

ORDINANCE NO. 280

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CANYON LAKE, CALIFORNIA, ADDING CHAPTER 11.93 TO THE CANYON LAKE MUNICIPAL CODE REGARDING THE REGULATION OF DRUG PARAPHERNALIA

WHEREAS, the Canyon Lake is authorized pursuant to Article XI, Section 7 of the California Constitution to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the City has a substantial interest in protecting the public health, safety, and welfare of its residents, businesses, visitors, and neighborhoods; and

WHEREAS, the City Council finds that the proliferation of businesses selling, marketing, displaying, or distributing drug paraphernalia contributes to unlawful drug activity, blight, nuisance conditions, criminal conduct, public health risks, and negative secondary impacts affecting surrounding properties and neighborhoods; and

WHEREAS, the City Council further finds that certain retailers intentionally market products designed or primarily intended for the ingestion, inhalation, injection, cultivation, manufacture, concealment, processing, or use of controlled substances, including methamphetamine, fentanyl, heroin, cocaine, and unlawfully possessed narcotics; and

WHEREAS, the City Council finds that businesses engaged in the sale or display of drug paraphernalia are frequently associated with increased calls for service, loitering, narcotics activity, property crime, public consumption of controlled substances, litter, hazardous waste, and threats to public safety; and

WHEREAS, the City Council finds that methamphetamine use in particular is associated with dangerous and highly addictive behavior, violent criminal conduct, severe public health impacts, homelessness, environmental contamination, and increased burdens on law enforcement, fire, emergency medical services, hospitals, code enforcement, and other public resources; and

WHEREAS, the City Council further finds that fentanyl and opioid-related overdoses continue to present an escalating public health and safety crisis throughout California and Riverside County, including impacts on youth and vulnerable populations; and

WHEREAS, the City Council finds that businesses engaged in the sale of drug paraphernalia frequently attempt to market such products as “novelty items,” “collectibles,” or “for tobacco use only,” while nevertheless displaying, advertising, packaging, promoting, or selling such products in a manner commonly associated with unlawful controlled substance use; and

WHEREAS, the City Council finds that state law, including California Health and Safety Code sections 111.934 through 111.934.7, regulates drug paraphernalia, but does not fully occupy the field of local land use, business licensing, nuisance abatement, administrative enforcement, and

local regulatory controls intended to address the secondary impacts associated with such activities; and

WHEREAS, the City Council intends this Ordinance to supplement, and not conflict with, state and federal law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CANYON LAKE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1. **Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference. The City Council expressly finds that the facts set forth in the recitals constitute the facts establishing the urgency for adoption of this Ordinance.

Section 2. **Findings and Purpose.** The City Council hereby finds and declares that the sale, display, marketing, distribution, and furnishing of drug paraphernalia contributes to and facilitates unlawful drug activity and creates substantial adverse impacts on the public health, safety, and welfare of the community. The purpose and intent of this Chapter are to:

- (i) Protect the public health, safety, and welfare;
- (ii) Reduce unlawful drug activity and related nuisance conditions;
- (iii) Protect neighborhoods, businesses, and public spaces from the adverse secondary effects associated with drug paraphernalia retailers;
- (iv) Establish reasonable operational regulations and enforcement standards for businesses engaged in the sale or display of drug paraphernalia;
- (v) Provide comprehensive enforcement tools and remedies to ensure compliance with this Chapter;
- (vi) Supplement state law and support local law enforcement and nuisance abatement efforts; and
- (vii) Preserve the quality of life, economic vitality, and community character of the City.

Section 3. **Municipal Code Amendment.** Chapter 11.93 of the Canyon Lake Municipal Code is hereby added to read as follows:

**CHAPTER 11.93
DRUG PARAPHERNALIA RETAIL REGULATIONS**

11.93.010 Definitions.

For purposes of this Chapter, the following definitions shall apply:

“Drug paraphernalia” shall have the same meaning as set forth in California Health and Safety Code section 11014.5, as may be amended.

“Drug paraphernalia retailer” means any person or business entity that sells, offers for sale, displays, distributes, furnishes, markets, or possesses for sale any drug paraphernalia.

“Person” means any individual, firm, partnership, association, corporation, limited liability company, or other entity.

“Premises” means any building, structure, location, parcel, tenant space, or portion thereof used for commercial purposes.

“Controlled substance” shall have the meaning set forth in the California Health and Safety Code.

“Public nuisance” means any condition prohibited by this Chapter and any activity declared to be a nuisance pursuant to this Code or applicable law.

11.93.020 Prohibited Acts.

A. No person shall knowingly sell, offer for sale, display, furnish, market, distribute, or possess with intent to sell any drug paraphernalia in violation of state law or this Chapter.

B. No person shall operate a drug paraphernalia retailer without all required City business licenses, land use approvals, permits, and any other approvals required by federal, state, or local law.

C. No person shall display drug paraphernalia in a manner visible from a public right-of-way or from outside the premises.

