



CITY COUNCIL MEETING

Tuesday, November 19, 2024
Regular Meeting - 6:00 PM
City Hall – City Council Chambers
425 Webster Street, Colusa, CA 95932

AGENDA

Zoom Information:

<https://us06web.zoom.us/j/89890717467>
Meeting ID: 898 9071 7467 Passcode: 726926
Mobile: 669-444-9171, ID 89890717467

Mayor – Daniel Vaca
Mayor Pro Tem – Ryan Codorniz
Council Member – Denise Conrado
Council Member – Greg Ponciano
Council Member – Dave Markss

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS *(The public may comment on items scheduled to be heard during the Closed Session Meeting)*

CLOSED SESSION MEETING – 5:00 PM

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - pursuant to Government Code § 54956.9(d)(2): (1 case)

CONFERENCE WITH LABOR NEGOTIATORS (Section 54957.6) Agency designated representatives: City Manager Jesse Cain and Ryan Jones, City Attorney for Peace Officers Association

REGULAR MEETING – 6:00 PM

REPORT ON CLOSED SESSION

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENTS *(The public to address any item of City business NOT appearing on this Agenda. Speakers must limit their comments to three (3) minutes each. Please note that per Government Code Section 54954.3(a), the City Council cannot take action or express a consensus of approval or disapproval on any public comments regarding matters which do not appear on the printed agenda)*

PRESENTATIONS

5-Year Service Awards to Rosio Ontiveros and Kristin Cain

CONSENT CALENDAR - All items listed on the Consent Calendar are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Council member requests otherwise, in which case, the item will be removed for separate consideration.

1. **Approve** - Draft Council Minutes of October 29
2. **Receive and File** - Police Department October report
3. **Receive and File** - Code Enforcement October report
4. **Adopt** - Resolution of the City Council authorizing the City Manager to enter into a Construction Contract amendment with Dos Rios Inc. for the rehabilitation of the Colusa Sacramento River
5. **Adopt** - Resolution 24-68 amending the Ordinance for City Council compensation per Government Code 36516 and SB 329
6. **Adopt** - Ordinance 566: An Ordinance of the City Council of the City of Colusa amending Colusa Municipal Code Section 2-2 regarding City Council Compensation
7. **Adopt** - Resolution 24-69 amending Ordinance 423
8. **Adopt** - Ordinance 423: An Ordinance of the City of Colusa repealing and readopting Chapter 4 of the Municipal Code pertaining to animals.

COUNCIL MEMBER /CITY MANAGER REPORTS AND STAFF COMMENTS

COUNCIL CONSIDERATION

9. Consideration of a Resolution authorizing the application window for Cannabis Permits to be considered and issued in 2025.

Recommendation: Council to adopt a Resolution approving the City to open commercial application time to issue up to three (3) Cultivation Permits, (1) Delivery Permit, and one (1) Dispensary Permit.

DISCUSSION ITEMS

10. Nuisance Ordinance

FUTURE AGENDA ITEMS

ADJOURNMENT



SHELLY KITTLE, CITY CLERK

Notice of Meetings and Agendas

The Regular Colusa City Council meetings are held the first and third Tuesdays of each month at 6:00 pm in the Colusa City Council Chambers located at 425 Webster Street, Colusa California unless otherwise noted above. Copies of open session agenda packets, which are distributed to the City Council, are on file at the front desk of the City at 425 Webster Street, Colusa, California, and are available for public inspection beginning 72 hours in advance, during normal business hours (7:00 am – 5:00 pm., Monday through Thursday except for City holidays). Additionally, if any reports or documents, which are public records, are distributed to the City Council less than 72 hours before the meeting, those reports and documents will also be available for public inspection at the front desk of the City and on the day of the meeting in the Council Chambers.

Americans with Disabilities Act

In compliance with the Americans with Disabilities Act, persons requiring accommodations for a disability at a public meeting should notify the City Clerk at least 48 hours prior to the meeting at (530) 458-4941 in order to allow the City sufficient time to make reasonable arrangements to accommodate participation in this meeting.

“This institution is an equal opportunity employer and provider”



CITY COUNCIL MEETING

Tuesday, October 29, 2024
Special Meeting - 6:00 PM
City Hall – City Council Chambers
425 Webster Street, Colusa, CA 95932

MINUTES

CALL TO ORDER- Mayor Vaca called the meeting to order at 5:30 pm.

ROLL CALL – Council Members Markss, Ponciano, Conrado, Codorniz and Vaca were all present.

PUBLIC COMMENTS – None.

CLOSED SESSION MEETING – 5:30 PM

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - pursuant to Government Code § 54956.9(d)(2): (1 case)

REGULAR MEETING – 6:00 PM

REPORT ON CLOSED SESSION – Mayor Vaca stated there was no reportable action.

CALL TO ORDER- Mayor Vaca called the meeting to order at 6:00 pm.

ROLL CALL – All present, as stated above.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA – There was council consensus on the agenda approval.

PUBLIC COMMENTS – None.

CONSENT CALENDAR - *All items listed on the Consent Calendar are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Council member requests otherwise, in which case, the item will be removed for separate consideration.*

1. **Approve** - Draft Council Minutes of October 1 and 15
2. **Receive and File** - Police Department September report
3. **Receive and File** - Finance Department September report
4. **Receive and File** - Streets Department September report
5. **Receive and File** - September Warrants List
6. **Adopt** - Ordinance 566 amending Colusa Municipal Code Section 2-2 regarding City Council compensation

ACTION: Motion by Council Member Ponciano, seconded by Council Member Markss to approve the consent items. Motion passed unanimously.

