



# City of Woodland

## REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR  
AND CITY COUNCIL

DATE: December 15, 2009

SUBJECT: Ordinance to Prohibit Businesses and Uses Prohibited by State Law

### **Report in Brief**

The Council has previously reviewed this item at their December 1st meeting at which time the Public Hearing was held. The Planning Commission has recommended in a Resolution of Intention to initiate amendments to current zoning laws to comply with State and Federal prohibitions.

Staff recommends that City Council adopt Ordinance \_\_\_\_\_, "An Ordinance of the City Council of the City of Woodland, California to Amend Chapters 13 and 25 of the Woodland Municipal Code to Prohibit the Establishment and Operation of Businesses and Uses Prohibited by State or Federal Law".

### **Background**

An Urgency Ordinance had been adopted and extended to provide for a temporary moratorium on the establishment and operation of medical marijuana dispensaries and other illegal uses within the City. Staff undertook further research and discussions which have been completed on the various aspects of the State and Federal law.

### **Discussion**

The Council has indicated their desire to prohibit illegal uses not in compliance with Federal and State laws and the Municipal Code from becoming licensed to establish businesses in the City of Woodland. The proposed Ordinance will prohibit such uses not permitted under both State and Federal laws and the Municipal Code by amending Chapters 13 and 25 of the Municipal Code. As discussed on December 1, the Ordinance has been modified slightly to indicate that citizens would not apply for a business license for a use that to the *best of their knowledge* is an illegal use.

**Fiscal Impact**

There is no fiscal impact on City funds in association with the recommended action.

**Public Contact**

Posting of the City Council agenda and the public hearing conducted during the December 1 Council meeting.

**Recommendation for Action**

Staff recommends that City Council adopt Ordinance \_\_\_\_\_, “An Ordinance of the City Council of the City of Woodland, California to Amend Chapters 13 and 25 of the Woodland Municipal Code to Prohibit the Establishment and Operation of Businesses and Uses Prohibited by State or Federal Law”.

Prepared by: Sue Vannucci, Director of  
Administrative Services

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Mark G. Deven  
City Manager

Attachment: Ordinance

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA TO AMEND CHAPTERS 13 AND 25 OF THE WOODLAND MUNICIPAL CODE TO PROHIBIT THE ESTABLISHMENT AND OPERATION OF BUSINESSES AND USES PROHIBITED BY STATE OR FEDERAL LAW**

**WHEREAS**, the City Council wishes to allow various and diverse uses of land, operations and businesses within Woodland; and

**WHEREAS**, the City Council recognizes that certain uses of land, operations and businesses may be prohibited under state law or under federal law; and

**WHEREAS**, the City Council wishes to ensure that all land uses, operations and businesses within the City are permitted under both state and federal law, in order to protect the health and welfare of residents of and visitors to Woodland;

**WHEREAS**, the City Council wishes to amend the Woodland Municipal Code by amending various provisions of Chapter 13 to clarify that no business which is illegal under state or federal law may be licensed or operated in Woodland, and amending various provisions of Chapter 25 to prohibit in all zones land uses that are illegal under either state or federal law (collectively, the “Zoning Amendment”); and

**WHEREAS**, the Zoning Amendment has been initiated by the adoption of a resolution of intention by the Planning Commission, pursuant to section 25-29-40 of the Woodland Municipal Code;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND DOES ORDAIN AS FOLLOWS:**

**Section 1.** The City Council hereby adopts the recitals and findings set forth above and in the staff report prepared in connection with this ordinance.

**Section 2.** Section 13-1-14 of the Woodland Municipal Code is hereby amended to read as follows:

**“13-1-14 License required; illegal businesses prohibited.**

No person shall transact and carry on a business in the city without first procuring a license therefor, except that no license shall be required of any person for any mere delivery in the city of any property purchased or acquired in good faith from such person at his regular place of business outside the city, where no intent by such person is shown to exist to evade the provisions of this article. Notwithstanding any provision of this chapter, no person shall transact, perform, engage in and carry on in the city of Woodland any business, trade, profession, calling, use or occupation that cannot be, or is not, conducted or carried out

without being in violation of state or federal law, or this code, and no license will be issued for any such business, trade, profession, calling, use, or occupation.”

