

ORDINANCE NO. 2972

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING SPECIFIC SECTIONS OF ARTICLE XVI, CHAPTER 11 AND CHAPTER 16 OF THE OXNARD CITY CODE REGARDING COMMERCIAL CANNABIS ACTIVITIES AND ADDING NEW REGULATIONS TO ALLOW RETAIL CANNABIS USES IN SPECIFIC LOCATIONS BY AMENDING SECTION 11-416(A), SECTION 11-433(B), SECTION 11-445, SECTION 11-446, AND SECTION 11-447; REPEALING SECTION 16-124(H) REGARDING THE PROHIBITION OF CANNABIS USES IN THE C-1 NEIGHBORHOOD SHOPPING CENTER ZONE; REPEALING SECTION 16-143 REGARDING PROHIBITING CANNABIS USES IN THE C-2 GENERAL COMMERCIAL ZONE; ADDING SECTION 16-131 REGARDING RETAIL CANNABIS USES IN THE C-1 NEIGHBORHOOD SHOPPING CENTER ZONE; ADDING SECTION 16-136(A)(25) REGARDING RETAIL CANNABIS USES IN THE C-2 GENERAL COMMERCIAL ZONE; AMENDING SECTION 16-173(B) REGARDING RETAIL CANNABIS USES IN THE BRP BUSINESS AND RESEARCH PARK; AMENDING SECTION 16-173(C) REGARDING RETAIL CANNABIS USES IN THE PLANNED DEVELOPMENT (ADDITIVE) ZONE; AND AMENDING 4.2.2 B. (BUSINESS PARK), 4.2.3., B (RETAIL COMMERCIAL), AND 4.2.4. B. (COMMERCIAL MANUFACTURING) OF THE ROSE SANTA CLARA CORRIDOR SPECIFIC PLAN SUBJECT TO THE REQUIREMENTS STIPULATED IN ARTICLE XVI OF CHAPTER 11,

The City Council of the City of Oxnard does hereby ordain as follows:

Section 1. Section 11-416(a) of the Oxnard City Code is amended to read as follows:

“(a) The number of each type of commercial cannabis business that shall be permitted to operate in the City at any one time shall be as follows:

- (1) Cannabis Manufacturing - Maximum of eight (8) at any one time
- (2) Cannabis Testing Lab - Maximum of one (1) at any one time
- (3) Cannabis Distributor - Maximum of three (3) at any one time
- (4) Cannabis Retail – Maximum of sixteen (16) at any one time

Section 2. Section 11-433(b) of the Oxnard City Code is amended to read as follows:

“(b) All cannabis retail dispensary businesses have been conceptually identified on land use maps, with actual siting subject to land use siting criteria and buffer requirements as stipulated in this ordinance. Retail dispensaries are conceptually permitted in property zoned Neighborhood Shopping Center (C-1), Neighborhood Shopping Center Planned Development (C-1-PD), General Commercial (C-2), or General Commercial, Planned Development (C-2-PD), and Commercial Planned Development (CPD), Business Park, Retail Commercial, and Commercial Manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Retail dispensaries may also be located in the following Specific Plan areas subject to relevant Specific Plan requirements, and input from the Business Park Association (if operational): RiverPark -

commercial office, commercial convention, and commercial regional, Sakioka Farms, and Camino Real Business Park.”

Section 3. Section 11-445 of the Oxnard City Code is amended to read as follows:

“Section 11-445. Operating Requirements for Store Front/Retail Facilities

(a) No more than the number of cannabis retailers authorized by Section 11-416 shall operate within the City of Oxnard at any one time.

(b) Approval of retail dispensaries shall be through approval of a Special Use Permit to be issued by the Planning Commission

(c) Retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of eighteen (18) years. If the potential customer is 18 to 20 years old, retailer shall confirm the customer’s possession of a valid doctor’s recommendation and/or Health and Safety Code Section 11362.71 identification card (Medical Marijuana Card). Persons 18 to 20 years old who are unable to produce either form of medical documentation cannot purchase cannabis legally and are to be denied admittance to the retail facility. For adult-use purchases, retailers shall verify that all customers are 21 years of age or older for the purchase of cannabis or cannabis products.

