

Ordinance No. 1683(21)

**An Ordinance of the City Council of the City of Lompoc,
County of Santa Barbara, State of California,
Amending Provisions in Chapter 8.16 (Regulation of Smoking) and
Chapter 9.36 (Cannabis Uses) to Authorize Temporary Cannabis
Events and Establish a Permitting Process and Fees for Such Events**

WHEREAS, pursuant to California Business & Professions Code 26200(e), which became effective January 1, 2019, the City of Lompoc (City) may permit temporary cannabis events, at locations designated by the City, where participants who are 21 years of age or older, and may sell and consume cannabis; and

WHEREAS, the City Council wishes to authorize temporary cannabis events in designated City parks; and

WHEREAS, Section 8.16.050 of the Lompoc Municipal Code (LMC) currently prohibits smoking (including smoking of cannabis) in City parks; and

WHEREAS, LMC Chapter 9.36, governing cannabis uses, does not currently authorize temporary cannabis events and prohibits smoking cannabis in City parks where smoking tobacco is prohibited; and

WHEREAS, the City Council desires to revise the City ordinances governing smoking in City parks and cannabis uses in order to permit temporary cannabis events; and

WHEREAS, City staff has calculated and estimated the costs associated with staff review and coordination of applications for temporary cannabis special event permits, and the cost of Fire Department inspection and plan review for such events.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 8.16.050 of the Lompoc Municipal Code is hereby amended as follows (new text in underline; deletions in ~~strike~~through):

- A. Except as provided in subsection (B), smoking ~~Smoking~~ is prohibited in any recreational area in the City, except any portion of a recreational area designated for smoking by the City Manager or designee. Designated smoking areas will be denoted by appropriate notice or signage.
- B. Notwithstanding subsection (A), the smoking of cannabis is permitted in recreational areas solely within the designated boundaries of a City-permitted cannabis event (as defined in Section 9.36.020 of this code) and only during the permitted hours of such an event.

~~B. C.~~ C. Nothing in this section prohibits any person or entity with legal control over any property from prohibiting smoking on any part of such property, even if smoking is not otherwise prohibited in that area.

~~C. D.~~ D. No Person shall dispose of used smoking waste in recreational areas, except in designated waste receptacles located within the boundaries of a City-permitted cannabis event (as defined in Section 9.36.020 of this code) during such an event.

SECTION 2. Section 9.36.020 of the Lompoc Municipal Code is hereby amended to add a definition of “Cannabis Event,” which shall be added in alphabetical order, as follows (new text in underline):

“Cannabis Event” means a temporary event including onsite sale of cannabis to, and/or consumption of cannabis by, persons 21 years of age or older, as described and regulated in Section 26200(e) of the California Business and Professions Code and Chapter 5 of Division 19 of Title 4 of the California Code of Regulations (commencing at Section 15600).

SECTION 3. Section 9.36.050 of the Lompoc Municipal Code is hereby amended as follows (new text in underline; deletions in ~~strike through~~):

A. Notwithstanding any other provision of this code, no person shall conduct any smoking activity of cannabis within the following areas:

1. The common area of any duplex, triplex or other multi-family residential complex not open to the public; and
2. Any public park where tobacco smoking may otherwise be allowed, pursuant to this Code, except as part of a City-permitted cannabis event.

B. No person shall smoke cannabis in such a way that materially disrupts the ability of any reasonable person to enjoy the reasonable use of that person’s residence or areas open to the public.

SECTION 4. Section 9.36.120 of the Lompoc Municipal Code is hereby added and shall read as follows:

Cannabis events are authorized in compliance with the following requirements:

A. Cannabis events may take place only at River Park, Ken Adam Park, and Riverbend Park.

B. Cannabis event organizers shall obtain and maintain a special event permit from the City Recreation Division, a state cannabis event organizer license, and a state temporary cannabis event license.

- C. Cannabis event organizers, vendors, and participants shall comply with all requirements of state law including, but not limited to, Section 26200(e) of the California Business and Professions Code and Chapter 5 of Division 19 of Title 4 of the California Code of Regulations (commencing at Section 15600).
- D. All cannabis event vendors, and any other person or entity engaging in the sale of cannabis at a cannabis event, shall possess a City of Lompoc Commercial Cannabis Use License.
- E. The cannabis event organizer shall hire or contract for security personnel to provide security services at the licensed temporary cannabis event. The number of required security personnel and the required times for security personnel presence at each event shall be determined by the Chief of Police. All security personnel hired or contracted for by the event organizer shall be at least 21 years of age, licensed by the Bureau of Security and Investigative Services, and comply with chapters 11.4 and 11.5 of division 3 of the California Business and Professions Code. At a minimum, security personnel shall be present on the licensed event premises at all times cannabis goods are available for sale and/or cannabis goods consumption is allowed on the licensed event premises.
- F. The cannabis event organizer shall hire or contract for an emergency medical technician (EMT) to be present at all times during the licensed temporary cannabis event. The EMT personnel shall possess a valid state-issued EMT certification.
- G. No more than two cannabis events per calendar year may take place on City-owned property. Applications to hold a temporary cannabis event in a subsequent calendar year shall be accepted and considered on a first come, first served basis.
- H. No temporary cannabis event of more than two thousand attendees shall be held in the first twelve months after the effective date of the ordinance adopting this section.
- I. Violation of any state law requirements for cannabis events, or any requirements of this Code, shall be grounds for the City Manager or designee to revoke a special event permit issued for a cannabis event and/or revoke any license issued to a cannabis event vendor. The revocation of a special event permit or vendor license under this subsection (D) may be appealed in accordance with the requirements in subsection 9.36.130(B).

SECTION 5. Section 9.36.130 of the Lompoc Municipal Code is hereby added and shall read as follows:

A schedule of fees shall be established by resolution of the City Council for all costs incurred in the processing of any permits issued under this chapter. Such fees shall cover the full costs of review, approvals, inspections, certifications of compliance, or other determinations or actions necessitated by the permit. Fees shall be based on actual City costs incurred for time, equipment and materials.

SECTION 6. Adoption of this ordinance amending the Lompoc Municipal Code to establish a process for permitting cannabis events and to allow the smoking of cannabis in designated City parks during cannabis events is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3) (the “common sense exception”) because it can be seen with certainty that there is no possibility the activity in question will have a significant effect on the environment as the events in question are temporary in nature and will only take place in parks, which are intended for such recreational uses.

SECTION 7. Effective Date. This Ordinance shall be effective on the thirty-first day after its adoption.

This Ordinance was introduced on December 21, 2021, and duly adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on _____, 2022, by the following electronic vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

Jenelle Osborne, Mayor
City of Lompoc

Attest:

Stacey Haddon, City Clerk
City of Lompoc