

Folsom Cannabis Regulations

Chapter 17.114

MARIJUANA CULTIVATION

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17.114.010 Purpose and intent.

The city council finds as follows:

A. Purpose. The purpose and intent of this chapter is to regulate the cultivation of marijuana in a manner that protects the health, safety and welfare of the community consistent with Proposition 64, also known as the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”). This chapter is not intended to interfere with a patient’s right to medical marijuana, as provided for in California Health and Safety Code Section [11362.5](#), nor does it criminalize medical marijuana possession or cultivation by specifically defined classifications of persons, pursuant to state law. This chapter is not intended to give any person unfettered legal authority to grow marijuana; it is intended simply to impose zoning restrictions on the personal indoor cultivation of marijuana permitted under AUMA when it is authorized by California state law for medical or other lawful purposes under the state law.

B. Applicability. As authorized by AB 243 (Section [11362.777](#) of the Health and Safety Code), marijuana cultivation as defined in Section [17.114.020](#), whether indoor or outdoor, remains prohibited in all zones and districts of the city of Folsom until and unless AUMA is passed at the November 8, 2016, statewide general election. Upon the passage of AUMA at said election, the cultivation of marijuana in the city shall be controlled and regulated by the provisions of this chapter.

C. Nonconflicting Enactment. No part of this chapter shall be deemed to conflict with federal law as contained in the Controlled Substances Act, [21](#) U.S.C. Section [800](#) et seq., nor to otherwise permit any activity that is prohibited under that Act or any other local, state or federal law, statute, rule or regulation. (Ord. 1265 § 2 (part), 2016: Ord. 1251 § 3 (part), 2016)

17.114.020 Definitions.

As used herein the following definitions shall apply:

A. “Authorized grower” means a person twenty-one years and older who is authorized by, and in compliance with, federal or state law to cultivate marijuana indoors for personal or medical use.

B. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or otherwise processing of marijuana plants or any part thereof.

- C. "Fully enclosed and secure structure" means a fully enclosed space within a building that complies with the California Building Code ("CBSC"), as adopted in the city of Folsom, or if exempt from the permit requirements of the CBSC, that has a complete roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, is accessible only through one or more lockable doors, and is not visible from a public right-of-way. Walls and roofs must be constructed of solid materials that cannot be easily broken through such as two inch by four inch nominal or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement. If indoor grow lights or air filtration systems are used, they must comply with the California building, electrical, and fire codes as adopted in the city of Folsom.
- D. "Immature marijuana plant" means a marijuana plant, whether male or female, that has not yet flowered and which does not yet have buds that are readily observed by unaided visual examination.
- E. "Indoors" means within a fully enclosed and secure structure as that structure is defined in subsection C of this section.
- F. "Mature marijuana plant" means a marijuana plant, whether male or female, that has flowered and which has buds that are readily observed by unaided visual examination.
- G. "Outdoor" means any location within the city of Folsom that is not within a fully enclosed and secure structure.
- H. "Parcel" means property assigned a separate parcel number by the Sacramento County assessor.
- I. "Private residence" means a house, apartment unit, mobile home, or other similar dwelling unit. (Ord. 1265 § 2 (part), 2016; Ord. 1251 § 3 (part), 2016)

17.114.030 Outdoor cultivation.

It is hereby declared to be unlawful, a public nuisance, and a violation of this chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the city to cause or allow such premises to be used for the outdoor cultivation of marijuana plants. (Ord. 1265 § 2 (part), 2016; Ord. 1251 § 3 (part), 2016)

17.114.040 Cultivation of marijuana for personal use—Regulations for residential zones.

A. When authorized by state law, an authorized grower shall be allowed to cultivate marijuana only in a private residence in a residential zone, only indoors, and only for personal use, subject to the following regulations:

1. The marijuana cultivation area shall be located indoors within a residential structure and shall not exceed fifty square feet and not exceed ten feet in height, nor shall it come within twelve inches of the ceiling or any cultivation lighting. Cultivation in a greenhouse on the property of the residence but not physically part of the home is permitted, as long as it is fully enclosed, secure, not visible from a public right-of-way and meeting all requirements in this chapter.
2. Marijuana cultivation lighting shall not exceed one thousand two hundred watts in total for the total cultivation area within the residence.
3. The use of gas products such as but not limited to CO₂, butane, methane, or any other flammable or nonflammable gas for marijuana cultivation or processing is prohibited.
4. There shall be no exterior visibility or evidence of marijuana cultivation outside the private residence from the public right-of-way, including but not limited to any marijuana plants, equipment used in the growing and cultivation operation, and any light emanating from cultivation lighting.
5. The authorized grower shall reside full-time in the residence where the marijuana cultivation occurs.
6. The authorized grower shall not participate in marijuana cultivation in any other location within the city.

