WHEREAS Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), legalizing the cultivation of six cannabis plants for personal use on any property in California passed on November 8, 2016 with 57% of the vote statewide (and X% of the vote in X city or county), and took effect on November 9, and

WHEREAS (the city or county) will not be eligible for grant monies to assist with law enforcement, fire protection, or other local programs addressing public health and safety associated with the implementation of the Control, Regulate and Tax Adult Use of Marijuana Act if it bans outdoor personal cultivation, and

WHEREAS (the city or county) is permitted under Prop. 64 to “reasonably regulate” the cultivation of marijuana indoors or in an accessory structure that is "fully enclosed and secure,” and

WHEREAS regulations that are considered unreasonable may also affect (city or county)’s eligibility for grant monies and could leave the (city or county) open to litigation, and

WHEREAS outdoor or greenhouse cultivation is less impactful on buildings and the public health, and on electrical usage, than indoor gardens, and

WHEREAS secure greenhouses with locked doors; solid, non-transparent, and not-easily-penetrated walls and roofs with filters that control for mold and odor are available at specialty retailers, and

WHEREAS AUMA expressly allows former nonviolent drug felons to be granted licenses to operate cannabis businesses,

The (City Council/Board of Supervisors) of (city or county) hereby enacts this ordinance intending to allow for the cultivation of six marijuana plants on parcels in (city or county) as required by state law.

OUTDOOR CULTIVATION

Outdoor cultivation of six plants for residents’ personal use shall be allowed on parcels zoned (ZONES) in (CITY or COUNTY) without requiring special permitting.

From a public right-of-way, there shall be no exterior evidence of marijuana cultivation located in the yard of a residence.

Marijuana cultivation shall not adversely affect the health or safety of nearby residents by creating noise, odor, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

Violations of this ordinance shall be enforced as nuisance code violations, with proper warrants issued for inspection, and proper noticing of abatement demands. In no case shall criminal charges be brought against anyone growing six plants or less on any property in (city or county). No one shall be denied the right to grow marijuana due to a prior nonviolent misdemeanor or felony drug conviction.

GREENHOUSE OR ACCESSORY BUILDING CULTIVATION

Cultivation of six plants for residents’ personal use conducted in a secure greenhouse or accessory building shall be allowed on parcels zoned (ZONES) in the (CITY AND COUNTY) without requiring special permitting.

Greenhouses and residential accessory structures used for cultivation shall meet the following criteria:

1. The secure greenhouse or building shall be provided with locking doors and have a working security system.
2. Any accessory structure, of any size, utilized for cultivation of marijuana shall be legally constructed and with a building permit where required. All electrical and plumbing shall be installed with a valid electrical and plumbing permit from the city.
3. Greenhouses or accessory structures utilized for cultivation shall be ventilated with odor control filters, and shall not create an odor, humidity or mold problem on the subject property or adjacent properties.
4. From a public right-of-way, there shall be no exterior evidence of marijuana cultivation located inside a greenhouse or accessory building.
5. Marijuana cultivation shall not adversely affect the health or safety of nearby residents by creating noise, odor,or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

Violations of this ordinance shall be enforced as nuisance code violations, with proper warrants issued for inspection, and proper noticing of abatement demands. In no case shall criminal charges be brought against anyone growing six plants or less on any property in (city or county). No one shall be denied the right to grow marijuana due to a prior nonviolent misdemeanor or felony drug conviction.

INDOOR CULTIVATION

Cultivation of six plants for residents’ personal use conducted inside a residence shall be allowed in all zones in the (CITY AND COUNTY) without requiring special permitting.

Indoor cultivation shall meet the following criteria:

1. All residences shall be in compliance with local building, electrical and plumbing codes.
2. Residences utilized for cultivation shall be ventilated with odor control filters, and shall not create an odor, humidity or mold problem on the subject property or adjacent properties.
3. From a public right-of-way, there shall be no exterior evidence of marijuana cultivation located inside a greenhouse or accessory building.
4. Marijuana cultivation shall not adversely affect the health or safety of nearby residents by creating noise, odor, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

Violations of this ordinance shall be enforced as nuisance code violations, with proper warrants issued for inspection, and proper noticing of abatement demands. In no case shall criminal charges be brought against anyone growing six plants or less on any property in (city or county). No one shall be denied the right to grow marijuana due to a prior nonviolent misdemeanor or felony drug conviction.