

April 17, 2018

Donesia L. Gause Aldana, MMC  
City Clerk  
City of Carson  
701 East Carson Street  
Carson, CA 90745

RECEIVED  
CITY CLERK  
2018 APR 17 PM 3: 27  
CITY OF CARSON

Request for Official Ballot Title and Statement of Proponent

Dear Ms. Gause Aldana:

I, Dianne Thomas, am a proponent of the initiative measure that is attached to this letter. Pursuant to California Elections Code § 9203, I respectfully request that officials of the City of Carson, including the City Attorney, proceed with the process of preparing an Official Ballot Title and Summary with respect to the aforementioned initiative measure.

**ACKNOWLEDGEMENT**  
**(Per California Elections Code § 9608)**

I, Dianne Thomas, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Signature of Proponent:

  
DIANNE THOMAS

Address:

City, State, Zip Code: Carson, CA 90746

Dated this 17 day of April, 2018

April 17, 2018

Donesia L. Gause Aldana, MMC  
City Clerk  
City of Carson  
701 East Carson Street  
Carson, CA 90745

RECEIVED  
CITY CLERK  
2018 APR 17 PM 3:27  
CITY OF CARSON  
AK

Request for Official Ballot Title and Statement of Proponent

Dear Ms. Gause Aldana:

I, Robert Lesley, am a proponent of the initiative measure that is attached to this letter. Pursuant to California Elections Code § 9203, I respectfully request that officials of the City of Carson, including the City Attorney, proceed with the process of preparing an Official Ballot Title and Summary with respect to the aforementioned initiative measure.

**ACKNOWLEDGEMENT**  
**(Per California Elections Code § 9608)**

I, Robert Lesley, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Signature of Proponent   
ROBERT LESLEY

Address: 

City, State, Zip Code: Carson, CA 90746

Dated this 4/17/18 day of April, 2018

April 17, 2018

Donesia L. Gause Aldana, MMC  
City Clerk  
City of Carson  
701 East Carson Street  
Carson, CA 90745

RECEIVED  
CITY CLERK  
2018 APR 17 PM 3:27 <sup>AV</sup>  
CITY OF CARSON

Request for Official Ballot Title and Statement of Proponent

Dear Ms. Gause Aldana:


I, Freddie Gomez, am a proponent of the initiative measure that is attached to this letter. Pursuant to California Elections Code § 9203, I respectfully request that officials of the City of Carson, including the City Attorney, proceed with the process of preparing an Official Ballot Title and Summary with respect to the aforementioned initiative measure.

**ACKNOWLEDGEMENT**  
**(Per California Elections Code § 9608)**

I, Freddie Gomez, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Signature of Proponent:

  
FREDDIE GOMEZ

Address: 

City, State, Zip Code: Carson, CA 90746

Dated this 4/17/18 day of April, 2018

RECEIVED  
CITY CLERK

2018 APR 17 PM 3:27

AK

**Notice of Intent to Circulate Petition**  
**(California Elections Code § 9202)**

CITY OF CARSON

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the *Petition* within the City of Carson for the purpose of repealing current Carson City Ordinance No. 17-1637 and enacting a new ordinance designed to protect our community from the harms caused by commercial cannabis activity while protecting the individual rights of law-abiding residents of Carson to recreational and medicinal marijuana.

**A statement of the reasons of the proposed action as contemplated in the *Petition* is as follows:**

This is an initiative designed to protect the City of Carson from the unwanted effects of commercial cannabis activity. In November 2016, California voters wisely approved the legalization of marijuana for recreational uses. However, in doing so, California voters also wisely left municipalities with the power to restrict commercial sales of marijuana in and regulate the cultivation of marijuana for personal use. While individuals now have the right to possess and use marijuana for recreational uses, we have the right to keep it from being sold on our streets and negatively impacting others.

In 2017, the Carson City Council *unwisely* approved an ordinance allowing for the establishment of marijuana businesses within the City of Carson.

Because marijuana remains illegal at the federal level, the commercial cannabis cultivation, distribution, and sales have created major problems. Because of the large amount of cash that these businesses have on hand, marijuana businesses have become the targets for criminals. Large concentrations of marijuana businesses in a small area have led to increased cases of public intoxication and a decline in business for neighboring small businesses that do not engage in marijuana sales. The City of Carson lacks the financial resources to account for the side effects of commercial cannabis activity. Moreover, our thriving businesses, both large and small, deserve protection from the negative side effects caused by marijuana businesses.

It is also known that cannabis plants, as they begin to flower for a period of two months or more, produce a strong odor that is offensive to many people and detectable far beyond property boundaries if grown outdoors or if grown indoors without proper ventilation, odor control, and other safety measures. Several California cities have reported that cannabis cultivation has been linked to break-ins, burglaries, armed robberies, thefts, and attendant violence and injury, creating an increased risk to public safety. Unregulated cannabis cultivation is likely to generate these negative effects on the public health, safety, and welfare in the city, based on the experiences of other cities.

Absent clear regulation, cannabis cultivation in the city poses a potential threat to the public peace, health, and safety, and, unless the city takes action to regulate it, the secondary impacts described above are likely to occur. Thus, the City has a compelling interest in protecting the public health, safety, and welfare of its residents, visitors, and businesses, and in

preserving the peace and quiet of the neighborhoods within the city, by regulating personal cannabis cultivation.

This initiative will prohibit all marijuana sales in the City of Carson. It will protect a law abiding individual's right to use marijuana for medical purposes and recreational purposes while also keeping our streets safe and secure by prohibiting commercial cannabis activity. It will also ensure proper regulation of personal marijuana cultivation at residences in order to protect residents from illegal marijuana dispensary businesses and unsafe conditions.