COUNCIL MEMBER /CITY MANAGER REPORTS AND STAFF COMMENTS

Council Members reported on their appointed meetings.

City Manager Cain stated he has been busy with various meetings.

Fire Chief Conley provided updates at the Fire Department.

Police Chief Fitch provided updates at the Police Department

Finance Director Aziz-Khan provided updates in the Finance Department.

Code Enforcement Officer Soto provided updates in the Code Enforcement Department.

City Attorney Jones will share information he received from the League of California Cities at the next meeting.

COUNCIL CONSIDERATION

- 7. Consideration to adopt Ordinance 423 - repealing and readopting Chapter 4 of the Municipal Code pertaining to animals.

ACTION: Motion by Council Member Conrado seconded by Mayor Vaca to adopt Ordinance 423 repealing and readopting Chapter 4 of the Municipal Code pertaining to animals. Motion passed 5-0 by the following roll-call vote:

AYES: Markss, Ponciano, Conrado, Codorniz and Vaca.

NOES: None.

ABSENT: None.

FUTURE AGENDA ITEMS

Asset List

BC&E update.

ADJOURNED at 6:18 pm

DANIEL VACA, MAYOR

Shelly Kittle, City Clerk

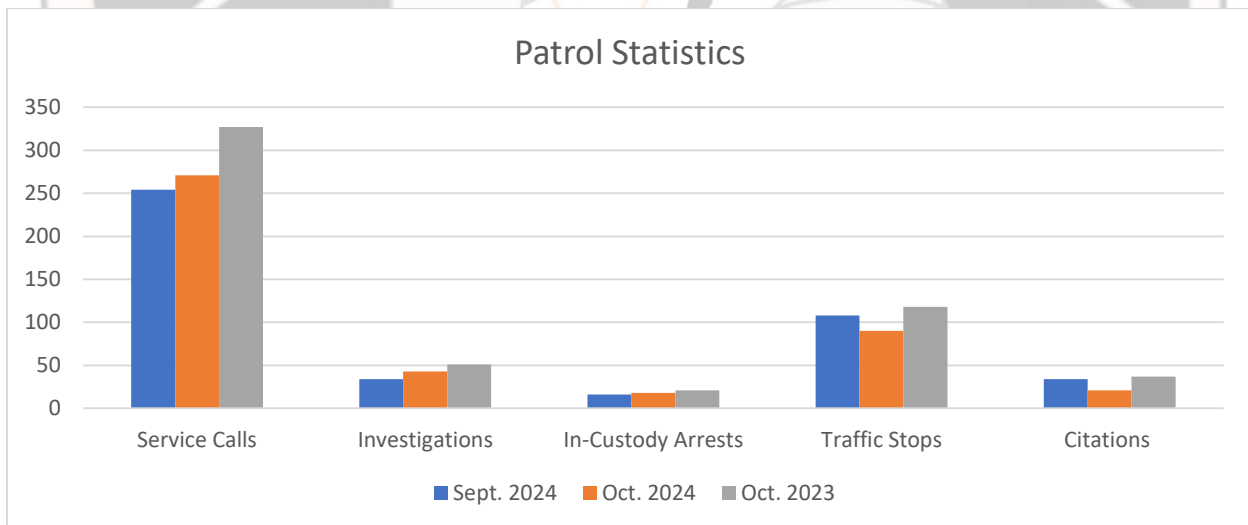
Colusa Police Department

Monthly Report for October 2024

Monthly Activities

- City Council Meetings
- Attended the Colusa Community Partnership Meeting
- Participated in the School Attendance Review Board (SARB)
- Participated in Burchfield Primary Fall Festival
- Participated in the Trunk or Treat event at the Colusa County Fairgrounds
- Conducted a presentation for parents on gang awareness at Egling Middle School

Monthly Statistics



- There were 271 calls for service for patrol officers with 31 agency assists. The call volume in October was slightly higher than in September. The call volume of 2024 continues to be significantly lower than that of 2023.
- During October 2024, there were 18 in-custody arrests. There was 1 citation issued in lieu of a subject being booked in jail. There were 9 domestic violence related incidents reported in October with 4 resulting in an arrest. This is nearly double the number of domestic violence related reports/arrests as in September. There were 3 DUI related arrests made this month. There were 43 reports initiated.
- During the month of October, officers initiated 90 traffic enforcement stops. There were 21 citations issued. Several of the citations issued were for stop sign and speed related violations. There were 2 reportable traffic collisions, both with injuries. 'Hit and Run' collisions are not included in these statistics but instead are included in crime statistics.
- The Police Services Manager handled 75 calls for service during the month of October. These calls for service don't include telephone calls handled by the Police Services Manager.