**Section 3.** Section 13-1-21 of the Woodland Municipal Code is hereby amended to read as follows:

**“13-1-21 Contents of application.**

The application, at minimum, shall contain:

- (1) The name, home address and telephone number of the applicant;
- (2) The name, address, and telephone number of the business to be licensed;
- (3) A certification by the applicant that, to the best of the applicant’s knowledge, the operation of the business for which the application is sought will not constitute a violation of any state or federal law, or of this code; and
- (4) Such other information as the collector reasonably may require.

**Section 4.** Chapter 25-2-40 of the Woodland Municipal Code is hereby amended to read as follows:

**“25-2-40 Compliance with laws and zoning regulations required.**

Notwithstanding any provision of this chapter or this code to the contrary, any land use that cannot be, or is not, conducted or carried out without being in violation of state or federal law, or of this code, is a prohibited use in all zones and specific plan areas, and no variance shall be issued for such a use. Except as otherwise provided in this chapter.

- (a) No building or part thereof or other structure, shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose, or in any manner other than is included among uses hereinafter listed as permitted in the zone in which such buildings, land or premises is located.
- (b) No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which said building is located.
- (c) No building or part thereof or other structure shall be erected, nor shall any existing building be altered, enlarged, rebuilt, or moved into any zone, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations hereinafter designated for the zone in which such building or open space is located.
- (d) No yard or other open space provided about any building for the purpose of

complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site shall be considered as providing a yard or other open space for any other building site, except as otherwise provided in this ordinance.

**Section 5.** Section 25-4-10 of the Woodland Municipal Code is hereby amended by amending Table 1 to list uses which are illegal under state or federal law, or under this code, as a “not permitted” use in all zones, as shown in Exhibit “A” attached to this Ordinance and incorporated herein by reference.

**Section 6.** Section 25-13-10 of the Woodland Municipal Code is hereby amended by amending Table 2 to list uses which are illegal under state or federal law, or under this code, as a “not permitted” use in all zones, as shown in Exhibit “B” attached to this Ordinance and incorporated herein by reference.

**Section 7.** Based on the entire record before the City Council, and all written and oral evidence presented to the City Council, the City Council hereby makes and adopts the following findings, pursuant to section 25-29-01 of the Woodland Municipal Code:

The public necessity, convenience and general welfare require the adoption of the Zoning Amendment because: (i) the Zoning Amendment will help avoid the adverse secondary impacts created by certain types of businesses that are illegal under state or federal law, including burglaries and takeover robberies, robberies of customers leaving such businesses, an increase in crime in the vicinity of such businesses, illegal re-selling of products obtained from such businesses, employees of such businesses selling products to customers with obviously counterfeit identification cards, street dealers attempting to sell products to customers of such businesses, customers using products obtained from such businesses and then driving under the influence of such products, the sale of illegal products by such businesses, and sales of certain products to minors, that have been observed in communities where businesses that are illegal under state or federal law have been allowed to operate; and (ii) the Zoning Amendment will ensure that land uses that are illegal under federal or state law, or under the Woodland Municipal Code, are not established in Woodland.

**Section 8.** Adoption of this Ordinance is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines (14 CCR 15061(b)(3)). CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It is therefore found and declared that the adoption of the regulations in this Ordinance will not have a significant effect on the environment.

**Section 9. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

**Section 10. Effective Date and Publication.** The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance to be posted or published as prescribed by law. This Ordinance shall take effect thirty (30) days following its adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Marlin H. Davies  
Mayor

**ATTEST:**

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Sue Vannucci  
City Clerk

**APPROVED AS TO FORM:**

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Andrew J. Morris  
City Attorney

**EXHIBIT “A”**

**TABLE 1 – Permitted Uses**

**Woodland Municipal Code Section 25-4-10**

**(The revised table is attached behind this page.)**

**EXHIBIT “B”**

**TABLE 2 – Permitted Uses**

**Woodland Municipal Code Section 25-13-10**

**(The revised table is attached behind this page.)**

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