JIANNE THOMAS

**NAME OF PROPONENT**

[REDACTED]

**PROPONENT'S SIGNATURE**

[REDACTED]

**PROPONENT'S ADDRESS**

APRIL 17, 2018

**DATE**

Freddie Gomez

**NAME OF PROPONENT**

[REDACTED]

**PROPONENT'S SIGNATURE**

[REDACTED]

**PROPONENT'S ADDRESS**

4/17/18

DATE

ROBERT TEELEY

NAME OF PROPONENT

[REDACTED]

PROPONENT'S SIGNATURE

[REDACTED] [REDACTED] [REDACTED]

PROPONENT'S ADDRESS

4/17/18

DATE

RECEIVED  
CITY CLERK

Initiative to be Submitted Directly to Voters  
ORDINANCE NO. \_\_\_\_\_

2018 APR 17 PM 3:27 <sup>AK</sup>

**AN INITIATIVE OF THE PEOPLE OF THE CITY OF CARSON, CALIFORNIA  
REPEALING CURRENT CHAPTER 15; ADDING CHAPTER 15 TO ARTICLE  
VI (TAXES AND LICENSES) OF THE CARSON MUNICIPAL CODE  
(COMMERCIAL CANNABIS USES AND ACTIVITIES PROHIBITED) TO  
PROHIBIT ALL COMMERCIAL CANNABIS OPERATIONS IN THE CITY;  
ADDING CHAPTER 16 (COMMERCIAL CANNABIS ACTIVITY FOR  
MEDICINAL PURPOSES) TO ARTICLE VI (TAXES AND LICENSES) OF THE  
CARSON MUNICIPAL CODE; REPEALING CURRENT CHAPTER 17; AND,  
ADDING CHAPTER 17 (PERSONAL CANNABIS CULTIVATION) TO  
REGULATE STRICTER THAN STATE REQUIREMENTS PERSONAL  
CANNABIS CULTIVATION TO ARTICLE VI (TAXES AND LICENSES) OF  
THE CARSON MUNICIPAL CODE, AND FINDING AN EXEMPTION FROM  
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**WHEREAS**, in 1996 California voters approved Proposition 215, the Compassionate Use Act (“CUA”), codified as Section 11362.5 of the California Health and Safety Code, to exempt certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of cannabis for medical purposes;

**WHEREAS**, in 2003 the California Legislature enacted Senate Bill 420, the Medical Marijuana Program Act (“MMPA”), codified as Sections 11362.7, et seq., of the California Health & Safety Code, and as later amended, to clarify the scope of the Compassionate Use Act of 1996 relating to the possession and cultivation of cannabis for medical purpose, and to authorize local governing bodies to adopt and enforce laws consistent with its provisions;

**WHEREAS**, in October 2015, the State of California adopted AB 266, AB 243, and SB 643, collectively referred to as the Medical Marijuana Regulation and Safety Act (“MCRSA”), which established a comprehensive regulatory and licensing scheme for commercial medical cannabis operations;

**WHEREAS**, at the November 8, 2016 general election, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”) was approved by California voters as Proposition 64, which established a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, and which also legalized limited personal recreational cannabis use, possession, and cultivation;

**WHEREAS**, on June 27, 2017 Governor Brown signed Senate Bill 94, the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), which merged the regulatory regimes of MCRSA and AUMA;

**WHEREAS**, the MAUCRSA provides that the State of California will begin issuing licenses in 2018 for both medical and recreational cannabis businesses in twenty (20) different categories, which are found in Section 26050 of the California Business & Professions Code, and which

categories include cannabis cultivator, manufacturer, testing, retailer, distributor, and microbusiness;

**WHEREAS**, the MAUCRSA, Section 26200(a)(1) of the California Business & Professions Code, provides that local jurisdictions may completely prohibit the establishment or operation of any or all of the twenty (20) different medical and recreational business operations to be licensed by the state under Section 26050 of the California Business & Professions Code;

**WHEREAS**, the MAUCRSA, Section 26055(d) of the California Business & Professions Code, provides that a state commercial cannabis license may not be issued to an applicant whose operations would violate the provisions of any local ordinance or regulation;

**WHEREAS**, the AUMA, California Health & Safety Code Section 11362.1(a)(3), makes it lawful for any person 21 years of age or older to “[p]ossess, plant, cultivate, harvest, dry, or process not more than six living cannabis plants and possess the cannabis produced by the plants”;

**WHEREAS**, the AUMA, California Health & Safety Code Section 11362.2(b)(3), explicitly allows a city to “completely prohibit persons from engaging in [the personal cultivation of cannabis] outdoors upon the grounds of a private residence”;

**WHEREAS**, the AUMA, California Health & Safety Code Section 11362.2(b), explicitly allows a city to “enact and enforce reasonable regulations to reasonably regulate” the cultivation of cannabis permitted under California Health & Safety Code Section 11362.1(a)(3), so long as the city does not completely prohibit the cultivation of up to six plants “inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure”;

**WHEREAS**, the AUMA, California Health & Safety Code Section 11362.2(a)(2), further restricts such personal cannabis cultivation so that “[t]he living plants and any cannabis produced by the plants in excess of 28.5 grams are kept within the person’s private residence, or upon the grounds of that private residence, are in a locked space, and are not visible by normal unaided vision from a public place”;

**WHEREAS**, several California cities have reported negative impacts of cannabis cultivation and related activities, including but not limited to offensive odors, criminal activity, (such as trespassing, theft, violent robberies and robbery attempts, and the illegal sale and distribution of cannabis), and public health and safety concerns (such as fire hazards and problems associated with mold, fungus, and pests);

**WHEREAS**, cannabis plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors or if grown indoors without proper ventilation, odor control, and other regulations;



**WHEREAS**, due to the value of cannabis plants and their strong smell (which alerts others to their location), cannabis cultivation has been linked to break-ins, robbery, armed robbery, theft and attendant violence and injury, creating an increased risk to public safety;

**WHEREAS**, the indoor cultivation of cannabis has potential adverse effects on the structural integrity of the buildings in which cannabis is cultivated, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire, which presents a clear and present danger to the buildings, its occupants, and neighboring buildings and residents;

**WHEREAS**, unregulated indoor cultivation of cannabis can be harmful to the public health, safety and welfare, because electrical modifications risk fires, poor irrigation can cause mold, overloaded circuits can leave entire neighborhoods in the dark, plant chemicals can cause illness and can contaminate soil and water, improper carbon dioxide mixed with insufficient ventilation can cause injury or death, and structural changes put first responders in danger if they rush into the unknown;

**WHEREAS**, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognize that the cultivation or other concentration of cannabis in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering and/or crime;

**WHEREAS**, unregulated cannabis cultivation is likely to generate these negative effects on the public health, safety, and welfare in the city, based on the experiences of other cities;

**WHEREAS**, absent clear regulation, cannabis cultivation in the city poses a potential threat to the public peace, health, and safety, and, unless the city takes action to regulate it, the secondary impacts described above are likely to occur;