Items of Interest

- On 9/30/2024, Christian Allen Suarez was arrested by Little Rock Police Department in the State of Arkansas. Suarez was wanted for the murder of Giovanni Alcaraz in March of 2020. Shortly thereafter in early October, investigators from Colusa Police Department and Colusa County District Attorney's Office traveled to Little Rock and interviewed Suarez. Suarez is awaiting extradition to California at the conclusion of his prosecution in Arkansas.
- Last month, Colusa Police Department completed the last destruction at Covanta. This facility is used to destroy firearms, narcotics, and other previously seized evidence. It is scheduled to close down in December 2024. Colusa County Sheriff's Office and Williams Police Department also participated. Approximately 100 guns were destroyed. In total, 2,560 pounds of property was destroyed.
- SCHOOL PATROL NOTES: Please don't stop in the roadway and drop off your children. This is not only illegal but dangerous. Please pull to the curblane (not one painted red) or designated drop off/pick up area. DO NOT BLOCK CROSSWALKS! We are very fortunate to have Mel volunteering her time at Egling as a crossing guard. She keeps things moving at Webster and 8th Street which is greatly appreciated.
- ATTENTION PARENTS! Please do NOT allow your children to drive without being properly licensed. Not only will your child be cited for being an unlicensed driver, but your vehicle is also subject to being towed. The fine for being an unlicensed driver is approximately \$400.00. The fees with the vehicle being towed in approximately \$250.00. Finally, you as the parent, could be criminally charged with violating section 14604(a) of the California Vehicle Code which is a misdemeanor. The minimum fine alone is approximately \$700.00. This doesn't include the lost wages from missing work and other possible court associated fees as well. Is the 'convenience' of having your child drive themselves to school really worth it?

Code Enforcement Monthly Report

10/01/ 2024 to 10/31/2024

Total Violation Files: 7

Active: 1

Pending: 3

Compliance / Closed: 3

Complaints Received: - 5 (via landline) / - 4 (email portal) / - 2 (In Person)

Expired Vehicles within the City Streets 4000(a)(1) CVC / Continuous Parking 11-8(z) / Animals / Building / Homeless Encampment

Letters: 2

In the field findings:

Shopping Carts: (5) (Sav Mor / (1) Rite Aid (1) Dollar General; All Returned / Tagged Vehicles – Towed (0) Vehicles

Types of Violations:

Weed Abatement / Vehicle - Parking Issues / Nuisance Junk / Animals – Dogs / No Camping

Continuous Follow Ups Conducted Daily – Compliance in Progress

Training / Education

Continue Community & Resource Relations / Translating Codes / Ordinance(s) into Spanish while interacting with Hispanic Community / Code Enforcement Online free Seminar

Notes:

Daily drive-by / Walkthrough of Cannabis Locations (odor inspections) -Equipment Inspections / Cannabis Facility Walk Through's / Pending projects: Nuisance / Checked in with Cannabis Partners

10/30/24 - Assisted Department of Public Works Team with Homeless Encampment Clean Up on the Sac River Levee Bank areas.



City of Colusa California

STAFF REPORT

DATE: November 19 2024
TO: City of Colusa Mayor and Council Members
FROM: Jesse Cain, City Manager

AGENDA ITEM:

Subject: Resolution authorizing the City Manager to sign Change order #1 with Dos Rios Inc. 6843 Codorniz Rd. Colusa, CA 95932

Recommendation: Council to pass a Resolution approving the change order # 1 with Dos Rios Inc. 6843 Codorniz Rd. Colusa, CA 95932

BACKGROUND ANALYSIS:

In August 2021, the City submitted an application for a grant under what is called the LOSSP grant. (The Locally-Operated State Park Program of Proposition 68)

On March 08, 2024, the City sent a request for proposal (RFP) for the Rehabilitation of the Colusa Sacramento River SRA. The bid closing date was April 09, 2024, at 4pm. The City awarded a contract to Dois Rios on May 21th 2024 in the amount of \$358,030.16.

The LOSSP grant award to the City of Colusa was \$642.000. The proposed change order reflects what the grantor and the City discussed on how to best use the remaining funds that provides a benefit to the City of Colusa and Sate Parks. The change order consists of installing a 130 foot lighted flag pole, one extra flag, re- epoxy the bathrooms and showers painting and installing new toilet seats, we will be also removing the turn style and placing it at the Colusa County Fair grounds, Installing new State Park signage, moving the Colusa Boat launch sign and land scaping the entrance. The Grantor and I feel that a change order is in the best interest of the project and ensures we stay under budget.

BUDGET IMPACT: None - City we will be using the LOSSP grant that we received.

STAFF RECOMMENDATION: Council to approve Resolution 24 Authorizing the City Manager to sign change order #1 with Dos Rio Inc.

ATTACHMENT:
Resolution 24-
Change order #1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT AMENDMENT WITH DOS RIOS INC. FOR THE REHABILITATION OF THE COLUSA SACRAMENTO RIVER (SRA)

WHEREAS, on March 8th, 2024, the City of Colusa issued a request for proposal (RFP) for the Rehabilitation of the Colusa State SRA and;

WHEREAS, the City of Colusa City Council authorizes the City Manager to enter into the construction contract amendment with Dos Rio Inc. for the rehabilitation of the Colusa Sacramento River SRA project not to exceed \$283,955.34.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA DOES HEREBY RESOLVE:

1. Recitals. The foregoing recitals are true and correct and made part of this Resolution.
2. Effective Date. This Resolution shall be effective immediately.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

Passed and adopted this nineteenth day of November 2024 by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

DANIEL VACA, MAYOR

Shelly Kittle, City Clerk

COLUSA SACRAMENTO RIVER RECERATION AREA LOSSP GRANT CHANGE ORDER # 1 WITH DIOS RIOS

Added scope of services to be provided

1. Bathroom and shower renovations, re epoxy floors, paint walls and sealings and install new toilet seats.
2. Landscape the entrance, work with city staff on drought tolerant plants, rocks final landscape plans will be based on final cost.
3. Remove the turn style and place at the fairgrounds
4. Install a 130-foot lighted flagpole with the proper size American flag based on the flag pole, provide one American extra flag.
5. Relocate the boat launch signage.
6. Install the new State Park signage following manufacturers specifications State Parks will provide the new sign.
7. Install two bike repair stations the City will provide them
8. Install remaining split rail fence

