

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA TO PROTECT ITS RESIDENTS AND RESIDENTIAL NEIGHBORHOODS FROM UNREGULATED AND UNTAXED COMMERCIAL MARIJUANA ACTIVITY (AMENDING TITLE 17, THE ZONING CODE)

WHEREAS, the City of Pasadena currently bans medical marijuana related activities in its Zoning Code (Title 17) through reliance on the legal principle of “permissive zoning”, and bans all commercial marijuana related activities in its Health and Safety Code (Title 8) outright; and

WHEREAS, in view of the passage of Proposition 64, known as the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”), the City is strengthening and clarifying its ban on all commercial marijuana activity through inclusion of such in the Zoning Code; and

WHEREAS, such clarification includes allowing personal marijuana cultivation only to the extent required by state law, and also allowing deliveries of marijuana from locations outside the City to Pasadena residents; and

WHEREAS, while the action on personal outdoor cultivation is intended to be a permanent ban, the ban on commercial marijuana activities may be revisited in the future, and would likely include taxation of such activities so as to fund City services generated by such activity; and

WHEREAS, this approach will allow for the rollout of the state licensing and

regulation mechanism anticipated to start on January 1, 2018, and for the City to learn from the best practices of other jurisdictions; and

WHEREAS, should the City eventually allow commercial marijuana activities, its current legislative intent is that it will impose criteria for eligibility for approval to engage in commercial marijuana activity, including disqualifying current illegal marijuana operators from any future city permitting.

NOW THEREFORE, the People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding cost of publication, will be published by title and summary as permitted in Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows.

“Summary

This proposed ordinance protects its residents and residential neighborhoods from unregulated and untaxed commercial marijuana activity by amending various sections of Title 17 (Zoning Code) of the Pasadena Municipal Code to clarify and strengthen the City’s current ban on such activity. The ordinance brings the Zoning Code into compliance with state law related to medical and nonmedical marijuana by establishing regulations to prohibit citywide personal outdoor cultivation of marijuana and reasonably regulate personal indoor cultivation as required by state law, and prohibits citywide commercial marijuana businesses, including retail sales and cultivation for commercial purposes.

Ordinance No. _____ shall take effect 30 days from its publication.”

SECTION 2. Pasadena Municipal Code, Title 17, Article 2, Section 17.22.030 is amended to add the following:

“C. Marijuana.

1. **Marijuana businesses.** Commercial marijuana businesses or activities are prohibited in all zones.
2. **Personal outdoor cultivation.** Personal outdoor cultivation of marijuana is prohibited in all zones.
3. **Personal indoor cultivation.** Personal indoor cultivation of marijuana is permitted only to the extent allowable by Health and Safety Code Section 11362.1, which is no more than 6 living plants per single private residence. Personal indoor cultivation is also subject to the following.
 - a. Marijuana cultivation is permitted only within fully enclosed and secure structures inaccessible to minors. Cultivation areas shall be secured by lock and key or other security device which prevents unauthorized entry and shall not be visible from a public right-of-way.
 - b. Marijuana cultivation, including any lighting, plumbing, or electrical components used for cultivation, shall comply with Chapter 14.04 (Building Code and Related Codes) of the Pasadena Municipal Code. Lighting shall not exceed 1,000 watts per light. The use of gas products (CO₂, butane, etc.) or CO₂ and Ozone generators for

marijuana cultivation is prohibited. Any fully enclosed and secure structure or residence used for the cultivation of marijuana must have proper ventilation and shall not create a humidity or mold problem in violation of the Pasadena Municipal Code or applicable state health and safety codes.

- c. Cultivation shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if the cultivation produces light, glare, heat, noise, odor, or vibration that is or whose effect is either detrimental to the public health, safety, or welfare or interferes with the reasonable enjoyment of life or property.
- d. Cultivation shall not displace required off street parking.
- e. Accessory structures (including greenhouses) used for indoor growing must comply with all applicable development standards, must be screened from public streets or walkways, there shall not be exterior evidence of cultivation, and greenhouses in particular must not be visible from public streets or walkways.”

SECTION 3. Pasadena Municipal Code, Title 17, Article 2, Section 17.24.030 is amended to add the following:

“C. Marijuana businesses. Commercial marijuana businesses or activities are prohibited in all zones.”

SECTION 4. Pasadena Municipal Code, Title 17, Article 2, Section 17.26.030.A is amended to add the following:

“3. Marijuana businesses. Commercial marijuana businesses or activities are prohibited in all zones.”

SECTION 5. Pasadena Municipal Code, Title 17, Article 3, Section 17.30.030 is amended to add the following:

“F. Marijuana businesses. Commercial marijuana businesses or activities are prohibited in all zones.”

SECTION 6. Pasadena Municipal Code, Title 17, Article 3, Section 17.31.040 is amended to add the following:

“B. Marijuana businesses. Commercial marijuana businesses or activities are prohibited in all zones.”

SECTION 7. Pasadena Municipal Code, Title 17, Article 3, Section 17.32.050 is amended to add the following:

“B. Marijuana businesses. Commercial marijuana businesses or activities are prohibited in all zones.”

SECTION 8. Pasadena Municipal Code, Title 17, Article 3, Section 17.33.040 is amended to add the following:

“B. Marijuana businesses. Commercial marijuana businesses or activities are prohibited in all zones.”

SECTION 9. Pasadena Municipal Code, Title 17, Article 3, Section 17.34.030 is

amended to add the following:

“B. Marijuana businesses. Commercial marijuana businesses or activities are prohibited throughout the overlay district.”

SECTION 10. Pasadena Municipal Code, Title 17, Article 3, Section 17.35.030 is amended to add the following:

“F. Marijuana businesses. Commercial marijuana businesses or activities are prohibited throughout the overlay district.”

SECTION 11. Pasadena Municipal Code, Title 17, Article 3, Section 17.36.050 is amended to add the following:

“B. Marijuana businesses. Commercial marijuana businesses or activities are prohibited in all zones.”

SECTION 12. Pasadena Municipal Code, Title 17, Article 3, Section 17.37.040 is amended to add the following:

“B. Marijuana businesses. Commercial marijuana businesses or activities are prohibited in all zones ”

SECTION 13. Pasadena Municipal Code, Title 17, Article 8, Section 17.80.020.C is amended to add the following:

“Cannabis, or Marijuana. ‘Cannabis’ or ‘Marijuana’ shall have the same definition as set forth in Title 8.”

SECTION 14. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 15. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2017.

Terry Tornek
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this _____ day of _____ 2017, by the following vote:

AYES:

NOES.

ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

Approved as to form:


for Theresa E. Fuentes
Assistant City Attorney