**WHEREAS**, the City has a compelling interest in protecting the public health, safety, and welfare of its residents, visitors, and businesses, and in preserving the peace and quiet of the neighborhoods within the city, by regulating personal cannabis cultivation;

**WHEREAS**, pursuant to the above-described express statutory authority and its police power, the City now desires to add a new Chapter 15 (Commercial Cannabis Uses and Activities Prohibited) to Article VI of the Carson Municipal Code, to completely prohibit all commercial cannabis activities which may be licensed by the State of California from operating in the City;

**WHEREAS**, pursuant to the above-described express statutory authority and its police power, the City now desires to add a new Chapter 16 (Commercial Cannabis Activity for Medicinal Purpose) to Article VI of the Carson Municipal Code, to limit commercial cannabis activities for medicinal purposes solely to the treatment of patients at inpatient facilities;

**WHEREAS**, pursuant to the above-described express statutory authority and its police power, the City now desires to add a new Chapter 17 (Personal Cannabis Cultivation) to Article VI of the Carson Municipal Code, to prohibit outdoor cannabis cultivation, and to enact reasonable

regulations for the indoor personal cultivation of up to six cannabis plants, so as to protect the public health, safety and welfare;

**WHEREAS**, this Ordinance is enacted, consistent with the Compassionate Use Act of 1996, the Medical Marijuana Program Act of 2003, the Medical Cannabis Regulation and Safety Act of 2015, the Adult Use of Marijuana Act of 2016, and the Medicinal and Adult Use of Cannabis Regulation and Safety Act of 2017, to protect, promote and maintain the public health, safety, and welfare of City residents and visitors in relation to cannabis related uses and activities;

**WHEREAS**, pursuant to the above-described express statutory authority and the City's police power, the City has the authority to prohibit any and all commercial cannabis activities (whether not-for-profit or for-profit) that may otherwise be permitted by the State of California under the MCRSA, the AUMA, and the MAUCRSA;

**WHEREAS**, the City finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to both the exemption provided by Section 26055(h) of the California Business and Professions Code as well as Sections 15060(c)(3) and 15061(b)(3) of the CEQA Guidelines; and

**WHEREAS**, nothing in this Ordinance shall be construed to allow any person to engage in conduct that endangers others or causes a public nuisance.

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF CARSON, CALIFORNIA FIND AND DO ORDAIN AS FOLLOWS:**

**SECTION 1. THE PEOPLE OF THE CITY OF CARSON HEREBY MAKE THE FOLLOWING FINDINGS:**

- A. The recitals set forth above are all true and correct and are incorporated herein.
- B. The prohibitions on commercial cannabis activities established by this Ordinance are necessary to protect the public health, safety and welfare, and are enacted pursuant to the authority granted to the City by state law.
- C. The prohibition on outdoor personal cultivation of cannabis, and the regulations of indoor personal cultivation of cannabis, established by this Ordinance are reasonable and necessary to protect the public health, safety and welfare, and are enacted pursuant to the authority granted to the City by state law.

**SECTION 2. CURRENT CHAPTER 15 (COMMERCIAL CANNABIS OPERATIONS REGULATORY PROGRAM) OF ARTICLE VI OF THE CARSON MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY; AND, CHAPTER 15 (COMMERCIAL CANNABIS USES AND ACTIVITIES PROHIBITED) IS HEREBY ADDED TO ARTICLE VI OF THE CARSON MUNICIPAL CODE AS FOLLOWS:**

**“CHAPTER 15 - COMMERCIAL CANNABIS USES AND ACTIVITIES PROHIBITED**

Sec. 15.010 - Purpose and Intent.

Sec. 15.020 - Definitions.

Sec. 15.030 - Prohibition of Commercial Cannabis Activities.

Sec. 15.040 - Violations and Penalties; Public Nuisance.

Sec. 15.050 - Measure KK Applicability.

Sec. 15.060 - Severability.

Sec. 15.070 - Repeal of Ordinance No. 17-1637.

Sec. 15.080 - CEQA.

Sec. 15.090 - Effective Date.

Sec. 15.100 - Certification.

**Sec. 15.010 - Purpose and Intent.**

- A. In order to preserve the public health, safety, and welfare of the residents and businesses of the city, all cannabis-related businesses, activities and uses are prohibited, unless local control is otherwise preempted by state law, and except as provided for by Chapter 16 (Commercial Cannabis Activity for Medicinal Purposes) and Chapter 17 (Personal Cannabis Cultivation) of Article VI of the Carson Municipal Code.
- B. This Chapter is not intended to interfere with a patient’s right to medical cannabis as provided for in Section 11362.5 of the California Health & Safety Code.
- C. This Chapter is intended to repeal Carson City Ordinance 17-1637 in its entirety.
- D. This Chapter is not intended to repeal Carson City Ordinance 16-1599.

**Sec. 15.020 - Definitions.**

The following words and phrases shall, for the purposes of this Chapter, be defined as follows:

- A. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt,

derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

- B. “Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including concentrated cannabis, an edible, a topical product containing cannabis, or a concentrated cannabis and other ingredients.
- C. “City” means the City of Carson.
- D. “Commercial cannabis activity” includes the cultivation, possession, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale (including retail, wholesale, and mobile dispensaries) of cannabis and cannabis products; except, as applicable, as set forth in Chapter 16 (Commercial Cannabis Activity for Medicinal Purposes) of this Code, Chapter 17 (“Personal Cultivation of Cannabis”) of this Code, or as preempted by state law.
- E. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- F. “Delivery” means the commercial transfer of cannabis or cannabis products to a customer. This commercial transfer includes the use of any technology platform owned or controlled by the person making the transfer.
- G. “Distribution” means the procurement, sale, and transport of cannabis and cannabis products between entities licensed for and/or engaged in commercial cannabis activities.
- H. “Distributor” means a person engaged in distribution.
- I. “Manufacture” or “manufacturing” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product; includes the activities of a manufacturer.
- J. “Manufacturer” means a person that conducts the production, preparation, propagation, manufacturing, or compounding of cannabis or cannabis products either directly or indirectly, by extraction methods, independently by means of chemical synthesis, by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.
- K. “Marijuana” has the same definition as provided for “cannabis” in this Chapter.
- L. “Medical cannabis” or “medical cannabis product” means cannabis or a cannabis product used in compliance with state law for medical purposes, pursuant to the Compassionate

Use Act (California Health and Safety Code Section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code Sections 11362.7, et seq.), and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (California Business and Professions Code Sections 26000, et seq.).

