning,

I hope you day off to a good start...

I would like to set up a meeting with you to talk about RDA funding. We are having to move our office. We already own a building downtown (2150 Bird) that will more than satisfy our office needs. It is directly next door to our thrift store.

As part of this, we will have to rehab the building. It is in need of the following in order to serve as an office...

- 3 interior walls
- Paint
- Carpeting
- ADA upgrades in restroom
- AC/Heat
- Possible Electrical upgrades
- Ceiling tile replacement
- Exterior Sealing
- Exterior Paint (match other buildings on the block)
- Front Awning rehab.

But in planning this project, we are looking at rehabbing our thrift store (2130 Bird) next door. It is in need of basically the same items with the exception of

- Tile replacement on floor instead of carpeting
- No ceiling tile replacement

Additionally, we will be applying for an Arts Commission grant to have a mural painted on the back wall of our thrift store. The mural design will be in the same theme as the parking lot, located on Montgomery St. just behind our thrift store.

After the events of the last month, we have become aware of the RDA Monies, & I am aware that this is the type of work that the RDA was designed to do...

Let's talk. I would like to get this underway. I will already have to move my office prior to the project being done, so i would like to get this moving as soon as possible.

Reverend Stephen E. Terry  
Executive Director/CEO  
Oroville Rescue Mission, Inc.