

ORDINANCE NO. 384

AN ORDINANCE OF THE CITY COUNCIL OF SUTTER CREEK AMENDING SECTIONS 10.42.050 AND 10.42.060 OF THE SUTTER CREEK MUNICIPAL CODE TO AUTHORIZE A COMMERCIAL CANNABIS LAND USE WHEN APPROVED BY CONDITIONAL USE PERMIT

WHEREAS, the City of Sutter Creek (“City”) has separately adopted an Ordinance, Ordinance No. 383, amending provisions of Chapter 18.60 of the Sutter Creek Municipal Code to authorize the permitting of a single retail storefront cannabis dispensary within city limits when a development agreement is executed between the City and applicant;

WHEREAS, to effectuate the intent of Ordinance No. 383, the City Council deems it necessary to also amend provisions in a separate title of the Sutter Creek Municipal Code, Title 10, concerning commercial cannabis uses; and

WHEREAS, the City Council relies on, and incorporates by reference, the findings it made in support of Ordinance No. 383, as its findings in support of adoption of this ordinance.

NOW, THEREFORE, the City Council of the City of Sutter Creek does hereby ordain as follows:

Section 1.

Section 10.42.050 of the City Code is amended to read as follows:

10.42.050 - Sales, transfers, and deliveries prohibited.

Except when a conditional use permit has been approved under Chapter 18.60 of this Code, sales, transfers, or deliveries of marijuana for any purpose, whether medical or non-medical, to any person at any residence or public place within city limits are prohibited.

Section 2.

Section 10.42.060 of the City Code is amended to read as follows:

10.42.060 - Commercial activity prohibited.

Except when a conditional use permit has been approved under Chapter 18.60 of this Code, no commercial, office, industrial, or other non-residential building or structure within city limits may be used to allow, transact, or facilitate the cultivation, sale, processing, storage, or transfer of marijuana for any purpose, whether medical or non-medical.

Section 3. REPEAL OF INCONSISTENT ORDINANCES

Any provisions of the Sutter Creek Municipal Code inconsistent with this Ordinance are hereby repealed.

Section 4. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Sutter Creek hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or other portions might subsequently be declared invalid or unconstitutional.

Section 5. PUBLICATION.

The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance or a summary thereof to be printed once within fifteen (15) days after its adoption in a newspaper of general circulation, published and circulated in the City of Sutter Creek.

INTRODUCED AND THE FIRST READING WAIVED at a regular meeting of the City Council of the City of Sutter Creek on August 17, 2026, by the following vote:

AYES:	Gunselman,	Feist,	Riordan
NOES:			Sierk
ABSTAIN:			None
ABSENT:			Swift

PASSED, APPROVED, AND ADOPTED, AND THE SECOND READING WAIVED, at a regular meeting of the City Council of the City of Sutter Creek on September 21, 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

Claire Gunselman, Mayor

ATTEST:

Alejandra Zambrano, Acting City Clerk

Date