- M. "Microbusiness" is a licensed distributor, Level 1 manufacturer, or retailer under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (California Business and Professions Code Sections 26000, et seq.) that cultivates cannabis on an area that is less than 10,000 square feet.
- N. "Nursery" means a person that produces indoors (not mixed-light or outdoors) only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.
- O. "Person" means any individual, firm, co-partnership, joint venture, political committee, association, corporation, limited liability company, limited liability partnership, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.
- P. "Retailer" means a person engaged in the retail sale or delivery of cannabis or cannabis products to a customer.
- Q. "Shall" is mandatory and "may" is permissive.
- R. "Testing laboratory" or "testing" refers to a laboratory, facility, or entity that offers or performs tests on cannabis or cannabis products; includes the activity of laboratory testing.

**Sec. 15.030 - Prohibition of Commercial Cannabis Activities.**

- A. All commercial cannabis activities, whether medical or recreational (adult use), and including non-profit operations, are expressly prohibited in all zones of the City of Carson. No person shall establish, operate, conduct, or allow commercial cannabis activities anywhere within the City of Carson.
- B. The City of Carson shall not issue any permit, license, or entitlement for any commercial cannabis activity including any activity listed below:
  - 1. Type 1 = Cultivation; Specialty outdoor; Small.
  - 2. Type 1A = Cultivation; Specialty indoor; Small.
  - 3. Type 1B = Cultivation; Specialty mixed-light; Small.
  - 4. Type 1C = Cultivation; Specialty cottage; Small.

5. Type 2 = Cultivation; Outdoor; Small.
6. Type 2A = Cultivation; Indoor; Small.
7. Type 2B = Cultivation; Mixed-light; Small.
8. Type 3 = Cultivation; Outdoor; Medium.
9. Type 3A = Cultivation; Indoor; Medium.
10. Type 3B = Cultivation; Mixed-light; Medium.
11. Type 4 = Cultivation; Nursery.
12. Type 5 = Cultivation; Outdoor; Large.
13. Type 5A = Cultivation; Indoor; Large.
14. Type 5B = Cultivation; Mixed-light; Large.
15. Type 6 = Manufacturer 1.
16. Type 7 = Manufacturer 2.
17. Type 8 = Testing Laboratory.
18. Type 9 = Non-Storefront Retailer.
19. Type 10 = Retailer.
20. Type 11 = Distributer.
21. Type 12 = Microbusiness.
22. Type 13 = Distributor, Transport Only.
23. Type 14 = Cannabis Event Organizer.
24. Type Processor Only – Cultivation.
25. Type M = Manufacturer.
26. Type N = Manufacturer.
27. Type P = Manufacturer.

28. Type S = Manufacturer.

29. Any other type of business conducting commercial cannabis activity regardless of whether legally permitted by the State of California or federal law.

- C. This prohibition includes any activities authorized under new or revised state licenses or any other state authorization, to allow any type, category, or classification of medical or recreational (adult use) commercial cannabis activities. This prohibition also includes any kind of similar operations for medical or recreational commercial cannabis activities, including non-profit, collective, or cooperative operations unless specifically and expressly authorized by Chapter 16 or Chapter 17 of the Carson City Code.
- D. The prohibition provided in this Chapter renders all previous development agreements by the City of Carson permitting commercial cannabis activity null and void to fullest extent permitted by law and under the United States Constitution and California Constitution.
- E. The prohibition provided by this Chapter includes the Compassionate Use Act medical cannabis collectives and cooperatives that operate pursuant to Section 11362.775 of the California Health & Safety Code.

**Sec. 15.040 - Violations and Penalties; Public Nuisance.**

- A. Any violation of the provisions of this Chapter is punishable as a misdemeanor or an infraction, at the discretion of the city prosecutor, pursuant to Chapter 2 of Article I of the Carson City Code, except for as preempted by state law. Any violation of the provisions of this Chapter is subject to administrative citation, at the discretion of the City, pursuant to Chapter 2.5 of Article I of the Carson City Code.
- B. Public Nuisance Abatement.
  - 1. Any commercial cannabis operation that is conducted in violation of any provision of this Chapter is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation, in accordance with the procedures set forth in Chapter 7 of Article 5 of the Carson City Code.
  - 2. All costs to abate such public nuisance, including attorneys' fees and court costs, shall be paid by the person causing the nuisance, including the illegal cannabis operator and the property owner where the nuisance is occurring.
- C. The remedies described in this section are not mutually exclusive. Pursuit of any one remedy shall not preclude the City of Carson from availing itself of any or all available administrative, civil, or criminal remedies, at law or equity.

D. Any violation of the provisions of this Chapter shall constitute a separate offense for each and every day during which such violation is committed or continued.

**Sec. 15.050 - Measure KK Applicability.** This Ordinance shall have no effect on Ordinance No 16-1599, which was enacted by the People of Carson as Measure KK in 2016.

**Sec. 15.060 - Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Ordinance. The People of Carson hereby declare that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**Sec. 15.070 - Repeal of Ordinance No. 17-1637.** This Ordinance shall repeal Carson City Ordinance No. 17-1637 in its entirety.

**Sec. 15.080 - CEQA.** The People of Carson find that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to both the exemption provided by Section 26055(h) of the California Business and Professions Code as well as Sections 15060(c)(3) and 15061(b)(3) of the CEQA Guidelines.

**Sec. 15.090 - Effective Date.** Pursuant to California Elections Code Section 9217, if a majority of the electorate voting on this Ordinance votes in favor of this initiative, the Ordinance shall become a valid and binding ordinance of the City. The Ordinance shall be considered adopted upon the date that the vote is declared by the City Council and shall go into effect ten (10) days after that date.

**Sec. 15.100 - Certification.** The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted and codified in the manner required by law.

**SECTION 3. CHAPTER 16 (COMMERCIAL CANNABIS ACTIVITY FOR MEDICINAL PURPOSES) IS HEREBY ADDED TO ARTICLE VI OF THE CARSON CITY CODE AS FOLLOWS:**

**"Chapter 16 – COMMERCIAL CANNABIS ACTIVITY FOR MEDICINAL PURPOSES, DISTRIBUTION, AND SALE**

Sec. 16.010 - Purpose and Intent.