D. No person shall permit the sale, display, or furnishing of drug paraphernalia to any person under eighteen (18) years of age.

E. No person shall maintain a premises in a manner that facilitates unlawful controlled substance activity, loitering, narcotics transactions, public consumption of controlled substances, or other criminal conduct.

F. No person shall knowingly market products using terminology, imagery, labeling, or advertising associated with unlawful drug consumption or use.

11.93.030 Operational Requirements.

A. All drug paraphernalia retailers shall maintain a valid City business license and comply with all zoning requirements applicable to the premises.

B. Drug paraphernalia retailers shall maintain continuous video surveillance covering all interior customer areas and all entrances and exits. Recordings shall be retained for a minimum of ninety (90) days and provided to the City upon lawful request.

C. No drug paraphernalia retailer shall operate between the hours of 10:00 p.m. and 6:00 a.m.

- D. Drug paraphernalia shall be maintained behind the sales counter or within locked display cases inaccessible to customers without employee assistance.
- E. The premises shall be maintained free of graffiti, litter, drug-related waste, hazardous materials, and nuisance conditions.
- F. The operator shall permit lawful inspections by City officials during business hours.

11.93.040 Public Nuisance Declared.

Any violation of this Chapter is hereby declared unlawful and a public nuisance.

11.93.050 Business License and Permit Remedies.

- A. A violation of this Chapter may constitute grounds for denial, suspension, revocation, or nonrenewal of any City business license, business tax certificate, permit, entitlement, approval, or other City authorization held by or requested by the violator, to the extent authorized by this Code and applicable law.
- B. To the extent authorized by this Code and applicable law, the City may withhold issuance or renewal of a City business license, business tax certificate, permit, entitlement, approval, or other City authorization for any business, responsible party, or property where violations of this Chapter have occurred until the violations are corrected and all final penalties, fines, administrative citations, abatement costs, storage costs, disposal costs, and other recoverable costs have been paid.
- C. Any denial, suspension, revocation, nonrenewal, or withholding of a City business license, business tax certificate, permit, entitlement, approval, or other City authorization pursuant to this section shall be carried out in accordance with all applicable notice, hearing, appeal, and due process requirements under this Code and applicable law.

11.93.060 Cost Recovery.

- A. The City may recover all costs reasonably incurred in investigating, enforcing, prosecuting, and abating violations of this Chapter, including, but not limited to, staff time, inspection costs, enforcement costs, administrative costs, attorneys' fees where authorized by law, abatement costs, storage costs, disposal costs, and any other costs recoverable under this Code or applicable law.
- B. Costs recoverable under this section may be recovered through any procedure authorized by this Code or applicable law, including administrative proceedings, civil action, nuisance abatement proceedings, collection against a responsible party, or any other lawful method.
- C. Recovery of costs pursuant to this section shall be cumulative and shall not limit the City's ability to pursue any other remedy, penalty, fine, fee, charge, lien, assessment, or enforcement mechanism authorized by this Code or applicable law.

11.93.070 Violations and Enforcement.

A. Any Person violating any provision of this Chapter may be charged as a misdemeanor or an infraction, at the discretion of the City Attorney or other official authorized by law. In the event a misdemeanor charge is filed, the City Attorney is authorized, to the extent permitted by law, to reduce the charge to an infraction.

B. In addition to, or in lieu of, criminal enforcement, violations of this Chapter may be enforced by administrative citation, civil action, injunctive relief, nuisance abatement, business license or permit remedies, cost recovery, or any other administrative, civil, or criminal remedy authorized by this Code or applicable law.

C. A violation of this Chapter may be punished as a misdemeanor by a fine not exceeding one thousand dollars, by imprisonment in the County jail for a period not exceeding six months, or by both such fine and imprisonment, to the extent permitted by law. A violation charged as an infraction shall be punishable as provided by law.

D. Each day that a violation continues shall constitute a separate offense.

E. The remedies provided in this Chapter are cumulative and not exclusive. Nothing in this Chapter shall be construed to limit any other remedy, penalty, or enforcement authority available to the City under this Code or applicable law.

Section 4. **Clerical Errors.** The City Council directs the City Clerk to correct any clerical errors found in this Ordinance, including, but not limited to, typographical errors, irregular numbering, and incorrect section references.

Section 5. **Severability.** Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid, unenforceable, or unconstitutional.

Section 6. **Effective Date.** This Ordinance shall take effect and be in force thirty (30) days from passage and adoption.

Section 7. Publication. The City Clerk shall cause the Ordinance or a summary thereof to be published in accordance with state law.

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2026, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jeremy Smith, Mayor

ATTEST & CERTIFIED:

I, Sheryl Garcia, City Clerk of the City of Canyon Lake, hereby attest to the Mayor's signature above and certify that the City Council duly adopted this Ordinance as recorded in the vote tally stated herein.

Sheryl L. Garcia, MMC, CPM
City Clerk

APPROVED AS TO FORM:

Steven Pacifico, City Attorney