Change Order is in the amount of \$283,955.34

Jesse Cain
City Of Colusa City Manager

Dios Rios

RESOLUTION NO. 24-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA AMENDING THE ORDINANCE FOR CITY COUNCIL COMPENSATION PER GOVERNMENT CODE 36516 AND (SB 329)

WHEREAS, on October 15, 2024, the City of Colusa adopts SB 329 and;

WHEREAS, the City of Colusa City Council new compensation will take effect starting January 1,2025.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA DOES HEREBY RESOLVE:

- 1. Recitals. The foregoing recitals are true and correct and made part of this Resolution.
- 2. Effective Date. This Resolution shall be effective immediately.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

Passed and adopted this 19th day of November 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DANIEL VACA, MAYOR

ATTEST:

Shelly Kittle, City Clerk

ORDINANCE 566

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUSA, CALIFORNIA, AMENDING COLUSA MUNICIPAL CODE SECTION 2-2 REGARDING CITY COUNCIL COMPENSATION

WHEREAS, Government Code Section 36516(a)(2) permits the City Council to establish by ordinance compensation to be paid to each councilmember up to a ceiling based on the city's population;

WHEREAS, in June 2023, Governor Gavin Newsom signed into law Senate Bill 329 ("SB 329"), which amends California Government Code Section 36516 to update city council compensation schedules to account for inflation. The previous compensation schedules, which are based on population, had not been adjusted since 1984;

WHEREAS, the legislative intent of SB 329 is to help city councils become more diverse because increased compensation can help individuals from across different income levels receive sufficient income from their service to help ensure that they can continue to serve the public and support their families;

WHEREAS, California Government Code Section 36516 provides a method by which salaries for members of a city council are established based on city population;

WHEREAS, according to the United States Census Bureau, the estimated population of the City of Colusa as of July 1, 2022, is 6,368;

WHEREAS, under SB 329, city council salaries in cities with populations between up to and including 35,000 can be up to and including \$950 per month;

WHEREAS, the City Council of the City of Colusa makes the following findings in support of raising City Council salaries to \$950, as allowed by SB 329:

- i. Higher pay can help remove financial barriers that may prevent individuals from running for office. This can make council positions more accessible to a wider range of people, including those from lower-income backgrounds, promoting greater socioeconomic diversity among elected representatives.
- ii. Increasing compensation recognizes and compensates city councilmembers for their substantial workload. Serving on the city council requires significant time and effort. Councilmembers are responsible for attending meetings, conducting research, engaging with constituents, and making important decisions that directly impact the community.

WHEREAS, California Government Code Section 36516.5 provides that a change in salary for each city council member does not take effect until one or more members of the city council begins a new term of office; and

WHEREAS, the new salary for each City Council member would go into effect beginning on the date on which a City Council member is sworn into office after the general municipal election held in November 2024.

THE CITY COUNCIL OF THE CITY OF COLUSA DOES ORDAIN AS FOLLOWS:
The provisions of Section 2-2, Article II of the City of Colusa Municipal Code are amended, as follows:

SECTION 1. Amendment. Section 2-2 of the Colusa Code is hereby repealed and replaced to read as set forth below:

Sec. 2-2. Same—Salaries of members.

- (a) Each member of the city council shall receive, as salary, the sum of nine hundred and fifty dollars per month, as prescribed in section 36516 of the Government Code of the state for cities up to and including thirty-five thousand in population, which shall be payable at the same time and in the same manner as the salaries are paid to other officers and employees of the city.
- (b) The salaries prescribed in this section are and shall be exclusive of any amounts payable to each member of the city council as reimbursement for actual and necessary expenses incurred by him or her in the performance of official duties of the city.

SECTION 2. Severability. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption, provided it is published in full or in summary within fifteen (15) days of its adoption, in a newspaper of general circulation published and circulated in the City of Colusa.

PASSED AND ADOPTED by the City Council of the City of Colusa this 19th day of November 2024 by the following vote:

AYES:
NOES:
ABSENT:

DANIEL VACA, MAYOR

ATTEST:

Shelly Kittle, City Clerk

RESOLUTION NO. 24-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA AMENDING
ORDINANCE 423

WHEREAS, on October 15, 2024, the City of Colusa updates Ordinance 423 and;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA DOES HEREBY
RESOLVE:**

- 1. Recitals. The foregoing recitals are true and correct and made part of this Resolution.
- 2. Effective Date. This Resolution shall be effective immediately.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

Passed and adopted this 19th day of November 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DANIEL VACA, MAYOR

ATTEST:

Shelly Kittle, City Clerk

ORDINANCE NO. 423

**AN ORDINANCE OF THE CITY OF COLUSA REPEALING AND READOPTING
CHAPTER 4 OF THE MUNICIPAL CODE PERTAINING TO ANIMALS**

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

SECTION 1: Chapter 4 of the Municipal Code of the City of Colusa is hereby repealed and readopted to read in its entirety as follows:

Article I. General

- Sec. 4-1. Short Title
- Sec. 4-2. Authority
- Sec. 4-3. Interference with Enforcement
- Sec. 4-4. Consistency with Zoning Ordinance
- Sec. 4-5. Penalty

