

**ORDINANCE NO. 1586**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA  
AMENDING THE ARCATA MUNICIPAL CODE RELATING TO CANNABIS  
CONSUMPTION LOUNGE PERMITS, STANDARDS, AND RESTRICTIONS**

**WHEREAS**, the California State Legislature, in Division 10 (Cannabis) of the Business and Professions Code, Chapter 20 (Local Control), provides that a local jurisdiction may authorize the smoking, vaporizing, or ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness licensed under this division, provided that the licensee has been granted authority by the local jurisdiction to engage in onsite cannabis consumption; and

**WHEREAS**, by allowing regulated cannabis smoking lounges, the City of Arcata provides designated, well-managed locations for on-site cannabis consumption that enhance public safety and livability by reducing unregulated public use, maintain quality public services through improved regulation and enforcement, strengthens the local economy by supporting lawful businesses and local employment, and supports community creativity and cultural life by fostering inclusive social gathering spaces consistent with the City’s values; and

**WHEREAS**, the City of Arcata intends to promote responsible economic development by providing safe and reliable spaces for the lawful enjoyment of cannabis while minimizing adverse impacts on the public, including the reduction of smoking in public, thereby limiting exposure to children and other sensitive receptors; and

**WHEREAS**, the City of Arcata seeks to advance the community’s interests by establishing clear, consistent standards and procedures that promote safe and well-managed use of public and private spaces, reduce conflicts and impacts on surrounding neighborhoods, and improve coordination and enforcement of City regulations.

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

**SECTION 1.** Title V (*Sanitation and Health*), Chapter 7 (*Restricting Smoking in the City*), is hereby amended by the revisions as shown in the following strikethrough and double underscore text (unchanged text is omitted and is indicated by “\* \* \*”):

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**Sec. 5702 Definitions.**

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**B. Cannabis Consumption Lounge. A consumption lounge is a space dedicated to the smoking, vaporizing, and/or ingesting of cannabis or cannabis products on the premises**

of a retailer or microbusiness that has been granted authority by the City of Arcata to engage in onsite cannabis consumption.

~~B.~~ C. Common Areas. "Common areas" means every enclosed area or unenclosed area of a multi-unit residential complex that residents of more than one unit in such multi-unit residential complex are entitled to enter or use, including, for example, halls and paths, lobbies and courtyards, elevators and stairs, community rooms and playgrounds, gym facilities and swimming pools, parking garages and parking lots, shared restrooms, shared laundry rooms, shared cooking areas, and shared eating areas.

~~C.~~ D. Enclosed. "Enclosed" means closed in by a roof and four walls with appropriate opening for ingress and egress.

~~D.~~ E. Multi-Unit Residential Complexes. "Multi-unit residential complexes" means property containing two (2) or more residential units.

~~E.~~ F. Place of employment. "Place of employment" means any place, and the premises appurtenant thereto, where employment is carried on. For purposes of this definition, "employment" includes the carrying on of any trade, enterprise, project, industry, business, occupation or work in which any person is engaged or permitted to work for hire except household domestic service.

~~F.~~ G. Public Place. "Public place" means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to the following:

1. All enclosed areas available to and customarily used by the general public in any and all businesses, including appurtenant enclosed areas commonly used by the general public such as elevators, stairways, hallways and restrooms.
2. All areas of the lobby in a hotel, motel or other transient lodging establishment. For purposes of this definition "lobby" means the common public area of such an establishment in which registration and other similar or related transaction, or both, are conducted and in which the establishment's guests and members of the public typically congregate.
3. Meeting, conference and banquet rooms in convention centers, hotels, motels or other transient lodging establishments.
4. Libraries, museums and galleries.
5. Waiting rooms, hallways, wards and semiprivate rooms of health facilities, including but not limited to hospitals, clinics, physical therapy facilities, doctors' and dentists' offices.

6. Common areas of apartments, condominiums and multi-unit residential complexes, including without limitation stairways, hallways, and within thirty (30) feet of any individual unit entrance, whether or not such common area is enclosed.

7. Childcare facilities as defined in the California Health and Safety Code and private residences while used as a family day care home.

~~G.~~ H. Smoke. "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition or vaporizations, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human inhalation of the byproducts. Smoke includes, but is not limited to, tobacco smoke, electronic cigarette vapors, and marijuana smoke.

~~H.~~ I. Smoking. "Smoking" means engaging in an act that generates smoke, such as, for example: possessing a lighted pipe, a lighted hookah pipe, a lighted cigar, an operating electronic cigarette or a lighted cigarette of any kind; or lighting or igniting a pipe, a hookah pipe, a cigar, or cigarette of any kind. Without limiting the foregoing, this definition intentionally excludes the burning of incense, candles and other similar materials.

### **Sec. 5703 Smoking Prohibitions**

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M. Special Events. Smoking shall be prohibited at all activities or events held at City parks, buildings or grounds for which a permit is required pursuant to Section 10006 of this Code.

1. Notwithstanding the above prohibition, the City may authorize cannabis sales and consumption through an event permit provided that the activities, at a minimum, comply with all applicable provisions in the California Business and Professions Code, Division 10 (Cannabis), Chapter 20 (Local Control).

### **Sec. 5704 Exceptions.**

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D. Cannabis Consumption Lounge. Smoking, vaporizing, and/or ingesting of cannabis or cannabis products is permitted within designated Cannabis Consumption Lounges pursuant to Division 10 (Cannabis) of the Business and Professions Code, Chapter 20 (Local Control), subject to the provisions of Arcata Municipal Code, Title V, Chapter 10 (Cannabis Use and Regulations), and Title IX, Section 9.42.105 (Cannabis Retail Sales and Services).

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**SECTION 2.** Title V (*Sanitation and Health*), Chapter 10 (*Cannabis Use and Regulations*) is hereby amended by the revisions as shown in the following strikethrough and double underscore text (unchanged text is omitted and is indicated by “\* \* \*”):

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**Sec. 5950 Findings and Purposes.**

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B. The Medicinal Adult-Use Cannabis Regulation and Safety Act establishes, among other things, a licensing program requiring cannabis cultivators, manufacturers, distributors, testing laboratories, dispensaries, consumption lounges, and transporters to obtain State-issued licenses, and authorizes local governments to establish additional standards, requirements, and regulations for local licenses and permits.

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**Sec. 5951 Definitions.**

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B. "Commercial cannabis activity" or "activity" means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transporting, delivery, ~~or~~ sale of cannabis or a cannabis product, and permitting the consumption of cannabis on the premises of a licensed cannabis consumption lounge.

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**SECTION 3. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

**SECTION 4. Limitation of Actions.** Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within thirty (30) days of the date of adoption of this ordinance.

**SECTION 5. CEQA** The proposed amendments clarify existing policy consistent with State law. The regulatory changes do not have the potential to cause a direct or indirect physical change to the environment. As such, the amendments are not a “project” as defined by California Environmental Quality Act (CEQA). Additionally, a Negative Declaration was prepared and circulated prior to the adoption of Ordinance No. 1472, which first adopted

Chapter 10 (Cannabis Use and Regulations) of the Arcata Municipal Code. The amendments set forth in Ordinance No. 1586 are consistent with that previously adopted Negative Declaration. Therefore, this action is not subject to CEQA.

**SECTION 6. Effective Date.** This ordinance shall become effective thirty (30) days from and after its adoption.

**DATE:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
City Clerk, City of Arcata

\_\_\_\_\_  
Mayor, City of Arcata

**CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1586, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

\_\_\_\_\_  
City Clerk, City of Arcata