(d) Entrances into the retailer shall be locked at all times with entry strictly controlled. A "buzz-in" electronic/mechanical entry system shall be utilized to limit access to and entry to the retail area to separate it from the reception/lobby area. Individuals must show their government-issued identification, and, in the case of medical cannabis facilities, their physician’s recommendation, or a cannabis card issued pursuant to Health and Safety Code Section 11362.71 in order to gain access into the retailer. The government-issued identification and, if applicable, doctor’s recommendation or cannabis card must also be shown at the point of sale station at the time of purchase. Doctor recommendations are not to be obtained or provided at the retail location.

(e) Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities. Security personnel may be allowed to carry firearms if authorized by the Chief of Police.

(f) Retailers may have only that quantity of cannabis and cannabis products to meet the daily demand readily available for sale on-site in the retail sales area of the retailer. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.

(g) All restroom facilities shall remain locked and under the control of management.

(h) Retailers authorized to conduct retail activities shall only serve customers who are within the licensed premises, or at a delivery address that meets the requirements of this division.

(1) The sale and delivery of cannabis goods shall not occur through a pass-through window or a slide-out tray to the exterior of the premises.

(2) Retailers shall not operate as or with a drive-in or drive-through at which cannabis goods are sold to persons within or about a motor vehicle.

(3) No cannabis goods shall be sold and/or delivered by any means or method to any person within a motor vehicle.

(4) All cannabis goods sold by a retail business shall be contained in child-resistant packaging.

(5) Retailers shall record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.

(6) A retail licensee who is engaged in retail sale shall hire or contract for security personnel who are at least 21 years of age to provide security services for the licensed retail premises. All security personnel hired or contracted for by the licensee shall be licensed by the Bureau of Security and Investigative Services and shall comply with Chapters 11.4 and 11.5 of Division 3 of the Business and Professions Code.

(i) Access to Retailer Premises.

(1) Access to the premises of a retail licensee/permittee shall be limited to individuals who are at least 21 years of age.

(2) Notwithstanding Section 11-445(i)(1), individuals who are at least 18 years of age and in possession of a valid physician's recommendation shall be granted access to the premises of a retail licensee/permittee for the sole purpose of purchasing medicinal cannabis consistent with the physician's recommendation.

(j) Authorized Sales. A retailer shall only sell adult-use cannabis and adult-use cannabis products to individuals who are at least 21 years of age. A retailer shall only sell medicinal cannabis or medicinal cannabis products to individuals who are at least 18 years of age, but not yet 21, if those individuals are in possession of a valid physician's recommendation. Medicinal cannabis sales to individuals 21 years of age and older are unrestricted.

(k) Limited Access Areas. A retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least 21 years of age, and if not employed by the retailer, shall be escorted at all times by an employee of the licensee/permittee. A retailer shall maintain a log of all individuals who are not employees who are granted access to the limited access area. These logs shall be made available to the Chief of Police or the Development Services Director upon request.

(l) Operating hours of the Store Front Retailer License shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week or a reduced duration as stipulated through the discretionary permit.

(l) Parking requirements shall be in accordance with Chapter 16, Article X of the Oxnard City Code – 1 parking space per 250 sq. ft. or as stipulated in a City Traffic Engineer approved parking study.

(m) Store Front/Retail Security Requirements. All security measures required by Section 11-437 (Operational Standards) are directly applicable to and binding on all commercial cannabis businesses, including all Store Front/Retail businesses.”

Section 4. Section 11-446 is amended to read as follows:

“Section 11-446. Operating Requirements for Non-Store Front Retailer.

(a) Non-Store Front Retailer (Delivery) License Owners and Operators are required to verify the age and the necessary documentation of each medical customer to ensure the customer is not under the age of eighteen (18) years, and to verify that the potential customer has a valid doctor’s recommendation. Doctor recommendations are not to be obtained or provided at the retail location. The age verification requirement applies to both the customer and any person accepting delivery on behalf of the customer. If the latter, the individual must be at least 21 years of age.

(b) All Store Front Retailers, Non-Store Front Retailers (delivery) that conduct deliveries into or within the City of Oxnard shall be required to obtain a permit from the City of Oxnard in order to conduct retail sales regardless if they are located in the City or another local jurisdiction.

(c) Operating hours of the Non-Store Front Retailer License shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week or a reduced duration as stipulated through the discretionary permit.

(d) The commercial Non-Store Front Retailer shall only sell cannabis or cannabis products to a natural person 21 years of age or older, or a natural person 18 years of age or older who possesses a physician’s recommendation for cannabis medical use only, or a cannabis card issued pursuant to Health and Safety Code Section 11362.71.