Sec. 16.020 - Definitions.

Sec. 16.030 - Prohibition of Commercial Cannabis Activity for Medicinal Purposes

Sec. 16.040 - Limited Exception for Inpatient Dispensing of Cannabis for Medicinal Purposes.



Sec. 16.050 - Measure KK Applicability.

Sec. 16.060 - Severability.

Sec. 16.070 - CEQA.

Sec. 16.080 - Effective Date.

Sec. 16.090 - Certification.

**Sec. 16.010 - Purpose and Intent.**

- A. The purpose and intent of this Chapter is to prohibit all commercial cannabis activity for medicinal purposes within the City of Carson except under carefully and narrowly delineated exceptions provided solely in this Chapter for the purpose in-patient treatment.
- B. The People of Carson recognize that there may be some licensed medical facilities that include cannabis distribution as part of their treatment process for in-patient medical services and wish to allow this treatment, where it exists, to continue. The purpose of this Chapter is to allow that activity to continue while still generally prohibiting commercial cannabis activity.
- C. This Chapter is not intended to interfere with a patient's right to medical cannabis as provided for in Section 11362.5 of the California Health & Safety Code.
- D. This Chapter is not intended to repeal Carson City Ordinance 16-1599.

**Sec. 16.020 - Definitions.** The following words and phrases shall, for the purposes of this Chapter, be defined as follows:

- A. "Attending Physician" means an individual who possesses a license in good standing to practice medicine, podiatry, or osteopathy issued by the Medical Board of California, the California Board of Podiatric Medicine, or the Osteopathic Medical Board of California and who has taken responsibility for an aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient and who has conducted a medical examination of that patient before recording in the patient's medical record the physician's assessment of whether the patient has a serious medical condition and whether the medical use of cannabis is appropriate.
- B. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made

from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

- C. “Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including concentrated cannabis, an edible, a topical product containing cannabis, or a concentrated cannabis and other ingredients.
- D. “City” means the City of Carson.
- E. “Commercial cannabis activity” includes the cultivation, possession, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale (including retail, wholesale, and mobile dispensaries) of cannabis and cannabis products; except, as applicable, as set forth in Chapter 16 (Commercial Cannabis Activity for Medicinal Purposes) of this Code, Chapter 17 (“Personal Cultivation of Cannabis”) of this Code or as preempted by state law.
- F. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- G. “Delivery” means the commercial transfer of cannabis or cannabis products to a customer. This commercial transfer includes the use of any technology platform owned or controlled by the person making the transfer.
- H. “Distribution” means the procurement, sale, and transport of cannabis and cannabis products between entities licensed for and/or engaged in commercial cannabis activities.
- I. “Distributor” means a person engaged in distribution.
- J. “Inpatient” means an individual who is admitted for a 24-hour stay or longer for the purposes of medical treatment at a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy.
- K. “Identification card” means a document issued by the California State Department of Public Health that identifies a person authorized to engage in the medical use of cannabis and the person’s designated primary caregiver, if any.
- L. “Medical Clinic” means a medical facility as defined by Section 1200 of Chapter 1 of Division 2 of the California Health and Safety Code.
- M. “Medical cannabis” or “medical cannabis product” means cannabis or a cannabis product used in compliance with state law for medical purposes, pursuant to the Compassionate Use Act (California Health and Safety Code Section 11362.5), the Medical Marijuana

Program Act (California Health and Safety Code Sections 11362.7, et seq.), and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (California Business and Professions Code Sections 26000, et seq.).

- N. “Medical Marijuana Dispensary” means any facility or location, whether fixed or mobile, where medical marijuana is made available to, or distributed to, or distributed by one or more of the following: a primary caregiver, a qualified patient, or a patient with an identification card. All three of these terms are identified in strict accordance with California Health and Safety Code Sections 11362.5, et seq.
- O. “Outpatient Setting” means any facility, clinic, unlicensed clinic, center, office, or other setting that is not part of a general acute care facility, as defined in Section 1250 of the California Health and Safety Code, and where anesthesia, except local anesthesia or peripheral nerve blocks, or both is used in compliance with the community standard of practice, in doses that, when administered have the probability of placing a patient at risk for loss of the patient’s life-preserving protective reflexes. “Outpatient Setting” also means facilities that offer in vitro fertilization, as defined in subdivision (b) of Section 1374.55 of the California Health and Safety Code.
- P. “Person” means any individual, firm, co-partnership, joint venture, political committee, association, corporation, limited liability company, limited liability partnership, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.
- Q. “Person with an identification card” means an individual who is a qualified patient who has applied for and received a valid identification card pursuant to Article 2.5 of Chapter 6 of Division 10 of the California Health and Safety Code.
- R. “Primary caregiver” means the individual, designated by a qualified patient, who has consistently assumed responsibility for the housing, health or safety of that patient.
- S. “Qualified Patient” means a person who is entitled to the protections of California Health and Safety Code Section 11362.5, but who does not have an identification card issued pursuant Article 2.5 of Chapter 6 of Division 10 of the California Health and Safety Code.
- T. “Serious medical condition” means all of the following medical conditions:
  - 1. Acquired Immune Deficiency Syndrome (AIDS);
  - 2. Anorexia;
  - 3. Arthritis;
  - 4. Cachexia;
  - 5. Cancer;
  - 6. Chronic Pain;
  - 7. Glaucoma;
  - 8. Migraine;

9. Persistent muscle spasms, including, but not limited to, spasms associated with multiple sclerosis;
10. Seizures, including, but not limited to, seizures associated with epilepsy;
11. Severe nausea;
12. Any other chronic or persistent medical symptom that either (A) substantially limits the ability of the person to conduct one or more major life activities as defined in the federal Americans with Disabilities Act of 1990 (Public Law 101-336); or (B) if not alleviated, may cause serious harm to the patient's safety or physical or mental health.

U. "Shall" is mandatory and "may" is permissive.

V. "Testing laboratory" or "testing" refers to a laboratory, facility, or entity that offers or performs tests on cannabis or cannabis products; includes the activity of laboratory testing.

**Sec. 16.030 - Prohibition of Commercial Cannabis Activity for Medicinal Purposes.**

A. Commercial cannabis activity for medicinal purposes at any medical marijuana dispensary, association, cooperative, club, delivery service, collective, medical clinic (except as provided under this Chapter), or any other similar use involved in the sale, possession, cultivation, use, or distribution of marijuana for medical purposes is prohibited in all zones and no use permit of any type shall be issued for such use.

