



CITY COUNCIL
Staff Report

Meeting Date: April 25, 2017
To: Mayor and City Council
From: Kevin Crawford, City Manager
Staff Contact: Heather Stroud, Deputy City Attorney
heather.stroud@carlsbadca.gov or 760-434-2891
Mickey Williams, Police Captain
mickey.williams@carlsbadca.gov or 760-931-2260

Subject: Introduction of an ordinance adding Chapter 8.90 (Marijuana) to Title 8 of the Carlsbad Municipal Code to prohibit commercial marijuana activity and regulate the cultivation of marijuana for personal use, and amending Section 1.08.010 of Chapter 1.08 (Penalty) to make violations of Chapter 8.90 misdemeanors

Recommended Action

Introduce an ordinance adding Chapter 8.90 (Marijuana) to Title 8 of the Carlsbad Municipal Code to prohibit commercial marijuana activity and regulate the cultivation of marijuana for personal use, and amending Section 1.08.010 of Chapter 1.08 (Penalty) to make violations of Chapter 8.90 misdemeanors.

Executive Summary

The Carlsbad Municipal Code currently prohibits all commercial marijuana activity through permissive zoning, by which all uses not expressly allowed are prohibited. The purpose of this ordinance is to preserve the status quo by expressly prohibiting commercial marijuana activity. An express prohibition is advisable to preserve the status quo because of two recent state laws: the Medical Marijuana Regulation and Safety Act, effective January 1, 2016, and the Adult Use of Marijuana Act, also known as Proposition 64, effective November 9, 2016. Together, these state laws create a state licensing and regulatory scheme for medical and non-medical marijuana. The state laws preserve local authority to prohibit commercial marijuana activity. An express prohibition is desirable to preserve local control and prevent the issuance of state licenses for marijuana businesses to operate in Carlsbad. The state intends to begin issuing licenses under these laws by January 1, 2018.

The proposed ordinance also regulates the cultivation of marijuana for personal use, consistent with Proposition 64. The ordinance bans outdoor cultivation and requires that indoor cultivation of up to six plants at a private residence be completely enclosed, secured, and screened from view from public places and neighboring properties.