(e) The commercial cannabis Non-Store Front Retailer may only have on-site that quantity of cannabis and cannabis products reasonably anticipated to meet the weekly demand for which they may need to be readily available for sale.”

Section 5. Section 11-447 is amended to read as follows:

“Section 11-447. Non-Store Front Retailer Vehicle Requirements.

Prior to commencing operations, a cannabis Non-Store Front Retailer shall provide the following information to the City.

- (a) Proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver cannabis or cannabis products.
- (b) The year, make, model, color, license plate number, and Vehicle Identification Number (VIN) for any and all vehicles that will be used to deliver cannabis goods.
- (c) Proof of insurance as required in Section 11-434(b) for any and all vehicles being used to deliver cannabis goods.
- (d) The licensee shall provide the City with the information required by this section in writing for any new vehicle that will be used to deliver cannabis goods prior to using the vehicle to deliver cannabis goods.
- (e) The licensee shall provide the City with any changes to the information required by this section in writing within thirty (30) calendar days.”

Section 6. Section 16-124(H) regarding prohibition of cannabis related uses in the C-1 Zone is hereby repealed.

Section 7. Section 16-131 is hereby added to read as follows:

“Section 16-131 Retail Cannabis Uses

Retail cannabis uses may be permitted in the C-1 Zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to Article XVI, Chapter 11 of the Oxnard City Code and a Special Use Permit. Commercial cannabis businesses not specifically authorized by this section are prohibited in the C-1 Zone.”

Section 8. Section 16-136(A)(25) is hereby added to read as follows:

“(25). Retail cannabis uses, provided that the owner has first obtained a commercial cannabis business permit pursuant to Article XVI, Chapter 11 of the Oxnard City Code.”

Section 9. Section 16-143 regarding the prohibition of cannabis-related uses in the C-2 Zone is hereby repealed.

Section 10. Section 16-173(B) is amended to read as follows:

“B. A commercial cannabis business for retail uses may be permitted in the BRP Business and Research Park Zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to Article XVI, Chapter 11 of the Oxnard City Code and a Special Use Permit.

Section 11. Section 16-273(c) is amended to read as follows:

“C. A commercial cannabis business for retail uses may be permitted in the Planned Development (Additive) Zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to Article XVI, Chapter 11 of the Oxnard City Code and a Special Use Permit. A commercial cannabis business for manufacturing, testing and/or distribution of cannabis may be permitted in the Planned Development (Additive) Zone, provided that the

owner has first obtained a commercial cannabis business permit pursuant to Article XVI, Chapter 11 of the Oxnard City Code and a Development Design Review (DDR) Permit.”

Section 12. Section 4.2.2., B (Business Park) of the Rose Santa Clara Corridor Specific Plan is hereby amended to read as follows:

“5. Commercial Cannabis and cannabis retailer uses, subject to the requirement of Oxnard City Code, Chapter 11, Article XVI.”

Section 13. Section 4.2.3., B (Retail Commercial) of the Rose Santa Clara Corridor Specific Plan is hereby amended to read as follows:

“5. Commercial Cannabis and cannabis retailer uses, subject to the requirement of Oxnard City Code, Chapter 11, Article XVI.”

Section 14. Section 4,2,4, B., (Commercial Manufacturing) of the Rose Santa Clara Corridor Specific Plan is hereby amended to read as follows:

“5. Commercial Cannabis and cannabis retailer uses, subject to the requirement of Oxnard City Code, Chapter 11, Article XVI.”

Section 15. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unconstitutional, 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 section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

Section 16. Within 15 days after passage, the City Clerk shall cause a summary of this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance No. 2972 was first read on 12/03, 2019, and finally adopted on 12/17, 2019, to become effective thirty (30) days thereafter.

Section 17. This ordinance shall become effective thirty (30) days after it is finally adopted. The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the 17th day of December, 2019, by the following vote:

AYES: Councilmembers Basua, Flynn, Lopez, MacDonald, Madrigal, and Ramirez.

NOES: Councilmember Perello.

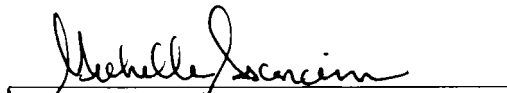
ABSTAIN: None.

ABSENT: None.



Tim Flynn, Mayor

ATTEST:


Michelle Ascencion, City Clerk

APPROVED AS TO FORM:


Stephen M. Fischer, City Attorney