B. The dispensing of marijuana for medical purposes or otherwise in outpatient settings is prohibited in all zones within the City of Carson and no use permit of any type shall be issued for this purpose.

**Sec. 16.040 - Limited Exception for Inpatient Dispensing of Cannabis for Medicinal Purposes.**

A. The inpatient dispensing of cannabis for medical purposes to patients for their use exclusively subject to Special Use Permit approval, and strict compliance with applicable state laws including California Health and Safety Code Section 11362.5, et seq., is allowed at the following medical facilities:

1. A health facility for persons admitted for a twenty-four hour stay or longer that is licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code.
2. Hospitals and all other long-term health facilities licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code.
3. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code.

4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code.
  5. A residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code.
  6. Any other similar inpatient medical facility that is licensed by the State of California.
- B. No facility, including any facility specified in above Sub-Section A, may sell or dispense cannabis for medicinal purposes to outpatients in the City of Carson.
- C. This subdivision shall not be construed to prohibit any individual from using medical cannabis.

**Sec. 16.050 - Measure KK Applicability.** This Ordinance shall have no effect on Ordinance No 16-1599, which was enacted by the People of Carson as Measure KK in 2016.

**Sec. 16.060 - Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Ordinance. The People of Carson hereby declare that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**Sec. 16.070 - CEQA.** The People of Carson find that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to both the exemption provided by Section 26055(h) of the California Business and Professions Code as well as Sections 15060(c)(3) and 15061(b)(3) of the CEQA Guidelines.

**Sec. 16.080 - Effective Date.** Pursuant to California Elections Code Section 9217, if a majority of the electorate voting on this Ordinance votes in favor of this initiative, the Ordinance shall become a valid and binding ordinance of the City. The Ordinance shall be considered adopted upon the date that the vote is declared by the City Council and shall go into effect ten (10) days after that date.

**Sec. 16.090 - Certification.** The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted and codified in the manner required by law.

**SECTION 4. CURRENT CHAPTER 17 OF ARTICLE VI OF THE CARSON MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY; AND, NEW CHAPTER 17 (PERSONAL CANNABIS CULTIVATION) IS HEREBY ADDED TO ARTICLE VI OF THE CARSON CITY CODE AS FOLLOWS:**

“Chapter 17 - PERSONAL CANNABIS CULTIVATION.

Sec. 17.010 - Purpose and Intent.

Sec. 17.020 - Definitions.

Sec. 17.030 - Personal Cannabis Cultivation.

Sec. 17.040 - Personal Cannabis Cultivation Permit.

Sec. 17.050 - Violations and Penalties; Public Nuisance.

Sec. 17.060 - Measure KK Applicability.

Sec. 17.070 - Repeal of Ordinance No. 17-1637.

Sec. 17.080 - Severability.

Sec. 17.090 - CEQA.

Sec. 17.100 - Effective Date.

Sec. 17.110 - Certification.

**Sec. 17.010 - Purpose and Intent.**

- A. The purpose and intent of this Chapter is to establish reasonable regulations, consistent with the meaning of Section 11362.2 of the California Health & Safety Code for the cultivation of up to six (6) cannabis plants at a private residence.
- B. This Chapter is not intended to interfere with a patient's right to medical cannabis as provided for in Section 11362.5 of the California Health & Safety Code.
- C. This Chapter is intended to repeal Carson City Ordinance 17-1637 in its entirety.
- D. This Chapter is not intended to repeal Carson City Ordinance 16-1599.

**Sec. 17.020 - Definitions.**

As used in this Chapter, the following words and phrases shall have the following meanings:

- A. "Accessory structure" means a subordinate building located on the same lot as a private residence, the use of which is customarily part of, incidental and secondary to that of the private residence, and which does not change the character of the residential use of the private residence.

- B. "Applicant" means a person who files an application for a permit under this Chapter.
- C. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. 'Cannabis' also means the separated resin, whether crude or purified, obtained from cannabis. 'Cannabis' does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- D. "City" means the City of Carson.
- E. "City Manager" means the City Manager of the City of Carson and includes his/her designees.
- F. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of one or more cannabis plants or any part thereof.
- G. "Cultivation site" means the real property on which cannabis cultivation occurs.
- H. "Director" means the Director of Community Development for the City of Carson, and includes his/her designees.
- I. "Marijuana" has the same definition as provided for "cannabis" in this Chapter.
- J. "Permit" means an indoor personal cannabis cultivation permit issued pursuant to this Chapter.
- K. "Person" means any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, limited liability partnership, estate, trust, business trust, receiver, political committee, syndicate, or any other group or combination acting as a unit.
- L. "Private residence" means a house, an apartment unit, a mobile home, or other similar dwelling.

M. "Shall" is mandatory and "may" is permissive.

**Sec. 17.030 - Personal Cannabis Cultivation.**

- A. Prohibition. No person shall engage in the personal cultivation of more than six (6) marijuana plants in the City of Carson for any purpose. Personal cannabis cultivation is completely prohibited in all zones in the City of Carson unless conducted in strict accordance with the provisions Sub-Section B of this section.
- B. Requirements for Personal Cannabis Cultivation. The general prohibition on personal cannabis cultivation in above subsection (A) does not apply to the indoor cultivation of cannabis at a private residence conducted both pursuant to a valid and current permit as provided for in this Chapter, as well as with complete adherence to the following restrictions:
1. Six Plants Total. Total cultivation is limited to no more than six (6) living cannabis plants at any one time.
  2. Indoor Cultivation Requirement. Cultivation of no more than six (6) living cannabis plants in total shall occur entirely only within the following two (2) locations:
    - a. A private residence as defined this Chapter; or
    - b. An accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure.
  3. No Access to Minors; locked space. Cultivation shall occur within a locked space inaccessible to minors (including minors residing at the private residence) and trespassers.
  4. Visibility. The six (6) living plants (whether grown indoors or outdoors) and any cannabis produced by the plants shall not be visible from any public right of way, or in any manner be visible by normal unaided vision from a place regularly accessible to the general public.
  5. Odor.
    - a. The odor resulting from all cannabis cultivation shall not be detectable by human senses from any neighboring property or public right of way.
    - b. As necessary (which final determination shall be made by the Director), to ensure that no odor resulting from cannabis cultivation shall be detectable by human senses from any neighboring property or public right of way, a cannabis cultivation site shall install and continuously operate a functioning ventilation and filtration system which complies with all applicable building code regulations, including obtaining all required permits and approvals.