Article II. Keeping of Animals; Limitations

- Sec. 4-6. Keeping: Prohibitions
- Sec. 4-7. Number of Animals
- Sec. 4-8. Temporary Club Projects

Article III. Treatment of Animals

- Sec. 4-9. Cruelty to Animals
- Sec. 4-10. Neglect of Animals Prohibited
- Sec. 4-11. Permitting an Animal to Suffer
- Sec. 4-12. Premises
- Sec. 4-13. Tethering a Dog

Article IV. Nuisances Prohibited

- Sec. 4-14. Public Nuisances
- Sec. 4-15. Public Nuisances: Abatement

Article V. Control of Animals

- Sec. 4-16. Running at Large of Animals Prohibited
- Sec. 4-17. Leashes Required
- Sec. 4-18. Animal Waste
- Sec. 4-19. Vicious and Dangerous Dogs

Article VI. Licensing

- Sec. 4-20. Adoption of State Law Provisions for Licensing and Impounding of Dogs

- Sec. 4-21. Licenses: County License Required
- Sec. 4-22. Authority of County to Issue Licenses
- Sec. 4-23. Dogs Licensed by Other Cities or Counties
- Sec. 4-24. Restrictions on Use of Tags
- Sec. 4-25. Unlicensed Dogs or Dog Kennels
- Sec. 4-26. Unauthorized Removal of Tags

Article VII. Impoundment

- Sec. 4-27. Animals Subject to Impoundment
- Sec. 4-28. Biting Animals
- Sec. 4-29. Reporting Found Animals
- Sec. 4-30. Absence of Liability

Article VIII. Vaccination; Spay/Neuter Requirements

- Sec. 4-31. Vaccination of Dogs Required; Impounding of Unvaccinated Dogs
- Sec. 4-32. Cats: Spay/Neuter Requirements

Article I. General

Sec. 4-1. Short Title.

This Chapter shall be known as the Animal Control Ordinance.

Sec. 4-2. Authority.

The Chief of Police or his/her authorized and appointed designee(s), and the Sherriff or his/her authorized and appointed designee(s), and such other person(s) as the City Council may appoint in order to enforce this Animal Control Ordinance, shall be referred to herein as an "animal control officer," and shall have authority to enforce all of the provisions of this Chapter relating to the care, control and treatment of animals.

An animal control officer may go upon private property as necessary to enforce the provisions of this Chapter, including inspection of facilities provided for any animals, counting the number of animals kept, or collecting and impounding animals, with the voluntary consent of the owner or occupant of the premises, where there is no reasonable expectation of privacy, or pursuant to an inspection warrant in accordance with Sections 1822.50 to 1822.58 of the California Code of Civil Procedure. An inspection warrant shall be issued by a judge upon cause, unless some other provision of state or federal law makes another standard applicable, and shall be supported by an affidavit that particularly describes the premises to be inspected, the purpose of the inspection, and a statement that consent was sought and refused or facts reasonably justifying a failure to seek consent. Unless specifically authorized by the judge issuing the inspection warrant, an inspection may not be made between 6:00 p.m. of any day and 8:00 a.m. of the succeeding day, nor in the absence of an owner or occupant of the premises, or by forcible entry.

An animal control officer is hereby authorized to initiate criminal actions for violations within the City of this Chapter by field citation. Pursuant to Section 836.5 of the California Penal Code, the animal control officer acting within the scope of his/her authority may arrest a person without a warrant when the animal control officer has reasonable cause to believe that the person to be arrested has committed a violation of this Chapter in the presence of the animal control officer. If a person arrested pursuant to this Section does not demand to be taken before a magistrate, the animal control officer shall prepare a written notice to appear and release the person on his/her promise to appear in accordance with Section 853.5 of the California Penal Code.

Subject to state and federal laws and the limitations within this Chapter, including but not limited to Article VII of this Chapter, an animal control officer may seize, impound and dispose of, or cause the seizure, impoundment, and disposal of, any animal.

Sec. 4-3. Interference with Enforcement.

No person shall interfere with, oppose or resist an animal control officer in the performance of any act authorized by this Chapter, including the seizure and impoundment of any animal.

Sec. 4-4. Consistency with Zoning Ordinance.

In the event of any inconsistency between the provisions of this Chapter and the City of Colusa Zoning Ordinance, as amended from time to time, the provisions of the Zoning Ordinance shall prevail.

Sec. 4-5. Penalty.

Whenever any act is prohibited by this Chapter, or is made or declared to be unlawful, or the doing of any act is required or the failure to do any act is declared to be unlawful, the first violation shall be treated as an infraction and punishable by a fine not exceeding one hundred dollars (\$100). Subsequent violations within one year may be treated as a misdemeanor and punishable by a fine not exceeding five hundred dollars (\$500) or imprisonment for a term not exceeding six months, or by both such fine and imprisonment for a term not exceeding six months; provided, nevertheless, that any such violation or offense may be deemed an infraction and charged as such in the discretion and at the election of the officer, in which event the punishment therefor shall not be imprisonment but a fine not to exceed the amounts specified by Government Code Section 36900 as then in effect. Every day any violation of any provision of this Chapter continues constitutes a separate offense.

Article II. Keeping of Animals; Limitations

Sec. 4-6. Keeping: Prohibitions.

Except as provided for under the laws of the United States or the State of California, it is unlawful to keep or maintain any wild animal as defined in Section 2116 of the California Fish and Game Code, or to keep or maintain any vicious animal, or any animal reasonably likely of inflicting injury or endangering the health or safety of any person or property.

