



# City Council Meeting Staff Report

Meeting Date:  
October 28, 2025

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**Subject:** Introduce and Waive First Reading of Ordinance Amending Section 18.09 of the Wheatland Municipal Code Relating to On-Site Cannabis Consumption

**Prepared By:** Gavin Ralphs, Deputy City Attorney

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## Recommendation

Staff recommends that the Wheatland City Council waive the first reading of and conduct a public hearing on an ordinance amending Wheatland Municipal Code Section 18.09 relating to on-site cannabis consumption.

## Background/Discussion

Section 18.09 of the Wheatland Municipal Code addresses the prohibition of commercial marijuana land uses in all zoning districts within the City. The Department of Cannabis Control notified the City that the Wheatland Municipal Code does not discuss nor prohibit on-site cannabis consumption within the City limits. To avoid ambiguity and reinforce the City's policy direction, this Ordinance expressly prohibits on-site consumption of cannabis in any commercial or public setting.

The proposed amendment to Section 18.09 of the Wheatland Municipal Code would prohibit on-site cannabis consumption within the City limits, excluding on-site consumption at private residences. The amendment clarifies that on-site consumption of cannabis whether by smoking, vaporizing, ingestion, or topical application is prohibited except within private residences in accordance with state law. The prohibition applies to all commercial cannabis businesses and public properties. Violations are subject to enforcement under existing provisions.

A redline version showing the proposed change is provided below.

### 18.09.090 Prohibition of commercial marijuana land uses, including medical marijuana dispensaries.

A. Commercial marijuana land uses, including, but not limited to, medical marijuana dispensaries, are prohibited in all zoning districts within the city, including, without limitation, all planned development districts, and no conditional use permit shall be issued to any dispensary.

B. Except as provided in subsection C, the on-site consumption of cannabis or cannabis products by any method, including, but not limited to, smoking, vaporizing (also colloquially known as "vaping"), ingesting, or topical application is prohibited on any property, parcel, structure, or premises within the City of Wheatland that is not a private residence. This prohibition includes,

without limitation, any commercial cannabis business or location where commercial cannabis activity occurs, such as dispensaries, delivery centers, lounges, or retail storefronts, as well as any other business, club, or location to which the public is invited or permitted, whether licensed or unlicensed.

C. This section shall not prohibit the lawful use or possession of cannabis inside a private residence in accordance with state law.

D. No commercial cannabis business, facility, or land use, including but not limited to dispensaries, retailers, microbusinesses, or any other operator, may permit or allow on-site consumption of cannabis or cannabis products.

E. Violations of this section shall be enforced pursuant to Wheatland Municipal Code Chapters 1.16 and 1.18 and Section 18.88.030 and other applicable law. Notwithstanding any provision in this code to the contrary, any persons who violates this section shall not be subject to criminal liability under this code to the extent that such conduct is immune from criminal liability under the Compassionate Use Act (Health and Safety Code Section 11362.5) and the Medical Marijuana Program (Health and Safety Code Section 11362.7 et seq.), as the same exist or may hereafter be amended.

On October 7, 2025, the Wheatland Planning Commission held a public hearing related to the proposed amendment to Wheatland Municipal Code Section 18.09 and, upon closing the public hearing, adopted the attached resolution recommending that the Wheatland City Council adopt the attached ordinance amending Section 18.09.

A notice of this public hearing has been published in the local newspaper and has been posted on the City website.

### **CEQA Review**

This Ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility the activity may have a significant effect on the environment.

### **Fiscal Impact:**

There is no fiscal impact associated with this recommended action.

### **Attachment:**

- Exhibit A – Proposed Ordinance
- Exhibit B – Planning Commission Resolution