6. Inspections. Cultivation sites shall be inspected before issuance of a personal cannabis cultivation permit by the code enforcement division of the city. Applicants seeking renewal of a personal cannabis cultivation permit are subject to an inspection before issuance of a renewed permit. Inspections shall be for the purpose of determining whether the cultivation site meets the requirements of this Chapter, as well as other applicable chapters of the Carson City Code.
  7. Nuisance Activity. Cultivation shall not result in a nuisance or adversely affect the health, welfare, or safety of the resident or nearby residents by creating dust, glare, heat, noise, noxious gases, odors, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or waste.
  8. Fire Extinguisher. A working portable fire extinguisher, which complies with the regulations and standards adopted by the state fire marshal and applicable law, shall be kept in the same room as indoor cannabis cultivation.
  9. Electricity.
    - a. The collective draw from all electrical appliances at the cannabis cultivation site shall not exceed the maximum rating of the approved electrical panel for the private residence where the cannabis is being cultivated.
    - b. The maximum rating shall be as established in the manufacturer specifications for the approved electrical panel.
  10. Lighting. Any lighting fixture or combination of lighting fixtures used for cannabis cultivation shall:
    - a. not exceed the rated wattage and capacity of the circuit breaker; and
    - b. shall be shielded so as to completely confine light and glare to the interior of the private residence or fully enclosed accessory structure.
  11. Private Residence. Any private residence used for cultivation shall:
    - a. include a fully functional and usable kitchen;
    - b. include a fully functional bathroom for use by residents;
    - c. include a fully functional bedroom area;
    - d. occupied by a resident; and
    - e. not be used primarily or exclusively for cannabis cultivation; and
  12. Garage. Cultivation shall not displace required parking in a garage.
- C. Additional Regulations. Further rules, regulations, procedures, and standards for the administration and implementation of this Chapter may be adopted from time to time either by resolution or ordinance of the Carson City Council, or by the Director (upon authorization by resolution of the Carson City Council).

- D. Landlord Protections. This Chapter shall not prohibit a landlord from prohibiting the cultivation and personal usage of cannabis or marijuana of their tenants provided that the prohibition is either (1) expressly provided in a written lease agreement, or (2) made in writing to the tenant by the landlord with at least thirty (30) days prior notice to the prohibition going into effect.

**Sec. 17.040 - Personal Cannabis Cultivation Permit.**

- A. Permit Application. An applicant shall submit an application to the Director, in a form provided by the city, and the application shall contain the following information:
1. The address of the property where cannabis cultivation is to occur.
  2. The name of the applicant and a statement as to whether the applicant is an owner or tenant of the property where cannabis cultivation is to occur.
  3. If the applicant is not the owner of the property, property owner acknowledgement, in a form provided by the city, that the property owner consents to the cultivation of cannabis at the cannabis cultivation site.
  4. Proof, in a form acceptable to the city, that the cultivation site has been inspected and approved by the code enforcement division of the city. Such inspections shall be for the purpose of determining whether the proposed cultivation site meets the requirements of this Chapter, as well as other applicable chapters of the Carson City Code.
  5. A scaled property site plan and a scaled diagram of the floor plan of the residence, or the fully enclosed and secure accessory structure, to be used for cultivation at the cannabis cultivation site, and an itemized list of measures taken to comply with the provisions of this Chapter, including identification and description of lighting and equipment to be used for the cannabis cultivation at the residence.
  6. Any other information the Director deems necessary to efficiently administer applications and permits so as to further the purposes of this Chapter.
- B. Action on Applications.
1. Upon receipt of a completed application and payment of the application and permit fees, the Director shall review the information contained in the application to determine whether the applicant shall be issued the permit.
  2. If the Director determines that the applicant has completed the application improperly, the Director shall notify the applicant within thirty (30) days of receipt of the application. Applicant will then have thirty (30) days to complete the application. If the application is not submitted within that time frame, or is resubmitted incomplete, the Director shall deem the application abandoned, and the applicant may

then resubmit a new application for review.

3. Within sixty (60) days of receipt of a completed application, the Director shall complete the review, approve or deny the application, and so notify the applicant by United States mail, first class postage prepaid, addressed to the applicant at the address stated in the application.
  4. The Director shall grant the application upon affirmative findings for all of the following requirements:
    - a. The applicant, and the cannabis cultivation site, are both in compliance with state law governing cannabis cultivation;
    - b. The applicant, and the cannabis cultivation site, are both in compliance with all of the provisions of this Chapter, including any regulations promulgated under this Chapter; and
    - c. The cannabis cultivation site complies with the building code, fire code, plumbing code, and any other such applicable code adopted by the city.
  5. At the Director's sole discretion, the time limits in this Section 17.040(B) may be extended upon written notification from the Director to the applicant.
- C. Minimum Annual Permit Fee. The minimum annual fee for a permit is \$50.00. The Carson City Council may review this amount on no less than an annual basis and may increase the amount in line with inflation. The Director may reduce or waive this fee in cases where the applicant is indigent and would face extreme hardship.
- D. Permit Fee and Applications. The annual permit fee must be paid to the City of Carson upon application by the individual applicant. Should the Director deny the permit application, the fee will be refunded to the applicant by the City of Carson.
- E. Permits Valid for One Year. A permit issued under this section shall automatically expire one (1) year after issuance.
- F. Permit not Transferable. A permit issued pursuant to this Chapter is non-transferable and is specific to both the permit holder and the private residence for which it was issued.
- G. Permit Renewals.
1. A permit holder shall request renewal of a permit at least sixty (60) days, but not more than ninety (90) days, prior to expiration of the permit. Permit holders shall pay a permit renewal fee and submit to the Director, in a form provided by the city, a renewal application. The Director shall determine what information is required to be presented with a renewal application. The renewal application shall include, but not be limited to, determination whether any information provided with any prior

application (whether an initial application or a renewal application) has changed since such prior submission.