Sec. 4-7. Number of Animals.

It is unlawful for any person to keep, maintain, or have any combination of animals, fowl or livestock, which by their numbers or by the way in which they are maintained, interferes with the health, safety, comfort or convenience of the community. Such conduct is hereby declared a public nuisance.

No person shall keep more than five cats or five dogs over the age of four months and must show proof of Spay or Neutered. This excludes dogs that are used for breeding purposes as supported by AKC pedigree or other supporting breeding documentation. Cats that are not spayed or neutered are hereby declared to be a public nuisance

Notwithstanding the above provisions, it is unlawful for any person to have in their possession a crowing rooster. Crowing roosters are hereby declared to be a public nuisance.

Sec. 4-8. Temporary Club Projects.

Animals raised or kept for a temporary school or club project such as 4-H or Future Farmers of America (FFA) are hereby authorized, subject to the issuance of a permit by an animal control officer. Applications made for a permit to an animal control officer to raise or keep animals for a temporary school or club project such as 4-H or FFA shall not be subject to an application fee nor shall there be a requirement of a public hearing before an animal control officer can issue a permit for this use. An animal control officer may impose any conditions on the issuance of the permit that he/she deems reasonably necessary to protect the health, safety, comfort or convenience of the community. Appeals regarding the issuance of permit by any interested person may be made to the City Manager within ten (10) days of issuance. The decision of the City Manager regarding any appeals shall be final.

Article III. Treatment of Animals

Sec. 4-9. Cruelty to Animals.

No person shall beat or abuse any animal, or permit the same, or encourage or induce any animals to fight.

Sec. 4-10. Neglect of Animals Prohibited.

It is unlawful for any person having control or custody of any animal to permit or allow such animal to go without food, water, shelter, shade, care and attention. It is further unlawful for any person to leave or confine an animal under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

Sec. 4-11. Permitting an Animal to Suffer.

It is unlawful for any person having custody or control of any animal to permit that animal to needlessly suffer.

Sec. 4-12. Premises.

Every person who keeps an animal confined and unattended in an enclosed area shall provide the animal with an adequate exercise area. Every person owning or occupying premises where any animal is kept shall keep the premises in a clean and sanitary condition.

Sec. 4-13. Tethering a Dog.

A dog may not be restrained for more than three (3) hours in a twenty-four (24) hour period. If a dog is to be restrained:

The tether or chain provided must be at least ten (10) feet in length, with swivels at both ends, and be properly attached to a pulley or trolley mounted on a cable so as not to interfere or become entangled with the animal or objects on the property;

No chain or tether shall weigh more than one-eighth (1/8th) of the dog's body weight;

Any chain or tether shall be attached to a properly fitting flat collar or harness worn by the dog. The use of choke chains or pinch collars is prohibited when tethering;

The chained or tethered dog must have constant access to necessary shelter and water.

Article IV. Nuisances ProhibitedSec. 4-14. Public Nuisances.

No person having an animal in her or his care, charge, control, custody or possession shall permit or allow:

any animal to obstruct or interfere with the reasonable and comfortable use of property in any neighborhood or community by running at large, chasing vehicles or pedestrians, threatening or intimidating people;

any animal to obstruct or interfere with the reasonable and comfortable use of property in any neighborhood or community by excessive barking, howling, crowing, screeching or making other noises. Noise is considered excessive when it is constant for 20 minutes or intermittent for 30 minutes or more, supported by witness testimony or audio/video recordings.

any animal to damage property, and

except for cats, to trespass on private property;

Any animal to be kept on the premises and unsanitary conditions to exist, which would cause odors, attract flies or vermin, or which would be otherwise injurious to the public health, offensive to the senses, or obstruct or interfere with the reasonable use of property within the neighborhood;

any animal to be kept or maintained in violation of state law, the City Zoning Code, or other City ordinances.

Feeding of feral cats or outdoor feeding of any cat, subject to authorization by Animal Control Officer.

A violation of any of the above provisions is hereby declared to be a public nuisance.

Sec. 4-15. Public Nuisances: Abatement.

Whenever an animal control officer has reasonable cause to believe that a public nuisance exists, he or she may conduct an investigation of the alleged nuisance. Additionally, whenever an animal control officer receives three (3) or more complaints or affirmations in writing from persons having separate residences in the same neighborhood or employed regularly in the same neighborhood that any animal is a habitual public nuisance by reason of trespassing, continual howling, barking or other noise, such as screeching or crowing, or by damage to property, by vicious action or propensity, or by any other means or conditions causing undue annoyance, the animal control officer shall investigate to determine if a public nuisance exists. If an animal control officer finds that a public nuisance does exist, as defined in this Chapter, the animal control officer shall serve written notice upon the owner or custodian of the animal that such nuisance shall be abated. The owner or custodian shall then promptly abate the nuisance, within the timeframe specified by the animal control officer, but in any event not exceeding forty-eight (48) hours. If the nuisance is not so abated, the animal control officer may issue a citation or seize and impound the animal in accordance with the procedures set forth in Article VII of this Chapter.

Notwithstanding the foregoing, no animal that is part of an agricultural operation, exempt from being or becoming a nuisance by Civil Code Section 3482.5, shall be deemed to be a public nuisance under this Section, provided such animal is owned and kept in compliance with this Chapter and State law.

Article V. Control of Animals

Sec. 4-16. Running at Large of Animals Prohibited.