7. The residence shall include fully functional and usable kitchen, bathroom, and bedroom areas for their intended use by the resident authorized grower, and the premises shall not be used primarily or exclusively for marijuana cultivation.

8. The marijuana cultivation area shall be in compliance with the current adopted edition of the California Building Code Section 1203.4, Natural Ventilation, or Section 402.3, Mechanical Ventilation (or equivalent), as amended from time to time.

9. The building official may require additional specific standards to meet the California Building Code and Fire Code, including but not limited to installation of fire suppression sprinklers.

10. The marijuana cultivation area 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 wastes.

11. No more than six marijuana plants, mature or immature, are permitted for indoor personal cultivation under this chapter.

12. Marijuana in excess of twenty-eight and one-half grams produced by plants kept for indoor personal cultivation under this chapter must be kept in a locked space on the grounds of the private residence not visible from the public right-of-way.

B. Outdoor cultivation of marijuana and cultivation of marijuana for nonpersonal uses are expressly prohibited in all zones and districts of the city of Folsom. (Ord. 1265 § 2 (part), 2016)

17.114.050 Indoor cultivation of marijuana restricted to authorized growers.

A. It is hereby declared to be unlawful, a public nuisance and a violation of this chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within the city to cause or allow such parcel to be used for the cultivation of marijuana, unless the person is authorized by state law to grow marijuana for a specifically authorized purpose within a private residence in a residential zone, and such authorized grower is complying with all requirements of this chapter.

B. No person shall grow marijuana upon any parcel until and unless they first secure a permit from the building department and pay such fee as may be required and set forth by resolution of the city council. (Ord. 1265 § 2 (part), 2016)

17.114.060 Public nuisance prohibited.

It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within the city to create a public nuisance in the course of cultivating marijuana plants or any part thereof in any location, indoor or outdoor. A public nuisance may be deemed to exist, if such activity produces:

A. Odors which are disturbing to people of reasonable sensitivity residing or present on adjacent or nearby property or areas open to the public.

B. Repeated responses to the parcel by law enforcement personnel.

C. A repeated disruption to the free passage of persons or vehicles in the neighborhood, excessive noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public.

D. Any other impacts on the neighborhood which are disruptive of normal activity in the area including, but not limited to, grow lighting visible outside the dwelling, excessive vehicular traffic or parking occurring at or near the dwelling, and excessive noise emanating from the dwelling.

E. Outdoor growing and cultivation of marijuana. (Ord. 1265 § 2 (part), 2016)

17.114.070 Penalties not exclusive—Violation constitutes a crime.

The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any other criminal, civil, or administrative remedy or penalty authorized by, or set forth in, the Folsom Municipal Code. None of the penalties or remedies authorized by, or set forth in, the Folsom Municipal Code shall prevent the city from using any other penalty or remedy under state statute which may be available to enforce this section or to abate a public nuisance. Violation of this chapter shall constitute a crime punishable as a misdemeanor or infraction in the discretion of the city attorney. (Ord. 1265 § 2 (part), 2016)

17.114.080 Sunset clause.

A. Sections [17.114.030](#), [17.114.040](#), [17.114.050](#), and [17.114.060](#) shall automatically sunset and have no force of effect in the event AUMA fails to pass at the November 8, 2016, statewide general election.

B. In the event AUMA fails to pass at the November 8, 2016, statewide general election, marijuana cultivation as defined in Section [17.114.020](#), whether indoors or outdoor, shall be prohibited in all zones and districts of the city of Folsom, as authorized by AB 243 (Section [11362.777](#) of the Health and Safety Code). (Ord. 1265 § 2 (part), 2016)



The Folsom Municipal Code is current through Ordinance 1279, passed December 12, 2017.

Disclaimer: The City Clerk's Office has the official version of the Folsom Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.folsom.ca.us/>

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