2. The Director in his/her discretion may require proof, in a form acceptable to the city, that the cultivation site has been inspected (since the last inspection) and approved by the code enforcement division of the city. Such inspections shall be for the purpose of determining whether the cultivation site, in regards to processing a renewal application, continues to meet the requirements of this Chapter, as well as other applicable chapters of the Carson City Code.
  3. Procedures for processing an initial application shall be followed for processing a renewal application except as provided herein. The Director shall make a determination on a permit renewal application within sixty (60) days of receipt of a complete renewal application. If the renewal application is denied, and the applicant properly appeals the decision of the Director, the existing permit shall remain valid until a final determination on the appeal is reached pursuant to the appeals process described in this Chapter.
  4. At the Director's sole discretion, the time limits in this Section 17.040(E) may be extended upon written notification from the Director to the applicant.
- H. Permit Revocation. Permits issued under this section may be revoked by the Director upon making any of the following findings:
1. The permit was issued in error or the application contained materially incorrect or false information.
  2. The cannabis cultivated at the cultivation site has been sold or used for any commercial use, or any other use or activity prohibited by city or state law, including Sections 11362.1, 11362.2, and 11352.3 of the California Health & Safety Code.
  3. The cannabis cultivation site has become a public nuisance or has been operated in a manner constituting a public nuisance.
  4. The cannabis cultivation is not in compliance with the provisions of this Chapter.
- I. Cure Period. Prior to suspension or revocation of a Permit issued under this section, the permittee shall be provided with a written notice which details the violation(s). The permittee shall have seven (7) days to cure the violation to the satisfaction of the Director. The seven (7) day cure period may be extended by the Director or the City Council for reasonable cause.
- J. Appeals. Any decision regarding an application for, a renewal of, suspension of, or the revocation of, a personal cannabis cultivation permit may be appealed to the City Manager by an applicant or (former) permit holder as follows:

1. Appellant must file a written appeal with the Carson City Clerk within 10 calendar days of the decision. The written appeal shall specify the person making the appeal, identify the decision appealed from, state the reasons for the appeal, and include any evidence in support of the appeal.
  2. Notice of the time and place of an appeal hearing shall be provided to the appellant within thirty (30) days of receipt of the written appeal by the Carson City Clerk.
  3. The appeal hearing shall be held within sixty (60) days of the filing of the written appeal with the Carson City Clerk, unless the 60-day time limit is waived by the appellant, or unless the City Manager continues the appeal hearing date for good cause and upon written notification to the appellant.
  4. The City Manager shall review the facts of the matter, written documents submitted for review, the basis for making the decision which is under appeal, and then determine whether the Director's decision should be reversed or affirmed. The determination made shall be in writing, shall set forth the reasons for the determination, and shall be final.
  5. The provisions of Sections 1094.5 and 1094.6 of the California Code of Civil Procedure set forth the procedure for judicial review of any final determination.
- K. Additional Fees. In addition to the mandatory minimum annual fee, the City Council is authorized to pass resolutions to recover any and all fees and costs incurred by the administration and implementation of this Chapter through an appropriate fee recovery mechanism to be imposed upon indoor cannabis cultivators and their operations.

**Sec. 17.050 - Violations and Penalties; Public Nuisance.**

- A. Any violation of the provisions of this Chapter is punishable pursuant to Chapter 2 of Article I of this Code as a misdemeanor with a set penalty for first time offenders of one thousand dollars (\$1,000).
- B. Public Nuisance Abatement.
  1. Cannabis cultivation that is conducted in violation of any provisions of this Chapter is deemed a public nuisance, which may be abated or enjoined from further operation, in accordance with the procedures set forth in Chapter 7 of Article 5 of the Carson City Code as applicable to this Chapter.
  2. All costs to abate such public nuisance, including attorneys' fees and court costs, shall be paid by the person causing the nuisance and the property owner where the nuisance is occurring.
- C. The remedies described in this section are not mutually exclusive. Pursuit of any one remedy shall not preclude the City of Carson from availing itself of any or all available

administrative, civil, or criminal remedies, at law or equity.

- D. Any violation of the provisions of this Chapter shall constitute a separate offense for each and every day during which the violation is committed or continued.
- E. In the event of repeated violations of Section 17.030, the City of Carson may prohibit the personal cultivation of marijuana to the fullest extent permitted by state law and under the United States Constitution and the California Constitution.
- F. In the event of prohibition of personal cultivation of marijuana under above subsection (E), any decision may be appealed to the City Manager by an applicant or (former) permit holder as follows:
  - 1. Appellant must file a written appeal with the Carson City Clerk within ten (10) calendar days of the decision. The written appeal shall specify the person making the appeal, identify the decision appealed from, state the reasons for the appeal, and include any evidence in support of the appeal.
  - 2. Notice of the time and place of an appeal hearing shall be provided to the appellant within thirty (30) days of receipt of the written appeal by the Carson City Clerk.
  - 3. The appeal hearing shall be held within sixty (60) days of the filing of the written appeal with the Carson City Clerk, unless the 60-day time limit is waived by the appellant, or unless the City Manager continues the appeal hearing date for good cause and upon written notification to the appellant.
  - 4. The City Manager shall review the facts of the matter, written documents submitted for review, the basis for making the decision which is under appeal, and then determine whether the Director's decision should be reversed or affirmed. The determination made shall be in writing, shall set forth the reasons for the determination, and shall be final.
  - 5. The provisions of Sections 1094.5 and 1094.6 of the California Code of Civil Procedure set forth the procedure for judicial review of any final determination

**Section 17.060 - Measure KK Applicability.** This Ordinance shall have no effect on Ordinance No 16-1599, which was enacted by the People of Carson as Measure KK in 2016.

**Section 17.070 - Repeal of Ordinance No. 17-1637.** This Ordinance shall repeal Carson City Ordinance No. 17-1637 in its entirety.

**Section 17.080 - Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Ordinance. The People of Carson hereby declare that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective

of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**Section 17.090 - CEQA.** The People of Carson find that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to both the exemption provided by Section 26055(h) of the California Business and Professions Code as well as Sections 15060(c)(3) and 15061(b)(3) of the CEQA Guidelines.

**Section 17.100 - Effective Date.** Pursuant to California Elections Code Section 9217, if a majority of the electorate votes in favor of this initiative, the Ordinance shall become a valid and binding ordinance of the City. The Ordinance shall be considered adopted upon the date that the vote is declared by the City Council and shall go into effect ten (10) days after that date.

**Section 17.110 - Certification.** The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted and codified in the manner required by law.