No person owning or having the custody or control or possession of any animal shall permit the animal to run at large within the City. "At large" or "stray" means any animal found outside the premises of its owner or caretaker and either not under the control and in the immediate presence of the owner or caretaker, and if the animal is a dog, not restrained by a leash or under the control and in the immediate presence of the owner or caretaker.

Any animal found running at large shall be deemed a stray animal and, if after a reasonable investigation under the circumstances the animal control officer is unable to locate the owner or person entitled to the possession of the animal to give that person the opportunity to recapture the animal, the animal may be immediately seized and impounded. This Section shall not apply to cats.

Sec. 4-17. Leashes Required.

It shall be unlawful for any person who owns or has the control, custody or possession of any dog to permit such dog in or upon any public street or other public place, or in or upon any property belonging to the City, unless such dog is on a leash no longer than 6 feet in length and is under the control of the person owning or at the time in possession of such dog.

The restraint requirements provided in this Section shall not apply to the following:

a service or assistance dog; a service dog is trained to perform a task directly related to a person's disability. This does not include emotional support or comfort dogs.

a dog participating in field or obedience trials;

animal exhibitions;

a dog assisting in law enforcement duties;

any area specifically designated as a dog park or off leash exercise area.

Sec. 4-18. Animal Waste.

No person who owns or has control, custody or possession of an animal, except a disabled person using an assistance dog, shall permit or allow any animal to do any of the following:

Defecate on any public street or other public property without immediately removing the excrement;

Defecate on any private property other than that of its owner without the consent of the owner, lessee or person in control of the private property.

Sec. 4-19. Vicious and Dangerous Dogs.

The owner of any dog or person having the custody, control or possession of a dog known to be diseased, vicious, or dangerous to the safety of any person or animal, shall keep such dog confined within a secure enclosure unless such dog is muzzled and leashed.

Article VI. LicensingSec. 4-20. Adoption of State Law Provisions for Licensing and Impounding of Dogs.

Pursuant to Section 30501 of the California Food and Agricultural Code, the provisions of Sections 30801 to 30805, 30952, 31105 to 31108, 31152, 31153, 31251, 31252 and 31254 of the California Food and Agricultural Code, relating to the regulation and licensing of dogs, when adopted by the board of supervisors of any county, apply within the territorial limits of the county. The Board of Supervisors of Colusa County has adopted the provisions of such sections of the Food and Agricultural Code, and the City Council hereby requests the application of such provisions within the City.

Sec. 4-21. Licenses: County License Required.

It shall be unlawful for any person to own, harbor or keep any dog over the age of four (4) months unless such dog has securely attached to its collar a valid license tag issued for the current year by Colusa County. The license tag shall be worn by the dog at all times that the animal is in the City, except when the animal is confined in a permitted kennel, or veterinary facility, or it is being exhibited at a show, field trial or other competition. No person shall refuse to exhibit such license when so directed by an animal control officer.

Sec. 4-22. Authority of County to Issue Licenses.

Colusa County is hereby authorized and empowered to issue a license to the owners of dogs kept or harbored in the City, with the same force and effect as that provided by County Ordinance for the issuing of dog licenses for dogs harbored or kept in the unincorporated area of the County.

Sec. 4-23. Dogs Licensed By Other Cities or Counties.

Notwithstanding the foregoing, a person may bring into the City a dog for a period not exceeding twenty (20) days in any one (1) year which has been licensed by a city or county other than Colusa County; provided that such dog shall have a license, tag issued by the authority of such city or county attached to it.

Sec. 4-24. Restrictions on Use of Tags.

No person shall attach to or keep upon a dog, or cause or permit to be made, or to have in possession, any counterfeit or imitation of any county dog license tag. It is unlawful for any person to attach a license tag to the collar of any dog except the dog that is described in the application for such license tag.

Sec. 4-25. Unlicensed Dogs or Dog Kennels.

No person shall have, harbor, control or keep, or to cause or permit to be harbored or kept, any unlicensed dog in the City, or maintain, conduct or operate or to cause or permit to be maintained or operated, any unlicensed dog kennel in the City.

Sec. 4-26. Unauthorized Removal of Tags

No person shall, if unauthorized, remove from any dog, any collar or harness or other device to which a license tag is attached or remove such license tag therefrom.

Article VII. ImpoundmentSec. 4-27. Animals Subject to Impoundment.

Any animal control officer may seize and impound, or cause to be seized and impounded, an animal for a violation of any provision of this Chapter. Where the need for immediate seizure or impoundment is not present, the animal control officer shall provide the owner or keeper of the animal with an opportunity for a hearing prior to seizure or impoundment of the animal, in

accordance with the procedures set forth in Penal Code section 597.1 as then in effect. Where the animal control officer has reasonable cause to believe that the immediate seizure or impoundment of an animal is necessary in order to: (a) protect public safety and welfare; (b) protect an animal which is injured, sick or starving; (c) protect an animal from injury which has strayed onto public property or a public right of way; (d) protect a domestic animal from imminent risk of harm; or (e) safeguard an animal which is at large off its owner's property, then the animal control officer shall provide the owner or keeper of the animal with an opportunity for a post-seizure or impoundment hearing, in accordance with the procedures set forth in Penal Code section 597.1 as then in effect.

Sec. 4-28. Biting Animals.

