

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHEATLAND AMENDING CHAPTER 18.09 (GENERAL REGULATIONS) OF THE WHEATLAND MUNICIPAL CODE TO EXPRESSLY PROHIBIT ON-SITE CANNABIS CONSUMPTION

The City Council of the City of Wheatland does ordain as follows:

SECTION 1. Purpose and Authority.

The purpose of this ordinance is to amend Chapter 18.09 of the Wheatland Municipal Code to expressly prohibit the on-site consumption of cannabis in any form or manner. This ordinance is adopted pursuant to California Constitution Article XI, Section 7; Government Code Section 65800 *et seq.*; Business and Professions Code Section 26200; Chapter 18.85 of the Wheatland Municipal Code; and other applicable law.

SECTION 2. Findings.

The Wheatland City Council finds and determines as follows:

- A. The City of Wheatland adopted Ordinance No. 468 to prohibit commercial cannabis use and regulate the limited personal cultivation of cannabis.
- B. The City desires to protect the public health, safety, and welfare by ensuring that cannabis is not consumed on-site in any location within city limits outside of a private residence, consistent with local authority under state law.
- C. This ordinance is intended to clarify that all forms of public or commercial on-site cannabis consumption, including smoking, vaping, ingestion, or topical application, are prohibited within the City of Wheatland.

SECTION 3. Ordinance.

Chapter 18.09 (General Regulations) of the Wheatland Municipal Code is hereby amended by amending Section 18.09.090 (Prohibition of commercial marijuana uses, including medical marijuana dispensaries) to read as follows:

- 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, persons who violate 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.

SECTION 4. Exemption from CEQA.

This ordinance will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment as compared to the existing physical environmental conditions within the City. The City Council therefore concludes that the enactment of this ordinance does not constitute the approval of a project under the California Environmental Quality Act ("CEQA"), and, even if it did qualify as a project, it would be exempt from CEQA. (Pub. Res. Code § 21065, CEQA Guidelines §§ 15060(c)(2), 15060(c)(3); 15061(b)(3); 15064(d)(3);15878(a).)

SECTION 4. Severability.

If any section or provision of this ordinance or the imposition of such section or provision to any person, firm, organization, corporation or circumstance is held by a court of competent jurisdiction to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity of the remaining parts, which shall remain in full force and effect.

SECTION 5. Effective Date.

This ordinance shall become effective 30 days after its adoption.

SECTION 6. Posting.

Within 15 days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced and adopted at a regular meeting of the Wheatland City Council, held on the ____ of _____, 2025, and passed and adopted at a regular meeting thereof, held on the ____ of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Angela Teter, Mayor
City of Wheatland

ATTEST:

Lisa Thomason, City Clerk
City of Wheatland