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Staff Report

ITEM NO. 3D

To: Lemoore City Council
From: J. R. Laws, Chief of Police
Date: November 13, 2012
Subject: Ordinance 2012-05 on Medical Marijuana Cultivation Registration / Requirements

Discussion:

On November 6, 2012 the Lemoore City Council was presented with a proposal for City Ordinance 2012-5 on Medical Marijuana Cultivation Registration/Requirements. At that time the City Council requested the following changes/additions to the ordinance: that a request for more than 1200 watts may be made; that a transparent roof on the structure be allowed, as long as the contents was not visible to the public; that the structure could also have an audible alarm; that the limit on odors be more specific. The proposed ordinance has been revised as follows (all changes are in red):

4-8-03(B): Lighting: Medical marijuana cultivation lighting shall not exceed a total of 1200 watts, **unless a Housing Inspection and Letter of Compliance is first obtained (Lemoore Municipal Code § 8-1A-2B) from the Lemoore Building Inspection Division. Such Housing Inspection will determine if the existing electrical system can safely supply power to the proposed lighting at the proposed location. Should alterations be needed to the electrical system, a permit will need to be obtained by the applicant prior to any work being done.**

4-08-03(E): Evidence of Cultivation: from a public right of way, there shall be no evidence **visible from the exterior** of medical marijuana cultivation occurring on the site.

4-08-03(I): Ventilation: The medical marijuana cultivation area shall include a ventilation and filtration system designed to ensure that odors from the cultivation are not detectable beyond the residence, or the property line for detached single family residences, and designed to prevent mold and moisture and otherwise protect the health and safety of persons residing in the residence and cultivating the marijuana. This shall include, at a minimum, a system meeting the requirements of the current, adopted edition of the California Building Code §1203.4 Natural Ventilation or §402.3 Mechanical Ventilation (or its equivalent(s)). **Lemoore Municipal Code §9-5A-4(C)(1) shall apply when determining the detection of odors (the "reasonable person" standard).**

4-8-03(N): Additional Requirements for Garages and Accessory Buildings: The following additional requirements shall apply for personal use cultivation that occurs in a garage or accessory building: the garage or accessory building shall be secure, locked, and

fully enclosed, with a ceiling, roof or top. All walls and doors shall be entirely opaque. The ceiling, top or roof may contain transparent materials, provided, however, that its contents are not visible from adjoining uses, including multi-story buildings, if applicable, or public rights of way. The garage or building shall include an audible alarm or a burglar alarm monitored by an alarm company or private security company. The garage or building, including all walls, doors, and the roof, shall be constructed with a firewall assembly of green board meeting the minimum building code requirements for residential structures and include material strong enough to prevent entry except through an open door. If the garage is to be structurally altered, the underlying zone district requirements for covered parking still apply, and must retain at least one covered space per residential dwelling unit.

4-8-04(A): Secure enclosed structure; code compliance: The cultivation of medical marijuana shall at all times occur in a secure, locked, and fully enclosed structure, with a ceiling, roof or top. All walls and doors shall be entirely opaque. The ceiling, top or roof may contain transparent materials, provided, however, that its contents are not visible from adjoining uses, including multi-story buildings, if applicable, or public rights of way. The security shall include an audible alarm or a burglar alarm monitored by an alarm company or private security company. The structure shall meet all applicable building and fire codes, including plumbing and electrical, and all applicable zoning codes, including lot coverage, set back, height requirements, and parking requirements. At a minimum, the structure, including all walls, doors, and the roof, shall be constructed with a firewall assembly of green board meeting the minimum building code requirements for commercial structures and include material strong enough to prevent entry except through an open door.

4-8-04(B): Ventilation: The structure for cultivating medical marijuana shall include a ventilation and filtration system designed to ensure that odors from the cultivation are not detectable beyond the property line and designed to prevent mold and moisture and otherwise protect the health and safety of those persons participating in the cultivation. This shall include, at a minimum, a system meeting the requirements of the current, adopted edition of the California Building Code § 1203.4 Natural Ventilation or § 402.3 Mechanical Ventilation (or its equivalent(s)). Lemoore Municipal Code §9-5A-4(C)(1) shall apply when determining the detection of odors (the “reasonable person” standard).

Attached is the revision of the proposed ordinance in its entirety with all of the revisions in red.

Budget Impact:

A summary of the Ordinance will need to be published following the second reading, which has an estimated cost of \$200.00 and there will be a cost to codify the ordinance if it is adopted.

Recommendation:

That the Lemoore City Council accept public comment and, by motion, approve the second reading of Ordinance 2012-05 adding Chapter 8 to Title 4 of the Lemoore Municipal Code and amending Chapter 9 of Title 9 of the Lemoore Municipal Code.