The owner or other person in custody, control or possession of any animal that bites a human being, or otherwise exhibits any symptoms or acts that would lead a reasonable person to suspect that the animal has rabies, shall immediately notify the City Police Department and or County Animal Control, giving the name and address of the person bitten, if known to him/her, or the acts or symptoms of the animal, and shall obey any quarantine instructions given by the City Police Department and/or County Animal Control Officer. The animal control officer may, in his/her discretion, order the animal quarantined and may impose such reasonable conditions thereon as may be required.

If any person fails or refuses to obey any lawful order for the quarantine of an animal for observation of rabies, the animal control officer may impound or cause the impoundment of the animal.

Sec. 4-29. Reporting Found Animals.

Any person who apprehends or picks up a stray or apparently lost animal shall report the same to the Colusa County Animal Shelter within twenty-four (24) hours and shall release such animal to the owner or to the Colusa County Animal Shelter upon demand. The person shall provide the Colusa County Animal Shelter with a complete description of the animal, where it was found, current location of the animal, photographs of the animal and contact information for person keeping the animal.

Sec. 4-30. Absence of Liability.

No liability shall be incurred by the City or County for causing the impoundment, redemption or disposition of an animal pursuant to this Chapter.

Article VIII. Vaccination; Spay/Neuter Requirements

Sec. 4-31. Vaccination of Dogs Required; Impounding of Unvaccinated Dogs.

Pursuant to Section 121690 of the California Health and Safety Code, every person owning, or in control, custody, or possession of any dog shall, within ten (10) days after the dog becomes four (4) months of age, procure the rabies vaccination of the dog by a licensed veterinarian, and shall continually procure the rabies vaccination of the dog by a licensed veterinarian at intervals of time not more than once a year, or as may be prescribed by the state department of public health.

Sec. 4-32. Cats: Spay/Neuter Requirements.

No person owning or in custody, control or possession or feeding of a cat over four (4) months of age shall cause, permit or allow such cat to be unconfined in or upon any public street, road, alley or other public or private place, including the exterior yards of the animal owner's property, unless such cat is spayed or neutered. An animal control officer may cite, seize or impound or cause to be seized or impounded every cat found in violation of this Section and shall require the owners or guardians of the cat to either spay or neuter the cat within thirty (30) days of such violation or produce a certificate of sterilization proving that the cat is already altered. Failure to comply may result in a citation, impoundment or seizure.

When a person is cited or cat is impounded under this Section, the owner of the cat, if known, shall be given ten (10) calendar days to request a hearing to determine if there is good cause for a waiver or deferment of the sterilization requirement. The hearing shall be held before an animal control officer, who may grant or deny the request, or impose any conditions on the granting of the request that he/she deems reasonably necessary to protect the health, safety, comfort or convenience of the community. Appeals regarding the decision of the animal control officer by any interested person may be made to the City Manager within ten (10) days of the decision. The decision of the City Manager regarding any appeals shall be final.

SECTION 2. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Colusa hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 3. Effective Date.

This ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Colusa, California, held on October 15, 2024, and was passed and adopted at a regular meeting of the City Council held on November 19, 2024 by the following vote:

AYES:
NOES:

DANIEL VACA, MAYOR

ATTEST:

Shelly Kittle, City Clerk



City of Colusa California

STAFF REPORT

DATE: November 19, 2024
TO: City of Colusa Mayor and Council Members
FROM: Jesse Cain, City Manager

AGENDA ITEM:

Consideration of a Resolution of the City of Colusa City Council authorizing the application window for Cannabis Permits to be considered and issued in 2025.

Recommendation: Council to adopt a Resolution approving the City to open Commercial Application Time to issue up to three (3) Cultivation Permits, (1) Delivery Permit, and one (1) Dispensary Permit.

BACKGROUND ANALYSIS:

The November 2023 adoption of amendments to the City of Colusa's Cannabis Ordinance and Zone articles account for an annual application window to be approved by Council Resolution each November. The application window is December 1 – January 31. During this time, applicants for specified permits may submit an application, with all the required information, for the City to review and bring forth to the Council for final approval.

The City Council voted not to open the application window in November of 2023, at the time our active and onboarded issued permits stood at:

Cultivation (6), Manufacturing (2), Delivery (2), and Dispensary (0)

In the last 12 months, we have had several Cessation of Business forms completed and submitted to the city. Our current active issued permits stand at:

Cultivation (3), Manufacturing (2), Delivery (0), and Dispensary (0)

BUDGET IMPACT: Increase to Cannabis Fund based on a number of applications, as an application fee of \$5,000 is required, with no guarantee of application approval. Additional Budget Impact is the projected revenues decreasing over 30% due to the closure of 5 of our 10 Commercial Cannabis Businesses.

STAFF RECOMMENDATION:

Council to adopt the Resolution.

ATTACHMENT:
Resolution 24-

RESOLUTION NO. 24-

RESOLUTION OF THE CITY OF COLUSA CITY COUNCIL APPROVING THE COMMERCIAL CANNABIS APPLICATION WINDOW TO OPEN

WHEREAS, the City of Colusa is committed to the health and safety of its citizens;

WHEREAS, the City of Colusa will open the window to accept applications for commercial cannabis permits, and;

WHEREAS, the City of Colusa does not guarantee that applications received will be awarded in 2025, and;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Colusa as follows:

The City of Colusa City Council approves the Annual Commercial Cannabis Application window to open December 1, 2024, and remain open until January 31, 2025. The City will accept applications for Cultivation, Delivery, and Dispensary business only, and all applications must contain all documents outlined in the City Code.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

Passed and adopted this 19th day of November 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DANIEL VACA, MAYOR

Shelly Kittle, City Clerk